

**SUNNICA ENERGY FARM**

**REF: EN01016 DRAFT DEVELOPMENT CONSENT ORDER**

**PLANNING ACT 2008**

**INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED  
FORMS AND PROCEDURE) REGULATIONS 2009**

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**WRITTEN SUMMARY OF ORAL CASE FOR EAST  
CAMBRIDGESHIRE DISTRICT COUNCIL**

**ISSUE SPECIFIC HEARING 1**

**DRAFT DEVELOPMENT CONSENT ORDER**

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1. East Cambridgeshire District Council (“ECDC”) has submitted a Joint Local Impact Report with other local authorities. It makes the point at the outset that in important respects the information provided in support of the application is deficient. Those matters will be highlighted at future issue specific hearings. However, those observations are also relevant to some extent to any without prejudice discussion of the Draft Development Consent Order. That is because, in the event that the ExA is to any extent persuaded that there is a deficiency in information, it has essentially only two options:

- (i) To recommend that the DCO application is refused, or;
  - (ii) To include provisions within the DCO to ensure that necessary information is supplied, or that other consenting procedures adequately address the gap.
- 2. ECDC raised the question of the need, or not, for hazardous substances consent. The matter was raised by way of an invitation to the Applicant to provide further detail and a Position Statement to support either the current position that hazardous substances consent is not required, or to indicate that it is. If it is required, then the Applicant is invited to explain how that should be consented – either via the DCO process or via the hazardous substances authorities.
- 3. The ECDC is very clear that it is most undesirable, if hazardous substances consent is required, for it to be put to the time and trouble of receiving and determining an application. ECDC reserves its position to make further submissions on the impact of this aspect of the application for the examination and the assessment of the scheme in its totality.
- 4. We have referred to the impact of the scheme on trees and the approach to Tree Preservation Orders. We deal with the relevant provisions in respect of trees here.

5. First, as to Part 1, Article 2 (Interpretation) which defines “*permitted preliminary works*” at (g), namely site clearance (including vegetation removal, demolition of existing buildings and structures). This would include the clearance of trees, including protected trees.
6. Secondly, in Part 6 (Miscellaneous and general), Articles 36 and 37 are concerned with felling or lopping of trees and removal of hedges and trees subject to Tree Preservation Orders. The effect of these Articles is to set aside the regime for the preservation of protected trees and for the consenting of works to such trees. In respect of Article 37 in particular, the undertaker may fell or carry out works to any tree within the Order limits and to any tree which overhangs the Order limit land. The only trigger which is necessary to permit such felling and tree works is for the undertaker to reasonably believe that it is necessary. This subjective approach gives a very wide scope and margin of discretion to the undertaker.
7. The underlying further difficulty is the absence of a tree survey, albeit that one is promised somewhat later in the examination process. In any event, ECDC strongly disagrees that it is appropriate to grant a blanket consent of this sort and rather, it ought to be necessary for approval to

be sought. Only in this way may important trees, along with amenity and landscape value, may be protected.

Article Number in the Draft DCO	Commentary
Schedule 2 (Requirements)	
Requirement 7 (Fire safety management)	<p>There is some overlap here with the question as to whether or not hazardous substances consent is required, but in the event that it is not required, the fire safety management requirement ought to have, under (5), a requirement to maintain the provisions of the BFSMP and throughout the life of the consent.</p> <p>This requirement needs to be linked to Requirement 12 given the high potential putting out a fire could cause significant water runoff and pollution.</p>
Requirement 8 (Landscape and Ecology Management plan)	Same point as to maintaining in force during the lifetime of the consent.
Requirement 16 (Construction traffic management plan)	Same point as to maintaining in force during the lifetime of the consent.
Requirement 17 (Operational noise)	Same comment as to maintaining in force during the lifetime of the consent.
Requirement 20 (Skills, supply chain and employment)	Same point as to maintaining the employment plan and its provision in place during the lifetime of the consent.

Schedule 13 (Procedure for discharge)	ECDC records the agreement at the ISH that a scheme of fees for appropriate discharges should be included in the DCO, the parties are considering a Statement of Common Ground in that regard at a future date.
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**Richard Kimblin KC**



London • Birmingham • Bristol • Leicester  
Tel: 0845 210 5555  
Email: [REDACTED]