

Date: 11 November 2022  
Our ref: 409224  
Your ref: EN010106



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**BY EMAIL ONLY**

Dear Mr Kean

**NSIP Reference Name / Code: Sunnica Energy Farm EN010106**  
**User Code: 20031393**

**Written Representations and response to the Examining Authority's first written questions**

**Examining authority's submission deadline 2 with a date of 11 November 2022**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer

████████████████████ and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Joanna Parfitt

Norfolk and Suffolk Team

# WRITTEN REPRESENTATION

PART I: Summary and Conclusions of Natural England’s advice.
PART II: Natural England’s detailed advice (starting at page 8)
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## Natural England’s Written Representations

### Part I: Summary and Conclusions of Natural England’s advice.

#### Summary of Natural England’s Advice

Natural England’s advice remains broadly the same as that in our Relevant Representations. In relation to identified nature conservation issues within our remit, there is no fundamental reason of principle why the project should not be permitted but further evidence is required from the applicant to establish this.

Since submitting our Relevant Representations, we have engaged with Sunnica Ltd.’s consultants, in particular in relation to our concerns about their ALC soils surveys and soil handling but concerns remain. Further details on our remaining concerns are given below in Part II. This is considered an amber issue (see below).

Some clarifications have been provided with respect to the stone curlew offsetting land. These are welcomed but some concerns still remain. These are outlined in more detail in part II. This is considered an amber issue.

Natural England does not currently agree with the conclusion of the Habitats Regulations Assessment – Report to inform an Appropriate Assessment submitted by the applicant [APP-092]. Our outstanding concern is that an in-combination assessment has not been carried out with respect to air quality.

Provided that further clarification is provided to address our concerns about the stone curlew offsetting land, Natural England agrees with the conclusions of the Report to inform an Appropriate Assessment [APP-092] that there will be no resultant impact on stone curlew as a result of the development.

Natural England will continue to engage with Sunnica Ltd. to resolve concerns and agree outstanding matters in the SoCG.

Part I of these written representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations (RR – 1291). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International designated sites
- Nationally designated sites
- Stone curlew
- Biodiversity net gain
- Nationally designated landscapes
- Soils and best and most versatile agricultural land
- Ancient woodland and ancient/veteran trees
- Connecting people with nature (National Trails, open access land and England Coast Path)
- Other valuable and sensitive habitats and species, landscapes and access routes
- Priority habitats and protected species

Our comments are flagged as red, amber or green:

- Red are those where there are fundamental concerns which it may not be possible to overcome in their current form
- Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

## 1. Internationally designated sites

- 1.1. Natural England's position regarding internationally designated sites has not changed since submission of our Relevant Representations [RR-1291].
- 1.2. Our position regarding impacts on internationally designated sites is as set out in our Relevant Representations [RR – 1291] sections 4.3 and 4.5. Further detail on our reasoning for this is given against each impact pathway within our Written Representation Part II.
- 1.3. Natural England is not yet satisfied for 'amber' and 'red' issues identified in the text below that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the following internationally designated sites: Devil's Dyke Special Area of Conservation (SAC), Rex Graham Reserve SAC and Breckland SAC and Special Protection Area (SPA).
  - 1.3.1. Table 6-2 of Appendix 13B: Transport Assessment shows construction HGVs will be using the parts of the A11 and A14 that are directly adjacent to Devil's Dyke SAC, Rex Graham Reserve SAC and Breckland SPA and SAC, all of which have features sensitive to air quality. Tables 5-2, 5-3 and 5-4 of the same document, also show that staff are likely to be using these roads to access the Staff Car Park. Therefore, we maintain our advice that an in-combination assessment is required with respect to air quality impacts from traffic, as per step 4b and 4c of our guidance note NEA001 Natural England's approach to advising competent

authorities on the assessment of road traffic emissions under the Habitats Regulations. This is considered an **amber** issue.

1.4. Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity (AEoI) of the following internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being adequately secured.

1.4.1. The applicant has provided additional information to support the conclusion that there will be no adverse impact on Chippenham Fen, a component part of Fenland SAC, as a result of noise and light from the development. Natural England welcomes this clarification and is now satisfied that the conclusion is scientifically supported. This is now considered a **green** issue.

1.5. In our Relevant Representation [RR-1291], paragraph 7.1 we advised that within the Environmental Statement it was frequently stated that there is "no impact pathway" to designated sites where we consider this to be incorrect. More specifically, it is frequently stated that there are no operational impacts on birds or other species. We do not consider this to be the case, due to the displacement through habitat loss caused by the solar panels. However, with suitably managed offsetting land, we consider that it is possible to mitigate this impact pathway. This also applies to the Habitats Regulations Assessment – Report to inform an Appropriate Assessment submitted by the applicant [APP-092] which does not identify displacement as an impact pathway during operation.

## 2. Nationally designated sites

2.1. Natural England's position regarding nationally designated sites has changed since submission of our Relevant Representations [RR-1291] section 4.3.

2.2. Our updated advice regarding impacts on nationally designated sites on the basis of further information submitted is set out below. Further detail on our reasoning for this is given against each impact pathway within Part II.

2.3. In their response to our Relevant Representations [REP1-016] the applicant provided additional clarification concerning hydrological impacts on Brackland Rough SSSI. Natural England is now satisfied that the evidence provided indicates no pathway for hydrological and water quality impacts to the SSSI.

2.4. Measures to prevent contamination of controlled waters, detailed in the CEMP and secured through a DCO requirement, and water quality mitigation through implementation of SUDS through the surface water drainage strategy, are welcomed and should ensure protection of the water environment and any water-dependent designated sites. This is now considered a **green** issue.

## 3. Stone curlew

3.1. Natural England's position regarding stone curlew has not changed since submission of our Relevant Representations [RR-1291].

3.2. Our position regarding impacts on protected species is as set out in our Relevant Representation [RR –1291] section 4.2. Further detail on our reasoning for this is given for each concern within our Written Representations Part II. This is considered an **amber** issue.

## 4. Biodiversity Net Gain Provision

- 4.1. Natural England's position regarding provision of biodiversity net gain has not changed since submission of our Relevant Representations [RR-1291].
- 4.2. Our position regarding biodiversity net gain provision is as set out in our Relevant Representation [RR – 1291]. Further detail on our reasoning to support our relevant representation is set out in our Written Representation Part II. Currently, this is considered an **amber** issue.
- 4.3. It is noted that the Applicant has committed to submitting an updated BNG report using Defra Metric 3.1, and we will be pleased to offer updated advice once this has been submitted.

## 5. Soils and best and most versatile agricultural land

- 5.1. Natural England's position regarding soils and the best and most versatile agricultural land has not changed since submission of our Relevant Representations [RR-1291].
- 5.2. Our position regarding soils and best and most versatile agricultural land is as set out in our Relevant Representation [RR – 1291] section 4.1. Namely that we consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, subject to the following:
  - 5.2.1. The development has a maximum operational life of 40 years
  - 5.2.2. The land is returned to agricultural use at the end of this period
  - 5.2.3. Low disturbance methods are used to install the photovoltaic panels
  - 5.2.4. A decommissioning and re-instatement plan is prepared and submitted prior to the panels being removed.
- 5.3. However, we have requested further information from the applicant with regards to the ALC surveys carried out and the management of soils during construction. Once these have been received, we will be able to provide further detailed comments. Further detail on our reasoning to support our relevant representation is set out in our Written Representation Part II. This is currently considered an **amber** issue.

## 6. Connecting people with nature (National Trails, open access land and England Coast Path)

- 6.1. Natural England's position regarding public rights of way has not changed since submission of our Relevant Representations [RR-1291].
- 6.2. Our position is as set out in our Relevant Representation [RR – 1291]. Further detail on our reasoning to support our relevant representation is set out in our Written Representation Part II.

## 7. Other valuable and sensitive habitats and species, landscapes and access routes

- 7.1. Natural England's position regarding Havacre Meadows and Deal Nook County Wildlife Sites and created habitats has changed since submission of our Relevant Representations [RR-1291] section 4.7.
- 7.2. Our updated advice regarding impacts on Havacre Meadows and Deal Nook County Wildlife Sites and created habitats, on the basis of further information submitted is set out in the paragraphs below. Further detail on our reasoning is given in Part II.
- 7.3. In their response to our relevant representations [REP1-016], the applicant has provided additional information about construction techniques to be used. The applicant has mentioned that these will be included within an updated Framework Construction Environment Management Plan to be submitted in due course. Natural England welcomes this and will provide further comments if required once this has been provided. This is considered a **green** issue.
- 7.4. The applicant has also provided this clarification within their response to our Relevant Representations to confirm that the habitats provided will be maintained through decommissioning. We appreciate this additional clarification and are satisfied our concerns have been answered. This is considered a **green** issue.

## 8. Priority habitats and protected species

- 8.1. Natural England's position regarding protected species has not changed since submission of our Relevant Representations [RR-1291].
- 8.2. Our position regarding protected species is as set out in our Relevant Representation [RR – 1291].
- 8.3. Based on the application documents, Natural England considers that a licence will be required for works relating to badgers and bats. Natural England is still awaiting submission of a draft protected species licence applications for review. Without draft protected species licence applications we are unable to issue Letters of No Impediment (LoNI). This is an **amber** issue.

## 9. Natural England's overall conclusions

- 9.1. Natural England advises that in relation to identified nature conservation issues within our remit, there is no fundamental reason of principle why the project should not be permitted.
- 9.2. We do have some remaining (**amber**) concerns that will need to be addressed by the applicant. However, we do not consider these to be insurmountable. The remaining concerns are as follows:
  - 9.2.1. Natural England still has concerns over methodology used in the ALC surveys and how the soil will be handled during construction. We have been engaging with the Applicant and have requested further information to address our concerns. We will update our advice once this has been received.
  - 9.2.2. We maintain concerns over the proposed stone curlew offsetting. In particular, we have requested further information to support the concluded number of stone

curlew, given the incomplete survey data. We have also requested further information on how the land will be managed to make it suitable for stone curlew, such as a soil nutrient management plan.

9.2.3. While many of our concerns over internationally designated sites have been addressed, an in-combination air quality assessment has still not been carried out. Natural England advises that it is therefore not yet possible to conclude no likely significant effect on sites from this impact pathway.

9.2.4. We have provided our comments on the BNG calculation carried out by the applicant, in particular raising that stone curlew offsetting land should not be included within the calculations. The applicant has noted our comments and intends to submit an updated BNG calculation through the examination. We will provide our updated advice once further documents have been provided.

9.3. We no longer have concerns about impacts to nationally designated sites and this now considered a **green** issue.

## Natural England's Written Representations

### Part II: Natural England's detailed advice

Part II of these representations updates and where necessary augments Part II of the Relevant Representations. It expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues which have been agreed since our Relevant Representations [RR-1291] (subject always to the appropriate requirements being secured adequately).

Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.

#### Natural England's Written Representations, Part II, Table 1

Table 1: Natural England's detailed advice					
NE key issue ref (cite ref in Relevant Rep)	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable).	Risk Red/ Amber/ Green
International designated sites					
4.5	Air quality in-combination assessment	(C) - An in-combination assessment has not been carried out with regards to air quality impacts from increased traffic	Table 6-2 of Appendix 13B: Transport Assessment shows construction HGVs will be using the parts of the A11 and A14 that are directly adjacent to Devil's Dyke SAC, Rex Graham Reserve SAC and Breckland SPA and SAC, all of which have features sensitive to air quality. Tables 5-2, 5-3 and 5-4 of the same document, also show that staff are likely to be using these roads to access the Staff Car Park. Therefore, we maintain our advice that an in-combination assessment is required with respect to air quality impacts from traffic, as per step 4b and 4c of our guidance note NEA001 Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations		Amber



4.3	Noise and Light spill on Chippenham Fen	(C & O) - We requested further information to support the conclusion of no adverse effect on Chippenham Fen	Clarification has been provided within the applicant's response to our Relevant Representations [REP1-016]. Natural England has reviewed the information provided and is satisfied there will be no impacts from noise and light levels on Chippenham Fen, a component part of Fenland SAC.	Natural England advises that the lighting strategies proposed should be secured in the DCO through the OEMP and CEMP	Green
<b>National designated sites</b>					
3.4.7	Hydrological impacts to Brackland Rough SSSI	(C) & (O) - We previously raised concerns about potential hydrological impacts on Brackland Rough SSSI	The applicant has provided additional clarification in their response to our relevant representations [REP1-016] and we are now satisfied there will be no hydrological impacts to the site.	Measures to prevent contamination of controlled waters, detailed in the CEMP and secured through a DCO requirement, and water quality mitigation through implementation of SUDS through the surface water drainage strategy, are welcomed and should ensure protection of the water environment and any water-dependent designated sites.	Green
<b>Stone curlew</b>					
4.2.3 - 4.2.6	Stone curlew survey data	We previously raised concerns over the comprehensiveness of the applicant's surveys.	In the Applicants response to our Relevant Representations [REP1 -016], justification for not carrying out three complete years of surveys is provided. This includes the sentence "No further suitable nesting areas were found to be present beyond those observed as supporting Stone-curlew". This implies that a habitat survey was carried out to support the conclusions of the surveys. Natural England requests that this habitat survey is made available so that we can ensure a comprehensive assessment of the impact on stone curlew has been made.		Amber

4.2.10 4.2.14	Provision of offsetting land	(C & O) We previously requested further information on the establishment of offsetting habitat for stone curlew	Natural England has specifically requested clarification on how nutrient levels in former arable fields will be managed to make the habitat suitable for stone curlew. It is acknowledged this will form part of a nutrient management plan, which will be provided within updates to the LEMP [APP-108] and Offsetting Habitat Provision for Stone-Curlew Specification [APP-258] during examination. Natural England will update its advice once these have been submitted.		Amber
4.2.12	Provision of nest plots	(O) - We requested clarification over positioning of the nest plots and the number provided	The applicant has provided some clarification over the positioning of the plots being relevant to the layout of the scheme and ground conditions. Natural England accepts this reasoning and welcomes the commitment to discuss indicative locations. Concerns remain over the number being provided until the comprehensiveness of the surveys is addressed.		Amber
4.2.17 4.2.18 4.2.24	Management of offsetting land	(O) - We requested further clarification on the proposed grazing for the offsetting land.	The applicant has noted this request and Natural England will work with them through the examination process on the offsetting proposals. Natural England appreciates the clarification that mowing is not proposed for areas supporting stone curlew.		Amber
4.2.23 4.2.22	Measure of success and monitoring	(O) - We requested clarification of the measure of success for the offsetting land and have stated that monitoring should be carried out for the lifetime of the development	<p>It is noted that in the Applicant's response to Natural England's Relevant Representations [REP1-016], the stated measure of success is "continued presence of stone curlew in and around the Scheme and no net loss of nesting sites.", concluding that measures within the Landscape Environmental Management Plan (LEMP) will be sufficient to achieve this.</p> <p>Natural England advises that the offsetting land can only be considered successful if there is no net loss of stone curlew in and around the Scheme. This can only be measured by annual monitoring for the lifetime of the development. Natural England advises that this monitoring should include for birds up to 500m from the order limits.</p>	The commitment to monitoring annually for the lifetime of the development should be secured through the DCO, either as a standalone commitment or as part of the LEMP.	Amber

4.2.24	Operational impacts on stone curlew	(O) - We previously advised the OEMP should include provisions for routine maintenance activities in the energy farm during the stone curlew nesting season	Natural England acknowledges that this is discussed in the Landscape and Ecology Management Plan [APP-108] but advises that this should also be within the OEMP as maintenance activities on the solar panels form part of the operation of the development. It is also advised that maintenance activities carried out within breeding season are preceded by surveys to ensure stone curlew are not present within 500m of works.	Natural England advises that any provisions for maintenance of the solar panels and minimising the impact of this on stone curlew should be included within the OEMP.	Amber
4.2.26	Decommissioning of habitats	(O) - We requested clarification on the status of the offsetting land during decommissioning and after the end of the development	The Applicant's response to our Relevant Representations [REP1-016], clarified that the land will not be removed during decommissioning. Beyond the end of the development, the land will be out of the applicant's control and therefore they cannot comment on what will happen to the offsetting land. Natural England accepts these clarifications.		Green
4.2.11	Proximity of PRow to offsetting land	(O) - We raised concerns about the increased disturbance due to behaviour on PRowS close to conservation grassland rather than arable land	The applicant has provided confirmation that the core offsetting areas are located away from permissive paths within the development, using vegetation and roads for screening.		Green
<b>Biodiversity net gain</b>					
4.6	Inclusion of mitigation lands in calculations	We advised that areas of mitigation land, such as stone curlew offsetting land, should be	The Applicant's response to our Relevant Representations [REP1-016], stated "it is not specifically a case that a certain area is to mitigate the impact for a particular designated site, habitat or species." and that and mitigation measures have been embedded in this design. Natural England advises that the land proposed as offsetting for stone curlew		Amber

		excluded from BNG calculations	has been considered as mitigation through the Habitats Regulations and therefore should not be included within BNG calculations. However, the other semi-natural habitat that is being provided can be included. It is noted that the applicant has proposed to submit an updated BNG calculation. Further comments will be provided, where necessary, once this has been received.		
<b>Soils and Best and Most Versatile Agricultural Land</b>					
4.1.9 4.1.6.10	Handling of soils	(C) - We raised concerns and requested further information about soil management and use, and how any adverse impacts can be avoided or minimised throughout construction. This includes any soil stripping and movements as a result of permanent structures such as the substation	Natural England understands that this information will be provided through a Soil Management Plan (SMP) as part of an updated CEMP. Once these have been provided, we will update our advice and provide more detailed comments where necessary.		Amber
4.1.4	Soil restoration	(C & O) - We raised concerns about the ability to restore soil quality to its original status once the topsoil has been mixed with chalk, and we requested greater justification on how	This further clarification has not been provided and we continue to require this further information		Amber



		this would be achieved			
4.1.6.4 4.1.6.9	ALC surveys	We raised concerns about some of the methodology used in the ALC surveys	Natural England has been engaging with the applicant to discuss concerns about the methodology used in the ALC surveys, and request that additional clarification is added to the relevant parts of the Environmental Statement. Natural England understands that the applicant intends to make these changes and we will provide additional comments through the examination process once these have been received.		Amber
4.1.6.4	ALC surveys	(C) - We raised concerns about the ALC surveys being incomplete, in particular along cabling routes	<p>The Applicant's response to our Relevant Representations [REP1 – 016] provided justification for this and suggested that soils on cable routes can and should be assessed as part of the SMP.</p> <p>Natural England advises that this detailed soil and ALC data is necessary to provide a baseline for the ALC grade as well as soil properties to inform soil handling. Whilst installing cabling does not typically result in large areas of permanent development, they do result in corridors of land undergoing temporary disturbance to lay the cables. Whilst this disturbance is temporary, the inappropriate management of the soil resource can result in a permanent degradation of the land, including a change in the ALC Grade, which can ultimately result in the permanent loss of BMV agricultural land. Appropriate mitigation to prevent the potential loss of BMV land (including the degradation of agricultural land through inappropriate soil handling) includes the restoration of disturbed land to the baseline ALC Grade. In the absence of a detailed baseline informed by a detailed soil and ALC survey, the restoration cannot be assured.</p> <p>Due to the extent of the temporary disturbance and the drive to maintain and strengthen BMV protection as set out in the 25 Year Environment Plan, it is now considered important for a detailed ALC field survey to be undertaken in line with the MAFF 1988 'Agricultural Land Classification of England</p>		Amber

			<p>and Wales: Revised criteria for grading the quality of agricultural land'. This is reinforced in the draft NPS EN-3 which references the need to survey soils and land quality along the path of proposed underground cabling (Para 2.48.14). However, it is noted that the ALC survey was undertaken for the Scheme prior to the publication of the draft NPS EN-3.</p> <p>It is acknowledged that access constraints can limit the extent of the ALC survey. In the event access cannot be arranged, a desk-based assessment of the ALC Grade should be undertaken, with detailed ALC surveys undertaken post-consent.</p>		
4.1.6.4.3	Missing soils information	(C & O) - We requested that where information on soil nutrient and status and pH has not already been collected, this should be carried out	<p>The Applicant's response to our Relevant Representations [REP1-016], stated that this has not been collected as it does not influence the ALC grade.</p> <p>Whilst nutrient status and pH do not influence the ALC grade, they do influence the vegetation the soil can most effectively support, thus allowing the soils to be sustainably used and managed during the operational phase of the Solar Development, which is relevant particularly for Chapter 8 Ecology and Nature Conservation. This comment is addressed in NE-38 of document [REP1-016].</p> <p>Natural England advises that to maximise efficiency, soil resource information should be collected at the application stage (using the ALC survey data plus a few additional lab analyses) so that this can influence the design (e.g identification of low nutrient and specific soils suitable for net gain habitat creation).</p>		Amber
4.1.6.9.2	Soil restoration	(O) - We previously requested evidence to support the	The applicant has referenced the Defra report Defra R&D SP08016.		Amber

		conclusion of a moderate beneficial impact on the soil resource during operation	<p>We welcome the inclusion of the reference to this document to provide evidence on the assessment of a 'moderate beneficial impact on the soil resource during operation' as a result of a land use change from arable cultivation to grassland. It should be noted that whilst arable reversion to grassland has been shown to benefit soil organic matter (SOM), this benefit will only extend to the duration of this reversion, i.e. during the operational phase. As solar is temporary development, the benefits of temporary land use change are likely to be short term and restricted to those areas of land currently under cultivation.</p> <p>However, there could be a disbenefit to the soil resource due to unknowns as a result of the solar development infrastructure. It is currently unclear as to what impact the solar panels may have on the soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways; micro-climate; and vegetation growth caused by the panels. Therefore, it is unknown what the overall impact of a temporary Solar development will have on soil health.</p>		
4.1.6.1	ALC surveys	We previously requested that the land surveyed by RAC within the order limits should be resurveyed	The applicant has provided clarification on this in their response to our Relevant Representations [REP1-016]. Natural England welcomes this and is satisfied with the justification provided.		Green
4.1.6.8 4.1.7.3 4.1.9.4	Soil restoration	We previously suggested a commitment to restoring the current ALC grade and cropping regime beyond the 40-year	The Applicant's response to our Relevant Representations [REP1-016], has confirmed that the ALC grade will be maintained throughout operation and decommissioning, and this is welcomed. They have also provided clarification that the cropping regime will be subject to future agri-		Green

		lifetime of the development	environmental policy and will be a decision for the landowner. Natural England accepts this clarification.		
<b>Connecting people with nature (National Trails, open access land and England Coast Path)</b>					
4.8.2		(C) - We raised concerns that diversions for public rights of way, that are temporarily closed due to construction, are of 1km and greater in length and will include routes with traffic	Natural England recognises that these diversions will be temporary (maximum three weeks according to the applicant), and they will not occur simultaneously. However, concerns remain about the impact this could have on people's connection with nature.		Amber
<b>Other valuable and sensitive habitats and species, landscapes and access routes</b>					
4.7	Havacre Meadows and Deal Nook County Wildlife Site	(C) - We previously raised concerns about construction impacts to these non-statutory sites	In their response to our relevant representations [REP1-016], the applicant has provided additional information about construction techniques to be used. The applicant has mentioned that these will be included within an updated Framework Construction Environment Management Plan to be submitted in due course. Natural England welcomes this and will provide further comments if required once this has been provided.		Green
4.1.10.1	Habitats during decommissioning	We requested clarification on wording within the DEMP	The applicant has provided this clarification within their response to our Relevant Representations. We appreciate this additional clarification and are satisfied our concerns have been answered		Green



## Natural England's Written Representations

### PART III: Natural England's response to the Examining Authority's (ExA's) first written questions with a deadline of 11 November 2022

Table 2: Natural England response to Examiner's initial questions			
ExA question ref	Question addressed to	Question	Answer
Q1.2.2	Natural England	<b>Stone Curlew</b> In your Relevant Representation [RR-1291] para 3.4.5.1 you advise that further information is required to determine the maximum number of Stone Curlew impacted by the proposed development as the surveys carried out did not meet the minimum recommended survey requirements for the species. Please detail the further information that is required in order for a comprehensive assessment of impact on the species to be made.	In their response to our Relevant Representations [REP1 - 016], the applicant has provided justification for not carrying out three complete years of surveys. This includes the sentence "No further suitable nesting areas were found to be present beyond those observed as supporting Stone-curlew". This implies that a habitat survey was carried out to support the conclusions of the surveys, but does not appear to be in any of the documents currently submitted. Natural England requests that this habitat survey is made available so that we can ensure a comprehensive assessment of the impact on stone curlew has been made.
Q1.2.5	The Applicant, Natural England and Suffolk Wildlife Trust	<b>Stone Curlew</b> Do you consider the proposed offsetting measures to be appropriate, adequate and realistic, given that (presumably) stone curlew cannot be excluded from operational areas? How confident are you that stone curlew numbers can be retained, including of successfully breeding pairs?	Provided that the number of nesting stone curlew given in the Environmental Statement is robust, the area provided for offsetting is appropriate and adequate. Natural England advises that 16ha is provided per nest lost, which would give a figure of 80ha required for the five pairs stated by the applicant. 108ha is being provided which is sufficient. The proposed management regime set out in the document Offsetting Habitat Provision for Stone-Curlew Specification [APP-258] generally follows our advice on managing offsetting land. However, as discussed in part II, we still request that a nutrient management plan is submitted to provide clarification on how nutrient levels in former arable fields will be managed to make the habitat suitable for stone curlew.

Q1.2.6	Natural England and Suffolk Wildlife Trust	<p><b>Stone Curlew</b></p> <p>Do you consider the Applicant's proposals for the monitoring of stone curlew plots, and the measures proposed to monitor them (annually for five years following start of operation and then bi-annually until year ten of operation) to be adequate?</p>	<p>Natural England does not consider the proposed monitoring to be adequate. We advise that monitoring is carried out annually for the lifetime of the development.</p> <p>It is noted that in their response to Natural England's Relevant Representations [REP1-016], the applicant has stated their measure of success as "continued presence of stone curlew in and around the Scheme and no net loss of nesting sites." They, therefore, conclude that measures within the Landscape Environmental Management Plan (LEMP) , including the proposed monitoring regime, will be sufficient to achieve this. Natural England advises that the offsetting land can only be considered successful if there is no net loss of stone curlew in and around the Scheme, including nesting pairs. This can only be measured by annual monitoring for the lifetime of the development.</p> <p>Given this is one of the largest scale solar energy farms in the UK to date, we advise that, if consent is granted for this development, all monitoring data shall be fed into the public domain and this development should provide evidence to inform the design of other large scale solar projects across the UK. It should be prepared to act as a site for research, for subjects including:</p> <ul style="list-style-type: none"> <li>• Long term change and development of habitats and flora under and around solar panels</li> <li>• Long term change and development of behaviour of fauna on, under and around panels including Stone Curlew and aquatic insects</li> <li>• Bird collision risk with panels</li> </ul>
Q1.2.9	The Applicant and Natural England	<p><b>Ecological mitigation</b></p> <p>How confident are you that new wetland indicated in Figure 10-14E of the Environmental Statement,</p>	<p>Natural England does not currently consider that there is enough information given to comment on the likely success or</p>

		Landscape Masterplan [APP-213] can successfully be created, in ecological and operational terms?	<p>failure of creating the wetland. We would require further information such as:</p> <ul style="list-style-type: none"> <li>• Existing water levels in the area</li> <li>• Are the soils in that area 'wetland type' I.e. is there a history of it being wetland</li> <li>• Are the fields currently being drained and if so what are the plans to address this?</li> <li>• How will the water levels and the resultant wetland be managed?</li> <li>• Will a seed mix be used or will natural regeneration be used?</li> </ul>
Q1.2.12	Natural England & Suffolk Wildlife Trust	<b>Grassland re-establishment</b> ref [APP-101] Do you consider the Applicant's proposal to secure locally harvested seed to be appropriate and achievable?	Harvesting local seed is a standard approach that is regularly used in habitat creation. Natural England has no particular concerns at this stage.
Q1.2.15	Natural England	<b>Habitats Regulations Assessment</b> Are you satisfied that the correct sites and features have been identified in the Applicant's HRA report [APP-092]?	Natural England is satisfied that the correct sites have been identified within the Applicant's HRA report [APP-092]
Q1.2.16	Natural England	<b>Habitats Regulations Assessment</b> Are you satisfied that the Applicant has correctly identified and assessed the relevant qualifying features and criteria in its HRA report [APP-092]?	<p>In addition to those qualifying features already listed, Natural England advises that Wicken Fen Ramsar is also designated for its wetland invertebrate assemblage, beyond those features included in the report.</p> <p>It should be noted that Natural England does not consider that this will change the conclusions of the report.</p>
Q1.2.29	Natural England	<b>Habitats Regulations Assessment</b> Section 5.3.7 of the Applicant's HRA Report [APP-092] states that as the land used by nesting Stone Curlew within the Order limits is outside of the Breckland SPA boundary, the proposals for offset land are considered to be 'mitigation' to avoid adverse effects as opposed to	<p>The impact of development on stone curlew is an ongoing area of research for Natural England and, as such, our advice has changed from that previously given.</p> <p>We have previously advised that birds found on the application site during surveys are likely to be part of the Breckland SPA population and should be evaluated as SPA birds. However, this is no longer considered to be the case. Therefore, any</p>

		'compensation' for adverse effects on integrity. Can Natural England comment on this?	offsetting of impacts to stone curlew can be considered outside of the Habitats Regulations.
Q1.2.34	Natural England	<b>Habitats Regulations Assessment</b> Are you satisfied with the Applicant's methodology for the assessment of in-combination effects?	Natural England is not fully satisfied with the Applicant's methodology for the assessment of in-combination effects. We reiterate our advice that an in-combination assessment is still required for air quality impacts on Rex Graham Reserve SAC, Devils Dyke SAC and Breckland SAC and SPA with respect to traffic from the construction and operation of the development.
Q1.11.21	NE	Is NE satisfied that the additional drainage information in Appendix 9C Flood Risk Assessment, including Drainage Technical Note [AS-012] shows where the solar farm drains would be located in relation to the Chippenham sites and what type of drains are being used, e.g. tile drains, and if not why not?  Does the application documentation yet establish whether there are any pathways that will result in hydrological change to Chippenham Fen Ramsar, Fenland Special Area of Conservation (SAC) and the nationally designated sites, soils and landscape, and if not please explain what in your view remains to be clarified?	Natural England has reviewed the mentioned document and understands that additional runoff will be managed by swales, although the exact location of these is unclear. However, Natural England does not consider this to be an issue that will impact Chippenham Fen due to the light chalk soil and the proposed wetland creation land.  Natural England is satisfied with the assessment made by the applicant that the development will be downstream of Chippenham Fen and, therefore, any run off or interception of groundwater will have negligible impact on Chippenham Fen Ramsar and Fenland Special Area of Conservation (SAC). As discussed in Part II of this document, additional information has also been provided regarding hydrological impacts on Brackland Rough SSSI and we satisfied there will be no hydrological impacts on this site. We do not consider there to be a risk of hydrological change to any other designated sites.

## Natural England's Written Representations

### PART IV: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents

Part IV of these representations provides Natural England's detailed comments on the Development Consent Order and detailed comments on issues not addressed in the DCO (omission comments).

Page	DCO or Omission ref	Natural England's comments	Risk (Red/Amber/Green)
	Schedule 2 Requirement 8	In our Relevant Representations [RR-1291], we suggested that various commitments were secured through schedules within the DCO, such as the commitment to achieving 10% BNG and minimising lighting. The applicant has since confirmed that these will be requirements of secured documents such as the LEMP, DEMP. Natural England accepts this clarification and considers this sufficient.	Green
	Schedule 2 Requirement 10	Natural England requested clarification on why the stone curlew habitat provision would not be provided before work Nos. 4 and 9 could begin. The applicant has provided clarification that this is because Works no.4 will go directly through the habitat provision, and that Works No.9 involves only street works. Natural England welcomes and accepts this clarification.	Green