

**Sunnica Energy Farm EN010106**

# **Suffolk County Council Written Submission and Post-hearing Submission**

## **Procedural Deadline B**

**08 August 2022**

1. This submission provides Suffolk County Council's (SCC) comments on the matters detailed in the Examining Authority's (ExA) letter of 28<sup>th</sup> July 2022 as well as a Post-hearing Submission which provides further details on issues and queries raised at the Preliminary Meeting.
2. SCC welcomes the ExA's stance that the examination should not start before the date now given by the applicant (30 August 2022) for submitting their change request (CR). SCC notes that the ExA will consider whether it is feasible for the examination to commence in September 2022 and that a Procedural Decision in that regard will follow. At the Preliminary Meeting SCC expressed a preference for the simplicity of not commencing the examination until the CR has been actually submitted and accepted. SCC is, however, prepared to be pragmatic where this would not impede the proper presentation of its case. For SCC the key issue is that sufficient time is provided between publication of the CR documents and the deadline at which the Local Impact Report (LIR) is due. As the non-statutory consultation materials consisted of no more than a short booklet summarising the proposed changes, and not versions of the documents which would actually be necessary to make a CR, it is necessarily the case that parts of the LIR relating to the CR must be reserved until the authorities have sight of the CR documents. SCC does not support the Applicant's suggestion of

submitting a LIR that addresses the current application and then revising or updating that LIR to address the application as modified by the CR (assuming the latter is accepted by the ExA). SCC considers that a single comprehensive LIR which addresses the application as revised to be preferable and clearer for all concerned. It is anticipated that there would need to be at least 3 weeks from the publication of the change application documents until the deadline at which the LIR is due. This is the minimum time in which the Council could complete technical review of materials, coordinate with partner authorities, and meet internal governance requirements.

3. Therefore, on the assumption that an examination would start in early September, shortly after the applicant's submission of the CR in late August, SCC would request that the deadline for submission of the LIR (presumed to be Deadline 1) is set at the earliest for the end of September 2022. SCC's reserves its position in the event that the CR is not submitted by the end of August 2022.
4. SCC's cabinet has authorised that delegated authority to make submissions to this examination to be given to the Director for Growth, Highways and Infrastructure in consultation with the Deputy Leader. This considerably simplifies SCC's formal governance requirements in respect of deadline submissions and as such we have no special requests for the timetabling of any deadlines except: Deadline 1, as noted above; and just to note that officer availability is likely to be reduced over the Christmas period and the October half term (which for schools in SCC's area is the week of Monday 24 October 2022). Further, our partner authorities may have governance requirements and we would request that you take these into account as far as possible.

**THE COUNCIL’S COMMENTS ON THE PRELIMINARY MEETING 26 JULY 2022**

Examining Authority’s Question	Suffolk County Council’s Summary of Oral Case and Responses	References
<b>Agenda Item 1 – Welcome and Introductions</b>		
	N/A	
<b>Agenda Item 2 – ExA’s remarks about the Examination process</b>		
	<ul style="list-style-type: none"> <li>i. The Council notes that applicant provided a draft Statement of Common Ground the evening before this meeting. The Council would have preferred for this to have been provided much earlier so as to be prepared to answer questions about its content and progress if necessary. The draft SoCG is currently under discussion between the Council and the applicant.</li> <li>ii. The Council confirms the intention to aim, so far as practicable, produce a Local Impact Report jointly between the four host authorities.</li> </ul>	
<b>Agenda Item 3 – Update from the Applicant on the status of the change request and consultation as set out in their letters of 30 March and 19 April 2022</b>		
	<ul style="list-style-type: none"> <li>i. The Council notes that the consultation materials consisted of a booklet summarising the proposed changes and did not include</li> </ul>	

	<p>versions of the documents which would actually be necessary to make a submission of the proposed changes. This means that the significance of any changes cannot be meaningfully assessed by the Council, until the substantive documentation is available.</p> <p>ii. The Council anticipates that a version of the LIR reflecting the application as originally submitted could be completed by the end of August. As the Council and its partners must reserve our position on any potential impacts of the changes, it is anticipated that there would need to be at least 3 weeks from the publication of the change application documents until the deadline at which the LIR is due. This is the minimum time in which the Council could complete technical review of materials, coordinate with partner authorities, and meet internal governance requirements.</p>	
<b>Agenda Item 4 – Draft Examination Timetable</b>		
	<p>i. The Council notes that the draft timetable published with the ExA’ letter dated 28 June 2022 was overtaken by events at the Preliminary Meeting and that a new draft timetable is to be prepared. The Council expressed a strong preference that the examination should not commence until after the Change</p>	

	<p>Request application had been made and accepted. At the time of this submission no PPA to cover examination-period activities is agreed between the host authorities and the applicant. While we accept that this is not an issue for the ExA to get involved in directly, we would like to make the ExA aware that a lack of certainty over the resourcing of officer/legal support involvement in the examination could hinder SCC's ability to respond fully and effectively to all deadlines. SCC would therefore ask that in any new timetable the deadlines are adequately spaced in recognition that SCC has only a small team to address all issues.</p>	
<p><b>Agenda Item 5 – Initial Assessment of Principal Issues</b></p>		
	<p>i. The Council notes that the list of principal issues is not intended to be comprehensive or exclusive, however, the Council considers that good design should be explicitly referenced as a discrete matter to reflect its importance. The SoS will have had 'particular regard' to the importance of good design in devising the relevant NPS as required by the Planning</p>	

	<p>Act 2008 (see in particular sections 5(6) and 10(3)). The Council also notes that section 4.5 of EN-1 draws attention to the ‘importance’ of good design. The Council consider that it is up to the ExA to decide how best to examine the issue of good design, as good design can be discussed in relation to a number of issues included in the initial assessment. However, the Council consider good design of sufficient importance to national policy to merit inclusion as a principal issue in its own right, and in particular the extent to which the applicant has followed principles of good design in preparing this application.</p> <p>ii. The Council notes and welcomes that landscape and visual effects are identified as a principal issue. The Council also notes that the issue has not been included as an issue in any of the SoCGs requested in Annex F. Nonetheless, Landscape has been included as an issue in the draft SoCG shared by the applicant on 25 July 2022.</p>	
<p><b>Agenda Item 6 – Any other matters</b></p>		
	<p>i. The Council asked for clarity from the ExA regarding the deadlines for making any applications for costs. The understanding of the</p>	

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	<p>Council having regard to paragraphs 31 and 32 of the DCLG Guidance on Award of Costs (2013) is that applications are to be made within 28 days of the close of the application examination, and there are no other deadlines. The Council welcomed the ExA's indication that it had the same understanding.</p>	
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