



Adequacy of Consultation Response 03 December 2021

1. Under section 55 of the Planning Act 2008, certain local authorities must be consulted about whether an applicant has complied with their duties under sections 42, 47 and 48 of the Act.
2. The Planning Inspectorate's letter of 19 November 2021 notified West Suffolk Council, Suffolk County Council, East Cambridgeshire District Council and Cambridgeshire County Council (the Councils) of the submission of the application for a Development Consent Order for the Sunnica Solar Farm. The letter invites the councils to submit a representation relating to the adequacy of the Applicant's pre-application consultation.
3. For the avoidance of doubt this response constitutes the joint representation of the four above-mentioned authorities.

Applicant's informal consultation

4. The Applicant held an informal public consultation from 17 June 2019 - 28 July 2019. This provided an overview of the project and invited comments on the scheme. At this time the project was at an early design stage and changes were subsequently made to the scheme boundaries ahead of the formal statutory consultation. As a result, the scheme boundaries moved closer to the village of Isleham, which was not targeted at the informal consultation stage.
5. It should be noted there were concerns regarding early (non-statutory) consultation and more could have been done to inform Parish Councils and public. East Cambridgeshire District Council Planning Committee wrote as such to Sunnica on 14 September 2020. A copy of the letter sent to Sunnica is enclosed at Appendix 1.

Compliance with Sections 42,47 and 48

Duty to Consult – Section 42

6. So far as is relevant to this application, the Applicant must consult the following:
 - Certain prescribed persons

- Each local authority under section 43, and
 - Each person within one or more of the categories set out in section 44.
7. The Applicant has had regard to the prescribed consultees as listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and a list of those consulted has been provided.
 8. The Applicant has provided a list of the local authorities consulted on the project as identified in s43. All four host authorities were included in the consultation process.
 9. The Applicant has set out the process by which persons under section 44 have been identified and consulted. Such persons include owners, lessee, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A list of the interests identified is set out in the Consultation Report together with the methods of consultation used. Where Sunnica were unable to identify the person(s) with an interest in the land a site notice was posted on or close to the relevant site.
 10. The Councils consider that the Applicant has met the minimum standard required to identify persons required to be consulted under section 42.

Timetable for consultation under section 42 – section 45

11. This section requires the Applicant to notify the consultee of the deadline of receipt of comments in relation to the consultation which must not be earlier than 28 days after the consultation documents are received.
12. The Councils can confirm that this provision has been met.

Duty to consult the local community - section 47

13. This section requires the Applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application.
14. The Applicant consulted the Councils on the draft Statement of Community Consultation (SoCC) on two occasions, firstly on an informal basis in November 2019, and secondly on a formal basis in August 2020. The SoCC having been revised by the Applicant in 2020 to take account of the Covid-19 pandemic and restrictions on social contact.
15. The Councils responded to the Applicant on the draft SoCC in September 2020 requesting a number of changes, including the need to ensure that consultation zones were clearly set out and to clearly set out how the consultation arrangements may change due to the ongoing impacts of the Covid-19 pandemic. The changes requested are set out in the Applicant's Consultation Report together with the Applicant's response.
16. The SoCC details how the Applicant intended to consult with the local community and identifies three zones of consultation. Zone 1 was identified as being any person or group likely to have a direct interest in the proposed

scheme as well as their political representatives. Zone 2 was identified as people living and working in the host local authorities outside of zone 1. Zone 3 was identified as including neighbouring districts, counties and unitary authorities.

17. Provision was made in the SoCC for an inclusive consultation with measures directed at seldom heard audiences. These measures included holding webinars at a variety of times, making provision for people who do not have access to the internet, choosing accessible venues for public information points (if utilised), producing consultation materials in accessible formats (including checking of accessibility of online materials), contacting community and voluntary organisations including parish councils and schools and providing a variety of communications channels.
18. The SoCC goes on to detail a series of webinars that would be held during the consultation period. Such webinars were held by the Applicant in lieu of in-person public engagement due to the on-going Covid-19 pandemic.
19. The Applicant has sought to carry out the consultation in accordance with the SoCC and the measures outlined above were carried out to the minimum standard that would be expected of a consultation of this size and importance. The Applicant has set out in the Consultation Report the number of address points identified in Zone 1 and has provided a copy of the material distributed. The Preliminary Environmental Information Report (PEIR) was available on the Applicant's website for the duration of the consultation and a series of webinars were held.
20. As detailed below, a number of representations have been received from the local community, including parish councils and the community action group, regarding the quality of the consultation process and materials produced. The Councils share many of these concerns including the fact that text used in the newspaper adverts that publicised the consultation did not make clear the extent of the scheme boundaries and that the scheme extended from Cambridgeshire into Suffolk. In addition, the Councils made repeated requests before, during and after the consultation period for the Applicant's website to be updated. There were often delays in this being actioned by the Applicant and in some cases the requests were not actioned at all. The Councils also requested that envelopes containing notice of the consultation and the consultation material were marked as being in relation to Sunnica or as important information but it appears that this was not actioned.
21. The Councils have concluded that the consultation was carried out in the manner set out in the Applicant's SoCC, however, this was to the minimum standard that could have been expected. The Councils consider that the Applicant has met the minimum standard required to consult the local community under section 47.

Duty to publicise – section 48

22. This section provides that the applicant must publicise the proposed application in the prescribed manner.

23. The Applicant's Consultation Report contains details of the section 48 notices that were published in the following sources:
- The London Gazette
 - The Guardian
 - Ely Standard
 - Newmarket Journal
24. The Applicant met the minimum requirements necessary to satisfy their section 48 duties including the deadline given for responses to the consultation.
25. With regard to the formal elements of this response on the Adequacy of Consultation, and the compliance with sections 42, 47 and 48 of the Planning Act, the Councils take the view that the Applicant has met the minimum standards required to fulfil its duties under the Act with regard to the Statutory Consultation.

General comments

26. The duration of consultation periods has exceeded statutory minimums and has been in accordance with the SoCC. The consultation period was extended by Sunnica for two reasons. There were changes made to the scheme boundary during the consultation. The extension allowed consultees more than 28 days to comment on the changes having been notified. The changes related to including specific field, hedgerow and tree boundaries. It was noted at the time these did not make changes to the PEIR and other technical assessments being consulted on. The extension of time was also in response to the reintroduction of restrictions as a result of the Covid 19 pandemic in November 2020.
27. In accordance with the SoCC a series of webinars were held during October and November 2020. Contact details for the Applicant's project team were made available within the SoCC, within the distributed printed material and on Sunnica's website. At the request of the Councils, a summary of the SoCC was produced by Sunnica in the form of a consultation poster.
28. There appears to be wide awareness of the project within the community and the local area, although this may in part be down to the actions of the local community in relation to their efforts to publicise the scheme. The Consultation Report indicates that 705 representations were made to the Applicant during the statutory consultation period.
29. It is noted a traveller site with two addresses had not received the consultation material mailed to residents in Zone 1 of the statutory consultation. Since then, Sunnica has contacted the traveller community via West Suffolk Council. Sunnica has explained they made best endeavours during the consultation to identify and consult with Gypsy and Traveller communities in the consultation area. They mailed all addresses using the Royal Mail PAF database. In this instance however, Royal Mail did not have a record of addresses for this traveller site. Sunnica also contacted the Gypsy and Traveller liaison services at Suffolk County Council and Cambridgeshire County Council but had not been advised of this site.

30. In June/July 2021 local residents and the County Councils were contacted by Sunnica concerning changes to the scheme boundary and the compulsory acquisition of land. It is considered that for residents the information provided was poor and it has been reported that residents struggled to contact Sunnica to gain more information. In this regard it is considered that Sunnica had undertaken the bare minimum in this consultation exercise.

Cambridgeshire County Council Motion

31. Notwithstanding the above, Members of Cambridgeshire County Council in July 2021 passed a motion to write to the Secretary of State to raise concerns related to the scheme. This included concerns regarding the effect of COVID restrictions on opportunities for public engagement and the omission of some residents from the initial round of consultations. A copy of the letter sent to the Secretary of State is enclosed at Appendix 2.

Consultation with Parish Councils in consultation Zone 2

32. The Applicant has noted in the Consultation Report that certain parish councils in Cambridgeshire and Suffolk (but outside East Cambridgeshire and West Suffolk) had not been consulted in accordance with the SoCC. These parish councils were not directly notified by email of the consultation during the consultation period. However, the Applicant corrected this issue by writing to the parishes and providing them an opportunity to respond after the close of the formal consultation period.

33. The Councils consider that this corrective action is sufficient and can confirm that they did not receive any complaints from the parish councils concerned.

Wider consultation issues

34. The Councils submitted a joint response to the statutory consultation to the Applicant in December 2020. The joint response identified a number of gaps in the information published by the Applicant as part of the statutory consultation. While the Applicant has sought to engage with the Councils during the pre-application stage some of the information requested has not been shared. It is considered that the supply of further information at an earlier stage would have benefited the engagement process with the Councils and the community. The Councils' joint response to the statutory consultation can be viewed here - [Sunnica Statutory Consultation Response.pdf \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/Sunnica-Statutory-Consultation-Response.pdf)

35. The Councils have received many detailed representations from members of the public and affected parish councils, including the Parish Council Alliance (which includes representatives from each parish council within the development boundaries) and the community action group in connection with the quality of the statutory consultation. It has been noted that some parish councils have canvassed the opinion of their residents as to the quality of the statutory consultation. The results of the surveys carried out are presented within the representations received by the Councils. A number of the points raised are summarised as follows:

- Lack of access to information, especially during a pandemic;
- Reliance on the community accessing information online;
- Reliance placed on a brochure and questionnaire as a means of consulting, with the Preliminary Environmental Information Report only being available online;
- Lack of physical consultation events (that could have been held in accordance with Covid-19 guidelines);
- Consultation booklet content at a small scale and unclear;
- Envelopes containing consultation booklets were not labelled as being from the applicant and disregarded as 'junk' mail;
- Lengthy time delays with the webinars being presented and recordings uploaded;
- Poor sound quality of webinars;
- Webinar format was inadequate with no facility for meaningful dialogue between parties;
- Inadequate time to review information;
- Applicant's failure to answer questions asked and a general lack of detail about the scheme;
- Misleading statements and poor advertising;
- No means of tracking consultation responses or ensuring that questionnaire responses were received by the applicant;
- Mistakes and misleading information in the SoCC.

36. Copies of a number of the representations received by the Councils are appended to this letter at Appendix 3 so that the Planning Inspectorate can fully consider the nature of the criticisms and the extent to which these are felt within the local community.

37. The total number of representations received by the Councils in the pre-submission period is in the region of 100 and widely represents the communities within and close to the scheme boundaries.

38. In addition to the above, matters such as the fact that a charge was made for the provision of hard copies of the PEIR were identified as a barrier to a fully inclusive consultation. The Applicant's Consultation Report identifies the fact that the local population to the scheme is older on average and while broadband coverage appears to be widespread, it should not be assumed that all residents have access to the technology required to fully understand the consultation material. Parish Councils have reported that when hard copies of the PEIR were supplied by the Applicant, they did not include the appendices, which are a key component of the consultation material.

39. Many residents have criticised the format of the webinars held by the Applicant. These did not provide a suitable format for meaningful two-way dialogue and there were delays in the uploading of webinars following their conclusion for those that could not attend to view. It is apparent from the information gathered by the community action group that attendance at the webinars was extremely low.

40. In recent weeks a public meeting was held in the village of Isleham, attended by the local Members of Parliament Matt Hancock and Lucy Frazer. It has been

reported to the Councils that over 250 members of the public were present at the meeting and that the Applicant was invited to the meeting to address the attendees. The Applicant did not attend this meeting and it is understood that the Applicant has declined to attend any event organised by the local community in connection with the scheme.

41. Table 1-1 of the Applicant's Consultation Report states that there was ongoing engagement between Sunnica and the local authorities, statutory consultees and the public during the period 18 December 2020 – 29 September 2021. However, the Councils are unaware that there was any meaningful engagement between Sunnica and the public during this period.

42. While it is accepted that there were restrictions in place on social contact during some of the statutory consultation period, there were opportunities for controlled in-person events to be held in accordance with the restrictions in place at the time. No such events were held.

43. To confirm, the Councils consider that the Applicant has met the minimum standard required under sections 42, 47 and 48 of the Planning Act 2008 when taking into account the Covid-19 restrictions; though there are substantive reasons to consider that the benefits of the public consultation in relation to a scheme of this size were limited and it would have been preferable if the Applicant had made greater efforts to ensure the effectiveness of its engagement with the public in relation to the effects of the project.

Appendices

Appendix 1 – Letter from East Cambridgeshire District Council to Sunnica dated 14 September 2020.

Appendix 2 – Letter from Members of Cambridgeshire County Council to the Secretary of State dated 4 August 2021.

Appendix 3 – Examples of representations received by the Councils regarding the adequacy of consultation.

Appendix 4 – Representation from the Say No to Sunnica Community Action Group.