

From: [REDACTED]
To: [Sunnica Energy Farm](#)
Subject: Sunnica re planning inspectorate email 4th May 2022
Date: 05 May 2022 20:31:59
Attachments: [final alan smith response.docx](#)

Dear Sirs

I have pleasure in attaching my response to the above.

Kindly acknowledge receipt.

Yours faithfully

Alan B Smith

Date 5TH May 2022

5 Elevenways Freckenham Road

Worlington Suffolk IP28 8UQ

From Interested Party Alan B Smith ref 20030

Re Sunnica Ltd EN10106

Re your communication dated 4th May 2022

Dear Sirs

I wish to comment on the letters dated 30th March 2022 and 19th April 2022 from Sunnicas solicitors and the response from the Planning Inspectorate requesting responses to questions by the 28th April 2022, Sunnicas reply of the 28th April 2022 and the letter of the 4th May from the planning inspectorate to interested parties.

I note it is requested to comment only on 2 basic points, the delay requested for the preliminary meeting to July 2022 and the timetable set out by Sunnica.

I strongly object to any extension other than that which was originally agreed by the Planning Inspectorate and Sunnica i.e. May 2022 and cannot agree to the timetable as set out by Sunnica.

I find the need to seek time extensions by Sunnica Ltd to the commencement of the Examination to be highly irregular.

Sunnica have an unsatisfactory record within a 3 year period (2019-2022) of keeping to deadlines in respect of the Public Consultation in September 2020 which should have taken place in May 2020 and the DCO Application dated 16th November 2021 which was advised to the planning Inspectorate some 6 months earlier.

This in turn has meant the local communities affected by the Sunnica proposal have suffered anxiety and insecurity in the knowledge that within a 3 year period nothing has happened and this is in addition to inadequate consultation by the directors.

Therefore to expect the local community to agree further time extensions now, would only exacerbate the problem and may well cause mental health problems due to the continued uncertainty and stress.

- The new timetable as put forward by Sunnica would be as follows.
- July 2022 and may be even later, 31/2 years since scoping report
- 12 months for decision by Secretary of State = July 2023
- At least 2 years construction if consent given = 2025/2026
- Gives 7 years minimum from March 2019 before any electricity is generated.

It is very important to look back to early 2019 and discover how at the 11th hour on the 17th March 2022 National Grid Electricity Transmission PLC and National Grid Gas PLC have to engage a global top 10 Law Practice, (Eversheds Sutherland (International) LLP), to write to the Planning Inspectorate to protect their clients position re the proposed Grid Connection at Burwell by Sunnica Ltd.

It has to be established what has gone wrong and who is responsible and what is the solution. I do not consider the excuses given by Sunnica in their letter of the 28th April 2022 are genuine and acceptable to delay proceedings.

How can an applicant be allowed to put forward a DCO on a NSIP proposal without having a written agreement from the National Grid, that the major component of their scheme, ie the Grid Connection, is agreed and finalised by both parties.

In the Planning Inspectorate Cleve Hill Solar Farm records it is noted that the applicant received a grid connection offer from NGET on the 9th August 2018 which was accepted on the 25th October 2018 well before the date of the draft DCO.

The public have no evidence that the directors of Sunnica Ltd have received such an offer from NGET and accepted its content prior to the DCO being presented to the Planning Inspectorate 16th November 2021

I now refer to the Scoping Opinion “Proposed Sunnica Energy Farm” case Ref EN 010106 April 2019.

2.1.6 States “An extension of the Burwell National grid Substation into an agricultural field located to the west will also be required and is proposed to be delivered as part of the Proposed Development”

Appendix 2 Respondents to consultation and copies of replies includes **a letter from National Grid dated 5th April 2019 from Anne Holdsworth DCO Liaison Officer Land and Acquisitions**

This part of the letter was underlined.

“National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection.”

This raises the question why have Eversheds Sutherland (International) LLP had in the case of

- (a) NGG commented, “Compulsory Acquisition Powers. NGG strongly oppose any compulsory acquisition of land or apparatus or any extinguishment of rights over its land. Any such powers would cause serious detriment to NGGs ability to comply with its statutory duties.” And in the case of
- (b) NGET it “notes that the Book of Reference and land Plans indicate that powers for the compulsory acquisition of rights and extinguishment of rights are included over NGETs operational land including the national grid main Substation. Powers to compulsory acquire the freehold of land for the Option 1 connection now need to be removed. NGET strongly opposes any compulsory acquisition or extinguishment of rights over its land.”

Surely this poses the question had Sunnica Ltd negotiated within the terms of the letter from Anne Holdsworth then Eversheds would never had to become involved and the present request for an extension on timings would not be necessary.

This indicates to me that it is Sunnica who is solely responsible for the unprofessional way they have handled the Grid Connection with National Grid over a 3 year period.

Did the Sunnica directors assume, without negotiation, that they could dictate to an organisation as large as the National Grid what terms they would impose and have the audacity to include Compulsory Purchase without the knowledge of the National Grid?

I now return to the period from April 2019 to date as to what Sunnica has published.

In the Sunnica website (Historic downloads), the Burwell National Grid Substation map 7/9/20 gives 3 option locations for the preferred and alternative for the substation extension. AECOM state each option is currently agricultural fields.

The Sunnica Energy Farm Consultation Booklet 22nd September - 2nd December 2020 page 16 Grid connection reads as follows;

“We have also continued our discussions with National Grid about the Upgrade required to Burwell national grid Substation to accommodate the connection. This will involve a small extension to the substation to house a new transformer.

We have identified three areas as suitable options for this extension. Each option remains under consideration and each is shown on the plan (page 17). The 3 areas identified are currently agricultural fields. The preferred location is within National grid land ownership to the east of the existing substation, adjacent to Weirs Drove, approx. 200m West of Burwell. The alternative 2 locations are to the North and North-West of the existing substation approx. 450 and 650m from Burwell respectively.”

There is NO mention in this public document of compulsory purchase for Option 1.

Therefore between December 2020 and the date of the DCO 16th Nov 2021, some 12 months, 3 options became 2 but there is no evidence as to why or any reference to discussions with National Grid.

Sunnica Update Newsletter dated August 2021

Under the title, further meetings, it is stated “following the statutory consultation we have continued to engage with the local authorities and groups like Natural England and National Grid to redefine our design.”

No further details are given regarding any discussions with national Grid.

Finally it has to be noted that Sunnica is solely responsible for the present 12 month delay in the commencement of the Examination date as described earlier in this letter and even if they were granted permission to delay now to 22nd July 2022 they cannot be relied on to even meet that date.

Yours faithfully

Alan B Smith