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Mr Luke Murray  
Sunnica Ltd

Your Ref:

**By email only**

Our Ref: EN010106

Date: 16 December 2021

Dear Mr Murray

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm**

#### **Advice following issue of decision to accept the application for examination**

On 16 December 2021 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project webpage of the National Infrastructure Planning website.

In undertaking checks at the acceptance stage, the Planning Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

#### **Consultees identified on a precautionary basis**

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

#### **Habitats Regulations Assessment – Breckland Special Protection Area (SPA)**

The HRA Report describes the feedback that has been received from consultation bodies in relation to likely significant effects on Breckland SPA during EIA scoping and statutory consultation. Following this feedback, the HRA Report notes that further discussions have continued to resolve the issues raised but does not provide specific details of any further dialogue with consultation bodies, nor how it has influenced the final assessment and conclusions. The Applicant is requested to provide an update on progress regarding the outcome of these discussions.

### **Advice in relation to Flood Risk Assessment**

The Flood Risk Assessment (FRA) references climate change predictions and allowances throughout but does not specifically state the current climate change allowances that have been applied. The Applicant should confirm where in the document the climate change allowances are set out.

There are discrepancies between the surface waterbodies identified in Chapter 9 of the Environmental Statement (ES) and the FRA. Paragraphs 9.6.23 to 9.6.35 of the ES identify some additional storage lagoons and reservoirs within the Order Limits not mentioned in the FRA. The Applicant is asked to explain how these features have been assessed within the FRA.

The FRA states that flood mitigation is required in the design of the substation and proposes that the floor levels will be raised to 850mm Above Ground Level but does not provide clear evidence to explain how this level has been derived. The Applicant should sign post to where this information is provided in the FRA Report or provide the supporting calculations used to inform the level setting.

### **Minor errors and omissions**

#### *Location Plan*

As noted in Box 26 of the section 55 Acceptance checklist the Location Plan submitted with the application does not include any marked identifiable landmarks such as road or place names. Figure 1-1 of the Environmental Statement shows the scheme location overlaid on a detailed base map. The Applicant is advised to provide this scheme location plan at a scale of 1:2500 so that the landmark details are shown on the individual sheets.

#### *Land and Crown Land Plans and Work Plans*

The Planning Inspectorate identified some discrepancies whilst checking the plans submitted with the application documents. Examples of errors are provided in Box 30 of the section 55 checklist. The Applicant is advised to conduct a thorough review of all the application plans and submit updated corrected versions as necessary.

#### *Environmental Statement*

Figure 9-1 demonstrating the location of surface waterbodies contains multiple layers of information, which are presented at a resolution that hinders interpretation of the information. This information should be resubmitted in a revised format (e.g. at higher resolution in one or more plans) to enable a clear understanding of the surface water receptors that have been considered in the assessment.

In order to ensure that meaningful and relevant comments can be made on the application documents, it is requested that these plans are provided before the commencement of the Relevant Representation period.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient Examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Michele Gregory*

Michele Gregory  
**Case Manager**

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