



SUNNICA ENERGY FARM DCO EXAMINATION

DEADLINE 10 SUBMISSIONS

SAY NO TO SUNNICA ACTION GROUP LTD

24 March 2023

Introduction

1. The Say No to Sunnica Action Group Limited (SNTS) is an interested party (ID No 20031080) in the DCO examination.
2. In line with the Examination Timetable, the primary purpose of this document is to comment on the Applicant's response to the ExA's Rule 17 request¹ dated 17 March 2023 [**REP9-005**].
3. SNTS does not provide general comment on the documents submitted at deadlines 8 and 9 as it is not provided for in the Timetable. If the Timetable permitted, SNTS would have provided further responses to those documents. Thus, our compliance with the Timetable should not be taken as accepting what the Applicant has submitted at deadline 8 and 9. SNTS maintains its case.

¹ Dated 10 March 2023 [PD-030].

Comment on REP9-005

4. At various points the Applicant has asked that it be given the opportunity to submit new plans in circumstances where the Secretary of State considers some formulation of the scheme removing parcels is appropriate. SNTS notes that this is rather indicative of the problematic way in which the Applicant has put its case, providing no worked up fallback position and presenting its case in an 'all-or-nothing' way which ignores the modular nature of solar and the proper interpretation of national policy.
5. The reason why there is not sufficient time to consider this now (as stated by the Applicant at para 2.1.10) is because of its failure to act on this possibility. Removal of the parcels was identified by the Councils at Deadline 1. It is the Applicant which has not responded to the Councils' position.
6. In circumstances where we do not know what the precise shape of any proposal to the Secretary of State will be, it is not possible to conclude (as the Applicant does at para 2.1.14) that parties' views on of the parcels are well rehearsed. As an absolute minimum, Interested Parties will need the opportunity to comment on any such proposals; however, fairness may require significantly more than this. Representations on *how* any proposal from the Applicant to the Secretary of State should be progressed should be requested once it becomes apparent how much any proposal differs from the Examined scheme.
7. In respect of question 5, SNTS notes that the removal of W03-W12 will fundamentally change the planning justification for W17 (particularly in respect of landscape). It will become a completely incongruous outcrop of BESS in the middle of agricultural fields. It will also be massively oversized in capacity terms to serve W15. SNTS would make strong submissions that removal of W03-W12 must take with it W17. If transformers and BESS are required for W15, this should be provided in a more planning appropriate location.
8. This is an example of such a matter which would not have been properly aired at the Examination and would require more than the mere opportunity for Interested Parties to comment if the Secretary of State requests removal of W03-W12. Indeed, it can be seen from para 2.1.23 of the Applicant's submission that this raises new matters of planning judgment and policy.
9. It is unsatisfactory that this Examination has been unable to consider the alternatives proposed by the Councils at Deadline 1 due to the Applicant's failure to engage.

Other Comment

10. As noted above, the Timetable does not provide for a general response to the documents submitted at deadlines 8 and 9. However, SNTS does provide two points of factual clarification on [REP8-022]:

- a. Page 14, second row: the Applicant says it has '*not identified additional evidence to suggest that the criteria and sources presented in its assessment are incorrect*'. SNTS and others have repeatedly raised the existence of additional evidence relevant to farmland birds. The county bird reports for Cambridgeshire and Suffolk provide that evidence. This was, for example, raised at ISH2 by Dominic Woodfield².
- b. Page 27, first row: the Applicant addresses fencing from a landscape perspective (which is clearly important, and something SNTS has commented on previously). However, the point raised on fencing was not just about landscape but of the crime prevention and safety steps required for such fencing, and the resultant intrusion into privacy and enjoyment of the countryside. With the threat of crime against solar establishments, the need for intrusive security cameras, monitoring, lighting, industrial fencing all increases and will look incongruous and unpleasant in the countryside.

² [REP4-121] PDF page 47 (page 19 of the Bioscan Expert Report post-hearing submissions for ISH2); 6 lines down in column 2 is the record of Dominic Woodfield referring to the country bird reports at ISH2.