

# Say No To Sunnica Action Group Ltd

Badlingham Farm, Chippenham, Ely, Cambridgeshire, CB7 5QQ



**11 January 2023**

Dear Mr Kean,

## **Planning Act 2008 (as amended)**

### **Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm (the DCO Application)**

#### **Interested Party ID 20031080**

We write in respect of the new documents produced by the Applicant at Deadline 4 which were released shortly before Christmas. The Examining Authority will be aware that the Applicant has produced various documents responding to the cases advanced by interested parties [REP4-034] – [REP-4-037]. Of note is the fact that these documents do not confine themselves to commenting on those matters permitted at deadline 4 (or referred to the letter issued by Sunnica at deadline 3A [REP3A-001]), but extend to the whole of the case advanced by some interested parties. In addition, the Applicant has produced a further report concerning the horseracing industry [REP4-039] of which approximately half of is a rebuttal of the Rapleys report produced by SNTS at deadline 2 [REP2-240f].

SNTS is concerned that these expansive documents appear to have been provided with no proper warning, out of line with the examination timetable, and immediately prior to the Christmas break when expert availability is problematic. SNTS also has concerns about an approach which allows for the 'ping-ponging' of submissions between the parties. In no small part, this has led to a dribble of new information and evidence from the Applicant which should have been provided either: (1) as part of the original application; or, (2) in response to the submissions at deadline 2 (to be provided at deadline 3 and 3A). SNTS is of the view that this approach is procedurally unfair to interested parties, and puts them at a distinct disadvantage in the examination process.

At this stage, SNTS proposes to make those submissions it can in respect of the documents provided by the Applicant at deadline 4 by deadline 5. This will include those items requested by the Examining Authority at the hearings in December 2022. However, it will not be possible for all such submissions replying to the documents produced by the Applicant to be produced

by that point. Indeed, in respect of certain matters (e.g. ecology), a delay to deadline 6 would accommodate the consideration of those documents due to be provided by the applicant by deadline 5 in any event. This would avoid a proliferation of documents.

It is unfortunate that this approach is necessary, however SNTS feel that it is necessary to engage with the extensive rebuttals produced by the Applicant to maintain some fairness in the process. SNTS would invite the Examining Authority to issue rules to make clear what documents the Applicant can reply to when, and to encourage the Applicant to set its final case out clearly so that it can be properly examined.

Yours Sincerely

**Catherine Judkins (Director and Chair)**

Electronically signed.