

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

**Agenda for Issue Specific Hearing 1 (ISH1):**

**The draft Development Consent Order**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order</b>	<p><b>Wednesday</b> <b>27 July 2022</b></p> <p><b>Hearing Starts at 10:00am</b></p> <p>Seating available at venue from 9:00am and virtual Arrangements Conference from 9:00am</p>	<p>Bedford Lodge Hotel</p> <p>Bury Lodge</p> <p>Newmarket</p> <p>CB8 7BX</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

**Agenda**

**1. Welcome, introductions and arrangements for the Issue Specific Hearing**

**2. Purpose of the Hearing**

The Examining Authority (ExA) will explain the purpose of the hearing, during which it will seek responses from the Applicant and Interested Parties (IPs). IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.

**3. Articles and Schedules of the dDCO**

The Applicant will be asked to provide a very brief overview of each part of the DCO. The ExA will then ask questions in respect of DCO powers. These may include drafting issues and other substantive issues including:

- whether the battery energy storage systems would be Associated Development or an aim in itself;
- whether imposing an upper limit on the capacity of the proposed development would be desirable or necessary;
- extent and assessment of permitted preliminary works;
- Article 6(3), clarification of disapplication of legislation, including enforceability of planning conditions on Worlington Quarry;

- Articles 18 et seq, scope of compulsory acquisition powers;
- Article 43, scope of compensation guarantees; and
- Article 44, scope and proportionality of traffic regulation measures.

#### **4. Schedule 2 of the dDCO: Requirements and Schedule 13: Procedure for Discharge of Requirements**

The Applicant will be asked to provide an overview of the Requirements. The ExA will then ask questions including on matters such as:

- Clarification of relationship to each other of all plans and documents to be secured by the DCO;
- Need for supplementary outline plans and related requirements, for example on highway access, individual aspects of construction practice and light emissions;
- Approval of battery fire safety management plan.

The ExA will ask whether there are concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes under the dDCO.

#### **5. Article 38 and Schedule 10 of the dDCO: Documents and Plans to be Certified**

To review the documents to be certified and seek views as to whether the list is complete and, if not, what additional documents would need to be included.

#### **6. Article 40 and Schedule 12 of the dDCO: Protective Provisions**

To understand and obtain an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

#### **7. Consents, Licences and Other Agreements**

The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will ask questions, including discussing whether there is any need for and progress on any planning obligations and/or side agreements and if there is an indicative timescale for finalising them.

#### **8. Statements of Common Ground relevant to the DCO**

The ExA will ask the Applicant to provide an update on Statements of Common Ground relevant to the DCO.

#### **9. Review of issues and actions arising**

#### **10. Close of hearing**

## **Purpose of ISH1**

The ExA considers that it is expedient to examine some matters, issues and questions orally at the outset of the Examination in order to ensure that technical and legal matters arising from the draft Development Consent Order (DCO) are identified and considered as early as possible. This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader merits of the application.

Other matters regarding the draft DCO, not included in this Agenda, will be raised through subsequent Written Questions and/or hearings, including matters relating to Compulsory Acquisition.

## **Attendees**

The ExA would find it helpful if the following parties could attend this hearing.

- Sunnica Ltd (the Applicant)
- Cambridgeshire County Council
- East Cambridgeshire District Council
- Suffolk County Council
- West Suffolk Council
- Statutory undertakers and any other IPs with an interest in the drafting of the draft Development Consent Order, the implementation or discharge of proposed Articles, Requirements or other provisions.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

## **Arrangements Conference**

Parties who have registered to attend (both in person and virtually), and Invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

### **Procedure at ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.