

## **Suffolk County Council (20031377)**

### The Council's Comments on Documents Submitted at Deadline 9

#### **Sunnica Energy Farm (EN010106)**

Deadline 10

24 March 2023

1. This submission responds briefly to submissions made by the Applicant at Deadline 9, primarily the Applicant's Response to ExA's Rule 17 Request [REP9-005] and the Response to Examining Authority's schedule of changes to the draft Development Consent Order [REP9-006]. This submission does not comment on every item in the Applicant's documents, only those where Suffolk County Council (SCC) has a relevant point to make.

#### **Removal of Parcels**

2. In response to points raised in both these documents, the Council simply notes that it continues to disagree with the Applicant's overall position with regard to parcel removal. The Councils have made their views clear in previous submissions and SCC does not wish to make repetitive submissions. As the ExA will be aware, these points have been made:
  - a. in the joint LIR [REP1-024];
  - b. at ISH2 (see SCC's Post-hearing Submission [REP4-124]);
  - c. at ISH3 (see SCC's Post-hearing Submission [REP4-125]);
  - d. in SCC's Responses to ExQ2 [REP5-084];
  - e. in SCC's Comments on Applicant's Response to ExQ2 [REP6-076];
  - f. in SCC's Response to Action Point No. 7 Consequent upon Issue Specific Hearing 4 on Environmental Matters and the draft Development Consent order [REP7-073]
  - g. at ISH4 (see SCC's Post-hearing Submission [REP7-086]); and
  - h. in the joint Councils' Comments on Documents Submitted at Deadline 7 [REP8-051].
3. Although SCC, along with the other host authorities, have suggested a procedural route to making the relevant changes to the DCO, and remains of the view that this route is suitable, the Council has no objection to the procedural route suggested by the Applicant in their response to the Rule 17 Request [REP9-005], provided that suitable safeguards are included in that procedure to allow the Councils and other interested parties adequate opportunities to comment on any revised documentation prior to any final decision being made by the Secretary of State.

#### **Article 2**

4. SCC, in its own comments on the ExA's schedule of changes [REP9-010], indicated that it welcomed the ExA's suggested change with regard to the definition of 'permitted

preliminary works'. The Council notes that the Applicant proposes an alternative amendment to Requirement 16(3). On reflection, the Council would be content with the Applicant's alternative approach.

5. As in SCC's previous comments, the Council defers to the relevant LPAs with regard to the definition of 'maintain'.

### **Article 9(1)(b)**

6. SCC has reviewed the Applicant's submission and is persuaded that Applicant's approach (i.e. to introduce an equivalent of 9(3) into Article 11) would be a more suitable approach.

### **Article 9(3)**

7. SCC has reviewed the Applicant's submission and accepts that the change is not strictly necessary to secure compliance with the protective provisions.

### **Article 11(1)**

8. SCC, on reflection, agrees with the Applicant that the use of 'last resort' is not suitable drafting for a statutory instrument. The Council accepts that the reference to the CTMP is not strictly necessary to secure compliance with that document.

### **Requirement 6**

9. SCC agrees that the Applicant's approach of a new Requirement to deal with this issue is preferable to the insertion of a new paragraph into Requirement 6 and considers the Applicant's proposed drafting to be helpful.