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Email: Sunnica@planninginspectorate.gov.uk

All Interested Parties, Statutory Parties and any Other Person invited to the Preliminary Meeting

Our Ref: EN010106

Date: 8 November 2022

Planning Act 2008 (as amended) – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 8(3) and Rule 13

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

Procedural Decision and Notification of Hearings

I am writing to you to notify you of our Procedural Decision to amend the Examination Timetable and to provide notification of the date, time and place fixed for Open Floor Hearings, Issue Specific Hearings and a Compulsory Acquisition Hearing.

We also confirm the amendment to the itinerary for the Accompanied Site Inspection (ASI3) on Thursday 3 November 2022. Changes were made due to the weather conditions such that ASI3 was limited to location (2) (Chippenham Hall and Park) and location (5) (La Hogue Farm) described in the final itinerary [EV-021].

Change to the Examination Timetable

The Examining Authority (ExA) has decided, in light of the comprehensive joint Local Impact Report (LIR) [REP1-024], to make an amendment to the Examination Timetable to allow sufficient time for all Interested Parties to provide comments on both the LIR and the Written Representations and draft Statements of Common Ground. The ExA therefore requests comments on the LIR to be submitted by **Deadline 3, Tuesday 22 November 2022** and comments on the Written Representations and draft Statements of Common Ground to be submitted by a new **Deadline 3A, Monday 28 November 2022**. The updated Examination Timetable is provided at **Annex A** to this letter.

Notification of Hearings

The Examination Timetable at **Annex A** of this letter and the Examining Authority's (ExA) Rule 8 letter, dated 4 October 2022, include reserved dates for Open Floor Hearings (OFH), Issue Specific Hearings (ISH) and Compulsory Acquisition Hearings (CAH) in December 2022.

We are now writing to confirm the arrangements for the following Hearings to be held under Sections 91, 92 and 93 of the Planning Act 2008. The Hearings will be blended events, with participants attending either in person or virtually.

Date	Hearing	Start time	Venue and Joining details
Tuesday 6 December 2022 - afternoon	Compulsory Acquisition Hearing (CAH1)	Seating available at venue from: 13:00 Virtual Arrangements Conference from: 13:00 Hearing starts: 14:00	All hearings will be blended events at: King Edward VII Memorial Hall, High Street, Newmarket Suffolk CB8 8JP and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have preregistered
Tuesday 6 December 2022 - evening	Open Floor Hearing (OFH1)	Seating available at venue from: 18:00 Virtual Arrangements Conference from: 18:00 Hearing starts: 19:00	
Wednesday 7 December 2022	Issue Specific Hearing (ISH2) – Environmental Matters including: Ecology and Biodiversity; Historic Environment; Landscape and Visual Impact	Seating available at venue from: 9:00 Virtual Arrangements Conference from: 9:00 Hearing starts: 10:00	

Date	Hearing	Start time	Venue and Joining details
Thursday 8 December 2022	Issue Specific Hearing (ISH3) – Other Environmental Matters including: Principle and nature of the Development; Air Quality and Human Health (especially Battery Energy Storage System (BESS)); Socio-economics and Land Use; Water Resources, Flood Risk and Drainage	Seating available at venue from: 9:00 Virtual Arrangements Conference from: 9:00 Hearing starts: 10:00	
Friday 9 December 2022 - morning	Open Floor Hearing (OFH2)	Seating available at venue from: 9:00 Virtual Arrangements Conference from: 9:00 Hearing starts: 10:00	

NOTE: If any of the above Hearings are no longer required then notification will be published as soon as practicable on the **project webpage**, providing reasonable notice to IPs of the decision to cancel.

You must register by 22 November 2022 (Deadline 3) if you intend to participate in the hearing and provide all the information requested in the 'Requests to participate in hearings' section of this letter.

If you simply wish to observe any of the Hearings then you can either:

- 1. Watch a livestream of the event a link to the livestream will be made available on the <u>project webpage</u> shortly before the event is scheduled to begin; and/or
- **2**. Watch the recording of the event which will be published on the <u>project webpage</u> shortly after the event has finished.

Alternatively, you can attend the physical event to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **22 November 2022** using this <u>Form</u>. Please note that it

may not be possible to participate on the day if you have not registered your wish to speak by **22 November 2022**.

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Purpose of Hearings

Compulsory Acquisition Hearings (CAH) provide an opportunity for the ExA to examine the Applicant's case for Compulsory Acquisition (CA) and Temporary Possession (TP) and for the Applicant and Affected Persons (APs) to make oral representations about these matters. CAH1 will consist of an examination of the Applicant's strategic case for CA and TP and whether general legal tests, policy and guidance have been addressed. Individual objections to CA and/ or TP relating to individual parcels of land and/ or interests in land will be heard at the second CA Hearing (CAH2) later in the Examination, and not on this occasion. APs may however request to be heard at CAH1 in relation to submissions that the Applicant has not complied with general legal tests, policy or guidance.

Open Floor Hearings (OFH) provide an opportunity for any Interested Party (IP) to make oral representations about the application.

Issue Specific Hearings (ISH) are held at the discretion of the ExA and provide an opportunity for the ExA to invite Interested Parties (IPs) to make oral representations about specific issues relating to the application.

Requests to participate in Hearings

Speaking at ISHs is by invitation from the ExA. Invitations to speak will be confirmed in the Final Agendas. Interested Parties considering that they may wish to speak on particular items on an Agenda can request to be heard. If you wish to participate and speak at any of the Hearings you are required to notify the Examining Authority (ExA) by completing this Form by **Deadline 3**.

Any request to participate in a Hearing **should include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or inperson;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the <u>Book of Reference</u> and the <u>Land Plans</u>; and

• the <u>Examination Library</u> reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend any hearing, either virtually or in person.

Attendees

The ExA would find it helpful if the following parties could attend:

Compulsory Acquisition Hearing (CAH1) on Tuesday 6 December 2022:

- Sunnica Ltd (the Applicant)
- Cambridgeshire County Council
- East Cambridgeshire District Council
- Suffolk County Council
- West Suffolk Council
- Statutory Undertakers
- Alan Richardson
- Any other persons whose land and/or rights are affected and who wish to object to
 the application on the basis that the Applicant has not complied with the
 relevant legal tests, policy and guidance in respect of the Application in general.
 Please refer to the Agenda at Annex B to this letter.

Issue Specific Hearing (ISH2) on Wednesday 7 December 2022 - Environmental Matters including: Ecology and Biodiversity; Historic Environment; Landscape and Visual Impact:

- Sunnica Ltd (the Applicant)
- Cambridgeshire County Council
- East Cambridgeshire District Council
- Suffolk County Council
- West Suffolk Council
- Say No To Sunnica action group
- Natural England
- Historic England
- Suffolk Wildlife Trust
- Isleham Parish Council
- Red Lodge Parish Council

Issue Specific Hearing (ISH3) on Thursday 8 December 2022 - Other Environmental Matters including: Principle and nature of the Development; Air Quality and Human Health (especially Battery Energy Storage System (BESS)); Socio-economics and Land Use; Water Resources, Flood Risk and Drainage:

- Sunnica Ltd (the Applicant)
- Cambridgeshire County Council

- East Cambridgeshire District Council
- Suffolk County Council
- West Suffolk Council
- South Staffordshire Water PLC
- Environment Agency
- Say No To Sunnica action group
- Newmarket Horsemen's Group
- Dr E Fordham
- Joseph Pattison

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 Agendas, subject to the ExA's ability to control the Hearings.

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

Hearing agendas

High level Agendas for CAH1, ISH2 and ISH3 are at **Annex B** to this letter to help inform your decision about whether to register to participate. We will publish detailed Agendas on the project webpage at least five working days in advance of the Hearing date. However, the actual Agenda on the day of each Hearing may be subject to change at the discretion of the ExA.

We will publish an agenda for the OFHs listing the order of speakers at least five working days in advance of the Hearing dates.

If you have any gueries about the contents of this letter please contact the Case Team.

Yours faithfully

Grahame Kean

Lead Member of the Examining Authority

This communication does not constitute legal advice.

Please view our Privacy Notice before sending information to the Planning Inspectorate.

Examination Timetable (updated 8 November 2022)

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1.	Procedural Deadline A Deadline for receipt by the ExA of:	Wednesday 13 July 2022
	Written submissions on the Examination Procedure, including any submissions about the use of virtual methods	
	 Requests to be heard orally at the Preliminary Meeting 	
	Requests to be heard at notified Issue Specific Hearing (ISH) Requests by Interested Parties to be heard at the ISH as notified at Annex E of the Rule 6 letter	
	Requests to be heard at notified Open Floor Hearings (OFH) Requests by Interested Parties to be heard at an OFH as notified at Annex E of the Rule 6 letter	
	Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA	
2.	Preliminary Meeting - adjourned	Tuesday 26 July 2022
3.	Procedural Deadline B	Monday
	Deadline for receipt by the ExA of:	8 August 2022
	Written submissions on the prospects of sufficient progress being made on the submission of the Change Request to support an effective Examination commencing in September 2022	
4.	Procedural Deadline C	Wednesday 14 September 2022

Deadline for receipt by the ExA of: Requests to be heard orally at the resumed Preliminary Meeting Notification of wish to attend ASI Written submissions on the Examination
resumed Preliminary Meeting Notification of wish to attend ASI
Written submissions on the Examination
Procedure including any submissions about the use of virtual methods
Applicant's draft itinerary for ASI1 on Thursday 29 September 2022
5. Publication by the ExA of: Thursday
ExA's final itinerary for the ASI on Thursday 29 September 2022
6. Preliminary Meeting resumes Wednesday 28 September 2022
7. Accompanied Site Inspection (ASI1) Thursday 29 September 2022
8. Issue by the ExA of: As soon as
Examination Timetable practicable following the class of the
Publication of: the close of the Preliminary Meeting
The ExA's Written Questions (ExQ1)
9. Deadline 1 Wednesday
For receipt by the ExA of: 19 October 2022
Comments on Relevant Representations (RR)
Summaries of all RR exceeding 1500 words
Local Impact Reports (LIR) from any local authorities
Notification by Statutory Parties of their wish to be considered as an IP by the ExA
Applicant's draft itinerary for ASI2 and ASI3
Notification of wish to attend ASI2 and/or ASI3
Requests to be heard at an OFH Requests by Interested Parties to be heard at an Open Floor Hearing (OFH)

	 Requests to be heard at a CAH Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH) Updated Guide to the Application 	
	Updated Book of Reference (BoR) and	
	Schedule of Changes to the BoR	
	Updated Schedule of Negotiations	
	Comments on any Additional Submissions accepted at the discretion of the ExA (if any)	
10.	Publication by the ExA of:	Tuesday
	 ExA's final itinerary for ASI2 and ASI3 (if required) 	25 October 2022
11.	Dates reserved for:	ISH1 - Tuesday
	 Issue Specific Hearing (ISH1) on the draft DCO (if required) 	1 November 2022 ASI2 – Wednesday 2 November 2022
	 Accompanied Site Inspection (ASI2) (if required) 	ASI3 - Thursday 3 November 2022
	Accompanied Site Inspection (ASI3) (if required)	
12.	Deadline 2	Friday
	For receipt by the ExA of:	11 November 2022
	 Post Hearing Submissions, including written submissions of oral case 	
	 Written Representations (WRs) 	
	Summaries of all WRs exceeding 1500 words	
	 Initial Statements of Common Ground (SoCG) requested by the ExA 	
	Statement of Commonality of SoCG	
	 Responses to the ExA's Written Questions (ExQ1) 	
	Responses to comments on RRs	
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Applicant's revised draft of DCO Updated Guide to the Application Updated Book of Reference (BoR) and Schedule of Changes to the BoR Updated Schedule of Negotiations Comments on any Additional **Submissions** accepted at the discretion of the ExA by Deadline 1 Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 1 **13**. Deadline 3 Tuesday **22 November 2022** For receipt by the ExA of: **Comments on LIRs** Comments on responses to ExQ1 Comments on Applicant's revised draft of DCO Updated Guide to the Application Updated Book of Reference (BoR) and Schedule of Changes to the BoR Updated Schedule of Negotiations Comments on any Additional **Submissions** accepted at the discretion of the ExA by **Deadline 2** Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 Comments on any further information

received

Deadline 2

Comments on any further information requested by the ExA and received by

14.	Deadline 3A For receipt by the ExA of: Comments on WRs Comments on Initial SoCG	Monday 28 November 2022
15.	 Dates reserved for: Open Floor Hearings (OFH) (if required) Issue Specific Hearings (ISH) (if required) Compulsory Acquisition Hearings (CAH) (if required) 	Tuesday 6 December 2022 To Friday 9 December 2022
16.	 Deadline 4 For receipt by the ExA of: Post Hearing Submissions, including written submissions of oral case Any revised/updated SoCG (If any) Applicant's draft itinerary for ASI4 (if required) Applicant's revised draft of DCO Updated Guide to the Application Updated Book of Reference (BoR) and Schedule of Changes to the BoR Updated Schedule of Negotiations Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 3 Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 3 	Friday 16 December 2022
17.	Publication of:	Thursday 5 January 2023

	• ExA's Second Written Questions (ExQ2) (If required)	
18.	Deadline 5	Friday
	For receipt by the ExA of:	13 January 2023
	 Responses to ExA's Second Written Questions (ExQ2) 	
	 Comments on revised/updated SoCG (if any) 	
	 Comments on Applicant's draft itinerary for ASI4 (if required) 	
	Comments on Applicant's revised draft DCO	
	Updated Guide to the Application	
	 Updated Book of Reference (BoR) and Schedule of Changes to the BoR 	
	Updated Schedule of Negotiations	
	Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 4	
	Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules	
	Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 4	
19.	Deadline 6	Monday
	For receipt by the ExA of:	30 January 2023
	Any revised/updated SoCG (If any)	
	Applicant's revised draft of DCO	
	Updated Guide to the Application	

	Updated Book of Reference (BoR) and Schedule of Changes to the BoR	
	Updated Schedule of Negotiations	
	 Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 5 	
	 Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules 	
	Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 5	
20.	Publication of:	Wednesday
	 ExA's Third Written Questions (ExQ3) (If required) 	1 February 2023
	ExA's final itinerary for ASI4	
21.	Publication of:	Monday
	 Report on the Implications for European Sites (RIES) 	13 February 2023
22.	Dates reserved for:	Tuesday
	 Accompanied Site Inspections (ASI4) (if required) 	14 February 2023 to
	Open Floor Hearings (OFH) (if required)	Friday 17 February 2023
	• Issue Specific Hearings (ISH) (if required)	
	 Compulsory Acquisition Hearings (CAH) (if required) 	
23.	Publication of:	Monday
	 ExA's commentary on, or schedule of changes to, the draft DCO 	20 February 2023
24.	Deadline 7	Friday
	For receipt by the ExA of:	3 March 2023

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	Post Hearing Submissions, including written submissions of oral case	
	 Responses to ExA's Third Written Questions (ExQ3) (If issued) 	
	Comments on revised/updated SoCG (if any)	
	Comments on ExA's commentary on, or schedule of changes to, the draft DCO	
	Updated Guide to the Application	
	 Updated Book of Reference (BoR) and Schedule of Changes to the BoR 	
	Updated Schedule of Negotiations	
	Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 6	
	Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules	
	Comments on any further information received	
	Comments on any further information requested by the ExA and received by Deadline 6	
25.	Deadline 8	Monday
	For receipt by the ExA of:	13 March 2023
	Comments on the RIES	
	• Final SoCG	
	Final DCO Final DCO to be submitted by the Applicant in the SI template with the SI template validation report	
	Final Statement of Commonality of SoCG	

List of matters not agreed where SoCG could not be finalised

	Final Guide to the application	
	Final updated BoR Final BoR and schedule of changes to BoR	
	Final Schedule of Negotiations	
	Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 7	
	Comments on any further information received Comments on any additional information/submissions received by Deadline 7	
	Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	
26.	Deadline 9	Tuesday
	For receipt by the ExA of:	28 March 2023
	Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010	
27.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Tuesday 28 March 2023

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the <u>project webpage</u> as soon as practicable after each Deadline for submissions.

Compulsory Acquisition Hearing (CAH1) on Tuesday 6 December 2022 High Level Agenda

- 1. The Applicant's strategic case for Compulsory Acquisition
- 2. Alternatives and design flexibility
- 3. The compulsory acquisition and related provisions as presented within the draft Development Consent Order (dDCO) and Land Plans
- 4. Statutory conditions and general principles
- 5. Review of the Objections Schedule and related matters
- 6. Funding
- 7. Statutory undertakers
- 8. Crown land
- 9. Public open space
- 10. Human rights and the Public Sector Equality Duty (PSED)

Issue Specific Hearing (ISH2) on Wednesday 7 December 2022 High Level Agenda

- 1. Ecology & biodiversity:
 - Adequacy of ecological surveys
 - Impact on Stone Curlews and proposed mitigation
 - Impacts on other ecological receptors and adequacy of proposed mitigation measures
 - Impact on Snailwell Fen and potential mitigation
 - Impacts on designated sites and potential mitigation
- 2. Historic environment:
 - Impacts on Snailwell Fen historic landscape and proposed mitigation
 - Isleham plane crash site impacts and potential mitigation
 - Impacts on Chippenham Park Registered Park and potential mitigation
 - Potential impacts on conservation areas and their settings, and potential mitigation
- 3. Landscape and visual impact:
 - Snailwell Fen/Chippenham Fen combined impacts on landscape; proposed mitigation
 - Impact on views from the Limekilns and Water Hall Farm gallops and impact on the landscape character of the area; potential for mitigation
 - General impacts on the landscape of the area; potential for mitigation and impact of mitigation proposals on the landscape
 - Specific impacts on visual amenity at Elms Road Caravan Site and potential for mitigation

Issue Specific Hearing (ISH3) on Thursday 8 December 2022 High Level Agenda

- 1. Principle and nature of the Development: Associated Development
- 2. Air quality and human health: Battery Energy Storage System (BESS)
- 3. Socio-economics and land use: agriculture, soil quality, the horseracing industry, economic and employment effects, public rights of way (PRoW)
- 4. Water resources, flood risk and drainage
- 5. Other proposed nearby major developments, cumulative and in-combination effects