



17 March 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)

Deadline 9: Comments on ExA's Schedule of Changes to the Applicant's draft DCO

Dear Mr Kean,

The Say No to Sunnica Action Group Limited (SNTS) is an interested party (ID No **20031080**) in the DCO examination.

SNTS have a small number of comments in respect of the ExA's Schedule of Changes on the draft DCO. These are the following:

Page 2, Article 2

In respect of the definition of 'maintain' provided in Article 2, SNTS agrees with the suggested amendment of the ExA. We would add that, in our view, as a result of the removal of '*alter, remove, refurbish, reconstruct, replace*' the subsequent passage '*but not remove, reconstruct or replace the whole of,*' becomes redundant as this definition no longer provides for removal, reconstruction or replacement at all.

Page 3, Requirement 7(3)

SNTS had concerns about the suggested amendment of the ExA to change the word '*substantially*' to '*entirely*'. It has been part of SNTS's case in this Examination that the OBFSMP is insufficient to manage the risk of the scheme (and particularly the BESS). The response of the Applicant to much of this has been to say that the issues raised are matters for detailed design. SNTS does not accept this response (as has been explored elsewhere in our submissions).

However, for the purposes of amendment to the draft DCO, we note the following. The Applicant itself appears to recognise that the understanding of risk of the scheme may develop at the detailed design stage. It may then be that the Applicant recognises the OBFSMP does not sufficiently respond to an issue. In those circumstances, it is not desirable

that the BFSMP be 'entirely' in accordance with the OFBSMP as that would prohibit the Applicant imposing a more stringent safety requirement in the BFSMP.

Thus, SNTS suggests that the provision be amended to the following:

The BFSMP must be entirely in accordance with the outline battery fire safety management plan, except that the BFSMP may depart from the outline battery fire safety management plan insofar as is necessary to provide for a higher standard of safety than is provided for in that outline plan.

Page 5, Requirement 24

SNTS agrees with the suggested amendment of the ExA to add this requirement. In its case, SNTS has identified the problems with significant or wholesale replacement of parts of the scheme (e.g. battery cells). LPAs are appropriately placed to exercise control over such proposals.

As has most recently been set out at para 39-43 of [REP7-084], SNTS otherwise maintains that its suggested amendments to the draft DCO should be adopted by the Applicant. These are not repeated here as they are not comments on the ExA's Schedule of Changes.

Kind regards,

Dr C Judkins (Director)