Say No To Sunnica Action Group Ltd



13 July 2022

Dear Sirs,

Planning Act 2008 (as amended)

Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm (the DCO Application)

Rule 6 Letter and Preliminary Meeting

The Say No to Sunnica Action Group Limited is an interested party (ID No 20031080) in the DCO Examination.

By this submission the Say No to Sunnica Action Group Ltd (SNTS) requests to be heard at the Preliminary Meeting, the Issue Specific Hearing to discuss the draft development consent order (dDCO), and the Open Floor Hearing at 13:30 on 28 July 2022.

In this document SNTS provides comments as requested by the Examining Authority (ExA) in respect of those matters arising at the Preliminary Meeting.

The Draft Timetable

- 1. This is agenda item 4 (Annex D to the Rule 6 letter). At this stage SNTS notes that the agenda is a draft, and particularly that the agenda does not provide time for representations in respect of the Applicant's proposed change to the application.
- 2. Notwithstanding this point, SNTS is of the view that Deadline 2 should be delayed by three weeks to 20 September 2022.
- 3. In proposing to amend the application in April 2022 without giving other than the barest details, the Applicant created significant uncertainty as to what was to comprise the proposed scheme and what assessment would be required, especially by consultants. That uncertainty primarily concerned the design of the onsite substation on Sunnica West Site A (works no. 3C on in plots 12-02 and 11-08), but extends to the onsite substations at East Site B and East Site A, and the cable run, as well as the extension to the Burwell National Grid substation. Certainly, the letter of 28 April 2022 from the Applicant does not set out sufficient information on which

SNTS and other interested parties could take expert and legal advice. For example, while the envelope dimensions for Sunnica West Site A remain the same, no information is provided on the built volume, and environmental impacts of the change, nor indeed is it even clear what plant would be proposed. Even applying the Rochdale envelope approach. That uncertainty remains; it does not appear any finality will be brought to the amendment until the application is made to the ExA.

- 4. In the context of such uncertainty, SNTS was forced to instruct its expert and legal advisers to pause their work assessing the scheme and writing reports. The language the Applicant has used since its first letter of 30 March 2022 indicated some surety that the application would be amended (or, at least, uncertainty about whether the application would go ahead in its current form). From the perspective of expert time costs, waste of resources, and loss of volunteer time at SNTS, it was inappropriate for SNTS to instruct its advisers to continue assessing the application in the context of such uncertainty. Thus, while drafts were being produced based on the initial DCO Application, they were not finalised. They clearly cannot be until it is clear what the scope of the application to amend will be, and indeed whether the amendment for Option 3 will require further currently unforeseen changes. It would have been inappropriate for the experts to continue and finalise assessments when there is a significant risk that reports will need to be reworked and opinions changed (at additional and potentially significant cost) should the ExA accept the change.
- 5. This uncertainty, and the delay occasioned by the application, are entirely the cause of the Applicant. SNTS has already written to the ExA in respect of such delay, not least as the risk was foreseen that the timetable would be moved into the problematic August vacation period. The draft timetable, and particularly Deadline 2, indicates that the risk foreseen by SNTS has been eventuated. The current timetable causes significant prejudice to SNTS and other interested parties. Due to booked holidays and other matters including childminding duties over the holiday period, our experts will have great difficulty in finding time properly to consider the amendment application, finalise their reports and meet with our legal advisers. The directors of SNTS, and the councils involved in the examination, will have great difficulty in agreeing and signing off the final Written Representations. This prejudice arises for several reasons.
- 6. First, SNTS is a wholly private action group of volunteers formed as a limited company. To submit the Written Representations, requires a meeting of its executive committee to issue a resolution to submit that document. Such a meeting is not possible in the week preceding the 30 August 2022 deadline because its officers are

on pre-planned and booked holidays. It is not possible to progress the written representations earlier as the expert advisers themselves need time to finalise their reports on the scheme. They too have the same problems as above in the holiday period. This issue is made more acute by the third point, that it is only at a late stage that SNTS will be able properly to comment on the amendment to the application and only has limited resources to do so.

- 7. This reason also applies to the local councils involved in this examination. To submit Written Representations there must be a resolution of the council. Many of the parish councils do not meet over August, and will not be able to arrange a resolution. Indeed, councillor diaries are booked many months in advance, and it will not be feasible to even arrange an extraordinary meeting that is quorate to sign off on the written representations. They face significant prejudice if the proposed change is not made to the draft timetable.
- 8. Second, the 30 August 2022 deadline falls during the school holiday period. This puts those participants with children, and those who have planned holidays during this period, at a distinct disadvantage. Members of SNTS fall into this category. In addition, SNTS has instructed counsel and various experts in this matter who themselves have a holiday in the vacation period. To proceed with the proposed deadline will deprive SNTS of proper legal and expert advice. This issue of availability was extensively canvassed in the submissions responding to the ExA's letter of 4 May 2022. Proceeding in this way will deprive SNTS of equality of arms and offend natural justice.
- SNTS has already confirmed that several of its legal and expert advisers have limited availability in August. In addition, the current deadline clashes with the evidence deadline for the Luton Airport public inquiry, which further limits any involvement of counsel
- 10. Details of our experts and adviser availability are as follows:

Person	Critical Absences
Counsel	12-16 August and 20 August to 6 September
Agriculture expert	1 to 15 August and 23 to 26 August
Landscape expert	Most of August

Battery expert	17 August to 7 September
Heritage expert	24 August to 1 September
Carbon experts	Most of August
Town planning expert	19 to 29 August

- 11. These difficulties concerning availability have already been brought to the attention of the ExA, and puts SNTS at a significant disadvantage in the examination when compared to the Applicant, the very body which is causing the problem to arise. SNTS will not be alone in this difficulty because of the holiday period. The ExA should seriously consider the damage that the current timetable will do to public participation, and please delay deadline 2.
- Third, a delay would allow the participants to properly comment in their Written Representations on the proposed amendment to the application without duplication of effort, unavailability of persons who are involved, and possibly incurring extra costs. Time is necessary for such comments as participants, including SNTS, have instructed experts to consider the application. The short timeline currently envisaged will prejudice the participants by depriving them of proper and timely expert advice, and depriving them of equality of arms. This would at its lowest cause significant personal problems to a number of affected local volunteer residents, and most likely be grossly unfair and offend natural justice. This is a matter which was extensively canvassed in the correspondence responding to the ExA's letter of 4 May 2022.
- SNTS is aware that, following the Preliminary Meeting, the ExA is held to a strict sixmonth timeline to complete the examination. SNTS is also aware that its suggested delay will necessarily cause knock-on delays through the timetable. However, SNTS suggests that the 3 delayed weeks could be recovered later into the timetable by shortening three gaps between deadlines, each by a week. For example, a week could be taken out of the timetable between items 15 and 16 (Deadline 5 and Deadline 6), item 18 (REIS) be moved a week forwards to sit on the same day as item 17 (ExQ3), and item 20 (ExA's comments on dDCO) and item 21 (Deadline 7) be moved forwards a week to sit on Friday 23 December 2022. This would have the benefit of maintaining the timetable around the difficult Christmas period.

Arrangements for Future Examination Hearings

- 14. Comment on such arrangements is requested in the Rule 6 letter. SNTS asks that the ExA consider running all events in a hybrid format, to allow those wishing to speak to attend either in person or remotely.
- 15. Such an approach will allow maximum participation in the examination, ensuring that the ExA makes a decision properly informed by all participants. It also means that those who cannot physically attend, because of caring or child-minding duties, illness or otherwise, are still able to participate. SNTS is conscious that those suffering from Covid-19 may well choose to avoid participating in person to minimise the spread of infection in line with Government guidance.
- 16. Hearings should be preceded by at least 21 days' notice to interested parties. SNTS welcomes the live streaming of meetings and hearings and that recordings will be made available afterwards.

The Initial Assessment of Principal Issues

- 17. This is agenda item 3 (Annex C to the Rule 6 letter). SNTS is conscious that the assessment of principal issues is an initial one. However, to assist the ExA in completing its list, SNTS asks that the following principal issues be included.
- 18. Carbon neutrality of the scheme: the scheme is advanced on the basis of its green credentials and carbon neutrality (or, indeed, its potential for reducing carbon emissions). SNTS considers this should be a principal issue as it is central to the justification for the scheme and government policy on environmentally beneficial energy generation.
- 19. Economic and employment effects: item 40 of Annex C already provides for this to be discussed in respect of the construction and operational phases. SNTS is of the view that this item should include a discussion of such effects in the decommissioning phase, and any residual benefit or detriment to the local area following completion of decommissioning.
- 20. Good design requirements: this is an underpinning requirement of development in NPPF. It is important in ensuring that development is appropriate to place, and is acceptable to communities. In the context of such a significant change for local communities which will endure for decades, this is an important aspect of considering the scheme (particularly in the context of the application of the Rochdale envelope and a lack of design-focused information, with many technical issues left for detailed design).

21. Consultation: SNTS is of the view that the consultation undertaken as part of the amendment process has been greatly substandard and should be seriously considered by the ExA. In particular, proper notice was not given to all people with appropriate information, such that members of the community who were unaware of such information were deprived of the opportunity to provide informed submissions.

Proposals for Issue Specific Hearings

- 22. As the Preliminary Meeting concerns planning for future hearings, SNTS provides the following views on Issue Specific Hearings. SNTS expects that, as is normal, Issue Specific Hearings will be held on Heritage, Landscape, Ecology and Biodiversity, and Environmental Impacts. Aside from those typical subjects, SNTS draws the following to the attention of the ExA as specific and important features relevant to the Sunnica Scheme. We note that some of these are referred to within sub-issues of Principal Issues in Annex C of the ExA's letter of 28 June 2022 but it is not clear how and under which heading the following additional topics would be considered.
- 23. The battery energy storage system (BESS): BESS is a key part of the Sunnica scheme, yet to fall under the NSIP procedure provided for in the Planning Act 2008 it must be associated development. It is key to the Sunnica scheme to understand the relationship between: (1) the generating capacity of the photovoltaic generation aspect of the scheme; (2) the storage capacity of the proposed BESS; and, (3) the grid connection capacity proposed at Burwell.
- 24. The horseracing industry: we note its inclusion as a topic at item 42 IN Annex C. However, we wish to be sure that it is given sufficient prominence at the hearings and seek an ISH. An unusual if not unique feature of the location of this scheme is its proximity to Newmarket, arguably the globally pre-eminent location for equine breeding, training and racing. The horseracing industry is integral to the local economy, underpins the heritage and history of the town, and is core to the UK's horseracing offering globally. Understanding horseracing in Newmarket, and the relevance of the impact of Sunnica to that industry, is crucial in determining this case. We seek an ISH on this topic.
- 25. If the ExA is agreed that an ISH should be held for the horseracing industry, SNTS asks that the following important dates in the horseracing calendar be avoided: week commencing 26 September 2022 (Irish Sales week); week commencing 3 October (Book 1 Sales week); week commencing 10 October (Book 2 Sales week); and, weeks commencing 21 and 28 November (Breeding Sales weeks). Any significant clash with

these dates will significantly undermine the contribution that the industry can provide to the ExA as those working in the industry will not be able to prioritise giving evidence. It is also requested that Open Floor hearings also avoid if at all possible the above dates for the same reasons.

Agriculture - agricultural land classification, land use and impact on agriculture and farming operations: we note the inclusion of these at items 39 and 40 in Annex C. Newmarket is surrounded by high-value and high yielding irrigated agricultural land. There is a significant dispute as to how the ExA should determine the ALC grade of the agricultural land, and how it should protect high-value and high-yielding, versatile, agricultural land. Understanding the impact of the scheme on the use and productivity of the Newmarket area is crucial to fully quantify the benefits and detriments of this location. We seek an ISH to be held on this topic.

27. Carbon neutrality of the scheme: the scheme is advanced on the basis of its green credentials and carbon neutrality (or, indeed, its potential for reducing carbon emissions). SNTS considers this should be an issue for Issue Specific Hearings as it is central to the justification and need for the scheme. Carbon is also a central plank of Government Strategy. . We request an ISH on the subject.

Suggested Locations for Site Inspections

28. This is requested as part of Procedural Deadline A. In line with its Relevant Representations, SNTS proposes that a number of locations in the attached document be considered for accompanied and unaccompanied site inspections by the Examining Authority. To assist the Examining Authority, we have identified a number of locations as being a priority and these locations should also be the subject of an accompanied site inspection in order that key features can be pointed out to the ExA. A map with the location of such visits and the direction of the view is also provided.

Yours sincerely

C Judkins (Chair and Director)

Electronically signed.

Attachment – Table of Site Visit Locations and Plan

SUNNICA ENERGY FARM: SITE INSPECTION LOCATIONS AND VIEWPOINTS FOR THE EXAMINING AUTHORITY

Say No To Sunnica Action Group proposes the following locations for Accompanied and Unaccompanied site visits by the Examining Authority

Priority locations are to be preferred in the event that the Examining Authority is unable to visit all locations within their schedule. Priority locations are also proposed as locations for Accompanied Site Visits in order that key features can be pointed out to the Examining Authority.

Location on Plan (Last Page)	View Location	Google Maps Location	View Direction	Accessibility	What this view shows	Priority Location
A	B1506 Well Bottom (Limekilns Gallops) and also further to the east along the northern edge of the Limekilns (Visual Receptor 38)	https://goo.gl/maps/vy9jzgmD9qPpRyef8	North	Wide verge available for stopping. Access gap in hedge to Limekilns Gallops (available for Public Access after 1pm)	View from elevated position to the south of the Limekilns, looking across towards Sunnica. Highlights the extent of the setting of the gallops. Majority of Sunnica West Site A Views from the entire area of the Limekilns. Views overlook the site between the junction A14/A11 and Chippenham Park. It is recommended the ExA includes a walk along the entire length of the Limekilns.	Yes
В	Accommodation Bridge over A14 on Chippenham Park avenue plus walking north along the Chippenham Park avenue (Visual Receptors 39 and 40)	https://goo.gl/maps/4yKNMZaTbKu31A4u9	West, North and East	Accessible on foot from parking area on Chippenham Road, Snailwell	View and movement along the Chippenham Park avenue to emphasise its legibility in the landscape and highlight the relationship between the avenue, the Park and the surrounding land which is due to be developed.	Yes
С	Footpath from Chippenham Road Snailwell towards	https://goo.gl/maps/19Mw2ecAkXxCVSyA7	East	Accessible on foot from parking area on Chippenham Road, Snailwell	View across the development site towards the avenue, giving	Yes

	A14 (Visual Receptor 41)			Du ta a de la contracta de la	appreciation of the setting of the avenue and its legibility in the landscape.	
D	Farm Access on La Hogue Road, Chippenham (Visual Receptor 32)	https://goo.gl/maps/Jb4kCx91xKbBbkwc6	South-west	Concrete farm access road with space before gate	View across the development site towards the avenue, giving appreciation of the setting of the avenue and its legibility in the landscape.	Yes
E	Farmyard on Chippenham Park estate.	https://goo.gl/maps/SzRC7FUMJeipSaVy5	360 view	Accessible from La Hogue road, Chippenham	Location of Scheduled barrow group within the Sunnica development area, giving appreciation of the proximity of the proposed development to the barrow group.	Yes
F	Water Hall Farm and Chippenham Park Gatehouses	https://goo.gl/maps/DnrAtCCMpX7P8d1o7	South	Accessible via concrete farm access from La Hogue Road, Chippenham	Location of the G2* listed buildings at the southern entrance to the park, giving appreciation of the relationship with the avenue and the proximity of the development area.	Yes
G	Gravel Drove, West Row (Visual Receptor 1)	https://goo.gl/maps/qtywQ2754QyxPJbd8	South and South- East	At end of Drove past Park Farm	Shows the open aspect across to East A from the River Lark. It's a beautiful tranquil setting - the elevated river banks with a view over the wide open agricultural landscape. Used by walkers, joggers etc and the waterways are used to access the marina and the rest of the River Lark. The waterways in that area are also used recreationally for kayaking, canoeing, rafting, paddle boarding	Yes

					etc. Point of interest also includes the Spurgeon stone (point of historic and religious interest)	
Н	Ark Church and Junction of Sheldricks Road and Beck Road, Isleham (Visual Receptors 4 and 5)	https://goo.gl/maps/q1VXMxsfRq17Hjpm6	East and South- East	Parking at Ark Church, Isleham 400m walk to road junction	Elevated views from the Ark Church, down over East A. And the open vista from along Sheldricks rd and Beck Rd. It's a main route in/out of Isleham, so any changes to this landscape would rewrite the setting of the eastern side of Isleham village.	Yes
					Parcel E05. There is no vegetation along Sheldrick's Road allowing view over large arable fields with tree belts and Lee farm on the horizon.	
I	Beck Road	https://goo.gl/maps/62QLpcPediFPMFVE8	East and North- East	Hardstanding area on line of old railway.	Looks down over what would have been the WW2 plane crash site, of historic significance to the village of Isleham	
J	Station Road, Isleham (Visual	https://goo.gl/maps/2aV61ssZyHimD4pR9	North and North-	Field access on west side of road	Elevated, open aspect	Possible brief stop
	Receptor 7)		East		right over to Mildenhall. East A visible from here, despite not being adjacent to it.	en-route

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L	U6006 Icknield Way (Badlingham Lane) (Visual Receptors	https://goo.gl/maps/aiyTjTGbcmitzXYR7	North West and South/South-East	500m walk from Newmarket Road, Worlington	Parcels ECO1, ECO2, E05 Mortimer Lane ProW passes through ECO2. Views open over E05 as it joins Beck Road. Large open arable fields with tree belts on the horizon. Tree lined avenue proposed for construction access and cable route.	Yes
	15 and 15A)		We to Me all		Cable crossing from East A to East B	V
M	Unnamed road leading to West Row, LVIA Vp 12	https://goo.gl/maps/5tHZZ4xrnpqiajeJ8 https://goo.gl/maps/vCqsikqezTGFKE3f7	West, North- west	Old railway bridge not safely accessible on foot. The triangular junction further north has some space for stopping https://goo.gl/maps/7mMCoisbZGQmupDx7	Parcels E08, E10, E33 with BESS/Substation. Road surrounded by hedges with trees. Views possible from gaps in the hedge and the bridge over the former railway/junction with Isleham Road and the triangular junction north of this bridge.	Yes
N	Series of views from PRoW 257/010/0 connecting Worlington and Badlingham	https://goo.gl/maps/cC1Yd2NwzUzUFdm o7	East, West	Parking at a little grass layby https://goo.gl/maps/Go5afFGEwYvwgRck9	Parcels E12 - E17 and E18with BESS/Substation, ECO3. Views through openings in vegetation feature open arable fields with pine tree belts and copses.	Yes
0	PRoW 257/003/0, LVIA Vp 20	https://goo.gl/maps/DYCJ1DceLhwGMoE Z8	North	Stop at the end of Bridge End Road. https://goo.gl/maps/Go5afFGEwYvwgRck9 Might not feel entirely safe to leave the car there.	Parcels E19 - E22. Open arable field with pine tree belts.	Yes
P	Series of views from Elms Road	https://goo.gl/maps/hhQn2sEXAmN3foq p6	North, South	Drive along the highlighted section of Elms Road. Possible stop in a field gate https://goo.gl/maps/uCrBFnV1BhFQ7BLZA	Parcels E16, E18 with BESS/Substation, E19, E20. Views through field gates and opening in hedges. Open arable fields with pine tree belts.	Yes
Q	Freckehnam Road, LVIA VP 14	https://goo.gl/maps/jR7KaU62xwq5eoR6 7	South	Possible to stop in Worlington. There is a footway along the southern side of Freckenham Road	Parcel ECO3, E12. There is sparse vegetation along Freckehnam Road, view feature open arable fields with tree belts on the horizon.	
R	Series of views from Worlington Road, LVIA Vps 22 & 23	https://goo.gl/maps/q5VPRiHUiXSgzn5p6 https://goo.gl/maps/VyHw2bdWh7SusZG V7	West (Views East prevented by vegetation)	Possible to stop https://goo.gl/maps/MNSGRwV8eSQ7TAAt9	Parcels E24, E25. Visible through gaps in roadside vegetation as arable fields with tree belts on the horizon.	

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					Parcels E26 and E28 not easily visible through vegetation.	
S	Golf Links Road,	https://goo.gl/maps/B94SqrAkdg4b6DfY	South	Parking in a layby https://goo.gl/maps/3yAEjR7nejXVEqn69	Parcels E30 - E32	
	LVIA Vps 24 & 25	<u>6</u>			Views through openings in hedge. Large open arable fields with woodland at Chalk Hill and tree belts on the horizon.	
Т	La Hogue Road, visitors to La Hogue Farm, LVIA	https://goo.gl/maps/KTm5951Es7u2Umx B6	South-west	Parking possible in La Hogue Farm Shop	W10 - W12, W17 with BESS/Substation	Yes
	Vp 33				Open arable fields with hedges, tree belts and copses. Chippenham Park visible to north-west.	
U	A11/A14/A1304 junction and section of A11	https://goo.gl/maps/iZFULRb4vxp3tSB59	West	Not accessible on foot, not possible to park	Parcels W05 - W12, W17 with BESS	
	immediately north of this junction				Views through openings in roadside vegetation	
V	PRoW 204/1, LVIA	https://goo.gl/maps/1Y8i1z31QbsDES689	North-west	Parking on Fordham Road at the end of Snailwell	Parcels W01, W02	
	Vp 45			https://goo.gl/maps/TASoSdAuyfcZbmiq9	Large open arable fields with tree belts.	
W	Snailwell Road,	https://goo.gl/maps/6ur462ct6x6Ufvhd8	North	Parking a in a small layby next to the bridge.	Parcels W01, W02	
	LVIA Vp 46				View from a bridge across the River Snail. River Snail with low lying pasture fields and scattered trees.	
Χ	Chippenham Road	https://goo.gl/maps/eYid2BS5Rkh67jaA9	South-east	Parking at https://goo.gl/maps/19Mw2ecAkXxCVSyA7	Parcels W03	
					Views between the trees along Chippenham Road. Parcel W03 starts on the horizon at the current line of fencing.	
Υ	Limekilns - northern edge	https://goo.gl/maps/4rX1ZPxQ9PGLTvXW8	North-west to north-east	Parking at https://goo.gl/maps/83QvtKgDyMV9LWuQ6	Extent of visibility of Sunnica West Site A from various locations on the	Yes
				Walk across the Limekilns during hours accessible to public	Limekilns, including lower lying areas (together with other viewpoints)	
Z	Limekilns - eastern end	https://goo.gl/maps/DB8AwJQaR9seRkbGA	North-west to north-east	Parking at https://goo.gl/maps/hYJLnC55YFdU3wkaA	Extent of visibility of Sunnica West Site A from various locations on the	Yes
				Walk across the Limekilns during hours accessible to public	Limekilns (together with other viewpoints)	
АА	Water Hall - just west of high point and also	https://goo.gl/maps/7fPqYqgbmNn1cxtF6	North-west to north	Parking at https://goo.gl/maps/hYJLnC55YFdU3wkaA	Extent of visibility of Sunnica West Site A from various locations on	
	just east			Walk across Water Hall during hours accessible to public		

					Water Hall (together with other viewpoints)	
AB	Railway Field - south-west corner and north west corner	https://goo.gl/maps/8JQYw9dfh5i137437 https://goo.gl/maps/j4SJSx39f31gEpXW7	North to north- east	Parking at https://goo.gl/maps/3bfjfbYtveNN7RSh8 Walk along track parallel with A1304 in north-easterly direction to access Railway Field/Al Bahathri, then walk across Railway Field as necessary during hours accessible to public	Extent of visibility of Sunnica West Site A from various locations on Railway Field (together with other viewpoints)	Yes
AC	Bridleway running NW -> SE between Sunnica West Site A and Chippenham / Snailwell Gallops - southern field access to land to north-east and northern field access to land to north-east.	https://goo.gl/maps/e9pCWEaLKP93tJsQ8 https://goo.gl/maps/W8anNw79zPwa1vN77 https://goo.gl/maps/hfPWzHETgWMZHNGEA	North-east to east	Parking at https://goo.gl/maps/LCas9G5yW2JZhjvy6 Follow bridleway north-north-east for circa 1km then follow bridgeway northwest for circa 700m or Walk in south-easterly direction along bridleway depending on where parked	Extent of visibility of Sunnica West Site A from bridleway and Chippenham / Snailwell Gallops	

