

TITLE: Sunnica Non-material change (NMC) application

Committee: Planning Committee

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Proposal: ECDC consultation response to the non-material change (NMC) proposed by Sunnica Limited to The Sunnica Energy Farm Order 2024 (the Development Consent Order, DCO), which came into force on 3rd August 2024.

1.0 RECOMMENDATION

1.1 The Planning Committee is recommended to:

- (a) Approve the draft response (Appendix 1), agreeing with the nature and scope of proposed changes as non-material to the DCO; and
- (b) Delegate authority to the Strategic Planning and Development Management Manager to submit the response on behalf of ECDC.

2.0 EXECUTIVE SUMMARY

- 2.1 Sunnica Limited (Sunnica) is applying to the Secretary of State for Energy Security and Net Zero to obtain a non-material change (NMC) to the The Sunnica Energy Farm Order 2024 (Development Consent Order, DCO), which came into force on 3rd August 2024.
- 2.2 The NMC proposes to amend the DCO red boundary, to include an extended area of approximately 2 hectares (4.94 acres) in size, located to the northwest and adjacent to the Burwell National Grid Substation (Burwell Substation). The extended area is currently being used for hardstanding and has been built on, following the application to the DCO. Sunnica is proposing to change the location for the cabling connection to the substation's new extended area and therefore is seeking to include this area in the DCO limits.
- 2.3 If the inclusion of the extended area is accepted, relevant plans and documents within Schedule 10 of the DCO will need to be amended accordingly, as set out in Appendix 3 – Proposed changes to the Order.

- 2.4 Sunnica has produced an Environmental Report in support of the application and part of the NMC submission. The report found that the proposed change would not give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would it have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment. The report also concludes that no further mitigations beyond those already secured by the Order are required.
- 2.5 In reviewing the information, officers are of the view that the proposed change in the red boundary affects primarily highways and drainage matters. The National Grid Electricity Transmission plc, Cambridgeshire County Council and Swaffham Internal Drainage Board will be consulted directly as part of the process to assess the proposals. ECDC's Ecology and Tree officers have been consulted and raised no objections to the non-material changes, and no further mitigations have been requested by officers.
- 2.6 The Committee is therefore recommended to approve ECDC's draft response as set out in Appendix 1, raising no objection to the changes and confirming that the nature and the scope of the changes are non-material, and would not give rise to any adverse effect beyond those previously identified.

3.0 BACKGROUND

The Sunnica Energy Farm Order 2024

- 3.1 The Sunnica Energy Farm Order 2024 (Development Consent Order, DCO) came into force on 3rd August 2024, authorising the construction, operation, maintenance and decommissioning of a generating station with a gross electrical output capacity of over 50 megawatts (MW), comprising ground mounted solar photovoltaic panel arrays; one or more battery energy storage systems with a gross storage capacity of over 50MW; connection to the UK electricity transmission system and other associated and ancillary development.
- 3.2 The Order granting development consent includes the detailed description of the 'authorised development' in Schedule 1 of the DCO (Appendix 4). The application which resulted in the DCO being made has been examined in accordance with the Infrastructure Planning (Examination Procedure) Rules 2010. The process also considered the report and recommendation of the Examining Authority, taking into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and has had regard to the documents and matters referred to in the Planning Act 2008.
- 3.3 In summary, the authorised development fully described in Schedule 1 of the DCO (Appendix 4) consists of the following:
- Work No. 1 — a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including
 - Work No. 2 — an energy storage facility of up to 500 megawatts of power at the point of grid connection including

- Work No. 3 — onsite substations
- Work No. 4 — works to lay electrical cables and temporary construction laydown areas for the electrical cables
- Work No. 5 — (Not Used)
- Work No. 6 — works to create, enhance and maintain green infrastructure
- Work No. 7 — temporary construction laydown areas
- Work No. 8 — warehouse buildings and permanent compounds
- Work No. 9 — works to existing streets to facilitate access to Work Nos. 1 to 8
- Work No. 10 — works to create and maintain stone curlew reserve.

3.4 In connection with and in addition to Work Nos. 1 to 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, are also permitted by the Order, including:

- works within highways
- works for the provision of fencing and security measures such as CCTV, columns, lighting and communication boxes
- bunds, embankments, trenching and swales;
- boundary treatments, including means of enclosure and glint and glare boarding;
- laying out and surfacing of permissive paths;
- foundations for structures or buildings;
- works to the existing irrigation system;
- works to electrical, gas, water, foul water drainage and telecommunications infrastructure connections;
- works to non-navigable rivers, streams or watercourses;
- surface water drainage systems;
- site establishments and preparation works including site clearance;
- tunnelling, boring and drilling works; and
- landscaping and mitigation works.

4.0 MAIN ISSUES

4.1 As set out above, the Order authorises the construction and operation of cabling to connect the authorised development to the national grid at the Burwell Substation. Following the application which resulted in the making of the Order, the substation was extended, to include the area shaded in yellow on the Non-Material Change Plan (Appendix 2). Sunnica is proposing to change the DCO limits (i.e. red boundary) so the cabling to connect the authorised development to the existing substation can be connected to the extended area.

4.2 The extended area is approximately 2 hectares (4.94 acres) in size and comprises previously developed land, made of hardstanding with energy infrastructure built on. The re-location of the cabling falls outside the extended area and will be within the current limits of the DCO, however the point of connection with the extended land is part of this proposal and will require a small extension to Work No. 4 (works to lay

electrical cables and temporary construction laydown areas for the electrical cables) of the DCO. There will be no change to the trench width, voltage or characteristics of the cable resulting from the proposed changes.

- 4.3 Applicants have submitted an Environmental Statement in support of the NMC application, concluding that the proposed change would not give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would it have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment. More specifically, the conclusions of this report are as follows:
- *“the NMC is non-material and does not result in any new, or changed, environmental effects (including those upon local people) established by the Environmental Statement;*
 - *all previously identified effects and mitigation measures remain valid and applicable;*
 - *the NMC does not result in the need for a Habitats Regulations Assessment or any new, or additional, licences in respect of European Protected Species; and*
 - *whilst additional land not already included in the Order limits is proposed to facilitate the NMC, additional compulsory acquisition of land is not required.”*
- 4.4 Notwithstanding the previously developed land character of the extended area, an updated ecological walkover has been undertaken in order to provide an up-to-date appraisal of the baseline habitats relating to the extended area and the proposed non-material change. Findings indicate signs of water vole presence (latrines and burrows) within the ditch to be crossed by the cable route within the extended area. This however had been previously identified with the original DCO application, and the proposed change does not result in any new, or changed, effects previously established. As such, the mitigation measures set out in the DCO's Outline Landscape Ecological Management Plan, and the Framework Construction Ecological Management Plan (CEMP) remain valid and applicable.
- 4.5 Further findings indicate a minor change in the potential drain crossing location and a section of Newnham Drove that was not included within the existing Order limits. These proposed changes will be subject of assessment by the Cambridgeshire County Council acting as local highway authority and lead local flood authority, as well as by the Swaffham Internal Drainage Board.
- 4.6 ECDC's Ecology and Tree officers have reviewed the documentation and have not raised any objection to the proposed non-material changes, in relation to the Council's scope of assessment and main issues affecting the district. The submission includes sufficient information and considering the mitigations already secured, the proposals would align with Policy ENV7 of the Local Plan and would not materially affect other policies in the Development Plan.

5.0 CONCLUSION AND RECOMMENDATIONS

- 5.1 Considering the above context and the non-material nature and scope of the proposed changes as discussed in this report, we recommend that the 'no objection' letter drafted (Appendix 1) is approved and submitted to the Planning Inspectorate, as the Council's response to the consultation regarding the submitted NMC application.

6.0 APPENDICES

- 6.1 Appendix 1 – Draft ECDC consultation response
6.2 Appendix 2 – Non-Material Change Plan (extract below with location reference)
6.3 Appendix 3 – Proposed changes to the Order
6.4 Appendix 4 – Description of the 'authorised development' – Schedule 1 of the DCO

