

## East Park Energy Solar Farm Proposal

To: Environment and Green Investment Committee

Meeting Date: 14 March 2024

From: Executive Director for Place and Sustainability

Electoral division(s): St Neots The Eatons, St Neots Eynesbury, Brampton and Buckden, St Neots Priory Park and Little Paxton, Alconbury and Kimbolton

Key decision: No

Forward Plan ref: Not applicable

Executive Summary: This report provides an overview of the East Park Energy Solar Farm Development Consent Order (DCO) application. This solar farm will go across two counties and includes three 'Host Authorities', namely Bedford Borough Council, Cambridgeshire County Council, and Huntingdonshire District Council. The report highlights the background and geographical areas of the proposal (as set out in Appendix 3). It also highlights the Nationally Significant Infrastructure Projects (NSIP) process with highlighted risks and implications for the county council. The committee is being asked to consider approving delegated powers to officers, where there is insufficient time to take the item to the Environment and Green Investment Committee, to ensure that the NSIP timescales can be met, thus allowing our submissions to be given full weight by the Planning Inspectorate (PINS) in the determination process.

Recommendation: The committee is recommended to:

- a) Delegate authority to the Executive Director for Place and Sustainability to submit Nationally Significant Infrastructure Project related responses to the Planning Inspectorate, in consultation with the Chair and Vice-Chair of the Environment and Green Investment Committee, where there is not enough time for a report to be delivered to the Environment and Green Investment Committee; and
- b) Where delegated powers are used, circulate the response to Local Members and members of the Environment and Green Investment Committee for information.

Officer contact:

Name: Jenny Croft

Post: Specialist Projects Manager

Email: [Jennifer.croft@cambridgeshire.gov.uk](mailto:Jennifer.croft@cambridgeshire.gov.uk)

# 1. Creating a greener, fairer and more caring Cambridgeshire

- 1.1 Net zero carbon emissions for Cambridgeshire by 2045, and our communities and natural environment are supported to adapt and thrive as the climate changes.

The proposed solar farm development is aiming to provide clean green energy and include a comprehensive landscape scheme to deliver benefits such as carbon sequestration and soil health, biodiversity net gain and crop yield.

- 1.2 Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised.

The proposed development would provide short term job opportunities and a legacy fund for the local communities.

## 2. Background

- 2.1 East Park Energy is a proposed new solar farm and energy battery storage scheme that is proposed to the north-west of St Neots, straddling the Bedfordshire (Bedford Borough) and Cambridgeshire county boundaries. The scheme proposes connection to the National Grid at the existing substation at Eaton Socon within Cambridgeshire. The focus is the installation of solar photovoltaic panels and electrical energy storage technology, and associated infrastructure for connection to the national grid. The Scheme as proposed would be capable of generating and exporting more than 50 megawatts of renewable energy; therefore, it meets the threshold to be a solar National Significant Infrastructure Project (NSIP). A statutory consultation is currently planned for Summer 2024. This will be a formal consultation undertaken by the applicant, that will need to comply with all statutory requirements. The Applicant has an export agreement with National Grid to provide 400 megawatts of renewable energy generation via the Eaton Socon Substation to the west of St Neots. A 100MW Battery Energy Storage Facility is proposed to be co-located with the solar infrastructure to allow for energy storage at times when grid demand is lower.
- 2.2 As an NSIP application (for which a Development Consent Order (DCO) is required), the proposed solar farm will not be determined by Huntingdonshire District Council with input by the County Council. Responsibility for accepting and examining the NSIP applications rests with the Secretary of State (for Energy Security and Net Zero). The Planning Inspectorate (PINS) carries out certain functions related to national infrastructure planning on behalf of the Secretary of State.

## 3. Main Issues and the role of the Council

- 3.1 The County Council has a distinct role in this process as one of the three 'host' authorities (with the others being Bedford Borough Council and Huntingdonshire District Council). Officers have engaged specialist advice from key specialist teams in all the authorities, including taking advice from County Council officers acting as the Council's Highway Authority and Lead Local Flood Authority.

- 3.2 Local Authorities are statutory consultees in their own right for any proposed NSIP within their area. Cambridgeshire County Council is a statutory consultee in the NSIP process. The three 'host' Local Authorities have been working together to respond to East Park Energy's pre application requests and non-statutory consultation. The role of the authorities is not to pass judgement on the merits of the application, but to scrutinise the applicant's assessment of the NSIP application, offer technical advice as part of the consultation process and ensure that adequate public consultation is carried out.
- 3.3 Whilst the NSIP legislation does not specify any differences between 'host' planning authorities, in their role as statutory consultees, there is an understanding or assumption, set out in common practice, that if permission is granted by the Secretary of State the requirements (or effectively planning conditions) in the DCO are discharged, monitored and enforced by the Council(s) that would normally be the determining authority.
- 3.4 As an NSIP proposal, the East Park Energy Solar Farm Project has already undertaken its pre-application consultations with the general public, alongside pre-application discussions with key specialisms within the three 'host' authorities, to help inform their proposal prior to the submission of their application to PINS.
- 3.5 Appendix 1 sets out the six stages involved with a NSIP application and Appendix 2 clarifies the role of the local authority at each of the stages (excluding the decision). PINS guidance is clear that a local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.
- 3.6 Paragraph 6.2 of the PINS Advice Note two: The role of local authorities in the development consent process, states that "Local authorities should engage proactively with a developer even if they disagree with the proposal in principle. It is important to recognise that a local authority is not the decision maker but will want to contribute towards the development of the emerging proposals with the benefit of their detailed local knowledge. Local authorities are not undermining any 'in principle' objections to a scheme by engaging with a developer at the pre-application stage."
- 3.7 As this report has been brought to the Environment and Green Investment Committee ahead of the formal NSIP application submission, it must be noted that the applicant completed their non-statutory consultation on 21 November 2023, and submitted their Environmental Impact Assessment (EIA) scoping report on 30 October 2023. Our technical response to the applicant's EIA Scoping report was submitted to the Planning Inspectorate (PINS) on 28 November 2023.
- 3.8 'Host' authorities are strongly encouraged to use the pre-application period to start their own evaluation of the local impacts of the proposal. 'Host' authorities should then begin to compile the Local Impact Report (LIR) as soon as the application has been accepted formally by the Secretary of State and they have been invited to submit an LIR. This approach will enable the LIR to be produced within the deadlines. PINS advice is that 'Host' authorities should ensure any necessary internal authorisation processes are in place to meet the timetable (which is the basis for this report).

3.9 The host authorities will be required to make a factual assessment of the consultation and submit an Adequacy of Consultation response. The host authorities will have a very constrained timescale in which to assess the consultation response and respond to PINS (14 calendar days) on whether the consultation has met the necessary NSIP and councils' Statement of Community Involvement requirements.

## 4. NSIP Application Process

- 4.1 Once East Park Energy submits their DCO application to PINS for the solar farm project, currently programmed for Q1 of 2025, the project will move into the 'acceptance' stage as identified in Appendix 1. If their application is accepted for examination by PINS, the Council should be notified of this, including whether the Secretary of State will appoint a single Examining Inspector, or a panel of up to five Examining Inspectors (known as the examining authority (ExA)) to examine the application. The Examination is carried out in public.
- 4.2 Following notification of the above, the local authorities will then be notified of the preliminary meeting to discuss procedural matters. After which an Examination timetable should be set, including tight deadlines for when information needs to be submitted to PINS. At the pre-examination stage, local authorities are encouraged to continue to engage with the developer. Agreement on any remaining issues should be sought and/or negotiations continued. There may also be the need to continue negotiation in respect of any compulsory acquisition affecting any local 'host' authority's land holdings or interests. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process for all participants.
- 4.3 During the Examination, the local authorities will:
- Respond to the Examining Authority's (ExA's) written questions which are normally based on an initial assessment of the application, (including the principal issues of the proposed scheme), and the representations received from interested parties;
  - Prepare and submit to PINS a Local Impact Report (LIR), setting out the likely impacts of the proposed scheme on the County Authority's area, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance;
  - Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between the applicant and the County Council and/or other parties or 'host' authorities, setting out matters that they agree or disagree on; and
  - Represent the County Council and make oral representation at the issue specific hearing(s) and if necessary the open floor hearing(s). The subject of the hearings is based on specific elements / issues of the application that are raised during the NSIP process.

- There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.

## 5. Conclusion and reasons for recommendations

- 5.1 To avoid any undue delay to the NSIP process and Examination, it is important that the tight deadlines set out in the Examination Timetable are met. The timescale for handling an NSIP application are set out in the legislation. It is noted that PINS, as the Examining Authority, may disregard late responses, which is why officers are seeking to follow PINS guidance and get delegations set up at the pre-application stage. Irrespective of any delegations passed to officers to meet the necessary timescales set by legislation, the following is proposed to be followed to ensure good practice and ensure an open and transparent decision-making process:
- 5.2 Key documentation and updates will be provided to members of the Environment and Green Investment Committee and local County Councillors by e-mail at the earliest opportunity to ensure that key deadlines are known in advance and any comments on the documentation provided as early as possible, particularly during the 14- and 28-day deadlines;
- 5.3 Responses to PINS to either be circulated to members of the Environment and Green Investment Committee and local County Councillors by e-mail for their records, or where time is permitting the draft response taken to the Environment and Green Investment Committee for endorsement; and
- 5.4 Where deemed necessary, member briefings or specific topic meetings will be set up to provide guidance on the NSIP process and technical responses provided.
- 5.5 If the recommendations within this paper are approved, the outcome would be that officers will have the ability to use delegated powers to ensure that consultation timescales set by national legislation are able to be met, where there is not sufficient time for a committee decision to be taken.

## 6. Significant Implications

### 6.1 Finance Implications

The cost of processing the NSIP application will need to come from the existing revenue budget. As the application is handled by PINS no planning application fee is received from the applicant. At the time of writing this report, officers are in the process of preparing a Planning Performance Agreement, for the Applicant, for the pre-application advice stage, to try to resource the project and reduce the cost to the public purse, but this may not cover the true cost of the resource and specialist advice required to assess the DCO application and any discharge requirements (like planning conditions) that would arise from any consent granted.

Staffing – As a statutory consultee in the initial NSIP process and post NSIP decision (if granted), the resources to deal with the application are taken from the specialist teams, where staffing resources are stretched.

## 6.2 Legal Implications

There are no significant implications for this priority, other than the financial and resource implications required to support this project, which has the potential to include significant legal advice.

## 6.3 Risk Implications

There is the potential for multiple Consents submitted on similar timescales, placing pressure across technical specialists and the Consents team. Although we were successful in our Department for Levelling Up, Housing and Communities (DLUHC) bid, there is insufficient funding to recruit both additional Technical Officers and Project Managers to coordinate the NSIP process, both pre and post consent. This could result in programme management being reactive to demands and deadlines, as opposed to proactive programme management and efficiencies. As the voice of the public in this process, there is a real risk of substandard outcomes and, inability to adequately respond to examinations, due to a lack of input to the development of the schemes.

Another issue is that the other Host Authorities involved in the East Park Energy NSIP project also have inadequate capacity and experience to manage this Development Consent Order (DCO), which may lead to a lot of reliance on our Consents team to lead, which in turn places additional pressure on our already limited resources. This could result in a loss of opportunity to collaborate across the Host Authorities and may lead to unnecessary duplication of work or miscommunication resulting in delays in the DCO process if not carefully managed.

## 6.4 Equality and Diversity Implications

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO application. East Park Energy is required to satisfy the Equity Impact Assessment requirements when they submit their application.

## 7. Source Documents

Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes;

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

NSIP Energy Policy Statements;

<https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

Planning Act 2008 (as amended);

<http://www.legislation.gov.uk/ukpga/2008/29/contents>

East Park Energy Solar Farm Project website;

<https://eastparkenergy.co.uk/>

PINS Project Page for East park Energy Solar Farm NSIP Project;

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-park-energy/?ipcsection=overview>

The National Planning Policy Framework (NPPF) (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)