



SUNNICA ENERGY FARM DCO EXAMINATION

COMMENTS ON DRAFT DCO

SAY NO TO SUNNICA ACTION GROUP LTD

11 NOVEMBER 2022

Introduction

1. The Say No to Sunnica Action Group Limited (SNTS) is an interested party (ID No 20031080) in the DCO examination.
2. Prior to the first ISH on the draft DCO, on 1 November 2022 (**ISH1**) SNTS submitted its position on the draft in a summary document **[REP1-047]**. SNTS maintains the position expressed in that document, which was explored before the ExA. Save for the inclusion of HSE in Schedule 2 para 7, changes in the DCO have not been made on the basis of those submissions.
3. This short note sets out any further submissions about the updated draft of the DCO.

Definition of ‘Maintain’ in Section 2

4. The definition of ‘*maintain*’ was explored at ISH1. It was noted that it is very broad, and the Councils have made suggestions on an amendment to tighten up the definition. The Applicant maintains that the width of the definition is required.
5. SNTS agree that amendments should be made in line with the answer provided by the Councils to Q1.5.8 of the ExA’s Questions. The definition as provided would allow for wholesale replacement of all PV cells and all lithium-ion cells without further planning control. In circumstances where developments in the industry in 20 years are hard to see, SNTS is of the view that the ExA cannot be satisfied one way or the other that *Rochdale* envelope considers the reasonable worst case for such changes. Such significant works would also, in effect, restart the construction period for locals and recur the significant additional harm that is experienced as part of the construction process. It is important that the LPAs have control to ensure that planning harms are minimised.
6. In addition, as is noted in the Cranfield Report **[REP2-240g]** appended to SNTS’s WRs, the GHG emissions of the scheme is heavily dependent on whether wholesale replacement of battery cells (or PV cells) is undertaken. The ExA cannot be satisfied as to the environmental credentials of the scheme in circumstances where there is no control over the nature and the extent of repair and replacement that can be undertaken. Again, planning control in the hands of the LPAs is the appropriate mechanism for the management of the planning harms associated with such works.

Felling Trees Subject to TPOs in New Section 37

7. The power to fell trees was explored at ISH1. The power here is a broad one which has no oversight from the LPAs. This power threatens ancient trees of a significant age, and in SNTS’s view, oversight from the LPAs is the appropriate way of ensuring that only those trees essential to the construction of the scheme are removed, and that harms that are possible (including to roosting fauna) are mitigated as best as possible.

Power Limit in the Definition of Works 2A, B and C in Schedule 1

8. In our written submissions for ISH1, SNTS raised the issue of whether the BESS was associated development. SNTS does not intend to go back through this issue here. However, as part of those submissions and the oral submissions that were heard on the day, the question of constraints on the BESS through the DCO were discussed. SNTS noted that a power limit on the BESS might be necessary (but not sufficient in itself) to give the ExA the confidence to conclude that the DCO can lawfully be granted with the BESS included as associated development.
9. Orally, Mr Turney for the Applicant recognised (errors in original transcript): *'[I]et's let's take it in turn the power. Limit as it's put is something thjat we are in principal happy to explore through the course of the examination'* **[EV-027]**. However, in the answers to the ExA's questions at Q1.1.9 the Applicant has set out the position that it would not accept such a power limit as it does not understand the justification **[REP2-037]**. In particular, the Applicant says that a power limit would only be relevant to safety rather than its environmental and social impacts.
10. SNTS note that such a power limit is relevant to the question of associated development¹. SNTS would invite the Applicant to reconsider this approach as it would provide an important piece in the puzzle in setting a sufficient framework in place around the BESS so that the ExA can be satisfied that the BESS is associated development. As has been explored in our submission at **[REP1-047]** such power limits have been used previously. SNTS would invite the Applicant to look again at this issue; if not, SNTS will advance the point further at the next available stage.

Glint and Glare

11. In the LIRs, the Councils indicate that there should be *'[f]ull and continuing assessment of impacts and appropriate mitigation of light spill and glare through appropriate control measures'* **[REP1-024]**. SNTS notes this glint and glare has also come up as a significant issue in the Lichfields report **[REP2-039]**, which we now comment on as part of our submissions at Deadline 3A. However, glint and glare do not appear in the requirements for the DCO.
12. SNTS argue that glint and glare is an important feature of this scheme which, if consented to, must be managed. Theoretical assessment is insufficient to properly manage that risk. Thus, an addition should be made to the DCO (or one of the framework plans) to secure:
 - a. A glint and glare review after installation of equipment or completion of construction (whichever is earlier);
 - b. A review on receiving a complaint from a local authority (which can act as the filter for such complaints); and,

¹ On the basis of the Applicant's own assessment in the Climate Change section of its Environmental Statement **[APP-038]** it is also relevant to the GHG emissions of the BESS indirectly. That is because the capacity of the BESS in MWh is directly related to the GHG emissions.

- c. A review every five years or earlier in the event of maintenance or alteration to equipment which may affect glint and glare.