



The Planning Inspectorate

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All Interested Parties, Statutory
Parties and any Other Person invited
to the Preliminary Meeting

Your Ref:

Our Ref: EN010106

Date: 25 January 2023

Dear Sir / Madam

Planning Act 2008 (as amended) – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(3) and Rule 9

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

Applicant's Change Request of 13 January 2023 [[REP5-059](#)]

The Applicant gave notice in its Deadline 3 submission 'Update by the Applicant on Heritage Matters and Substation Connection' [[REP3A-037](#)] of its intention make further changes to the application. The proposed changes were referred to by the Applicant at the CAH1, ISH2 and ISH3 hearings held on 6, 7 and 8 December 2022.

The Examining Authority (ExA) wrote to the Applicant on 12 December 2022 [[PD-020](#)], confirming that no extra statutory consultation was required for these proposed changes and confirmed that the Applicant should proceed with submitting the Changes Application at Deadline 5, and that provided that occurred all Interested Parties would be able to make submissions in respect of the consequences of the proposed changes within the Examination process.

The Applicant formally submitted its second Change Request (CR2) (Deadline 5 Submission - 8.74 Second Change Application request [[REP5-059](#)]) subsequently, at Deadline 5 on 13 January 2023. The Applicant proposes four changes to the Proposed Development:

- Change 1 – Removal of the Burwell National Grid Substation Extension Option 2 from the Scheme.
- Change 2 – Removal of Sunnica West Site B.

- Change 3 – Inclusion of additional archaeological offset areas. There are two new archaeological offset areas being incorporated into the Scheme, the first at E05 to remove the crash crater and the second an area of concentrated archaeological features within W04.
- Change 4 – Removal of Cable Route Access L and use of the Campus Access Road to HPUT's premises, being one of the access options for the cable route corridor between what was West Site B and Burwell Substation. This removal follows on-going negotiations with HPUT and its tenants.

The ExA notes that 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 document [REP5-059] identifies that the changes proposed are being made directly as a result of feedback that the Applicant has received through the Examination process. 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.

The CR2 contains a statement fully describing and setting out the need for the proposed changes, a schedule of application documents and plans, including those related to the compulsory acquisition and temporary use of land, listing consequential revisions. The Applicant has also provided a statement confirming that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) do not apply.

We further note that consideration has been given as to whether the changes would result in updates required to the Habitats Regulations Assessment documentation submitted with the Application, and note the conclusions of the Habitats Regulations Assessment [APP-092] are not altered or require a new European Protected Species licence, or reflect any impediment to the grant of other consent or licence required outside the Development Consent Order (DCO) process.

The findings of the environmental appraisal of each requested change confirm that the likely significant environment effects have been adequately assessed in the Environmental Statement submitted with the application and that the environmental information contained within the Environmental Statement has met the publicity requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Whether or not the proposed changes are material or non-material is a matter for the ExA. We have given careful consideration to the question of what is or is not a material change. We agree with the Applicant's conclusion that the changes proposed in CR2 considered individually or collectively, separately or cumulatively, would not result in any material changes to the underlying proposed development to which the application relates.

Change to the Examination Timetable

Consequently, the ExA is satisfied that the information provided in the CR2 is of a satisfactory standard for examination and that there is sufficient time within the

Examination for the proposed changes to be properly and fairly examined, subject to a minor change to the Examination timetable in respect of the publication of ExQ3 and notification of the ASI4 itinerary, as indicated in Annex A to this letter. Therefore, we accept the proposed changes into the Examination of the Application as non-material changes.

If you have any further questions concerning any of the matters set out in this letter, please contact the Case Team at sunnica@planninginspectorate.gov.uk or 0303 444 5000.

Yours faithfully

Grahame Kean

Grahame Kean
Lead Panel Member of the Examining Authority

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Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
19.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any revised/updated SoCG (If any) • Applicant’s revised draft of DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 5 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information received Comments on any further information requested by the ExA and received by Deadline 5 	<p>Monday 30 January 2023</p>
20.	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA’s Third Written Questions (ExQ3) (If required) • ExA’s final itinerary for ASI4 	<p>Friday 3 February 2023</p>
21.	<p>Publication of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) 	<p>Monday 13 February 2023</p>

22.	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Accompanied Site Inspections (ASI4) (if required) • Open Floor Hearings (OFH) (if required) • Issue Specific Hearings (ISH) (if required) • Compulsory Acquisition Hearings (CAH) (if required) 	<p>Tuesday 14 February 2023 to Friday 17 February 2023</p>
23.	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA's commentary on, or schedule of changes to, the draft DCO 	<p>Thursday 23 February 2023</p>
24.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post Hearing Submissions, including written submissions of oral case • Responses to ExA's Third Written Questions (ExQ3) (If issued) • Comments on revised/updated SoCG (if any) • Comments on ExA's commentary on, or schedule of changes to, the draft DCO • Updated Guide to the Application • Updated Book of Reference (BoR) and Schedule of Changes to the BoR • Updated Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 6 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of the Examination Rules • Comments on any further information received Comments on any further information 	<p>Friday 3 March 2023</p>

	requested by the ExA and received by Deadline 6	
25.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES • Final SoCG • Final DCO Final DCO to be submitted by the Applicant in the SI template with the SI template validation report • Final Statement of Commonality of SoCG • List of matters not agreed where SoCG could not be finalised • Final Guide to the application • Final updated BoR Final BoR and schedule of changes to BoR • Final Schedule of Negotiations • Comments on any Additional Submissions accepted at the discretion of the ExA by Deadline 7 • Comments on any further information received Comments on any additional information/submissions received by Deadline 7 • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Monday 13 March 2023</p>
26.	<p>Deadline 9</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by ExA Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	<p>Tuesday 28 March 2023</p>

27.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Tuesday 28 March 2023
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Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after each Deadline for submissions.