



SUNNICA ENERGY FARM

EN010106

Volume 1

1.1 Covering Letter

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009



18 November 2021
Version number: 00

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

Sunnica Energy Farm

Covering Letter

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18th November 2021

The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

FAO: Michele Gregory

Dear Ms Gregory,

Planning Act 2008 – Application for a Development Consent Order for Sunnica Energy Farm

Application Ref: EN010106

On behalf of Sunnica Ltd (the Applicant) I am pleased to enclose an application for a Development Consent Order (DCO) (the Application) pursuant to section 37 of the Planning Act 2008 (PA 2008) for the proposed Sunnica Energy Farm (the Scheme)

1.1 Subject of the Application

- 1.1.1 The Application is for a DCO to construct, operate (including maintenance), and decommission ground mounted solar photovoltaic (PV) panel arrays, a Battery Energy Storage System (BESS), and supporting infrastructure.
- 1.1.2 The Application is required because the Scheme is classified as a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(1) and (2) of the PA 2008, as an onshore generating station in England with a capacity exceeding 50 megawatts (MW). As such, the decision whether to grant development consent will be made by the Secretary of State for Business, Energy and Industrial Strategy (Secretary of State). The NSIP and associated development are formally described in Schedule 1 of the **draft DCO [EN010106/APP/3.1]**.

1.2 Application fee and documentation enclosed

- 1.2.1 A fee of £7,263 has been submitted by BACS transfer to the account of the Planning Inspectorate (PINS).
- 1.2.2 A SharePoint system has been set up for file transfer of the application documents. The relevant persons in the Inspectorate's case team have been granted access to the SharePoint site. This was agreed with PINS in the Sunnica Energy Farm pre-submission meeting over Microsoft Teams on 12th October 2021 and is recorded in writing in the meeting minutes (file name 'EN010106-Advice-

00011 – Project Update Meeting – 12 October 2021’ circulated by PINS over email on 21 October 2021.

- 1.2.3 A GIS shapefile showing the Order limits for the Scheme was transferred via the SharePoint site on 22nd October 2021. A draft version of the Document Index was also shared with PINS through SharePoint the following week.
- 1.2.4 A completed **Section 55 Checklist [EN010106/APP/1.4]** has been included with the Application to assist with PINS’s compliance check of the Application.

1.3 Application formalities

- 1.3.1 This Application is made in the form required by section 37(3)(b) of the PA 2008 and the application documents comply with the requirements in section 37 of the PA 2008 and those set out in:
 - a. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
 - b. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)
 - c. The Department for Communities and Local Government’s (DCLG, although now called the Department for Levelling Up, Housing and Communities) ‘Planning Act 2008: Nationally significant infrastructure projects – Application form guidance’ (June 2013)
 - d. The Planning Inspectorate’s ‘Advice Note Six: Preparation and submission of application documents’ (September 2021).
- 1.3.2 It was agreed with PINS in an email on 21 October 2021 that the Application will be published (with any necessary redactions and minus any confidential documents) on the PINS webpage from the point of acceptance.

1.4 Scheme description

- 1.4.1 A non-technical description of the Scheme is included within the Guide to the Application **[EN010106/APP/1.2]**. A more detailed technical description of the Scheme is included within **Chapter 3 of the Environmental Statement (ES) [EN010106/APP/6.1]** and the **Design and Access Statement [EN010106/APP/7.3]**.

1.5 Consent flexibility

1.6 The Scheme comprises an energy farm with Solar PV and BESS infrastructure. Solar PV and BESS are rapidly evolving and as a result, the **draft DCO [EN010106/APP/3.1]** and supporting **Works Plans [EN010106/APP/2.2]** propose a degree of flexibility to allow the latest technology to be utilised at the time of construction. A number of the design aspects and features of the Scheme cannot be confirmed until the tendering process for the design and construction of the Scheme has been completed. The **Design and Access Statement [EN010106/APP/7.3]** therefore sets out the design parameters within which the Scheme is proposed to be constructed and operated. The environmental impact assessment undertaken in support of the Scheme has considered and reflected the flexibility sought in the draft DCO. The maximum design parameters and principles set out in the **Design and Access Statement [EN010106/APP/7.3]** have been assessed in the ES and are secured by the draft DCO.

1.7 Habitats Regulations Assessment

1.7.1 The Application includes a Habitats Regulations Assessment: Report to Inform an Appropriate Assessment (HRA Report) in **Appendix 8M** to the Environmental Statement **[EN010106/APP/6.2]**, as required by Regulation 5(2)(g) of the APFP Regulations. The HRA Report identifies all relevant European sites potentially affected by the Scheme and sets out the screening undertaken for the purposes of the habitats regulations. Where likely significant effects could not be ruled out, those effects have been further assessed by the HRA Report. The HRA Report provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Scheme would have an adverse effect on the integrity of any European site. The Applicant's appropriate assessment, set out in the HRA Report, concludes that there will be no adverse effects on the integrity of European sites as a result of the Scheme.

1.7.2 The HRA Report has been prepared in accordance with the Planning Inspectorate's 'Advice Note 10: Habitats Regulations Assessments' and Regulation 5(2)(g) of the APFP Regulations.

1.8 Compulsory Acquisition

1.8.1 The land over which the Applicant is seeking powers of compulsory acquisition of land, rights and interests and powers of temporary possession in the draft DCO for the purposes of the Scheme is listed in the **Book of Reference [EN010106/APP/4.3]**. The **Statement of Reasons [EN010106/APP/4.1]** also provides details of the powers sought and negotiations to date.

1.8.2 The **Book of Reference [EN010106/APP/4.3]** has been prepared and is submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).

1.8.3 Details of the adequacy of the funding for compensation are provided in the **Funding Statement [EN010106/APP/4.2]**. The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations.

1.9 Other consents

1.9.1 A summary of other consents and licences likely to be required in addition to those being requested as part of the draft DCO is provided in the **Consents and Agreements Position Statement [EN010106/APP/3.3]**.

1.10 Pre-application consultation

1.10.1 The Applicant has had careful regard to the pre-application consultation requirements of the PA 2008, the guidance on pre-application consultation, issued by the DCLG and the PINS, and its pre-application discussions held with the PINS, as required by section 50(3) of the PA 2008.

1.10.2 As required by section 37(3)(c) of the PA 2008, the Application is accompanied by a **Consultation Report [EN010106/APP/5.1]**, which provides details of the Applicant's compliance with sections 42, 46, 47, 48 and 49 of the PA 2008, the APFP Regulations, the EIA Regulations, and the relevant guidance.

1.11 Other matters

1.11.1 As required under Regulation 5(3) of the APFP Regulations, all plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north. The exception to this is that some figures that accompany the Environmental Statement **[EN010106/APP/6.3]** vary in scale due to the large size of the Scheme. Context would be lost for the plans provided in the Environmental Statement if they were to conform to the scale requirements required under Regulation 5(2). This has been discussed with PINS and agreed in the Sunnica Energy Farm pre-submission meeting on Microsoft Teams on 12th October 2021. These plans are no larger than A0 size and show the direction of north.

1.11.2 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the PA 2008, and can make them available at the request of the Secretary of State.

1.11.3 The following Application documents contain confidential information and therefore redacted versions are also provided:

- a. Volume 2: Environmental Statement Appendix 8I Breeding Bird Survey Report, Annex A.
- b. Volume 2: Environmental Statement Appendix 8K Badger Survey Report, Annexes A and B.

1.11.4 The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the Application considering questions and comments received from the Examining Authority and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below

Yours sincerely,



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