

Cambridgeshire County Council (20031358)
East Cambridgeshire District Council (20031149)
Suffolk County Council (20031377)
West Suffolk Council (20031311)

The Councils' Comments on Documents Submitted at Deadline 8,
Deadline 9 and Deadline 10

Sunnica Energy Farm (EN010106)

Deadline 11

28 March 2023

Purpose of this submission

1. This document has been prepared jointly by the four host local authorities to avoid duplication of work.
2. The volume of new information presented at this late stage, before the final deadline, means it is not possible for the Councils to review all the documents submitted at deadline 10 in detail and provide comments to the ExA. There is concern that the local community and other interested parties will also face the same challenges.
3. Therefore, the ExA's attention is drawn to the Council's previous submissions, particularly the joint response to documents submitted at deadline 7 [REP8-051].

Statement of Common Ground Update

Comments on the Statement of Common Ground with SCC, CCC, ECDC and WSC

4. The Councils note that the Applicant submitted at Deadline 10 an update note related to the Statement of Common Ground (SoCG).
5. The Councils can confirm that the updates are an accurate summary of those aspects previously recorded as under discussion in the signed SoCG [REP7-071].
6. We note in table 1-2 the last column is incorrectly labelled and should read '*Details of Matters Not Agreed*'.

Trees

Comments on the Applicant's Response to LPA Deadline 7 Submissions [REP8-023]

7. The TPO tree plan has the three trees indicated for removal on Chippenham Road plotted incorrectly (E/08/22) which can be verified easily via Google Street view. The Applicant also refutes the contention that all planning applications are accompanied by detailed AIAs. The ECDC natural environment SPD reminds applicants that "The Council has a statutory duty (s197, Town and Country Planning Act 1990) to consider the protection and planting of trees when granting planning permission for proposed development. The potential effect

of development on trees, whether statutorily protected (e.g., by a tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that must be taken into account in dealing with planning applications.” And “In terms of existing trees and woodlands, where trees are present on a development site a British Standard 5837 Tree Survey ‘Trees in relation to construction survey’, and any related survey information, should be submitted along with an application for planning permission.” There is no differentiation between an outline application and a full one when it comes to providing tree information.

Health and Safety Executive

Comments on the Examining Authority’s schedule of changes to the draft Development Consent Order [REP9-008]

8. We note the comments of the Health and Safety Executive (HSE) at deadline 9 which highlights the difficulties which will be faced by the Councils in dealing with new and emerging technologies associated with battery storage. Furthermore, we remain of the view that Hazardous Substances Consent should be dealt with as part of the DCO.

Highways Side Agreement, Protective Provisions and Controls

Comments on the Highways Side Agreement and Protective Provisions

9. The Local Highways Authorities (LHAs) note that the Applicant have submitted updated protective provisions at Deadline 10. At the time of competing this submission, the LHAs have not had the opportunity to consider this document.
10. The Applicant and the Local Highway Authorities have made positive progress in negotiating (i) protective provisions; and (ii) side agreements. Despite being close to reaching an agreement on both items, the Applicant and the Local Highway Authorities are not in a position at the end of the examination to confirm to the Examining Authority that agreement has been reached. Therefore, negotiations on the protective provisions and side agreements will continue over the coming weeks, with a view to reaching agreement as soon as possible. The Applicant will provide an update to the Secretary of State at an appropriate time on the progress of this matter.
11. The LHAs maintain their position that it is essential that any protective provisions include an indemnity, as outlined in Suffolk County Council’s comments on the ExA’s schedule of changes to the draft DCO submitted at deadline 9 [REP9-010], and the LHAs maintain that their protective provisions, which were included in that submission, should be included in the final DCO.

Fees

Comments on the Applicant’s Response to Examining Authority’s schedule of changes to the draft Development Consent Order [REP9-006]

12. We note the Applicant’s latest proposal in relation to fees which is unacceptable to the Councils. The applicant has failed to take on board the concerns of the Councils and suggested changes by the ExA.

13. The Councils refer the ExA to our previous comments on the fee schedule in [REP5-073], [REP5-074], [REP5-101], [REP7-074], [REP7-088] and [REP8-052].