



ID Number: 20031311

Sunnica Energy Farm – Ref. EN010106

Issue Specific Hearing 3 (8 December 2022) – (ISH3)

on:

Principle and nature of development

Air quality and human health

Socio-economics and land use

Water resources, flood risk and drainage

Public rights of way

West Suffolk Council Registration ID Number: 20031311

Deadline 4

16 December 2022

Issue Specific Hearing 3 (8 December 2022)**Post hearing submissions including written summary of West Suffolk Council's Oral Case**

Topic	West Suffolk Council's Response	References
Agenda Item 1 – Welcome, introductions and arrangements for the Issue Specific Hearing		
	Ruchi Parekh appearing on behalf of West Suffolk Council accompanied by Julie Barrow (Principal Planning Officer), Matthew Axton (Environment Officer)(v) and Andrea Mayley (Service Manager (Economic Development and Growth))(v)	
Agenda Item 2 – Principle and nature of the development		
	<p>In relation to the discussion that took place on the Applicant's proposed changes to the scheme and whether the Applicant is required to undertake a period of non-statutory consultation, West Suffolk Council (WSC) is in agreement with the other host authorities that this is not required and that all Interested Parties will have an opportunity to comment on the proposed changes and their implications through the Examination. WSC would encourage the Applicant to submit the change request application as soon as practicably possible to ensure that there is sufficient time for all Interested Parties to comment on the changes and for the changes to be considered in the Examination.</p> <p>a. <u>Implications for the proposed development of an eventual recommendation to delete a part or parts of the Order limits</u></p> <p>WSC endorses the points made by Suffolk County Council (SCC) regarding the fact that in-combination effects were not discussed at ISH2 as originally intended and that the ExA intends to return to this subject at another point in the Examination.</p> <p>WSC concurs with the comments made by SCC in relation to parcels E05, E12 and E13, namely that there are important outstanding concerns regarding these parcels. WSC is particularly concerned as to the in combination effects on landscape and</p>	

	<p>ecology caused by the inclusion of these parcels in the scheme. See WSC's ISH2 Post Hearing Submission.</p> <p>WSC emphasises that an assessment of whether part or parts of the scheme can or should be removed is necessarily a fact sensitive exercise. The reasons for the deletion of Sunnica West B are noted, but it does not follow that those reasons will also apply to other parts of the scheme (such as the parcels identified above). WSC would like to see the rationale for the continued inclusion of those parts of the scheme identified as being particularly harmful.</p> <p><u>Project lifetimes and draft EN-3</u></p> <p>Paragraph 2.49.12 of draft EN-3 states that 'a time limit of 25 years [for a solar farm] is typical, although applicants may seek consent for differing time-periods for operation'. When read alongside paragraph 2.49.13, it is clear that the draft policy requires a consideration of the impacts of a proposal in the context of the operational time limit sought. The proposed 40 year time limit is plainly significantly longer than the anticipated, 'typical' 25 year period which is set out in the draft policy, and the longer duration of the adverse impacts of this scheme must therefore be considered in the overall assessment.</p> <p>There is also a further relevant consideration relating to the project lifetime. This is linked to previous submissions made by WSC on the wide definition of "maintain" and the related Article 5 power to maintain authorised development. Given the breadth of this power, there are concerns that over a 40 year period (compared to the typical 25 year period), the Applicant may in fact rely on Article 5 to undertake a wholesale replacement or reconstruction of the scheme (subject to the limitations therein). WSC is concerned that the 40 year period will in fact necessitate extensive replacement of individual components, as compared to a scheme which is operational for only 25 years.</p>	
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	<p>b. <u>Benefit to local community from reduce energy costs</u></p> <p>WSC does not consider there will be any direct link between this scheme and a reduction in energy costs to any parts of the community (including those with protected characteristics).</p>	
Agenda Item 3 – Socio-economics and land use: agriculture, soil quality, the horse racing industry, economic and employment effects		
	<p>a. <u>Agricultural land classification</u></p> <p>i. <u>Adequacy of agricultural land classification surveys, relevance of irrigation needs</u></p> <p>WSC note the position statement submitted by Natural England in lieu of attendance at the hearing. In the position statement Natural England state that 'detailed soil and ALC data along the cable routes is required to inform a baseline for ALC grade as well as soil properties to inform the EIA, soil handling and reinstatement criteria'. WSC supports this position and considers that this information should be submitted during the course of the Examination and not post-consent.</p> <p>WSC welcomes the Applicant's confirmation that a technical note on matters raised by Natural England is being prepared and will be submitted at Deadline 4.</p> <p>ii. <u>Whether assessment of best and most versatile (BMV) agricultural land accords with planning policy</u></p> <p>WSC notes the concerns raised by the Say No to Sunnica Action Group in respect of the assessment of best and most versatile agricultural land and would like to see these addressed fully by the Applicant, as the Council does not have its own expert.</p> <p>b. <u>The effects of the Proposed Development on the local community and economy</u></p> <p>i. <u>Horse racing industry (HRI)</u></p>	[AS-313]

	<p>Newmarket is recognised as the international home of horse racing. This arises from the unique assembly of horse racing interests within and around the town that cover all aspects of the Horse Racing Industry. It is the only place in the country offering such facilities. Long established planning policies have sought to safeguard the unique heritage of Newmarket, its landscape setting and the economic importance of the HRI. Any proposed development that will adversely affect the economic, social and environmental role of the HRI will not be permitted unless the benefits would significantly outweigh any adverse impact. This is enshrined in Joint Development Management Policy DM48.</p> <p>ii. <u>Generally: employment assumptions, effects in local economy and compensation package for local communities</u></p> <p>WSC endorse the position set out in SCC's ISH3 post-hearing submission.</p>	
Agenda Item 4 – Air quality and human health		
	<p>a. <u>Battery energy storage system (BESS) – safety</u></p> <p>WSC reiterates the concerns highlighted in the LIR at Chapter 18 and notes that these concerns remain within the community. WSC does not have the expertise to review and comment in detail on the technical material submitted by the Applicant and the SNTSAG in relation to battery technology and safety. WSC seek to rely on the expertise of the Suffolk Fire & Rescue Service (through SCC) in relation to firefighting and the ability of the service to deal with a fire within a BESS site. WSC note that there is no published guidance or regulation on the subject to BESS on which it can rely in its assessment of the submitted material.</p> <p>WSC consider that a significant number of assumptions and therefore assertions have been made by the Applicant within the submitted documentation. Until the size, power rating and chemical make-up of the BESS is determined it is not possible to fully assess any potential air quality impacts. Provided SCC are the responsible authority for the discharge of Requirement 7 in relation to the OBFSMP, WSC</p>	[REP1-024]

	<p>understands that these matters can be adequately addressed at the appropriate point post-consent.</p> <p>b. <u>Emergency planning including evacuation plans</u></p> <p>WSC notes that it is the Applicant's intention to produce an emergency response plan in conjunction with the BFSMP, which is required post-consent. WSC suggests that an outline/framework emergency response plan is prepared at this stage by the Applicant and that the Applicant consults with Suffolk Resilience in connection with this - Suffolk Resilience Suffolk County Council.</p>	
Agenda Item 5 – Water resources, flood risk and drainage		
	<p>WSC notes that SCC as Lead Local Flood Authority will be responsible for addressing any specific matters that the ExA wish to discuss on this topic.</p>	
Agenda Item 6 – Public rights of way		
	<p>WSC agrees with the points raised by SCC and CCC in relation to the following:</p> <ul style="list-style-type: none"> • That the applicant should seek to avoid closures of PRoW during the course of construction with alternative routes provided where closure is unavoidable (with appropriate signage); • All diversion/alternative routes should be agreed with the local highway authorities prior to implementation; • That it is essential that all PRoW are restored to their existing condition in the event that any damage is caused during construction; and • The Applicant should review the provision of permissive paths and seek to deliver further routes in an area which does not benefit from an extensive an PRoW network. <p>WSC welcomes the Applicant's commitment to the enhancement of the existing PRoW network and that it will work with the county councils in this regard.</p>	