



The Planning Inspectorate

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To: The Applicant and all Interested
Parties for information

Your Ref:

Our Ref: EN010106

Date: 12 December 2022

Dear Sir / Madam

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

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

Procedural Decision regarding Applicant's Second Change Request

The Applicant gave notice in its [Deadline 3A submission '8.52 Update by the Applicant on Heritage Matters and Substation Connection'](#) [REP3A-037] of its intention to submit a request to make further changes to the application. The document identifies the nature of the changes proposed and suggests how the submission of the change request could be accommodated within the Examination Timetable. The Applicant states that it intends to submit the formal request to change the application at **Deadline 5** (13 January 2023) and in its view the proposed changes do not require additional non-statutory consultation. The proposed changes were referred to and discussed briefly at the Compulsory Acquisition Hearing (CAH1) and the Issue Specific Hearing (ISH2) held respectively on 6 and 7 December 2022.

The Examining Authority (ExA) notes the reasons given for the Applicant's view that no extra statutory consultation is required, which include that the changes that are being made are directly as a result of feedback that it has received through the Examination process by the same parties who would be consultees to any consultation that would be carried out. The changes involve removing land (including the extent of compulsory acquisition) and elements of the Proposed Development, thereby reducing impacts rather than changing or expanding them, and parties will be able to make submissions in respect of the consequences of the proposed changes during the Examination process.

In summary the proposed changes relate to the substation connection at Burwell; the impacts of the Proposed Development on an area of potential archaeological importance at Snailwell (namely the historic landscape associated with a Roman villa); potential impacts to the B-50 bomber crash site close to Isleham; and archaeological mitigation at field W04 (as shown numbered on the Parameters Plan [APP-136]) of the Scheme.

The ExA notes that the Applicant is now in a position not to pursue its grid connection Option 2 in the application (including a substation extension on third party land) and will bring forward a change to the Application to account for the removal of this Option. We also note the Applicant's intention to bring forward a change to the application to remove the whole of Sunnica West B from the Proposed Development as a site proposed for solar development (and its associated mitigation), the "crash site exclusion area" at Isleham, and to exclude (via changes to the Works Plans) an area encompassing the concentration of features in the north of field W04.

In relation to the Option 2 land, the Applicant seeks to retain powers for the compulsory acquisition of rights to enable cabling to pass through that land to connect to Burwell substation; in relation to Sunnica West B it would still require a cable corridor to connect to the substation, and there will still be a need for the cable route corridor to traverse along the northern boundary of W04 to the north of the additional area of protection.

The Applicant's document [REP3A-037] was also discussed in more detail in the Issue Specific Hearing (ISH3) held on 8 December 2022 under the agenda item Principle and Nature of Development. All local authorities present indicated that in their view the proposed changes to the application did not require additional non-statutory consultation. There were no views expressed to the contrary, however the ExA agrees with the views expressed by some Interested Parties that the procedure should be governed by the overarching principle of fairness.

The ExA considers that no extra statutory consultation is required for these proposed changes and confirms that the Applicant should proceed with submitting the Changes Application at **Deadline 5**. Provided this occurs we consider that all Interested Parties will be able to make submissions in respect of the consequences of the proposed changes within the Examination process.

Further consideration will be given to any consequential changes deemed to be necessary to the Examination timetable which will be notified to the Applicant and all Interested Parties.

Yours faithfully

Grahame Kean

Grahame Kean
Lead Panel Member for the Examining Authority

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