

SUNNICA ENERGY FARM

REF: EN01016 DRAFT DEVELOPMENT CONSENT ORDER

PLANNING ACT 2008

**INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED
FORMS AND PROCEDURE) REGULATIONS 2009**

**WRITTEN SUMMARY OF ORAL CASE FOR CAMBRIDGESHIRE
COUNTY COUNCIL**

ISSUE SPECIFIC HEARING 1

DRAFT DEVELOPMENT CONSENT ORDER

1. The following Schedule sets out the comments by Cambridgeshire County Council in respect of the Draft Development Consent Order, as considered at the first issue specific hearing on 1st November 2022.

2. The overarching context for the County Council's comments is to be found in the Joint Local Impact Report, where it is recorded that the County Council has significant concerns in respect of the level of information provided in support of the assessment of effects upon the highway network, in a wide variety of ways. Cambridgeshire County Council notes the Applicant's reliance on precedent for the terms and

drafting of the provisions within the Draft DCO. However, such precedents are to be understood in their relevant context, which no doubt included adequate information to support the provisions which were adopted in other cases. For the reasons explained in the LIR, that position does not pertain in this application.

3. This Summary concentrates on Part 3 (Streets) and on Schedule 2 (Requirements).

Article Number in the Draft DCO	Commentary
Article 9 (Power to alter layout etc of streets)	Side agreements will be important in providing additional levels of engagement and control in matters of highway design and the standard of construction. Appropriately drafted side agreements are capable of yielding a sufficient degree of control for the highway authority to consider and to agree appropriate designs.
Article 10 (Construction and maintenance of altered streets)	No substantial observations in this regard, though the Applicant is invited to consider a drafting amendment to Article 10(1) to indicate that alterations must be maintained <u>to the satisfaction of the highway authority</u> .
Article 11 (Temporary stopping up of public rights of way)	<p>The Applicant has been invited to amend Article 11(1) to clarify that rights of way may only be stopped up for the purposes of the delivery of the scheme.</p> <p>The Council expects an alternative PROW whilst any PROW is temporarily stopped-up.</p>

	<p>Article 11, (1) (b) authorises the use of motor vehicles on classes of PROW. It should be made clear internal haulage routes will not use sections of PROW, only cross PROW. The DCO should be amended to remove the possibility of travel along PROW.</p> <p>Further, as to paragraph 11(2), the Applicant has been invited to address the consultation procedure in respect of any diversionary route or temporary closure of a PROW via its Traffic Management Plan.</p> <p>As to Article 11(4), the Applicant has been invited to introduce a drafting amendment to include a notice period for the consultation with the street authority, which is proposed to be 28 days.</p>
Article 12 (Access to work)	No comments on this Article.

Article 13 (Agreements with street authorities)	The point as to the necessity for side agreements is repeated (see above).
Article 44 (scope and proportionality of traffic regulation measures)	CCC agrees with SCC's request that Article 44 (1) and (2) is amended to include consent from the respective traffic authority.
Schedule 1(1) (Definition of Permissive paths) and Schedule 2(21)	The Applicant has been asked to address the access and rights of way plans such that the permissive paths are fully and accurately shown and so that the County Council, and others, is able to comment on the proposals.
Schedule 2 Requirements	<p>CCC agrees with SCC that a requirement on highway access is required. CCC also concurs with the following raised by SCC.</p> <ul style="list-style-type: none"> Requirement 6 (detailed design approval) – Details in respect of “vehicular and pedestrian access, parking and circulation areas” (currently subparagraph 1(f)) should be submitted to and approved by the relevant county authority.

	<ul style="list-style-type: none"> • Requirement 16 (construction traffic management plan) – Detail included in this document is not sufficient to show that the Applicant’s proposals are feasible or deliverable. It is suggested that the definition of “commence” here should include any permitted preliminary works. • Requirement 22 (decommissioning and restoration) – the applicant is to confirm how the county councils will know that the undertaker has “decided” to decommission any part of the development under r22(1). • Requirement 13 (archaeology) – CCC considers this does not currently take into account the second phase of archaeological trenching required, or secure timescales for delivery of the Post-Excavation Assessments and an Updated Project Design.
Schedule 12 (Protective Provisions)	Part 8 Paragraph 90. (1) to be amended as follows.

	<p>“Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may reasonably require within 14 28 days of the submission of the plans drainage authority’s request for further particulars.”</p> <p>Paragraph 90 (1) (b) to be amended as follows.</p> <p>“is deemed to have been given refused if it is neither given nor refused within 28 days 2 months of the submission of the plans for approval, or submission of further particulars (where required by the drainage authority under sub-paragraph Error! Reference source not found.) whichever is the later; and”</p>
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Schedule 13 (procedure for discharge)	<p>CCC Agrees with SCC that the schedule should align with Advice Note 15.</p> <p>There are a number of places where the draft DCO does not follow Advice Note 15.</p> <ul style="list-style-type: none">• Paragraph 2• Paragraph 4• Unlike Advice Note 15, there is no provision under Schedule 13 for the payment by the undertaker to the discharging authority of a fee. CCC would expect such a provision to be included. (The Applicant has confirmed that this provision will be provided).
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