



SUNNICA ENERGY FARM

EN010106

Volume 8

8.104 Applicant's response to Suffolk County Council's proposed amendments to Schedule 1 of the DCO

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



3 March 2023
Revision 00

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**Sunnica Energy Farm
Development Consent Order 202[x]**

**8.104 Applicant's response to Suffolk County Council's proposed
amendments to Schedule 1 of the DCO**

Planning Inspectorate Scheme Reference	EN010106
Application Document Reference	EN010106/APP/8.104
Author	Sunnica Energy Farm Project Team

Version	Date	Status of Version
Rev 00	3 March 2023	Deadline 7 Submission

Table of contents

1	Introduction	4
2	Comments on drafting	4

1 Introduction

1.1.1 The Local Planning Authorities are seeking the removal of selected field parcels from the Scheme. At Issue Specific Hearing 4 (“**ISH4**”) Suffolk County Council (“**SCC**”) advocated that if the ExA were minded to agree with SCC’s and Cambridge County Council’s (“**CCC**”) preference for their recommended fields to be removed, then that removal could be achieved by relatively simple drafting amendments to Schedule 1. SCC were invited to submit this drafting to the examination.

1.1.2 The Applicant responded to a question from the ExA during the second round of questions which dealt with this point. The relevant question is Q2.0.98 and the Applicant responded in its response to second written questions [**REP5-56**]. The Applicant made the same submissions at ISH4 and which are summarised in its Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing on Environmental Matters on 16 February 2023 [**Document Ref: 8:100**].

1.1.3 The Applicant was provided with the proposed amendments to Schedule 1 in advance of Deadline 7, which it is grateful to SCC for sharing. That drafting is enclosed at **Appendix 1** of this document. The Applicant does not repeat its previous submissions which are cross referred to above. The reader can refer to those documents to understand the Applicant’s position. However, in summary the Applicant does not consider that SCC’s amendments work. If the ExA is minded to seek the removal of field parcels from the Scheme the Applicant would ask that this is set out in the ExA’s commentary on, or schedule of changes to, the draft DCO which is to be published on 10th March 2023. The Applicant will then consider how those changes could be given effect, if at all.

2 Comments on drafting

2.1.1 SCC’s proposed amendments are as follows:

2.1.1.1 Amendments to Work No. 1A and Work No. 6A: Removal of land plots 2-02 and 3-01 to enable removal of field E-05. The Applicant does not accept that the removal of E-05 is justified and has explained its position in the documents referred to above and refers the ExA to those response. In any event, should E05 be removed there would be no need for Work No. 1A(iii) to be allowed in plots 2-02 and 3-01 given there would be no need for electrical cables given E05 is at the edge of the Scheme.

2.1.1.2 Amendments to Work No. 1B and Work No. 6B: Removal of land plots 5-03, 5-07 and 7-01 to enable removal of fields E12 and E13. The Applicant does not accept that the removal of these fields is justified and has explained its position in the documents referred to above. However, despite that reasoning, and as discussed at Issue Specific Hearing 4, the Applicant has amended the landscaping proposals around U6006 in fields E12 and E13 so that the “openness” (using SCC’s phrase from the Issue Specific Hearing) of this area is retained. This additional set back does not require any amendments to the Development Consent Order as it is secured via the Outline Landscape and Ecological Management Plan (“**OLEMP**”). The updated OLEMP is submitted at Deadline 7. The proposed Scheme on fields E12 and E13 would therefore need to be designed in accordance with that setback identified in the OLEMP (requirement 8 of the draft Development Consent Order requires the final form Landscape and Ecology Management Plan to be in accordance with the OLEMP).

2.1.1.3 Amendments to Work No. 1C, Work No. 2C and Work No. 6C: Removal of land plots 10-21, 11-07, 11-08, 12-02, 13-02, 13-03, 13-04, 14-01, 14-02 and 14-03 to enable removal of Sunnica West A. The Applicant does not accept that the removal of Sunnica West B is justified and has explained its position in the documents referred to above.

2.1.2 Putting aside the Applicant's position on whether or not the fields identified above should be removed, the approach taken by SCC does not, in the Applicant's view, work and has fundamental flaws.

2.1.3 First, in respect of the wholesale removal of fields E12 and E13 and Sunnica West A, SCC's drafting fails to grapple with the implications of their removal in respect of the cable corridor. The drafting takes the simplistic approach of enabling the cable corridor to be located anywhere within the removed fields, despite the fact that the Applicant is seeking a far narrower corridor on fields that do not also contain Work No. 1 or Work No. 2. This issue is particularly acute for Sunnica West A, where the proposed drafting simply enables the cable corridor to suddenly branch out into fields W10, W11 and W12, enabling the Applicant to locate the cable anywhere within those fields and subsequent fields. It is the Applicant's position, that should these fields, and in particularly Sunnica West A, be removed then an identified cable corridor would need to be shown on the relevant plans and justified.

2.1.4 Second, SCC has failed to grapple with the compulsory acquisition test. In the absence of a cable corridor within the fields proposed to be removed, the Applicant would need to seek the compulsory acquisition of rights throughout the whole field. This would not, in the Applicant's view, be acceptable or justified given the cable corridor could then be located in the middle of the removed fields rather than along field boundaries. This again emphasises the need for a cable corridor to be identified in the event the fields proposed are removed. If this were to be identified, then this would have the consequence of sub-dividing land plots, requiring changes to the Book of Reference, Land and Crown Land Plans and Works Plans and the required additions to Schedule 8 of the draft Development Consent Order.

2.1.5 Third, the OLEMP would need to be revised to take into account the removal of the fields. SCC already hints at this in their revised drafting, working through the various permutations that could arise regarding the stone curlew reserve should all or some of E-05, E12 and E13 be removed. The extent to which the OLEMP would require revision and updating would depend on the ExA's position regarding any removal of fields. Should the ExA agree with the Applicant's approach of retaining E05, the additional set back in E12 and E13 and the retention of Sunnica West A, then the OLEMP submitted at Deadline 7 would be the final version of that document.

2.1.6 Fourth, SCC's drafting fails to account for their own "half-way house" position in which restrictions on the developable areas of E12, E13 and E05 were proposed. SCC's drafting suggests complete deletion of these parcels, despite its recognition that its concerns could in large part be addressed by restrictions on the developable area.

2.1.7 In summary, the Applicant is concerned that SCC's drafting approach is overly simplistic and ignores the fact that a cable corridor within the removed fields would need to be identified and shown on the Land and Crown Land Plans and Works Plans as well as updated drafting to Schedule 8 of the Development Consent Order.

A.1.1.1 Appendix A – SCC's proposed drafting amendments to Schedule 1.

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

1. In this Schedule—

“battery stations” means a station comprising transformers, switchgear, power conversion system (PCS) or inverter, and other ancillary equipment with each component for each battery station either—

(a) located outside, with a concrete foundation slab or concrete piling for each of the inverters and transformers and a levelling layer of thick sand with a concrete perimeter pavement for the switchgear; or

(b) housed together within a container sitting on a concrete foundation slab or concrete piling;

“East A Site” means land that forms part of the authorised development located south of Isleham in Cambridgeshire and Suffolk as shown on the works plans;

“East B Site” means land that forms part of the authorised development located between Worlington and Freckenham in Suffolk as shown on the works plans;

“energy storage” means equipment used for the storage of electrical energy;

“existing substation” means the existing substation at Burwell, Weirs Drove, Burwell, Cambridge CB25 0BP, owned and operated by NGET;

“inverter” means electrical equipment required to convert direct current power generated to alternating current;

“mounting structure” means a frame or rack made of galvanised steel or other material designed to support the solar modules and mounted on piles driven into the ground by one of the following methods: piles rammed into a pre-drilled hole, a pillar attaching to a steel ground screw, pillars fixed to a concrete foundation, or a pillar set in concrete in a pre-made hole in the ground (micro piled);

“permissive paths” means new access tracks providing restricted public access within the Order limits along the route shown in Annex A to the outline landscape and ecology management plan;

“solar module” means a solar photovoltaic panel designed to convert solar irradiance to electrical energy fitted to mounting structures;

“solar stations” means a station comprising inverters, transformers and switchgear with each component for each solar station either—

(a) located outside, with a concrete foundation slab for each of the inverters, transformers and switchgear and a levelling layer of thick sand with a concrete perimeter pavement; or

(b) housed together within a container sitting on a concrete foundation slab and a levelling layer of thick sand with a concrete perimeter pavement;

“substation” means a compound, containing electrical equipment required to switch, transform, convert electricity and provide reactive power compensation mounted on a reinforced foundation slab or piling;

“switchgear” means a combination of electrical disconnect switches, fuses or circuit breakers used to control, protect and isolate electrical equipment;

“transformer” means a structure containing an electrical device to transform electricity by increasing or reducing the voltage; and

“West A Site” means the land that forms part of authorised development located within the southern fields of the Chippenham Park Estate bordering the A11 and A14 corridor in Cambridgeshire as shown on the works plans.

2. In the Districts of West Suffolk and East Cambridgeshire in the Counties of Cambridgeshire and Suffolk a nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act and associated development under section 115(1)(b) of the 2008 Act.

The nationally significant infrastructure project comprises up to one generating station with a gross electrical output capacity of over 50 megawatts comprising all or any of the work numbers in this Schedule or any part of any work number in this Schedule—

Work No. 1— a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—

(a) **Work No. 1A**— **subject to sub-paragraph (aa)**, works on the East A Site comprising—

- (i) solar modules;
- (ii) solar stations;
- (iii) electrical cables including electrical cables connecting to Work No. 3A;
- (iv) monitoring and control systems housed within a control room building or container; and
- (v) weather stations and direct current (DC) electrical boxes.

(aa) Other than works comprised within or for the purposes of sub-paragraph (a)(iii), Work No. 1A works must not be constructed on the land labelled plots 2-02 and 3-01 on the land plans.

(b) **Work No. 1B**— **subject to sub-paragraph (ba)**, works on the East B Site comprising—

- (i) solar modules;
- (ii) solar stations;
- (iii) electrical cables including electrical cables connecting to Work No. 3B;
- (iv) monitoring and control systems housed within a control room building or container; and
- (v) weather stations and DC electrical boxes.

(ba) Other than works comprised within or for the purposes of sub-paragraph (b)(iii), Work No. 1B works must not be constructed on the land labelled plots 5-03, 5-07, and 7-01 on the land plans, and

(c) **Work No. 1C**— **subject to sub-paragraph (ca)**, works on the West A Site comprising—

- (i) solar modules;
- (ii) solar stations;
- (iii) electrical cables including electrical cables connecting to Work No. 3C;
- (iv) monitoring and control systems housed within a control room building or container; and
- (v) weather stations and DC electrical boxes.

(ca) Other than works comprised within or for the purposes of sub-paragraph (c)(iii), Work No. 1C works must not be constructed on the land labelled plots 10-21, 11-07, 11-08, 12-02, 13-02, 13-03, 13-04, 14-01, 14-02 and 14-03 on the land plans,

and associated development within the meaning of section 115(2) of the 2008 Act including—

Work No. 2— an energy storage facility of up to 500 megawatts of power at the point of grid connection including—

(a) **Work No. 2A**— a battery energy storage compound on the East A Site comprising— (i) battery energy storage cells;

(ii) a structure protecting the battery energy storage cells comprised in Work No. 2A(i) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;

(iii) heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers comprised in Work No. 2A(ii), attached to the side or top of each of the containers, or located separate from but near to each of the containers;

(iv) battery stations;

- (v) monitoring and control systems housed within a container with the HVAC or liquid cooling systems in Work No. 2A(iii) or located separately in its own container or control room;
 - (vi) electrical cables including electrical cables connecting to Work No. 3A;
 - (vii) fire safety infrastructure comprising fire suppression system; and
 - (viii) a water storage structure for the purposes of firefighting comprising fire water tanks and fire water containment.
- (b) **Work No. 2B**— a battery energy storage compound on the East B Site comprising— (i) battery energy storage cells;
- (ii) a structure protecting the battery energy storage cells comprised in Work No. 2B(i) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;
 - (iii) heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers comprised in Work No. 2B(ii), attached to the side or top of each of the containers, or located separate from but near to each of the containers;
 - (iv) battery stations;
 - (v) monitoring and control systems housed within a container with the HVAC or liquid cooling systems in Work No. 2B(iii) or located separately in its own container or control room;
 - (vi) electrical cables including electrical cables connecting to Work No. 3B;
 - (vii) fire safety infrastructure comprising fire suppression system; and
 - (viii) a water storage structure for the purposes of firefighting comprising fire water tanks and fire water containment.
- (c) ~~Work No. 2C— a battery energy storage compound on the West A Site comprising—~~
- (i) ~~battery energy storage cells;~~
 - (ii) ~~a structure protecting the battery energy storage cells comprised in Work No. 2C(i) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;~~
 - (iii) ~~heating, ventilation and air conditioning (HVAC) or liquid cooling systems either housed within the containers comprised in Work No. 2C(ii), attached to the side or top of each of the containers, or located separate from but near to each of the containers;~~
 - (iv) ~~battery stations;~~
 - (v) ~~monitoring and control systems housed within a container with the HVAC or liquid cooling systems in Work No. 2C(iii) or located separately in its own container or control room;~~
 - (vi) ~~electrical cables including electrical cables connecting to Work No. 3C;~~
 - (vii) ~~fire safety infrastructure comprising fire suppression system; and~~
 - (viii) ~~a water storage structure for the purposes of firefighting comprising fire water tanks and fire water containment.~~

Work No. 3— onsite substations including—

- (a) **Work No. 3A**— works on the East A Site comprising— (i) substation;
- (ii) control building or container;
- (iii) welfare facilities;
- (iv) hardstanding areas; and
- (v) electrical cables including electrical cables connecting to Work Nos. 1A, 2A and 4;
- (b) **Work No. 3B**— works on the East B Site comprising— (i) substation;
- (ii) shunt reactor;
- (iii) control building or container;

- (iv) welfare facilities;
- (v) hardstanding areas; and
- (vi) electrical cables including electrical cables connecting to Work Nos. 1B, 2B and 4; and
- (c) **Work No. 3C**— works on the West A Site comprising—
 - (i) substation;
 - (ii) control building or container;
 - (iii) welfare facilities;
 - (iv) hardstanding and parking areas; and
 - (v) electrical cables including electrical cables connecting to Work Nos. 1C, 2C and 4.

Work No. 4— works to lay electrical cables and temporary construction laydown areas for the electrical cables including—

- (a) electrical cables connecting Work No. 3A to Work No. 3B;
- (b) electrical cables connecting Work No. 3B to Work No. 3C;
- (c) electrical cables connecting Work No. 3C to the existing substation; and
- (d) up to 15 temporary construction laydown areas comprising—
 - (i) areas of hardstanding, compacted ground or track matting; (ii) car parking;
 - (iii) area to store materials and equipment;
 - (iv) site and welfare offices and workshops;
 - (v) security infrastructure, including cameras, perimeter fencing and lighting;
 - (vi) safety infrastructure to warn and manage traffic when crossing roads or other obstacles;
 - (vii) site drainage and waste management infrastructure (including sewerage); and (viii) electricity, water, waste water and telecommunications connections.

Work No. 5— Not Used.

Work No. 6— works to create, enhance and maintain green infrastructure, including—

- (a) **Work No. 6A**— **subject to sub-paragraph (ab)**, works on the East A Site comprising—
 - (i) soft landscaping including planting;
 - (ii) landscape and biodiversity enhancement measures;
 - (iii) earth works;
 - (iv) permissive paths;
 - (v) hard standing and hard landscaping;
 - (vi) drainage and irrigation infrastructure and improvements or extensions to existing irrigation systems;
 - (vii) fencing, gates, boundary treatment and other means of enclosure; and
 - (viii) improvement, maintenance and use of existing private tracks.

(ab) Other than for the purposes associated with the works comprised in the works within sub-paragraph (a)(iii) of Work No. 1A or within Work No. 4, Work No. 6A must not be constructed on the land labelled plots 2-02 and 3-01 on the land plans.
- (b) **Work No. 6B**—**subject to sub-paragraph (ba)**, works on the East B Site comprising—
 - (i) soft landscaping including planting;
 - (ii) landscape and biodiversity enhancement measures;
 - (iii) earth works;
 - (iv) permissive paths;
 - (v) hard standing and hard landscaping;

- (vi) drainage and irrigation infrastructure and improvements or extensions to existing irrigation systems;
- (vii) fencing, gates, boundary treatment and other means of enclosure; and
- (viii) improvement, maintenance and use of existing private tracks.

(ba) Other than for the purposes associated with the works comprised in the works within sub-paragraph (b)(iii) of Work No. 1B or within Work No. 4, Work No. 6B must not be constructed on the land labelled plots 5-03, 5-07 and 7-01 on the land plans, and

(c) **Work No. 6C**— subject to sub-paragraph (ca), works on the West A Site comprising—

- (i) soft landscaping including planting;
- (ii) landscape and biodiversity enhancement measures;
- (iii) earth works;
- (iv) hard standing and hard landscaping;
- (v) drainage and irrigation infrastructure and improvements or extensions to existing irrigation systems;
- (vi) fencing, gates, boundary treatment and other means of enclosure; and
- (vii) (vii) improvement, maintenance and use of existing private tracks.

(ca) Other than for the purposes associated with the works comprised in the works within sub-paragraph (c)(iii) of Work No. 1C or within Work No. 4, Work No. 6C must not be constructed on the land labelled plots 10-21, 11-07, 11-08, 12-02, 13-02, 13-03, 13-04, 14-01, 14-02 and 14-03 on the land plans.

Work No. 7— temporary construction laydown areas including—

(a) **Work No. 7A**— a temporary construction laydown area on the East Site A comprising—

- (i) areas of hardstanding;
- (ii) car parking;
- (iii) site and welfare offices and workshops;
- (iv) security infrastructure, including cameras, perimeter fencing and lighting;
- (v) site drainage and waste management infrastructure (including sewerage); and
- (vi) electricity, water, waste water and telecommunications connections;

(b) **Work No. 7B**— up to five temporary construction laydown areas on the East Site B comprising—

- (i) areas of hardstanding;
- (ii) car parking;
- (iii) site and welfare offices and workshops;
- (iv) security infrastructure, including cameras, perimeter fencing and lighting;
- (v) site drainage and waste management infrastructure (including sewerage); and
- (vi) electricity, water, waste water and telecommunications connections; and

(c) **Work No. 7C**— up to three temporary construction laydown areas on the West Site A comprising—

- (i) areas of hardstanding;
- (ii) car parking;
- (iii) security infrastructure, including cameras, perimeter fencing and lighting; (iv) site drainage and waste management infrastructure (including sewerage); and (v) electricity, water, waste water and telecommunications connections.

Work No. 8— warehouse buildings and permanent compounds comprising—

- (a) **Work No. 8A**— warehouse building and a permanent compound on the East Site A comprising—
 - (i) a warehouse building for the storage for spare parts and office and welfare facilities;
 - (ii) a canteen either located within the warehouse building within Work No. 8A(i) or in a separate container or building;
 - (iii) waste skips;
 - (iv) parking areas; and
 - (v) a permanent compound area; and
- (b) **Work No. 8B**— warehouse building and a permanent compound area on the East Site B comprising—
 - (i) a warehouse building for the storage of spare parts and office and welfare facilities;
 - (ii) a canteen either located within the warehouse building within Work No. 8B(i) or in a separate container or building;
 - (iii) waste skips;
 - (iv) parking areas; and
 - (v) a permanent compound area.

Work No. 9— works to existing streets to facilitate access to Work Nos. 1 to 8.

[Either]

~~**Work No. 10**— works to create and maintain stone curlew reserve.~~

[The deletion of Work No.10 would be in the event that the ExA recommends to the Secretary of State that all panels (and related above ground works) should be removed from parcels E05, E12, and E13 and the Applicant provides to the Examination confirmation from its ecologists that the remaining parts of the development do not require the provision of any stone curlew offsetting measures.]

[or]

Work No. 10— works to create and maintain stone curlew reserve.

[The retention of Work No. 10 would be in the event that the ExA recommends to the Secretary of State that panels (and related above ground works) should not be removed from one or more of parcels E05, E12, or E13. In that eventuality, there would still be a need for Work No.10 to provide for stone-curlew offsetting. The scope of Work No. 10 is not defined in Schedule 1 but is derived from the terms of Requirement 10 in Schedule 2 in conjunction with the certified offsetting habitat provision for stone curlews specification in Schedule 10. It is that specification that may require consequential revision, depending on the nature of the ExA's recommendation. For example, if there were to be no panels in parcels E12 and E13, the specification would not require parcel EC03 to be laid out for stone curlew offsetting. However, if panels were to be retained in parcel E05, the stone curlew offsetting in parcels EC01 and EC02 would still be required.]

In connection with and in addition to Work Nos. 1 to [9] or [10] further associated development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development, and which are within the Order limits and fall within the scope of the work assessed by the environmental statement, including—

- (a) works within highways, including—
 - (i) alteration of the layout of any street permanently or temporarily, including increasing or reducing the width of the carriageway of any street by increasing or reducing the width of any kerb, footway, cycleway, or verge within the street including removal of any vegetation; and altering the level or increasing the width of any such kerb, footway, cycleway or verge within the street including removal of any vegetation; and works for the strengthening, improvement, repair, maintenance or reconstruction of any street;

- (ii) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it, and tunnelling or boring under a street;
- (iii) relocation, removal or provision of new road traffic signs, signals, street lighting, road restraints and carriageway lane markings;
- (iv) works to place, alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights, fencing and other boundary treatments; and
- (v) works to facilitate traffic management and to deliver information relating to the authorised development; and
- (b) other works and development including—
 - (i) works for the provision of fencing and security measures such as CCTV, columns, lighting and communication boxes;
 - (ii) laying down of internal access tracks, ramps, means of access, footpaths, roads and cycle routes;
 - (iii) bunds, embankments, trenching and swales;
 - (iv) boundary treatments, including means of enclosure;
 - (v) glint and glare boarding;
 - (vi) laying out and surfacing of permissive paths, including the laying and construction of drainage infrastructure, signage and information boards;
 - (vii) foundations for structures or buildings being piles driven into the ground, piles rammed into a pre-drilled hole, a pillar attaching to a steel ground screw, pillars fixed to a concrete foundation, or a pillar set in concrete in a pre-made hole in the ground (micro piled);
 - (viii) works to the existing irrigation system and works to alter the position and extent of such irrigation system;
 - (ix) electrical, gas, water, foul water drainage and telecommunications infrastructure connections and works to, and works to alter the position of, such services and utilities connections;
 - (x) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
 - (xi) surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage systems;
 - (xii) site establishments and preparation works including site clearance (including vegetation removal, demolition of existing buildings and structures); earthworks (including soil stripping and storage and site levelling) and excavations; the alteration of the position of services and utilities; and works for the protection of buildings and land; and

tunnelling, boring and drilling works.