



Sunnica Energy Farm project
Freepost SEC Newgate UK Local
info@sunnica.co.uk
Telephone: 0808 168 7925

26 June 2023

Dear Sirs

**Sunnica Energy Farm – application for Development Consent Order
Reference EN010106**

Sunnica Limited (the “**Applicant**”) submitted an application for development consent for Sunnica Energy Farm (the “**Application**”) on 18 November 2021. The Application was accepted by the Planning Inspectorate for examination on 16 December 2021. The examination subsequently commenced on 28 September 2022 and concluded on 28 March 2023. We understand that the Examining Authority appointed to examine the Application will have concluded writing its report on the examination and will have made a recommendation in that report to the Secretary of State for Energy Security and Net Zero (“**Secretary of State**”) as to whether development consent should be granted or not.

Since the close of the examination the Applicant has not submitted any additional materials to the Planning Inspectorate as it is not possible for the Examining Authority to consider those submissions within the legal framework established by the Planning Act 2008. It is therefore submitting this letter now so that the Planning Inspectorate can pass this letter and its enclosures to the Secretary of State alongside the Examining Authority’s report for him to consider. It is not expected that the Examining Authority will give any consideration to this submission.

There are a number of areas that the Applicant would like to update the Secretary of State on since the close of the examination. They are as follows:

1. Licence under Protection of Military Remains Act 1986;
2. Position reached with two land owners;
3. Position reached on highways agreements with the relevant highway authorities;
4. Query from Planning Inspectorate; and
5. Minor amends to Schedule 10 of the DCO.

The above matters are considered in further detail using the above numbering system in this letter.

The Applicant has considered the additional submissions made by Interested Parties at Deadline 11. It has decided that there is little merit in responding to the individual submissions made.

There was no ability for the Applicant to do this in the confines of the examination as the examination closed on the same day as Deadline 11. To respond now could arguably mean that Interested Parties would find it desirable to respond to the Applicant’s responses possibly leading to a delay in a decision on the Application. The Applicant is content that the submissions made at Deadline 11 did not raise any new points and the Applicant has previously set out its position on the matters raised. Of course if the Secretary of State wished to have comments on specific points made the Applicant would be content to respond as required.

1 Position reached under the Protection of Remains Act 1986

During the course of the examination there was discussion around the Isleham Crash Site. A summary of the Applicant's position was recorded on page 32 of the End of Examination Summary Position Paper [REP10-032]. The Applicant has now obtained a licence from the Secretary of State pursuant to section 4 of the Protection of Military Remains Act 1986 to enable development to take place within the potential expanded crash site exclusion area. A copy of that licence is attached at **Appendix A** of this letter.

The Isleham Crash Site is relevant for the purposes of requirement 23 of the draft DCO [REP10-005]. Requirement 23 is required to be read in conjunction with the potential expanded crash site exclusion area plan [AS-318] referenced in Schedule 10 of the DCO.

Paragraph 2 of requirement 23 meant that construction on Work No1A could not commence until the Applicant had either notified Cambridgeshire County Council that a licence was granted under the Protection of the Military Remains Act 1986 or such a licence had not been granted and so no part of Work No.1A could take place in the potential expanded crash site exclusion area. The effect of the licence being granted is that, subject to notifying Cambridgeshire County Council, that Work No.1A can take place within the potential expanded crash site exclusion area. It remains the case that there will be no development at all within the crash site exclusion area (as shown on **AS-317**) and the requirements of paragraph 4 and 5 remain to be complied with.

Notwithstanding the above the Applicant does not believe that the granting of the licence necessitates any changes to the drafting of requirement 23 of the draft DCO.

2 Position reached with landowners

The Applicant would like to update the Secretary of State in respect of negotiations with two landowners.

Agreement was reached with Charlotte Caroline Tilbrook, Heather Kelly Tilbrook, Richard Martin Tilbrook and Joanna Reeks on the 28 March 2023. This is documented in the letter sent by Birketts on the 28 March 2023. We had understood on the final day of the examination that this letter was to be submitted directly to the Planning Inspectorate by Birketts but we subsequently learnt this was not the case. For this reason the Applicant is submitting the letter now (see **Appendix B**) for the Secretary of State's attention. The aforementioned landowners made submissions through the examination but has now withdrawn their objections.

The Applicant and HPUT A Limited and HPUT B Limited have been in further discussions relating to an Option Agreement for an Easement. The terms of which are now understood to be agreed. The Applicant is awaiting confirmation of this from HPUT, but it is expected that progress can be made to exchange the agreement in short order.

3 Position reached on highways agreements with the relevant highway authorities.

In addition, the Applicant would like to update the Secretary of State in relation to the latest position with the relevant highway authorities, Cambridgeshire County Council and Suffolk County Council. The parties have been vigorously pursuing the negotiations with regular meetings taking place between the Applicant and the local highway authorities (in the case of Suffolk County Council, this has been on a weekly basis). Despite no agreement yet having been reached with either highway authority, negotiations are at an advanced stage. The Applicant expects to reach agreement in the coming weeks.

4 Query from Planning Inspectorate

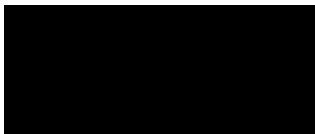
The Applicant was notified by the Planning Inspectorate on 30th May 2023 that the Alternative Without Prejudice Development Consent Order (Tracked) [REP10-035] is not showing the track changes so it could not be considered by the Planning Inspectorate as it hadn't been submitted during Examination. It was therefore requested that the track changes version is sent to the Planning Inspectorate so it can be sent to the Secretary of State for the determination period.

The Applicant responded to confirm that it sent a track changes copy of the Alternative Without Prejudice Development Consent Order to the Planning Inspectorate via email on 27th March 2023, prior to the end of Examination, following a request from the Planning Inspectorate. The Applicant also noted that this needs considering alongside the Without Prejudice Explanatory Memorandum to the Alternative Development Consent Order (Tracked) [REP10-038], which explains the changes the Applicant has made to the draft Alternative Development Consent Order and why it has inserted square brackets. This was required as the Applicant does not know what permutations the Examining Authority or the Secretary of State may decide to adopt, should they not agree with the whole of the Applicant's proposed scheme and make the Applicant's final Order [REP10-005].

5 Minor amendments to Schedule 10 of the final draft Development Consent Order

The Applicant requests that, if the Secretary of State is minded to make the Order, the minor amendments to Schedule 10 (*Documents and plans to be certified*) shown in **Appendix C** to this letter are incorporated into the final Order.

Yours faithfully



Luke Murray
Sunnica Ltd

Appendix A – Licence pursuant to Protection of Military Remains Act 1986



Ministry
of Defence

Defence Business Services
Joint Casualty and Compassionate Centre
Imjin Barracks
Gloucester
GL3 1HW



Andy Mayes BA Hons MCIfA
Associate Director, Archaeologist
AECOM 3rd Floor
Portwall Place, Portwall Lane
Bristol BS1 6NA

Date: 17 May 2023

Dear Mr Mayes

Protection of Military Remains Act 1986

We have now completed the application process and after consultation with the Defense POW/MIA Accounting Agency (DPAA) for the US, we are pleased to advise we can issue Licence number 1924 for the excavation of B50 6060. We would highlight the following caveats in the unlikely event ordnance or human remains are discovered.

The Licence

The licence allows you to excavate this aircraft under the Protection of Military Remains Act 1986. It is valid for one year.

Before starting the excavation:

- **you must contact** the HER officer at East Cambridge: [redacted]@cambridgeshire.gov.uk. They normally require a detailed project design. If you would like help with this you can contact Guy Salkeld, Archaeologist, Defence Infrastructure Organisation (DIO), Telephone 0 [redacted] or email [redacted]@mod.gov.uk
- **you must** tell the landowner, James Edward Waters, The Manor, Lee Farm, Isleham Road, Freckenham, Bury St Edmunds, and any tenants. This is because it is the landowner's right to set their own conditions, in addition to those set out in the Licence
- we recommend you have insurance before you excavate. Please refer to paragraph 2 of the application form.

During the excavation:

- **the licensee must be present during the entire excavation**
- **if live ordnance is found, you must follow the strict conditions given on the licence** (please note, most military aircraft wrecks contain live small arms ammunition which may present a very real hazard if incorrectly stored or handled)

Contact us:

Your reference:

Our reference: DBS/14/2/11

Commemorations & Licensing:

Contact Name: Deborah Morgan

Tel: [redacted]

email external:

[redacted]@mod.gov.uk

Contact Name: Rosie Barron

Tel: [redacted]

This letter has been copied to:
Landowner
HER Officer
DIO

Enclosed:

Licence
Report of Items Removed form
Notes for Guidance

- **if human remains are found, you must follow the strict conditions given on the Licence.**

After the excavation:

- **you must** complete and return the enclosed Report of Items Removed form, even if nothing is found. If you could also let us have photographs of any items. Please note, a copy of the completed form will be sent to the relevant County Council for their information.
- please note that any items found belong to The Crown until it is agreed by us that they will be transferred to you. Paragraph 19 of the Notes for Guidance refers.
- you will need to give East Cambridge HER, a post-excavation report within 3 months of the finished excavation.

More help or explanation

Please contact us if you have any questions

Yours sincerely

Deborah Morgan

Deborah Morgan (Mrs)
Licensing

LICENCE UNDER THE PROTECTION OF MILITARY REMAINS ACT 1986

To: Mr Andy Mayes

- 1 The Secretary of State, pursuant to Section 4 of the Protection of Military Remains Act ("the Act"), hereby authorises you and anyone assisting you at your request, to do anything within the area described in the Schedule to this licence ("the Area"), which would otherwise be an offence under Section 2 of the Act.
- 2 The authority granted by this Licence is subject to the following limitations and conditions.
- 3 If at any time you, or anyone assisting you, discover human remains or unexploded ordnance within "the Area":
 - (a) the authority granted by this Licence shall have no further effect, and accordingly all work under this Licence must cease until an officer of the Ministry of Defence tells you that it is operative again.
 - (b) in the case of human remains:
 - (i) you must forthwith telephone the Ministry of Defence (01452-712612 6303/7330), or, if you fail to get an answer, you must inform the police as soon as possible thereafter;
 - (ii) the remains must be treated with due respect at all times.
 - (iii) the presumed identity of the remains is not to be divulged to anyone, except the Ministry of Defence or the police;
 - (iv) no steps are to be taken to trace and notify the next of kin;
 - (c) in the case of unexploded ordnance:
 - (i) you must forthwith inform the police;
 - (ii) you must on no account interfere with it.
- 4 A report of items recovered is to be rendered to the Ministry of Defence upon completion of the recovery operation.
- 5 **This licence takes effect from 0001 on 17 May 2023 and expires at 2359 on 16 May 2024 unless revoked.**

Licence No:1924

LICENCE UNDER THE PROTECTION OF MILITARY REMAINS ACT 1986

6. This Licence is given solely for the purposes of the Act and does not:
- (a) entitle you to enter any land;
 - (b) affect the rights of any person (including the Crown) as owner of anything found within "the Area", or as owner of the land within "the Area";
 - (c) entitle you to retain anything found within "the Area";
 - (d) constitute a licence or consent to do anything for which licence or consent is required under any other enactment.

THE SCHEDULE

An area of land having a radius of 100 metres around OS map reference: TL655738



Issued on behalf of
the Secretary of State
for Defence

Licence No: 1924

Ministry of Defence
Report of Items Removed under Licence from Aircraft Crash Site
In accordance with
The Protection of Military Remains Act 1986

Licensee's Name:

Address: Representing Group (if any):

Email:

Telephone:

Licence No	Aircraft Type	Aircraft Serial No	Date of Crash	Location (Grid Ref)

Did the Recovery take Place?

Yes	No
-----	----

If YES, the date

--

Was anything removed from the crash site?

Yes	No
-----	----

If YES, please list below:

ITEMS	Qty	REMARKS

(Carry details forward to Continuation Sheet if required)

PLEASE TURN TO NEXT PAGE FOR SIGNATURE

Ministry of Defence
Report of Items Removed under Licence from Aircraft Crash Site
In accordance with
The Protection of Military Remains Act 1986
(Continuation Sheet)

ITEMS	Qty	REMARKS

Signed:..... **Dated:**

Please also write name in Block Capitals.....

To be returned to:
 Defence Business Services, Joint Casualty & Compassionate Centre
 (Commemorations & Licensing), Innsworth House, Imjin Barracks, Gloucester GL3 1HW.

Appendix B – Letter from Birketts dated 28 March 2023

Our Ref: JMD/AES/337926.00001
Your Ref: EN010106
Date: 28 March 2023

Birketts LLP
Providence House
141-145 Princes Street
Ipswich
Suffolk IP1 1QJ

T +44 (0)1473 232300
F +44 (0)1473 230524
DX 3206 Ipswich
birketts.co.uk

By email only: sunnica@planninginspectorate.gov.uk

Dear MrKean


Case Ref: EN010106
Sunnica Energy Farm Development Consent Order (the "Order")
The Tilbrook Family – Withdrawal(s) of Objection

We are writing on behalf of Charlotte Caroline Tilbrook, Heather Kelly Tilbrook, Richard Martin Tilbrook and Joanna Reeks (the "Tilbrook Family").

The Tilbrook Family have property interests across multiple plots within the Order limits (as set out in Appendix 1), which relate to land at La Hogue and Dane Hill. The members of the Tilbrook Family have each been an interested party in the examination of the Order.

The Applicant and the Tilbrook Family have entered into two Option Agreements in relation to their relevant property interests, and on that basis the Tilbrook Family hereby withdraws its objection to the application for the Order.

Yours sincerely,


James Dinwiddy
Partner
for and on behalf of Birketts LLP

On behalf of the Tilbrook Family

Direct Line: 
Direct e-mail: @birketts.co.uk

49120022.v1 Withdrawal Letter
337926.00001 28/03/2023

Appendix 1

Name	Plots
Charlotte and Heather Tilbrook	9-03, 9-04, 9-05, 9-06, 9-07, 10-17, 10-19, 10-28, 10-33, 11-01, 11-02, 11-03, 11-04, 11-05, 11-06
Richard Tilbrook and Joanna Reeks	9-03, 9-04, 9-05, 9-06, 9-07, 10-02, 10-03, 10-05, 10-06, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-17, 10-19, 10-28, 10-29, 10-33, 11-01, 11-02, 11-03, 11-04, 11-05, 11-06

Appendix C – Minor amendments to Schedule 10 (*Documents and plans to be certified*)

SCHEDULE 10

Article 38

DOCUMENTS AND PLANS TO BE CERTIFIED

(1) <i>Document name</i>	(2) <i>Document reference</i>	(3) <i>Revision number</i>	(4) <i>Date</i>
access and rights of way plans	2.3	6	24/03/2023
arboricultural impact assessment	8.46	2	03/03/2023
book of reference	4.3	87	13/03/2023
Campus plan	8.88	1	21 4/03/2023
crash site exclusion area plan	8.89	0	03/0230 03/2023
Deed of Obligation	8.123	0	24 03/2023
design principles	8.87	0	30/01/2023
detailed archaeology mitigation strategy	8.79	1	24/03/2023
drainage technical note	8.83	1	24/03/2023
environmental statement	environmental statement 6.1 (excluding chapters 0, 3 and 16), 6.2 (excluding appendix 7H, 8M, 9C, 10I, 13C, 16C, 16D, 16E and 16F), 6.3 (excluding figures 3-1, 3-2, 3-17a-e, 3-20, 3-25a-d, 3-28a, 3-28b, 3-29, 3-30a, 3-30b, 3-31, 3-32, 9-1, 10-11a-f, 10-12) and 6.4	0	18/11/2021
	environmental statement 6.1 (chapter 0)	1	30/08/2022
	environmental statement 6.1 (chapter 3)	2	11/11/2022
	environmental statement 6.1 (chapter 16)	1	11/11/2022
	environmental statement 6.2 (appendix 7H)	1	13/07/2022
	environmental statement 6.2 (appendix 8M)	2	13/01/2023
	environmental statement 6.3 (figure 3-17a-e)	1	03/03/2023

	environmental statement 6.3 (figures 3-1, 3-2)	2	24/03/2023
	environmental statement 6.3 (figures 3-28a, 3-28b, 3-30a, 3-30b)	1	14/09/2022
	environmental statement 6.3 (figures 3-31, 3-32)	0	30/08/2022
	environmental statement 6.3 (figures 3-20, 3-25a-d, 3-29)	1	30/08/2022
	environmental statement 6.3 (figure 9-1)	1	21/01/2022
	environmental statement 6.3 (figures 10-11a-f, 10-12)	1	19/10/2022
flood risk assessment	Appendix 9C contained in volume 2 of the environmental statement (document reference 6.2) – Part 1	2	24/03/2023
	Appendix 9C contained in volume 2 of the environmental statement (document reference 6.2) – Parts 2-4	1	21/01/2022
	Appendix 9C flood risk assessment addendum – Part 1	1	24/03/2023
	drainage technical note	1	24/03/2023
	FRA clarification document in light of proposed Scheme changes	<u>2</u>	24/03/2023
framework construction environmental management plan	Appendix 16C contained in volume 2 of the environmental statement (document reference 6.2)	7	24/03/2023
framework construction traffic management plan and travel plan	Appendix 13C contained in volume 2 of the environmental statement (document reference 6.2)	5	03/03/2023
unplanned atmospheric emissions from battery energy storage systems	Appendix 16D contained in volume 2 of the environmental	1	11/11/2022

	statement (document reference 6.2)		
framework decommissioning environmental management plan	Appendix 16E contained in volume 2 of the environmental statement (document reference 6.2)	4	13/03/2023
framework operational environmental management plan	Appendix 16F contained in volume 2 of the environmental statement (document reference 6.2)	5	24/03/2023
land and Crown land plans	2.1	6	30/01/2023
outline battery fire safety management plan	7.6	4	24/03/2023
outline landscape and ecology management plan	Appendix 10I contained in volume 2 of the environmental statement (document reference 6.2)	4	24/03/2023
outline skills, supply chain and employment plan	7.7	4	24/03/2022
potential expanded crash site exclusion area plan	8.90	0	03/02/2023
restoration overlap plan	2.9	0	18/11/2021
traffic regulation measures plans – temporary measures	2.4	3	30/01/2023
traffic regulation measures plans – temporary road closures	2.4	3	30/01/2023
tree preservation order trees location plans	8.48	2	24/03/2023
works plans	2.2	5	03/03/2023