

**East Cambridgeshire District Council** (20031149)

**Cambridgeshire County Council** (20031358)

**Suffolk County Council** (20031377)

**West Suffolk Council** (20031311)

Joint answers to Examining Authority's Questions 1 (ExQ1)

**Sunnica Energy Farm** (EN010106)

**Deadline 2**

**11 November 2022**

**Preamble:**

This document has been prepared jointly by the four host local authorities to avoid duplication of work, especially where technical expertise is shared between authorities, based on a template provided by the Planning Inspectorate case team. For ease of use, questions which are not addressed to the local authorities have been greyed out.

## Abbreviations used:

<b>PA2008</b>	The Planning Act 2008	<b>ExA</b>	Examining authority
<b>AC</b>	Alternating current	<b>HRA</b>	Habitats Regulations Assessment
<b>ADR</b>	Alternative Dispute Resolution	<b>LIR</b>	Local Impact Report
<b>Art</b>	Article	<b>LPA</b>	Local Planning Authority
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>LVIA</b>	Landscape and Visual Impact Assessment
<b>AP</b>	Affected Person	<b>MoD</b>	Ministry of Defence
<b>BESS</b>	Battery Energy Storage System	<b>NGESO</b>	National Grid Electricity System Operator
<b>BoR</b>	Book of Reference	<b>NGET</b>	National Grid Electricity Transmission plc
<b>CA</b>	Compulsory Acquisition	<b>NPPF</b>	National Planning Policy Framework
<b>CCC</b>	Cambridgeshire County Council	<b>NPS</b>	National Policy Statement
<b>CEA</b>	Cumulative effects assessment	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>CPO</b>	Compulsory purchase order	<b>PHE</b>	Public Health England
<b>CEMP</b>	Construction Environment Management Plan	<b>PRN</b>	Primary Route Network
<b>CTMP and TP</b>	Construction Traffic Management Plan and Travel Plan	<b>PRoW</b>	Public Right of Way
<b>DC</b>	Direct current	<b>PSED</b>	Public Sector Equality Duty
<b>dDCO</b>	Draft Development Consent Order	<b>R</b>	Requirement
<b>DCO</b>	Development Consent Order	<b>SAC</b>	Special Area of Conservation
<b>EC</b>	East Cambridgeshire District Council	<b>SCC</b>	Suffolk County Council

<b>EIA</b>	Environmental Explanatory Memorandum	<b>SI</b>	Statutory Instrument
<b>EM</b>	Explanatory Memorandum	<b>SoS</b>	Secretary of State
<b>EN-1</b>	Overarching National Policy Statement for Energy	<b>SPA</b>	Special Protection Area
<b>ES</b>	Environmental Statement	<b>SuDS</b>	Sustainable drainage system
<b>FPRF</b>	United States Fire Protection Research Foundation	<b>TP</b>	Temporary Possession
<b>FRA</b>	Flood Risk Assessment	<b>WSC</b>	West Suffolk Council
<b>GLVIA</b>	Guidelines for Landscape and Visual Impact Assessment		

### **The Examination Library**

References in these questions set out in brackets, eg [APP-010], are to documents catalogued in the Examination Library. The Examination Library will be updated as the examination progresses and can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-002090-Sunnica%20Energy%20Farm%20Examination%20Library.pdf>

## **Index**

<b>1.0 Principle and Nature of the Development.....</b>	<b>5</b>
<b>1.1 Air Quality and Human Health .....</b>	<b>16</b>
<b>1.2 Biodiversity and Nature Conservation (including Habitats Regulations Assessment).....</b>	<b>46</b>
<b>1.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations .....</b>	<b>53</b>
<b>1.4 Cultural Heritage and Historic Environment .....</b>	<b>65</b>
<b>1.5 Draft Development Consent Order (dDCO) .....</b>	<b>73</b>
<b>1.6 Environmental Statement – general matters .....</b>	<b>104</b>
<b>1.7 Landscape and Visual Effects .....</b>	<b>107</b>
<b>1.8 Noise and Vibration .....</b>	<b>118</b>
<b>1.9 Socio-Economics and Land Use .....</b>	<b>120</b>
<b>1.10 Traffic, Transport and Highway Safety .....</b>	<b>122</b>
<b>1.11 Water Resources, Flood Risk and Drainage .....</b>	<b>159</b>

ExQ1	Question to:	Question:	Local Authority Response
<b>1.0</b>	<b>Principle and Nature of the Development</b>		
Q1.0.1	The Applicant	<b>Design and Access Statement</b> Of the opportunities and constraints listed in the Design and Access Statement [APP-264] para 2.3.1, please clarify which are regarded as opportunities and which as constraints.	
Q1.0.2	The Applicant and/or East Cambridgeshire District Council and West Suffolk Council	<b>Impact on local populations</b> Please quantify how many residential properties are within 400m and 100m of the Order limits.	<p>Within the District of West Suffolk there are approximately 1923 residential properties within 400m of the Order limits and 78 residential properties within 100m of the Order limits.</p> <p>Within the District of East Cambridgeshire there are approximately 1402 residential properties within 400m of the Order limits and 156 residential properties within 100m of the Order limits</p>
Q1.0.3	The Applicant	<b>Good Design</b> Section 4.5 of the Overarching National Policy Statement (NPS) for Energy (EN-1) emphasises the importance placed on ensuring good design in the development of infrastructure projects. This matter is cross-cutting in relation to multiple topics identified within the Initial Assessment of Principal Issues. Although the NPS is the primary source of policy under which the application will be considered, policy within the National Planning Policy Framework (NPPF) advocates for good design as do the 'Design Principles for National Infrastructure', developed by the National Infrastructure Commission. Please outline your approach to good design in respect of the following key elements, focusing on emerging technology and	

ExQ1	Question to:	Question:	Local Authority Response
		<p>how each element reflects the principles of development responding to setting/place and people:</p> <p>a) solar panels: form and associated platforms;</p> <p>b) substations, transmission cables and grid connection;</p> <p>c) the size and location of the battery energy storage systems.</p>	
Q1.0.4	The Applicant	<p><b>Design principles</b></p> <p>In the context of EN-1 paragraph 4.5.5, explain how the design of the proposed development meets the National Infrastructure Commission's Design Principles for National Infrastructure (February 2020) in respect of Climate, Places, People and Value, in all three phases of construction, operation and decommissioning.</p>	
Q1.0.5	The Applicant, and relevant Local Authorities and Statutory Parties	<p><b>Design principles</b></p> <p>The National Infrastructure Strategy (November 2020) states that:</p> <p><i>"All infrastructure projects to have a board level Design Champion in place by the end of 2021 at either the project, programme or organisational level, supported ... by design panels"</i>.</p> <p>i) Comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the proposed development, particularly the solar panels, BESS and substations, into the landscape is achieved in the detailed design, construction and operation of the projects.</p> <ul style="list-style-type: none"> <li>A Design Champion to advise on the quality of sustainable design and the spatial integration of energy infrastructure structures, buildings, compounds, security fences,</li> </ul>	<p>i) Firstly, the Councils note that at para 4.6.5 of the emerging Draft Overarching National Policy Statement for Energy EN-1 it suggests that both the developer and the Secretary of State should consider taking independent professional advice on the design aspects of the scheme. WSC, SCC, ECDC and CCC would support the principle of a Design Champion being engaged to oversee the detailed design stage of the process. The Councils would also support the use of a design review panel, design code/design approach document and an outline of the design process, including key stakeholders and consultees. A Design Champion would have the potential to contribute to the</p>

ExQ1	Question to:	Question:	Local Authority Response
		<p>landscape, heritage, woodland, new landscape features, public rights of way and visual amenity.</p> <ul style="list-style-type: none"> <li>• A 'design review panel' to provide informed 'critical-friend' comment on the developing sustainable design proposals;</li> <li>• An approved 'design code' or 'design approach document' (as approved in the Hinkley Point C Connector Project) to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design;</li> <li>• An outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.</li> </ul> <p>ii) What qualifications and experience should the Design Champion have?</p> <p>iii) How might the above measures be secured? and:</p> <p>iv) Are any further measures needed? and</p> <p>v) In the opinion of the local authorities and other statutory parties, would the implementation of any or all of the above measures assist in determining post-consent approvals (including the discharge of requirements) in relation to achieving good design?</p>	<p>consideration of sustainable design issues and to the integration of the proposals into the landscape at the detailed design, construction and operation stages of the project. However, it may also be required to review the design principles which have been applied to the project thus far and assess how they accord with the Design Principles of the National Infrastructure Commission [<i>Climate People Place Value, Design Principles for National Infrastructure, National Infrastructure Commission, Design Group, Feb 2020</i>].</p> <p>Even with a Design Champion in place, sustainable design issues and the integration of the proposals into the landscape would probably still need to be incorporated into the discharge of requirements related to design, which is a matter for the relevant planning authority.</p> <p>i) The skillset required of a Design Champion has not been clearly defined within the National Infrastructure Strategy (November 2020). The Institution of Civil Engineers (ICE) and the National Infrastructure Commission Design Group (NICDG) have produced a useful working paper ('Defining and developing the design champion role', version of 25/08/2022) in this respect.</p>

ExQ1	Question to:	Question:	Local Authority Response
			<p>A Design Champion should be a person <i>'of sufficient gravitas and ability to hold the project team to account in terms of a macro vision of design' [...] They will have experience of setting and upholding design priorities for large, complex projects, in the context of cost and programme pressures, and will have excellent advocacy skills to communicate the value of design to the rest of the board.'</i> (p.5).</p> <p>In terms of the type of design champion for this project the Councils consider that such a person should be a Landscape Architect rather than an Architect, given the nature of the development and the issues to which it gives rise.</p> <p>ii) The measures should be secured by requirement, ensuring that the Design Champion is in place prior to any applications to discharge any requirements that include an element of design.</p> <p>iii) On-going review of the value added by the Design Champion.</p> <p>Yes – the implementation of these measures would assist in determining</p>



ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			post consent approvals in relation to achieving good design.
Q1.0.6	The Applicant	<p><b>Good Design: substations and connection to the national grid</b></p> <p>EN-1 section 4.5 criteria for ‘good design’ for energy infrastructure states that applying good design to energy projects should produce infrastructure that is sustainable, sensitive to place, efficient in the use of natural resources and energy used in their construction and operation and be matched by an appearance that demonstrates good aesthetics as far as possible.</p> <p>Paragraph 4.5.3 of EN-1 requires applicants to take into account both functionality and aesthetics (including its contribution to the quality of the area in which it would be located) and encourages an applicant to take opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.</p> <p>Explain how the criteria set out in EN-1 have been met in the location, layout, design and proposed mitigation in respect of the Sunnica and National Grid substations and proposed alternative grid connection locations at Burwell.</p>	
Q1.0.7	The Applicant	<p><b>Connection to the national grid</b></p> <p>Item 4 in Table 1 of the Consents and Agreements Position Statement [APP-021] says that you accepted a grid connection offer in December 2018.</p> <ul style="list-style-type: none"><li>• Please update this item to reflect the present position, with particular reference to the acceptability (or otherwise) of your proposed Option 3.</li></ul>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.0.8	The Applicant	<p><b>Connection to the national grid</b></p> <p>In paragraph 4.1.3 of the Grid Connection Statement [APP-265] you say that a modification application was made to NGESO resulting in an Agreement to Vary offer being made on 26 April 2021 which you accepted.</p> <ul style="list-style-type: none"> <li>• Who made the modification application and why?</li> <li>• When did you accept the Agreement to Vary offer?</li> <li>• Is this now part of the Bilateral Connection Agreement?</li> <li>• Have there been any further changes since the application was submitted?</li> </ul>	
Q1.0.9	The Applicant	<p><b>Connection to the national grid</b></p> <p>In paragraph 4.1.4 of the Grid Connection Statement [APP-265] you say that the connection to the national grid will be an import and export connection.</p> <ul style="list-style-type: none"> <li>• Why does the BESS require charging from external sources?</li> </ul>	
Q1.0.10	The Applicant	<p><b>Transfer of energy to the national grid</b></p> <p>Our understanding is that a battery energy storage system (BESS) is needed to control the transfer of energy to the national grid because of the fluctuating quantities of energy generated by the solar panels: the BESS is thus necessary development associated with the NSIP which is the solar energy generating panels.</p> <p>Paragraph 3.4.23 of the Scheme Description [APP-035] says that <i>“The BESS is designed to provide peak generation and grid balancing services to the electricity grid by allowing excess electricity generated either from the solar PV panels, or imported from the electricity grid, to be stored in batteries and dispatched when required.”</i></p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Please explain:</p> <p>i) Under what circumstances and why it would be necessary to allow electricity imported from the national grid to be stored in the Sunnica BESS; and</p> <p>ii) How and why this is necessary to the operation of the NSIP, ie the solar panels generating the electricity, and thus fulfils the requirements of associated development.</p>	
Q1.0.11	The Applicant	<p><b>Energy production from the solar panels</b></p> <p>In paragraph 4.1.5 of the Grid Connection Statement [APP-265] you say that the output from the solar panels and the BESS will be exported to the national grid, but no figures are provided.</p> <p>Bearing in mind the pace of technological change, including solar panel types, materials and configurations; and conversion efficiency from the DC panels to inverters and inverters to AC output to the national grid</p> <p>i) How much energy do you expect the solar cells to produce daily?</p> <p>ii) At what times of day?</p> <p>iii) Do you have hourly projections of likely energy production by time of day and time of year?</p> <p>iv) How do these figures compare with other alternative sites you have investigated?</p> <p>v) What is the maximum storage demand that will be made on the BESS by the energy generated by the solar panels?</p> <p>vi) Is the BESS able to deal with this demand? and</p> <p>vii) What is the export limit both as DC from the solar panels and as AC into the national grid?</p>	
Q1.0.12	The Applicant	<b>Energy production efficiency</b>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Do you expect the efficiency of conversion from DC to AC and the efficiency of conversion from sunlight to electrical energy to improve by the time the proposed development is operational? If so, what does this mean in terms of the number, size, type and appearance of panels, the land required and the environmental and landscape impacts?	
Q1.0.13	The Applicant	<b>Public sector equality duty (PSED)</b> Please submit an equality impact assessment to inform the ExA how your proposal would accord with the requirements of the Public Sector Equality Duty.	
Q1.0.14	The Applicant	<b>Sensitive information in planning applications</b> Has the Applicant complied with National Cyber Security Centre and Centre for the Protection of National Infrastructure guidance and requirements in respect of sensitive information in planning applications for critical national infrastructure?	
Q1.0.15	The Applicant	<b>Cumulative Effects Assessment, overarching approach</b> Table 1-1 of ES Appendix 5A [APP-055] lists all the developments screened into consideration for the Cumulative Effects Assessment (CEA). This provides the outcome of Stages 1 and 2 of the methodology and lists approximately 92 developments carried forward for further assessment at Stage 3. However, the only Zone of Influence referred to in Table 1-1 is for ecology. Please explain the reasons why the ecological zone of influence is the only consideration in Table 1-1 in Appendix 5A and how other environmental aspect zones of influence have been used to define the scope of the CEA.	
Q1.0.16	The Applicant	<b>Cumulative Effects Assessment, overarching approach</b> Paragraph 5.8.17 of the EIA methodology [APP-037] states that the outcome of Stage 4 of the CEA is documented in a	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		<p>matrix including proposed mitigation, but this does not appear to have been provided.</p> <p>Please provide the matrix described in paragraph 5.8.17 presenting the outcome of Stage 4 of the cumulative effects assessment, or signpost to where this is included within the application material.</p>	
Q1.0.17	The Applicant	<p><b>Cumulative Effects Assessment, overarching approach</b></p> <p>The cumulative effects assessment presented in Chapter 10: Landscape and Visual Amenity [APP-042] also references the use of GLVIA guidance as the methodology used for the aspect cumulative assessment.</p> <p>The CEA within this chapter identifies that when considered with other development, there is potential for significant cumulative landscape and visual effects during construction and operational phases of the Proposed Development. There is no assessment to confirm whether there are significant cumulative effects during decommissioning.</p> <p>However, this approach is not in line with the methodology presented in Chapter 5 of the ES. Where significant cumulative effects have been identified in the Landscape and Visual Amenity assessment, no mitigation is proposed or secured, for example.</p> <p>Please comment on the reasons for diverging from the stated methodology for Stages 3 and 4 of the cumulative effects assessment.</p> <p>What mitigation and, where relevant, monitoring, do you propose to address the identified significant cumulative landscape and visual effects? How will this mitigation be secured?</p>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		The cumulative effects methodology indicates that local councils were consulted during the refinement of developments at Stage 3. Can you confirm whether the outcome of the assessment has been discussed with other relevant consultation bodies?	
Q1.0.18	Suffolk Wildlife Trust	<b>Other relevant developments</b> The Suffolk Wildlife Trust Relevant Representation [RR-1142] states that <i>“Additionally, we are concerned that there has been a lack of consideration of cumulative impacts from the proposal with other plans and projects, including local smaller solar farm developments”</i> . Please provide details of the specific developments that you consider are absent from the cumulative effects assessment.	
Q1.0.19	The Applicant	<b>Flexibility sought within DCO and Works Plan</b> Table 3.1 of the Scheme Description [APP-035] gives an indication of the flexibility you seek and your assessment approach, but contains very little detail. Please explain in more detail what flexibility is sought and where, whether this is in terms of different uses or the use of the latest technology for a particular use, and how the Rochdale Envelope principles have been adopted to ensure that you have assessed the worst case.	
Q1.0.20	The Applicant	<b>Rochdale envelope principles</b> Paragraph 3.2.3 of the Scheme Description [APP-035] says that <i>“the Environmental Impact Assessment (EIA) has been undertaken adopting the principles of the ‘Rochdale Envelope’ where appropriate ...”</i> . Does this mean that there are parts of the assessment of the proposed development where the principles of the Rochdale Envelope have not been adopted?	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
Q1.0.21	The Applicant	<b>Site selection - drafting</b> In lines 3 and 4 of paragraph 5.4.7 of the Statement of Reasons [APP-022], do you mean to say that “None of the alternatives would provide the compelling benefits that the Scheme would provide, and all would involve additional impacts or disadvantages”?	
Q1.0.22	The Applicant	<b>Policy support</b> Chapter 7 of the Statement of Reasons [APP-022] deals with policy support for the Application. Please confirm that all policies referred to are extant and up to date.	
Q1.0.23	The Applicant	<b>Change application - drafting</b> It would assist our understanding of section 3.6 of the scheme description [AS-249] if the following minor changes were made in order to clarify Options 2 and 3: <ul style="list-style-type: none"><li>• amend the header above paragraph 3.6.1 to read “<i>Option 3 - onsite substations</i>”;</li><li>• amend the header above paragraph 3.6.5 to read “<i>Option 2 - Burwell National Grid Substation Extension</i>”; and</li><li>• add new paragraph 3.6.7 “<i>Option 3 does not require any extension works to the Burwell National Grid Substation</i>”</li></ul>	
Q1.0.24	The Applicant	<b>Change application</b> In paragraph 3.7.8 of the Scheme Description [AS-249], the total construction period, previously 30 weeks, is now 50 weeks for Sunnica West Site A, Sunnica East Site A, Sunnica East Site B. Please explain <ul style="list-style-type: none"><li>• the reasons for this 20 week increase in the total construction period;</li></ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>• why no reference appears to be made to Sunnica West Site B;</li> <li>• why it appears to be the same for both Option 2 and Option 3; and</li> <li>• how this increase has been taken into account in the environmental assessment, with particular reference to air quality, noise and vibration, and other human health issues including mental health.</li> </ul>	
Q1.0.25	The Applicant	<p><b>Change application</b></p> <p>In paragraph 3.7.8 of the Scheme Description [AS-249], the total construction period, previously 24 weeks, is now 50 weeks for the Burwell National Grid Substation Extension.</p> <p>Please explain:</p> <ul style="list-style-type: none"> <li>• the reasons for this 26 week increase in the total construction period;</li> <li>• why it appears to be the same for both Option 2 and Option 3; and</li> <li>• how this increase has been taken into account in the environmental assessment, with particular reference to air quality, noise and vibration, and other human health issues including mental health.</li> </ul>	
<b>1.1</b>	<b>Air Quality and Human Health</b>		
Q1.1.1	The Applicant, relevant local authority	<p><b>Health and safety related consents:</b></p> <p>Item 6 of the Consents and Agreements Position Statement [APP-021] refers to consents under Section 61 of the Control of Pollution Act 1974.</p> <p>What is the position if the application is not successful?</p>	<p>If an application for consent under s.61 of the Control of Pollution Act 1974 is not agreed, it is open to the developer/contractor to appeal against the refusal of the Local Authority to consent or against conditions imposed in a consent. The Magistrates Court may uphold, amend, or reject any or all</p>



ExQ1	Question to:	Question:	Local Authority Response
			conditions attached to a consent. We would wish to work to agree consents and conditions which would preclude the necessity to take action regarding either noncompliance with s.61 consents or in respect of statutory nuisance. If consent requirements are contravened it is open to the Local Authority to take action in the Magistrates Court. Compliance with consents under s.61 does not mean that nuisance action cannot be taken under s.82 Environmental Protection Act 1990 (subject to any restrictions on action imposed by the method by which planning approval is granted) in respect of statutory nuisance, but it can be used as a defence in appeals against any private action taken.
Q1.1.2	The Applicant	<b>Health and safety related consents:</b> Item 7 of the Consents and Agreements Position Statement [APP-021] refers to health and safety related consents. <ul style="list-style-type: none"> <li>Do such consents apply in respect of both the workforce and members of the public?</li> <li>How long before construction commences are such consents to be applied for?</li> </ul> Rather than “as appropriate” do you mean that such consents are to be made as required to comply with relevant legislation?	
Q1.1.3	The Applicant	<b>Battery energy storage system (BESS):</b>	

ExQ1	Question to:	Question:	Local Authority Response
		Table 3-2 (foot of page 8) and paragraph 3.4.2 g. of the Scheme Description [APP-035] at say that there is a BESS in Works No 2A, 2B and 2C, but not 2D. Why is this?	
Q1.1.4	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>By way of background</p> <ul style="list-style-type: none"> <li>Paragraphs 3.4.23 to 3.4.32 of the Scheme Description [APP-035] give a brief description of the Battery Energy Storage System (BESS) but do not mention fire risk.</li> <li>Fire is mentioned briefly in general terms in section 16.5 of ES Chapter 16: Other Environmental Topics [APP-048] (Major Accidents and Disasters) with brief references to ES Appendix 16D entitled “Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)” [APP-124].</li> <li>Concerns about the fire risk of the batteries being installed are mentioned briefly in the penultimate entry in ES Table 16.8 [APP-048] which covers Section 47 response (statutory consultation): the response states that <i>“an Outline Fire Safety Management Plan has been prepared as part of the DCO submission [EN010106/APP/7.9].”</i></li> <li>ES Appendix 16D entitled “Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)” [APP-124] and mentions fire along with out-gassing and emissions generally.</li> </ul> <p>Paragraph 2.3.4 of the outline Battery Fire Safety Management Plan [APP-267] states that <i>“The councils have expressed a concern that the risks associated with battery storage fires have not been fully explored and a request has been made to develop an Outline Battery Fire Safety Management Plan for</i></p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>the BESS and to be included as part of the DCO application for the Scheme. This document addresses this request."</i></p> <ul style="list-style-type: none"> <li>• What documents had been made available to the Councils to form the basis for this statement?</li> <li>• Where is the Outline Fire Safety Management Plan in the DCO submission [EN010106/APP/7.9]?</li> </ul>	
Q1.1.5	Cambridgeshire County Council, Suffolk County Council, East Cambridgeshire District Council, West Suffolk Council	<p><b>Battery energy storage system (BESS):</b></p> <p>By way of background</p> <ul style="list-style-type: none"> <li>• Paragraphs 3.4.23 to 3.4.32 of the Scheme Description [APP-035] give a brief description of the Battery Energy Storage System (BESS) but do not mention fire risk or refer to other relevant documents.</li> <li>• Fire is mentioned in general terms in section 16.5 of ES Chapter 16: Other Environmental Topics [APP-048] (Major Accidents and Disasters) with brief references to ES Appendix 16D entitled "Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)" [APP-124].</li> <li>• Concerns about the fire risk of the batteries being installed are mentioned briefly in the penultimate entry in ES Table 16.8 [APP-048] which covers Section 47 response (statutory consultation): the response states that <i>"an Outline Fire Safety Management Plan has been prepared as part of the DCO submission [EN010106/APP/7.9]."</i></li> <li>• ES Appendix 16D entitled "Unplanned Atmospheric Emissions from Battery Energy Storage Systems (BESS)" [APP-124] and mentions fire along with out-gassing and emissions generally.</li> </ul>	<ul style="list-style-type: none"> <li>• This comment is correct, in that the Outline Battery Safety Management Plan was produced by the Applicant in response to concerns raised by the Councils. Though the proposal retains flexibility for the precise implementation of the project, the general siting of the BESS systems would be relatively fixed. The Councils therefore consider it prudent to ensure that operational requirements and any potential siting issues which might arise are considered at an early point in the planning process.</li> <li>• At the point this comment was made (assumed to be written in the lead up to submission) the Councils believe they had sight of an early draft of the Outline Battery Fire Safety Management Plan, but the ES chapters and appendices would not have been</li> </ul>

ExQ1	Question to:	Question:	Local Authority Response
		<p>Paragraph 2.3.4 of the outline Battery Fire Safety Management Plan [APP-267] states that <i>“The councils have expressed a concern that the risks associated with battery storage fires have not been fully explored and a request has been made to develop an Outline Battery Fire Safety Management Plan for the BESS and to be included as part of the DCO application for the Scheme. This document addresses this request.”</i></p> <ul style="list-style-type: none"> <li>• Is this comment correct?</li> <li>• At the time it was made, which of these documents had you reviewed?</li> <li>• Does the outline Battery Fire Safety Management Plan [APP-267] address your concerns? If not, please explain why.</li> </ul>	<p>seen until the DCO application documents were published.</p> <ul style="list-style-type: none"> <li>• The Applicant seeks flexibility over the precise technology and configuration of the BESS so it is not possible for concerns to be entirely addressed as the necessary details are simply not available. The Councils consider instead that the DCO and the supporting outline Battery Fire Safety Management Plan should provide a robust framework for approval of detailed matters. This means that at the post-consent stage the final management plan should at least cover the provision of water supplies, access for emergency response, emergency preparedness measures, and the containment of environmental damage. The DCO and outline plan should require that the detailed design of fire safety features is justified by reference to rigorous modelling and testing by qualified fire engineers.</li> </ul> <p>It is noted that the Applicant intends to submit a revised OBFSMP, which</p>

ExQ1	Question to:	Question:	Local Authority Response
			we will review and provide feedback on, taking into account the above.
Q1.1.6	The Applicant	<p><b>Battery energy storage system (BESS):</b>  Paragraphs 3.4.23 to 3.4.32 of the Scheme Description [APP-035] give a brief description of the Battery Energy Storage System (BESS) but do not describe the BESS chemistry or explain why the particular battery cell chemistry outlined in Table 2 of the outline Battery Fire Safety Management Plan [APP-267] has been selected.</p> <p>Please</p> <ul style="list-style-type: none"> <li>• describe all the battery storage technologies which have been considered;</li> <li>• explain how they each perform in respect of battery fire hazard, risk and severity of outcome;</li> <li>• explain the reasons for selecting Nickel Manganese Cobalt (NMC) and Lithium Iron Phosphate (LiFePO<sub>4</sub>) cells with particular reference to battery fire hazard, risk and severity of outcome; and</li> <li>• explain what other component parts of the BESS other than the battery cells may present a fire risk.</li> </ul>	
Q1.1.7	The Applicant	<p><b>Battery energy storage system (BESS):</b>  Paragraph 3.4.24 of the Scheme Description [APP-035] says that <i>“The Scheme is an AC-coupled system, so the BESS will be located together in three centralised areas ...”</i>.</p> <p>Please</p> <ul style="list-style-type: none"> <li>• explain briefly your choice of AC over DC; and</li> <li>• explain why and how the choice of AC coupling decides the location of the BESS.</li> </ul>	
Q1.1.8	The Applicant	<b>Battery energy storage system (BESS):</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Paragraph 3.4.26 of the Scheme Description [APP-035] states that <i>“The batteries will be housed within containers, each with maximum dimensions of 17m by 5m in plan and up to a maximum 6m of height.”</i></p> <p>Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The BESS enclosure for each of Work Nos 2A, 2B and 2C is shown as the fourth item.</p> <ul style="list-style-type: none"> <li>Please confirm that the maximum footprint of each BESS enclosure will be 17m (L) x 5m (W) with a maximum height from ground level of 6m and that this is what has been assessed in the EIA.</li> </ul>	
Q1.1.9	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Paragraph 3.4.27 of the Scheme Description [APP-035] says that <i>“The precise number of individual battery storage containers will depend upon the level of power capacity and duration of energy storage that the Scheme will require.”</i></p> <p>Paragraph 2.2.2 of the outline Battery Fire Safety Management Plan [APP-267] states that <i>“details of the design for the BESS elements, including their power and energy ratings, and their final enclosure dimensions and appearance, are currently in development and will be finalised following receipt of any Development Consent Order.”</i></p> <p>Please explain</p> <ul style="list-style-type: none"> <li>why the power and energy ratings cannot be specified in the Order; and</li> <li>what has been assessed in the EIA.</li> </ul>	
Q1.1.10	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Paragraph 3.4.28 of the Scheme Description [APP-035] says that battery stations may be housed outside or in a container.</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The indoor or outdoor battery station for each of Work Nos 2A, 2B and 2C is shown as the seventh item, headed “Indoor or Outdoor Battery Station”.</p> <ul style="list-style-type: none"> <li>• Please explain which option you prefer.</li> <li>• What is the footprint of the indoor and outdoor options?</li> <li>• Which option is better in terms of minimising the risk of fire and ensuring that any incident can be dealt with safely and effectively? and</li> <li>• Has the worst case has been assessed in the EIA?</li> </ul>	
Q1.1.11	The Applicant	<p><b>Battery energy storage system (BESS):</b> Paragraph 3.4.29 of the Scheme Description [APP-035] says that each BESS will require an air or liquid cooling system.</p> <ul style="list-style-type: none"> <li>• What are the advantages and disadvantages of air and liquid cooling systems?</li> <li>• Which do you prefer and why?</li> <li>• How do air and liquid systems differ in terms of footprint and visual impact?</li> </ul>	
Q1.1.12	The Applicant	<p><b>Battery energy storage system (BESS):</b> Table 1 (Technical Terms and Definitions) of the outline Battery Fire Safety Management Plan [APP-267] says that the authority having jurisdiction (AHJ) “<i>will be confirmed in the final Battery Fire Safety Management Plan</i>”; paragraph 4.1.1 refers to the need to update the Battery Fire Safety Management Plan during the operational phase of the Scheme, or if there is a change to the Scheme; and paragraph 4.3.1 says that it “<i>will be submitted for approval ... and will be updated during the project lifecycle</i>”.</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Which statutory body do you expect to be the AHJ?</li> <li>Given that the Battery Fire Safety Management Plan will be a live document updated throughout the life of the Scheme, what do you mean by “final”? and</li> <li>do you mean that the AHJ will be confirmed prior to approval of the Battery Fire Safety Management Plan in accordance with Schedule 2 to the DCO (Requirement 7)?</li> </ul>	
Q1.1.13	The Applicant	<p><b>Battery energy storage system (BESS):</b> Paragraph 2.2.1 of the outline Battery Fire Safety Management Plan [APP-267] lists the components of the authorised development.</p> <ul style="list-style-type: none"> <li>Please confirm that the outline Battery Fire Safety Management Plan [APP-267] applies just to item d.</li> </ul>	
Q1.1.14	The Applicant	<p><b>Battery energy storage system (BESS):</b> Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The BESS compound for each of Work Nos 2A, 2B and 2C is shown as the fifth item.</p> <ul style="list-style-type: none"> <li>Please confirm that the figure for Sunnica East Site A is 66,000m<sup>2</sup>;</li> <li>Please confirm that the figures given refer to the maximum area of each compound; and</li> <li>Please explain how the length and width of each area will be arrived at               <ul style="list-style-type: none"> <li>to minimise the risk of fire;</li> <li>to ensure that any incident can be dealt with safely and effectively, and</li> </ul> </li> </ul>	



ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>to ensure that the worst case has been assessed in the EIA.</li> </ul>	
Q1.1.15	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The operational office/warehouse building for each of Work Nos 8A and 8B is shown as the sixth item.</p> <ul style="list-style-type: none"> <li>Please confirm that the maximum size of each operational office/warehouse building will be 31m (L) x 13m (W) x 5m (H) for Sunnica East Site A and 35.5m (L) x 25m (W) x 8m (H) for Sunnica East Site B and that this is what has been assessed in the EIA.</li> </ul>	
Q1.1.16	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The substation adjacent to the BESS for each of Work Nos 3A, 3B and 3C is shown as the eighth item.</p> <p>Please confirm that</p> <ul style="list-style-type: none"> <li>the maximum size of each substation control building or container will be 25m (L) x 8m (W) x 6m (H);</li> <li>this is included within the overall dimensions given above; and</li> <li>this is what has been assessed in the EIA.</li> </ul>	
Q1.1.17	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 2 of the outline Battery Fire Safety Management Plan [APP-267] outlines the component parts of the BESS. The fire water storage tanks (Work Nos 2A, 2B and 2C) are shown as the ninth (final) item.</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Given that the BESS is essentially electrical, please explain the use of water to put out a fire;</li> <li>What do you mean by “resiliency” in line 3? and</li> <li>Will resilience be optimised by immediate refilling and availability of each tank after use?</li> </ul>	
Q1.1.18	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Paragraph 2.3.5 of the outline Battery Fire Safety Management Plan [APP-267] says that the Battery Fire Safety Management Plan will be secured through Schedule 2 of the DCO which will require approval by the relevant planning authorities.</p> <p>As the Battery Fire Safety Management Plan is concerned mainly with fire safety,</p> <ul style="list-style-type: none"> <li>should the fire and emergency services be consulted, if not required to approve the plan? and</li> <li>should the emergency services be listed in paragraph 2.4.1?</li> </ul>	
Q1.1.19	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Paragraph 3.1.1 of the outline Battery Fire Safety Management Plan [APP-267] refers to “<i>the life safety and property protection fire safety requirements</i>”.</p> <ul style="list-style-type: none"> <li>Please explain what you mean by “life safety and property protection”;</li> <li>What are these requirements? and</li> <li>do they include human health, safety and welfare? (Either say so here or signpost)</li> </ul>	
Q1.1.20	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>In paragraph 3.1.2 of the outline Battery Fire Safety Management Plan [APP-267]</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Please explain what you mean by “significant”; and</li> <li>In line 3, rather than “an appropriate Outline Battery Fire Safety Plan” do you mean “the approved Battery Fire Safety Management Plan”?</li> </ul>	
Q1.1.21	The Applicant	<p><b>Battery energy storage system (BESS):</b> In paragraph 3.1.3 of the outline Battery Fire Safety Management Plan [APP-267]</p> <ul style="list-style-type: none"> <li>What concerns have been raised by local communities?</li> <li>What do you mean by “historical” BESS projects?</li> <li>What is “the experience gained from these projects”?</li> <li>How do your proposals differ from these “historical” projects in terms of fire safety and human health, safety and welfare?</li> <li>What do you mean by “where reasonably practicable”?</li> <li>Surely solutions should be implemented as required to reduce any and all foreseeable risks to as low as reasonably practicable?</li> </ul>	
Q1.1.22	The Applicant	<p><b>Battery energy storage system (BESS):</b> Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 2 states that “<i>The Battery Fire Safety Management Plan will include an emergency response plan during the detailed design stage of the Scheme</i>”.</p> <ul style="list-style-type: none"> <li>Surely the Battery Fire Safety Management Plan will include an emergency response plan throughout the life of the Scheme?</li> <li>Is an outline emergency response plan included in the outline Battery Fire Safety Management Plan with the detail to be added during the detailed design stage?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>If not, please explain how the inclusion of an emergency response plan in the Battery Fire Safety Management Plan will be secured in the DCO.</li> </ul>	
Q1.1.23	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan (APP-267) at item 2 states that <i>"The Battery Fire Safety Management Plan will include an emergency response plan during the detailed design stage of the Scheme"</i>.</p> <ul style="list-style-type: none"> <li>Would you expect the Battery Fire Safety Management Plan to include an emergency response plan throughout the life of the Scheme?</li> <li>Are you satisfied with the outline emergency response plan as currently included in the outline Battery Fire Safety Management Plan, with the detail to be added during the detailed design stage?</li> <li>If not, please explain what you would like to see included.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>The current outline BFSMP does not contain an outline emergency response plan, but commits to producing one</li> <li>Detailed information regarding the systems on site and emergency procedures in relation to these. This should include information detailed information regarding the system design, the suppression systems, isolation practices, ability to discharge the system prior to intervention, emergency procedures to follow on site and emergency contact details. There should also be clear consideration and information for on and off site emergency response, environmental considerations including containment of water run-off, with details in the quantities of storage on site and removal of this water run-off. Prevailing wind response plans, access and egress routes. The final document should be produced in collaboration with the Local Resilience Forums for Suffolk and Cambridgeshire. Since BESS technology is a fast-moving field, it is</li> </ul>

ExQ1	Question to:	Question:	Local Authority Response
			important that the information provided is prepared by a suitably qualified fire engineer and justified with reference to rigorous modelling and testing.
Q1.1.24	The Applicant	<b>Battery energy storage system (BESS):</b> Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 4 states that <i>“the emergency response plan should include details ...”</i> <ul style="list-style-type: none"> <li>Please confirm as your response to this requirement that “the emergency response plan will include details ...”</li> </ul>	
Q1.1.25	The Applicant	<b>Battery energy storage system (BESS):</b> Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 17 refers to persons being burnt. <ul style="list-style-type: none"> <li>Does this item also include persons inhaling toxic gases?</li> </ul>	
Q1.1.26	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<b>Battery energy storage system (BESS):</b> Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 7 refers to a water drenching system, and the response to each of items 23 and 24 refers to the response to item 7, ie the upgrade from a gas to an automatic water based extinguishing system. <ul style="list-style-type: none"> <li>Are you satisfied with the water based system now proposed?</li> <li>If not, please explain why not.</li> </ul>	Water is useful to be included as an option alongside gas and other technologies which may be available, because it typically has better performance as a heat-sink than gas system which can be important in the event of chemical reactions causing thermal runaway. However, it should be noted there are different types of water system (e.g. mist or drenching), and

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			details need to be confirmed at detailed design stage by a qualified fire engineer.
Q1.1.27	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 19 refers to details of the BESS technology. The requirement states that these need <i>“to be presented as part of the consultation and not developed post consent”</i>. Your response states that details have been provided in Table 1, that the maximum parameters of the BESS have been provided and that more detailed information will be provided <i>“within the detailed Battery Fire Safety Management Plan as the project develops during detailed design”</i>.</p> <ul style="list-style-type: none"> <li>• Table 1 appears to cover technical terms and conditions: where are the details provided?</li> <li>• If sufficient detail is not provided with the application, how do you know that you have assessed the worst case in the EIA and what the effects of those impacts will be?</li> </ul>	
Q1.1.28	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 21 refers to the need <i>“to observe the minimum of 6m separation between containers rather than the provision of 1-hour fire separation ... due to the potential for thermal runaway”</i>.</p> <ul style="list-style-type: none"> <li>• Is 1-hour fire separation sufficient to prevent thermal runaway?</li> <li>• What impact would a minimum 6m separation between containers have on the layout, footprint and consequent impact of the BESS?</li> <li>• Has this been assessed in the EIA?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.1.29	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 21 refers to the need <i>“to observe the minimum of 6m separation between containers rather than the provision of 1-hour fire separation ... due to the potential for thermal runaway”</i>.</p> <ul style="list-style-type: none"> <li>• Is the minimum of 6m separation a regulatory requirement?</li> <li>• How will it prevent thermal runaway compared with a 1-hour fire separation?</li> </ul>	<p>The Councils do not believe there is any current UK based legislation that regulates adequate separation of units. However, we feel that modelling should be completed by a competent fire engineer to understand the requirement. We understand that the 6m figure comes from Property Loss Prevention Datasheet 5-33, authored by FM Global, an American insurance firm. This and other best practice codes should be used in consultation with an expert to understand a suitable distance.</p> <p>Distance has an advantage over other separation techniques as the reduced risk of fire spread can be maintained over a longer period of time however a registered fire engineer would need to calculate the heat output and would require detailed information regarding the exact systems being implemented. Thermal runaway is a chemical process which, depending on the design of the system and nature of an incident, may continue for a significant period of time and well over 1 hour. A competent engineer will be able to model based upon the system design and protection measures to understand suitable separation.</p>
Q1.1.30	The Applicant	<b>Battery energy storage system (BESS):</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 29 refers to isolation of battery racks and modules, and says <i>"Battery discharge is not possible once isolated"</i>.</p> <ul style="list-style-type: none"> <li>Please explain why this is, and how the safety of responding personnel is ensured.</li> </ul>	
Q1.1.31	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 29 refers to isolation of battery racks and modules, and says <i>"Battery discharge is not possible once isolated"</i>.</p> <ul style="list-style-type: none"> <li>Please explain what measures you would expect to see implemented so that the safety of responding personnel is ensured.</li> </ul>	<p>Whilst there is stored energy within battery systems there remains a high risk for responding personnel. Due to thermal runaway and the chemical nature of these incidents significant risk can remain present for hours and even days after a fire. There should be sufficient protections measures in place to prevent the spread of any involved battery units to other battery units. This may be through the installation of a suitable suppression system, design and safety practices embedded to minimise spread and conclude any incident as safely and quickly as possible. The design of the system, appropriate suppression systems and safety features should be designed by a competent person.</p> <p>Firefighting tactics for dealing with BESS are evolving and it is not known what safety measures need to be in place for responders until a specific response plan is in place. Discussion of this can be found at paragraph 18.24 of the LIR [REP1-024].</p>



ExQ1	Question to:	Question:	Local Authority Response
Q1.1.32	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 30 refers to safe dissipation of residual charge and says <i>“it’s currently unknown whether a residual charge can be safely dissipated to a remote location. This will be confirmed during the detailed design stage ...”</i>.</p> <ul style="list-style-type: none"> <li>Do you mean that it will be confirmed during the detailed design stage that it is unknown whether a residual charge can be safely dissipated to a remote location?</li> <li>What do you mean by “a remote location” and do you have a particular location in mind?</li> </ul>	
Q1.1.33	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 30 refers to safe dissipation of residual charge and says <i>“it’s currently unknown whether a residual charge can be safely dissipated to a remote location. This will be confirmed during the detailed design stage ...”</i>.</p> <ul style="list-style-type: none"> <li>Please explain why this is, and how the safety of responding personnel is ensured.</li> <li>What if it proves impossible to dissipate a residual charge safely to a remote location?</li> </ul>	
Q1.1.34	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<p><b>Battery energy storage system (BESS):</b></p> <p>Table 3 of the outline Battery Fire Safety Management Plan [APP-267] at item 30 refers to safe dissipation of residual charge and says <i>“it’s currently unknown whether a residual charge can be safely dissipated to a remote location. This will be confirmed during the detailed design stage ...”</i>.</p> <ul style="list-style-type: none"> <li>Do you have any comments to make on this statement? and</li> </ul>	This will be essential information to provide at detailed design stage. It is challenging for any emergency responders to properly assess the potential risk without detailed system designs and fully detailed emergency plans. These would allow responding agencies to provide a suitable considered response to an application to discharge a

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>are you satisfied that this issue can be dealt with properly and effectively post consent?</li> </ul>	<p>requirement. We recommend that any analysis is completed by a competent person to provide re-assurance that any residual charge can be safely dissipated and that tests on the specific system can demonstrate this.</p> <p>The issue regarding the removal of residual charge will directly impact on the safety of our responders and the operational tactics in response to an emergency. We believe it would be beneficial to understand the design details of the system as soon as possible, so that response plans can be formulated appropriately. Providing that the DCO requirement and supporting management plan are robustly constructed so that this information must be provided, it can in principle be dealt with post-consent.</p>
Q1.1.35	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <p>Section 4.2 of the outline Battery Fire Safety Management Plan [APP-267] is headed “Building Regulations”.</p> <ul style="list-style-type: none"> <li>Why is BS9999 (Fire safety in the design, management and use of buildings) cited here and not under section 4.3 Safety Standards?</li> <li>Should building regulation documents be cited here? (eg “Fire safety: Approved Document B (Building regulation in England covering fire safety matters within and around buildings - DLUHC/MHCLG, last updated 26 November 2020)</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>BS9999 is dated 2017 and currently under review: do you expect any material changes which might affect the Scheme?</li> </ul>	
Q1.1.36	The Applicant	<p><b>Battery energy storage system (BESS): drafting</b></p> <p>Paragraph 5.1.5 of the outline Battery Fire Safety Management Plan [APP-267] refers to hazards (orange shapes) and “seven main categories (blue shapes), as shown in Figure 1”. The blue shapes in Figure 1 show five categories; mechanical, chemical, electrical, thermodynamic and environmental.</p> <ul style="list-style-type: none"> <li>Do you mean to say “five main categories” in paragraph 5.1.5?</li> <li>Should outside temperature be included as an environmental hazard?</li> </ul>	
Q1.1.37	The Applicant	<p><b>Battery energy storage system (BESS): drafting</b></p> <p>Paragraph 5.2.3 i of the outline Battery Fire Safety Management Plan [APP-267] refers to risk mitigation methods.</p> <ul style="list-style-type: none"> <li>Do you mean to say “eliminate, reduce or control ...”?</li> <li>Following “eliminate” and “reduce”, is there also an action in the hierarchy to inform, and how is this done?</li> </ul>	
Q1.1.38	The Applicant	<p><b>Battery energy storage system (BESS):</b></p> <ul style="list-style-type: none"> <li>With reference to Tables 7 to 11 inclusive of the outline Battery Fire Safety Management Plan [APP-267], please explain why undesirable events including loss of life are only accorded a severity assessment of 3 and not 5.</li> </ul>	
Q1.1.39	The Applicant	<p><b>Battery energy storage system (BESS): drafting</b></p> <ul style="list-style-type: none"> <li>In line 2 of Risk Mitigation Method RMM04 in Table 12 of the outline Battery Fire Safety Management Plan [APP-267] do you mean to say “thermal runaway”?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Is RMM16 not used?</li> </ul>	
Q1.1.40	The Applicant	<b>Battery energy storage system (BESS):</b> Paragraph 7.1.2 of the outline Battery Fire Safety Management Plan [APP-267] refers to further stakeholder consultations. <ul style="list-style-type: none"> <li>Who are the stakeholders?</li> <li>Have the further consultations been carried out?</li> <li>If not, when is it proposed that the further consultations be carried out?</li> </ul>	
Q1.1.41	The Internal Drainage Boards and the Environment Agency	<b>Battery energy storage system (BESS):</b> <ul style="list-style-type: none"> <li>Are you satisfied with the current outline mitigation provisions in RMM15 in Table 12 of the outline Battery Fire Safety Management Plan [APP-267]?</li> </ul>	
Q1.1.42	Cambridge Fire and Rescue Service, Suffolk Fire and Rescue Service, East of England Ambulance Service	<b>Battery energy storage system (BESS):</b> Are you satisfied with the current outline mitigation provisions in RMM15, RMM17 and RMM18 in Table 12 of the outline Battery Fire Safety Management Plan [APP-267]?	<p>In general, due to the fact that detailed system design information is not available it is not possible to be sure at this stage that these measures are sufficient. Evidence will need to be provided at detailed design stage that the chosen mitigation is suitable.</p> <p>RMM15: An internal sump to contain any electrolyte and chemical run off is welcomed however the capacity will need to be considered alongside the extinguishing media of use. If a water drenching system is in use there will need to be sufficient capacity to contain all water run for the total time of application. 10% above the total volume of electrolyte</p>

ExQ1	Question to:	Question:	Local Authority Response
			<p>may be insufficient. There needs to be information provided regarding the detail of the system and relevant testing information to ascertain the rate and volume of water application required.</p> <p>Wider containment of potentially contaminated water is welcome however the total volume will need to be considered. It is noted that a fire in Victoria Australia took in excess of 900,000L of water to extinguish.</p> <p>RMM17: Although detection is proposed to be in place it would be beneficial to explore these options further to understand the best method of detecting any fault within the battery units. This may be through gas detection and smoke detection. It would be prudent to request the assistance of a qualified expert in this field. The practice of containment would also need to be discussed with an expert in battery technology as we are aware that this may contravene best practice when dealing with incidents involving thermal runaway and battery fires. There is mention that FRS's will be able to remotely monitor for an explosive atmosphere, however there is no detail provided as to how this will work and which system will be utilised.</p>

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
			RMM18: The acceptance and implementation of any suppression system would need to be designed and signed off by a competent fire safety engineer. At this stage there is limited information as to the detailed design of the system, including battery type, size, density, and storage type. All of these factors will have a direct impact on the suppression system best suited to provide the best level of response.
Q1.1.43	The Applicant	<b>Major accidents and disasters</b> Paragraph 16.5.10 of the ES [APP-048] mentions receptors which could be vulnerable to major accidents or disasters. <ul style="list-style-type: none"> <li>Does the list just refer to the infrastructure and sites, or are humans included?</li> </ul>	
Q1.1.44	The Applicant	<b>Major accidents and disasters</b> Paragraph 16.5.15 of the ES [APP-048] deals briefly with fire risk but does not mention the operational phase. Paragraph 16.5.17 of the ES [APP-048] is under the heading "Rail Accidents" but appears to introduce the operational phase. <ul style="list-style-type: none"> <li>Should there be a heading between paragraphs 16.5.16 and 16.5.17?</li> <li>What adverse impacts might the Scheme have on people, property and the environment during the operational phase, and how would the effects be minimised?</li> </ul>	
Q1.1.45	The Applicant	<b>Major accidents and disasters</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Under the general heading of fire, paragraphs 16.5.23 to 16.5.39 of the ES [APP-048] briefly cover battery fire, and refer to the outline Battery Fire Safety Management Plan [APP-267]. Paragraph 2.3.4 of the outline Battery Fire Safety Management Plan [APP-267] states that <i>“The councils have expressed a concern that the risks associated with battery storage fires have not been fully explored and a request has been made to develop an Outline Battery Fire Safety Management Plan for the BESS and to be included as part of the DCO application for the Scheme. This document addresses this request.”</i></p> <ul style="list-style-type: none"> <li>• Did paragraphs 16.5.23 to 16.5.39 of the ES [APP-048] form part of the section 47 consultation?</li> <li>• If so, were they modified prior to submission of the application to include reference to the outline Battery Fire Safety Management Plan [APP-267]?</li> </ul>	
Q1.1.46	The Applicant	<p><b>Major accidents and disasters</b></p> <p>Paragraph 16.5.33 of the ES [APP-048] and paragraph 2.1.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] both say that <i>“If the battery cells become damaged ... then the combustible materials consumed in the fire could give rise to a range of organic and inorganic air pollutants.”</i></p> <ul style="list-style-type: none"> <li>• How will the adverse effects of these air pollutants be dealt with?</li> </ul>	
Q1.1.47	The Applicant	<p><b>Major accidents and disasters</b></p> <p>Paragraph 16.5.37 of the ES [APP-048] refers to <i>“the use of batteries that are sealed by design so do not vent when in normal use”</i>.</p> <ul style="list-style-type: none"> <li>• Does this mean that there is a risk of explosion?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>If yes, what would the consequences be in terms of physical damage, plant and equipment loss, noise, and emissions to air and water?</li> </ul>	
Q1.1.48	The Applicant	<p><b>Major accidents and disasters (or with Q1.0.2 upfront?)</b></p> <p>Paragraph 16.5.37 of the ES [APP-048] and paragraph 4.1.6 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refer to “<i>another thermal barrier or an air gap</i>”. This is not mentioned in paragraph 1.2.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124].</p> <ul style="list-style-type: none"> <li>Is the air gap intended to act as a thermal barrier?</li> <li>If so, does it?</li> </ul>	
Q1.1.49	The Applicant	<p><b>Major accidents and disasters (or with Q1.0.2 upfront?)</b></p> <p>Paragraph 16.5.39 of the ES [APP-048] and paragraph 4.1.8 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] say that emissions will be checked at detailed design stage.</p> <ul style="list-style-type: none"> <li>If at that stage the impacts associated with an unplanned fire were found to give rise to adverse health effects, how would this be dealt with prior to construction?</li> <li>Should any maximum values be included in the Requirements?</li> </ul>	
Q1.1.50	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 1.1.1 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refers to unplanned emissions to air from the BESS.</p> <ul style="list-style-type: none"> <li>Have unplanned emissions to land and water from the BESS been considered?</li> <li>If so, what are your conclusions?</li> </ul>	



ExQ1	Question to:	Question:	Local Authority Response
Q1.1.51	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 2.1.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] notes that emission factors have been collated by the Environment Agency for various types of incident fire, but that <i>“A standardised set of emission factors for BESS is not currently available ...”</i>.</p> <p>Paragraph 3.1.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] acknowledges that <i>“a definitive emission rate will not be known until later in the detailed design stage ...”</i></p> <ul style="list-style-type: none"> <li>• Please summarise your methodology for arriving at a robust set of emission factors</li> <li>• How have you used these to determine worst-case impacts and the severity of the resulting effects on humans? and</li> <li>• How do you know that you have assessed the worst case in the EIA?</li> </ul>	
Q1.1.52	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 2.1.4 b of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] states that in a BESS fire the concentration of carbon monoxide (CO) <i>“decreased to near zero during the main period of self-sustaining combustion ...this is not unexpected for a fire occurring outdoors.”</i></p> <ul style="list-style-type: none"> <li>• Please explain what you mean by self-sustaining combustion and why near zero CO levels are not unexpected for a fire occurring outdoors</li> </ul>	
Q1.1.53	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 2.1.3 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] says that the US Fire Protection Research Foundation (FPRF) has tested <i>“BESS up</i></p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>to 100kWh size” but that “the total BESS size at Sunnica may be greater than 100kWh ...”</i></p> <ul style="list-style-type: none"> <li>Does the 100kWh figure refer to BESS storage capacity?</li> <li>What is the maximum BESS capacity at Sunnica?</li> <li>Does the FPRF study make any mention of applicability to larger scale BESS installations such as Sunnica? and</li> <li>To what extent do the FPRF results apply to BESS at Sunnica?</li> </ul>	
Q1.1.54	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 2.1.6 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] acknowledges that the Anderson et al study also used small battery packs and says that the study <i>“had access to monitoring equipment that was capable of more precise measurements over a larger concentration range.”</i></p> <ul style="list-style-type: none"> <li>How do more precise measurements over a larger concentration range help to make the case for applying the test results to larger installations such as Sunnica?</li> </ul>	
Q1.1.55	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>With reference to paragraph 2.1.7 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124], please explain why the approach taken by manufacturer Leclanche SA is conservative.</p>	
Q1.1.56	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS: drafting</b></p> <p>Paragraph 2.2.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] discusses the Public Health England (PHE) emergency response guideline values. To assist the reader and avoid confusion, please confirm that</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>• “, that” should be deleted from line 1; and</li> <li>• the correct acronym is ERPG throughout, and also in paragraph 2.2.4 and Table 1, and not EPRG</li> </ul>	
Q1.1.57	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 3.2.1 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] says that “the exact emissions ... cannot be meaningfully estimated at present ...”</p> <ul style="list-style-type: none"> <li>• Why is this?</li> <li>• How have you selected the nominal emission rate?</li> </ul>	
Q1.1.58	The Applicant	<p><b>Unplanned Atmospheric Emissions from BESS:</b></p> <p>Paragraph 3.4.3 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] says that “The meteorological site is located between 45 and 50 km north-north-east of the Scheme.”</p> <ul style="list-style-type: none"> <li>• Do you mean that the Scheme is located between 45 and 50 km north-north east of the meteorological site?</li> <li>• Given that you have used data for 2014-2017 and 2019, surely it would have been more useful to have used 2018 data, ie five consecutive years?</li> <li>• By representative do you mean similar?</li> <li>• When you say “at the site”, do you mean at the Scheme?</li> <li>• Given that the meteorological site (at Stansted airport) is around 30 miles away, please explain why you consider that meteorological conditions there are similar to those experienced at the Scheme.</li> <li>• Do you propose to collect relevant meteorological data for the Scheme and compare them with data from the Stansted Airport meteorological site in order to help you</li> </ul>	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
		establish that meteorological conditions there are indeed similar at the two locations?	
Q1.1.59	The Applicant	<b>Unplanned Atmospheric Emissions from BESS:</b> Paragraph 4.1.2 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refers to the Cleve Hill DCO. <ul style="list-style-type: none"> <li>• Please explain why the estimate for the Cleve Hill DCO is relevant to this application, and why you have adopted the various values of hydrogen fluoride content.</li> <li>• What is SOC?</li> </ul>	
Q1.1.60	The Applicant	<b>Unplanned Atmospheric Emissions from BESS:</b> Paragraph 4.1.3 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refers to the release of hydrogen fluoride. <ul style="list-style-type: none"> <li>• Please explain why a steady rate has been assumed, rather than a fluctuating rate which may have higher peak values.</li> </ul>	
Q1.1.61	The Applicant	<b>Unplanned Atmospheric Emissions from BESS:</b> <ul style="list-style-type: none"> <li>• Please explain the assumptions made in paragraph 4.1.4 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] and what you mean by “in most instances”.</li> </ul>	
Q1.1.62	The Applicant	<b>Unplanned Atmospheric Emissions from BESS:</b> Paragraph 4.1.5 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refers to a requirement in the DCO. <ul style="list-style-type: none"> <li>• Is this reference to Requirement 7 and the requirement for a Battery Fire Safety Management Plan?</li> </ul>	
Q1.1.63	The Applicant	<b>Unplanned Atmospheric Emissions from BESS:</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Paragraph 4.1.6 of ES Appendix D: Unplanned Atmospheric Emissions from BESS [APP-124] refers to a requirement in the DCO and to a Safety Management Plan.</p> <ul style="list-style-type: none"> <li>• With reference to ExQ1 2.0.2 above, where is the Safety Management Plan in the DCO submission? and</li> <li>• Is this reference to Requirement 7 and the requirement for a Battery Fire Safety Management Plan?</li> </ul>	
Q1.1.64	The Applicant	<p><b>Indicative timescales for construction and operation</b></p> <p>Paragraph 3.2.4a of the Scheme Description [APP-035] says that a single phase of 24 months would give rise to the worst case due to higher peak traffic volumes and a greater number of construction activities being undertaken concurrently.</p> <p>Is this always the case for all those who will be affected by the construction of the proposed development?</p> <p>Could a more prolonged timescale mean more uncertainty and inconvenience, for example to landowners and farmers, with traffic disruption over longer periods in some areas, and thereby adversely affect the livelihood, general wellbeing and mental health of those affected to a greater extent than a shorter timescale?</p>	
Q1.1.65	The Applicant	<p><b>Vehicle emissions</b></p> <p>In paragraph 7.2.11 of ES Appendix 13C [APP-118] you say that <i>“All HGVs routeing to the development sites (with the exception of vehicles used for the transportation of Abnormal Indivisible Loads including cranes) will be required to be compliant with the latest emission standards at the time of construction”</i>.</p> <p>Why the exception?</p>	

ExQ1	Question to:	Question:	Local Authority Response
		Please confirm that all construction and maintenance vehicles including NRMM will be required to be compliant with the latest emission standards at the time of use.	
<b>1.2 Biodiversity and Nature Conservation (including Habitats Regulations Assessment)</b>			
Q1.2.1	The Applicant	<p><b>Ecological assessment methodology</b></p> <p>The Ecology Chapter [APP-040] references Chartered Institute of Ecology and Environmental Assessment guidelines (Table 8-2) to generate an equivalence from the generic EIA significance criteria and apply specific thresholds.</p> <p>Please give further justification for how the Environmental Assessment methodology uses a combination of the magnitude of impact and the sensitivity or value of the receptor to establish the significance of effects.</p> <p>Please give further justification for the conclusions of the likely scale of potential effects (for example hedgerow removal is listed as being of relatively limited extent however the size and extent of the proposed development means it has the potential to be far greater).</p> <p>Please provide further detail in relation to the proposed design controls to prevent loss of habitat as far as possible, considering the requested flexibility in works plans which may result in additional habitat loss.</p>	
Q1.2.2	Natural England	<p><b>Stone Curlew</b></p> <p>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</p>	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
		a comprehensive assessment of impact on the species to be made.	
Q1.2.3	The Applicant	<b>Stone Curlew</b> Please explain the steps you are taking to provide the additional information required by Natural England in order for them to make a comprehensive assessment of the impact of the proposed development on Stone Curlew.	
Q1.2.4	The Applicant	<b>Stone Curlew</b> Please explain why the protection measures outlined in [APP-108] apply to the proposed offsetting areas, but apparently not to the areas where stone curlew have been recorded, even breeding, some of which will be within the solar arrays? What provision will be made for stone curlew that attempt to breed within the operational areas?	
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?	
Q1.2.6	Natural England & Suffolk Wildlife Trust	<b>Stone Curlew</b> 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?	
Q1.2.7	The Applicant	<b>Stone Curlew</b> Para 1.8.16b of [APP-108] mentions the danger posed to stone curlew nests and chicks from tractor wheels during spraying. Given that the point of the spraying is to create bare areas to	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		encourage stone curlew nesting, please explain what measures can be put in place to ensure that the very activity of spraying does not destroy stone curlew nests and chicks.	
Q1.2.8	The Applicant	<b>Biodiversity net gain</b> Please confirm whether the balance in the biodiversity net gain figures includes mitigation and compensation as well as overall biodiversity net gain? If so, what is the figure for net gain alone?	
Q1.2.9	The Applicant & Natural England	<b>Ecological mitigation</b> How confident are you that new wetland indicated in Figure 10-14E of the Environmental Statement, Landscape Masterplan [APP-213] can successfully be created, in ecological and operational terms?	
Q1.2.10	The Applicant	<b>Grassland re-establishment</b> Please clarify which areas referred to as “native grassland” in figures 1 – 5 of the LEMP [APP-108] are intended for acid and for chalk grassland establishment and explain how these relate to the underlying geology and how the variation in grassland types will be achieved.	
Q1.2.11	The Applicant	<b>Grassland re-establishment</b> ref [APP-101] Please explain how you propose to secure locally harvested seed and whether appropriate and available sources have been identified.	
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?	
Q1.2.13	The Applicant	<b>Glint &amp; Glare Assessment</b>	



**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		Please explain whether you have considered the potential impact of glint and glare from the solar panels on birds (especially water birds) and invertebrates, and how you propose to mitigate any potential impacts.	
Q1.2.14	The Applicant	<b>Biosecurity</b> With reference to Table 3-3 page 16C-20 of ES Appendix 16C (Framework Construction Environmental Management Plan) [APP-123] what measures will be in place to safeguard against damage to crops, livestock or horses caused by movement of personnel and machinery between landholdings?	
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]?	
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]?	
Q1.2.17	The Applicant	<b>Habitats Regulations Assessment</b> The dimensions of the BESS compound given in paragraph 1.2.9 of the HRA report [APP-092] are 66m x 699m and 12m in height. The figures provided in Table 3-2 within Chapter 3 of the ES [APP-035] are 43m x 76m footprint, 12m in height, with an associated laydown area of 43m by 30m. Please explain the discrepancy between the HRA Report and the ES for the dimensions of the BESS compound.	
Q1.2.18	The Applicant	<b>Habitats Regulations Assessment</b> The scheme description within ES Table 3-1 [APP-035] indicates that flexibility is sought to lay cabling within proposed areas to be safeguarded as replacement habitat for Stone	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		curlew. The parameters, timing and working methods for this cabling are not however provided. Please confirm the parameters the Applicant is seeking flexibility for and how this affects the outcome of the assessment of potential impacts on land identified for Stone curlew mitigation.	
Q1.2.19	The Applicant	<b>Habitats Regulations Assessment</b> Please resubmit tables 4-1 and 4-2 [APP-092] with the correct qualifying features and criteria provided	
Q1.2.20	The Applicant	<b>Habitats Regulations Assessment</b> Table 4-1 of the assessment [APP-092] does not appear to consider the potential for piling up to a depth of 12m at the BESS and the three onsite substations at Sunnica East sites A and B and Sunnica West Site A. Please provide an update to the assessment that confirms, and where relevant, assesses, the potential for significant effects on sites and qualifying features for the following impact pathways: <ul style="list-style-type: none"> <li>• Habitat contamination; and</li> <li>• Groundwater disturbance.</li> </ul>	
Q1.2.21	The Applicant	<b>Habitats Regulations Assessment</b> Please update the matrices provided in Annex C2 to the HRA Report [APP-092] to reflect the outcome of the assessment for each qualifying feature.	
Q1.2.22	The Applicant	<b>Habitats Regulations Assessment</b> Please update Matrix 2 (Chippenham Fen Ramsar) provided in Annex C2 to the HRA Report [APP-092] to provide footnotes for points b and c and to include all the effects identified in Table 4-1 [APP-092].	
Q1.2.23	The Applicant	<b>Habitats Regulations Assessment</b>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Please update Matrix 3 (Breckland SPA) in Annex C3 to the HRA Report [APP-092] to include the effects identified in Table 4-1 and 4-2 of the HRA Report [APP-092] and a commentary on the reasons for concluding no AEol.	
Q1.2.24	The Applicant	<b>Habitats Regulations Assessment</b> Please clarify how depths of excavation will be controlled and secured.	
Q1.2.25	The Applicant	<b>Habitats Regulations Assessment</b> How have the proposed final mitigation and monitoring plans been discussed and agreed with the relevant SNCB? What were their views?	
Q1.2.26	The Applicant	<b>Habitats Regulations Assessment</b> Section 5 of the HRA Report [APP-092] provides a general discussion of how adverse effects will be avoided, but does not assess each site and qualifying feature screened into the assessment in Tables 4-1 and 4-2. For example, the assessment for Breckland SPA describes disturbance in general terms making it difficult to understand the different effects in construction and operation identified previously in the tables.  Please provide an assessment of the effects on each site, qualifying feature and stage of the proposed development (construction, operation and decommissioning) considered in Stage 2 of the assessment.	
Q1.2.27	The Applicant	<b>Habitats Regulations Assessment</b> Please provide an update to Section 5.3 of the HRA Report [APP-092] to confirm what alternative mitigation measures for the Stone Curlew qualifying feature of Breckland SPA were considered, and the reasons for the choice of the measures presented in the HRA Report.	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
Q1.2.28	The Applicant	<b>Habitats Regulations Assessment</b> Please provide information about the current conservation status and condition of the National Site Network sites carried forward to Stage 2 of the assessment.	
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 'compensation' for adverse effects on integrity. Can Natural England comment on this?	
Q1.2.30	The Applicant	<b>Habitats Regulations Assessment</b> Please amend and submit an updated matrix C2 to the HRA Report [APP-092] following updates to the relevant section of the assessment in Section 5.3 of the HRA Report in relation to assessment specifically on each qualifying feature. Please include footnotes b and c omitted from matrix C2.	
Q1.2.31	The Applicant	<b>Habitats Regulations Assessment</b> Please amend and submit an updated matrix C3 to the HRA Report [APP-092] to include the non-physical disturbance impacts identified in section 4.2.1 of the HRA Report during construction, decommissioning and operation.	
Q1.2.32	The Applicant	<b>Habitats Regulations Assessment</b> Please provide updated matrices to take account of the additional information on air quality, lighting and noise requested by Natural England.	
Q1.2.33	The Applicant	<b>Habitats Regulations Assessment</b> Please provide an amended HRA that includes consideration of the spined loach and great crested newt features of the	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Fenland SAC, and criteria 2 and 3 of Chippenham Fen Ramsar. Please also check that qualifying features are described consistently through the document. Changes should also apply to information supplied in the Annexes.	
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?	
<b>1.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>			
Q1.3.1	The Applicant	<b>Compulsory Acquisition (CA) and Temporary Possession (TP): general:</b> Please confirm that all references to and citing of legislation and guidance in all documents submitted with this application are accurate and up to date.	
Q1.3.2	The Applicant	<b>Objections Schedule:</b> Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [AS-297], and with regard to the outcomes from continuing due diligence, i) please complete the Objections Schedule attached at Annex A below, and ensure that it is updated (tracked changes and clean versions) at each successive deadline so as to include up to date information about the status of all negotiations and current objections to the CA and/ or TP proposals, both making new entries and deleting any entries that you consider no longer apply, taking account of the positions expressed in RRs and written representations (WRs) and giving reasons for any additions or deletions; and ii) please ensure that all updates to the Schedule of Negotiations and Powers Sought (APP-025) are issued as both clean and tracked change documents.	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
Q1.3.3	The Applicant	<b>Unknown interests</b> In the Schedule of Negotiations and Powers Sought [AS-297] you list unknown interests in respect of plots 5-04, 5-06 and 7-02. Please provide an update regarding continuing due diligence in respect of these plots.	
Q1.3.4	The Applicant	<b>Negotiations and powers sought</b> In the Schedule of Negotiations and Powers Sought [AS-297] under the entry for Joanna Reeks, i) why is there reference to the Tilbrook family? ii) Please update in respect of the current position in respect of Joanna Reeks.	
Q1.3.5	The Applicant	<b>Negotiations and powers sought</b> In the Schedule of Negotiations and Powers Sought [AS-297] under the entry for NGET, you state that NGET issued Heads of Terms on 18 May 2021 and that (at the time that the application was submitted) you were negotiating for lease and easement at Burwell substation. <ul style="list-style-type: none"><li>• Please give an update of the latest position.</li></ul>	
Q1.3.6	The Applicant	<b>Crown land and consent:</b> With regard to the outcomes from continuing due diligence, please explain briefly the position in respect of any Crown interests subject to PA2008 s135 with reference to the latest available Book of Reference (BoR) and Land Plan, to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s). Written evidence of consent(s) obtained is required as soon as possible and in any event by the close of the Examination.	

ExQ1	Question to:	Question:	Local Authority Response
Q1.3.7	The Applicant	<p><b>Special category land and land subject to special Parliamentary procedure:</b></p> <p>Please confirm that no special category land is to be the subject of any CA or TP proposals (PA2008 s130-132 refer).</p>	
Q1.3.8	The Applicant	<p><b>Statutory undertakers: land or rights (PA2008 s127):</b></p> <p>Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [AS-297], please review RRs and WRs made as the examination progresses alongside your land and rights information systems and prepare and at each successive deadline update as required (tracked changes and clean versions) a table identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s127 applies.</p> <p>Where there are such representations, please identify:</p> <ul style="list-style-type: none"> <li>• the name of the statutory undertaker;</li> <li>• the nature of the undertaking;</li> <li>• the land and/ or rights affected, identified with reference to the most recent version of the Book of Reference (BoR) and Land Plan available at that time;</li> <li>• in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;</li> <li>• in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and</li> <li>• in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so <ul style="list-style-type: none"> <li>○ whether these are already available to the ExA in draft or final form;</li> <li>○ whether a new document describing them is attached to the response to this question: or</li> </ul> </li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>○ whether further work is required before they can be documented; and</li> <li>• in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: <ul style="list-style-type: none"> <li>○ whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and</li> <li>○ identifying any documents providing evidence of agreement and withdrawal.</li> </ul> </li> </ul>	
Q1.3.9	The Applicant	<p><b>Statutory undertakers: extinguishment of rights and removal of apparatus etc. (PA2008 s 138):</b></p> <p>Notwithstanding information contained in the Schedule of Negotiations and Powers Sought [AS-297], please review your proposals relating to CA or TP of land and/ or rights and prepare and at each successive deadline update as required (tracked changes and clean versions) a table identifying whether and if so how these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies.</p> <p>In respect of such rights or apparatus, please identify:</p> <ul style="list-style-type: none"> <li>• the name of the statutory undertaker;</li> <li>• the nature of the undertaking;</li> <li>• the relevant rights to be extinguished and/ or the relevant apparatus to be removed;</li> <li>• how the test in s138(4) can be met;</li> <li>• in relation to these matters, whether any protective provisions and/ or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> <li>○ whether these are already available to the ExA in draft or final form;</li> </ul> </li> </ul>	



**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>○ whether a new document describing them is attached to the response to this question; or</li> <li>○ whether further work is required before they can be documented; and</li> <li>• in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: <ul style="list-style-type: none"> <li>○ whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and</li> <li>○ identifying any documents providing evidence of agreement and withdrawal.</li> </ul> </li> </ul>	
Q1.3.10	The Applicant	<p><b>Land Plan:</b></p> <p>With particular reference to sheet 20 of the Land Plan [AS-281] and plot 20-11 please</p> <ul style="list-style-type: none"> <li>• give an update on progress on deciding the outstanding choice of connection point to the existing Burwell substation;</li> <li>• update the Land Plan accordingly; and</li> <li>• confirm that if Option 3 is chosen the land and rights relating to Option 2 will fall away.</li> </ul>	
Q1.3.11	The Applicant	<p><b>Private rights:</b></p> <p>With reference to Art 21, our understanding is that overriding is neither extinction nor full suspension against everyone: rather, it leaves the right in place but allows the undertaker a defence against breach or interference for the purposes of constructing and using the development authorised by the DCO.</p> <ul style="list-style-type: none"> <li>• Does this mean that private rights are to be overridden, suspended or extinguished?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>To whom does notice need to be provided under Art 21(6)(a)?</li> </ul>	
Q1.3.12	The Applicant	<p><b>Private rights:</b></p> <p>Provision is made in the dDCO for compensation to be determined under Part 1 of the 1961 Act. It is acknowledged that a provision in this form is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition.</p> <p>In order for there to be certainty that this would apply in other situations (e.g. the temporary use of land under Arts 27 and 28)</p> <ul style="list-style-type: none"> <li>should Arts 27(6) and 28(6) be modified, and a modification be included as with the other compensation provisions in Schedule 9? and</li> <li>if not, please explain why not.</li> </ul>	
Q1.3.13	The Applicant	<p><b>Statutory undertakers: Art 2:</b></p> <p>Bearing in mind the different definitions of statutory undertaker in s127 and s138 of PA 2008, should the definition of “statutory undertaker” in Art 2(1) be amended?</p>	
Q1.3.14	The Applicant	<p><b>Temporary possession: Art 6:</b></p> <p>In respect of TP, are all the provisions cited in Art 6 capable of being disapplied?</p>	
Q1.3.15	The Applicant	<p><b>CA of rights: Art 20:</b></p> <p>Should Art 20(1) be redrafted to make it clear that, for any plot of land, the undertaker may only acquire compulsorily those rights or impose those restrictive covenants</p> <ul style="list-style-type: none"> <li>which are identified in the BoR as applying to that plot, and not simply for the purposes in Art 18; and</li> <li>only over such of the Order land as may be required?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.3.16	The Applicant	<p><b>CA of rights: Art 20:</b></p> <p>In paragraph 5.5.6 of the Explanatory Memorandum (EM) [AS-294], referring to Art 20 (Compulsory acquisition of rights) you say that <i>“Providing the undertaker with powers to acquire rights only and impose restrictive covenants only over the Order Land set out in Schedule 8 allows the undertaker to reduce the area of land that is required to be compulsorily acquired for the purposes of the authorised development ...”</i></p> <p>a) Does this mean that if the land as shown on the Land Plan is more than is needed then rights in only that land which is needed will be taken?</p> <p>b) Does this also mean that only those rights which are necessary will be acquired? and</p> <p>c) Is this flexibility also necessary as a fall-back position in case negotiations with owners of Order land are unsuccessful?</p>	
Q1.3.17	The Applicant	<p><b>Acquisition of subsoil only: Art 20:</b></p> <p>Is the reference to Art 20 in the second line of Art 23 required?</p>	
Q1.3.18	The Applicant	<p><b>Temporary possession:</b></p> <p>Art 27 provides for temporary use of land (TP). The authorised development may be constructed in phases, with or without a time gap in between. This may have implications for landowners in terms of the duration of any TP. The drafting of Art 27(4) does not appear to address the potential for the construction of authorised development in phases with a gap in construction works.</p> <ul style="list-style-type: none"> <li>• When would a decision on the approach to construction be made?</li> <li>• How would this be communicated to landowners and others with an interest?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Is it envisaged that the undertaker would remain in possession of land used under Art 27 during any gap in construction?</li> <li>How does this article as drafted limit the impacts on landowners and others with an interest in the event of any delay?</li> <li>Insofar as this flexibility has impacts on the use and enjoyment of land, how would those impacts be minimised and/or mitigated?</li> </ul>	
Q1.3.19	The Applicant	<p><b>Temporary possession:</b> Art 27(1) refers to taking TP by</p> <ul style="list-style-type: none"> <li>serving notice of entry under the 1965 Act;</li> <li>making a declaration under s4 of the 1981 Act and;</li> <li>otherwise acquiring the land or rights over land.</li> </ul> <p>Please explain the circumstances in which each of these will be used on the project.</p>	
Q1.3.20	The Applicant	<p><b>Temporary possession:</b> Art 27(1) refers to taking TP of “any of the Order land”. Should this statement be qualified by reference to a schedule of land of which temporary possession may be taken? If not, please explain why there is no need for a Schedule of land of which temporary possession may be taken to be included within the Order.</p>	
Q1.3.21	The Applicant	<p><b>Temporary possession:</b> Art 27(1)(e) refers to “mitigation works”. Mitigation is not defined in Art 2 or Schedule 2, so</p> <ul style="list-style-type: none"> <li>what is meant by mitigation?</li> <li>what is being mitigated? and</li> </ul>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>are there circumstances where mitigation may or will extend beyond Schedule 2?</li> </ul>	
Q1.3.22	The Applicant	<p><b>Funding: Guarantees in respect of compensation:</b></p> <p>Art 43 refers to either a guarantee under Art 43(1)(a) or an alternative form of security under Art 43(1)(b), to be in place for no more than 15 years under Art 43(4).</p> <ul style="list-style-type: none"> <li>Which of these do you propose to put in place, and why?</li> </ul> <p>Explain why you consider 15 years to be sufficient.</p>	
Q1.3.23	The Applicant	<p><b>Book of Reference (BoR):</b></p> <p>Please ensure that the BoR follows the latest version of Government Guidance “Planning Act 2008: guidance related to procedures for the compulsory acquisition of land”, including Annex D which deals specifically with guidance on the BoR: for example, please ensure that in the BoR:</p> <ul style="list-style-type: none"> <li>you cross refer to relevant DCO Articles;</li> <li>each person listed in Part 3 is also in Part 1; and</li> <li>diligent inquiry continues throughout the Examination to ensure that the BoR is always up to date.</li> </ul>	
Q1.3.24	The Applicant	<p><b>Book of Reference:</b></p> <p>As part of the cross reference to the relevant DCO Articles, please add a column entitled “Extent of acquisition or use” to Part 1 of the BoR immediately to the right of the left-hand column entitled “Number on Plan”. In this new column, please specify the extent of acquisition or use of each plot, by reference to a new table of new rights sought, which specifies the various categories of new rights sought, and which is inserted immediately before Part 1.</p>	
Q1.3.25	The Applicant	<b>Book of Reference:</b>	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		As part of continuing due diligence, please ensure that there are no blank columns in the BoR for any plot in respect of interests, and that the words “none identified” are inserted to confirm that this is the case.	
Q1.3.26	The Applicant	<b>Book of Reference (TP):</b> With reference to paragraph 1.1.8 of the Book of Reference (BoR) [AS-296] <ul style="list-style-type: none"><li>• Please explain why you do not seek the power to take TP of plots 6-05 and 6-06.</li></ul>	
Q1.3.27	The Applicant	<b>Book of Reference (category 3 persons):</b> Paragraph 1.3.2 of the Book of Reference (BoR) [AS-296] asserts that “ <i>the Applicant does not consider that any person would be entitled to make a claim under part 1 of the Land Compensation Act 1973 or under section 152(1) of the PA 2008</i> ” in relation to noise, vibration, fumes, smoke or light emissions.  Have you considered possible claims under s10 of the Compulsory Purchase Act 1965 in respect of injurious affection?	
Q1.3.28	The Applicant	<b>Change application</b> Paragraph 2.1.9 of the change application [AS-243] mentions the need for compulsory acquisition for Option 2. What do you mean by “this new information”?	
Q1.3.29	The Applicant	<b>Change application</b> Figure 2-2 of the change application [AS-243] still shows Option 1 land. <ul style="list-style-type: none"><li>• It is acknowledged that the removal of this option would mean that only rights over the land would be required, but</li></ul>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		<p>why are rights over the entire Option 1 land area still required? and</p> <ul style="list-style-type: none"><li>• Should the caption for East Site B also mention the shunt reactor?</li></ul>	
Q1.3.30	The Applicant	<p><b>Change application</b></p> <p>With reference to paragraph 2.5.10 and tables 3-2, 4-2 and 5-2 of the change application [AS-243] what do you mean by the term “affected parties”?</p>	
Q1.3.31	The Applicant	<p><b>Change application</b></p> <p>Table 2-3 of the change application [AS-243] covers several pages and would benefit from repeat headers and numbering of issues to aid the reader. Halfway down page 23 reference is made to a consultation: does this refer to the main consultation or the subsequent limited one related to oversailing of AIL?</p>	
Q1.3.32	The Applicant	<p><b>Change application</b></p> <p>In paragraph 2.5 14 of the change application [AS-243] you say in respect of the additional targeted consultation <i>“In order to ensure any additional affected parties were notified of the consultation period a site notice was erected at the entrance to the property on 26 July 2022 and a formal consultation letter issued to the landowner by letter and email on 25 July 2022. Receipt of the latter was confirmed by way of email on 28 July 2022 and discussions are ongoing”</i> and in paragraph 2.5.15 you say that <i>“a further response is awaited”</i>.</p> <ul style="list-style-type: none"><li>• The last sentence of paragraph 2.5.15 appears to have been repeated - please delete as necessary;</li><li>• By “affected parties” do you mean affected persons (APs)? please explain; and</li></ul>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Does this mean that agreement of all APs has not yet been obtained?</li> </ul>	
Q1.3.33	The Applicant	<p><b>Change application</b></p> <p>On page 31 in Table 2-4 of the change application [AS-243] under “Other” issues, you say that <i>“No terms have been proposed as to a license agreement”</i> (sic) for the land that will be oversailed (new plot 21-04).</p> <p>Please explain the current position in respect of the land that will be oversailed, what works will be required and what happens if the charity does not want to enter into a licence agreement.</p>	
Q1.3.34	The Applicant	<p><b>Change application</b></p> <p>Paragraph 2.6.3 of the change application [AS-243] refers to Change 3 and a small increase in the Order land (new plot 21-04) <i>“as a consequence of the need to transport the larger 400kV transformers to the onsite substations ...”</i>. We note that the only powers sought are those of temporary possession during construction and that you do <i>“not seek any greater power to compulsorily acquire (sic), or compulsorily acquire rights over, that land”</i>.</p> <ul style="list-style-type: none"> <li>Please explain what would happen if it were to become necessary to replace a 400kV transformer in service, and what will happen at the decommissioning stage.</li> </ul>	
Q1.3.35	The Applicant	<p><b>Change application - drafting</b></p> <p>It appears that page 24 of the Statement of Reasons [AS-295] is largely blank: please rectify to aid the reader.</p>	
Q1.3.36	The Applicant	<p><b>Change application</b></p> <p>Paragraph 5.3.5 of the Statement of Reasons [AS-295] says that <i>“The requirement for the Work No. 5B land would be avoided if Option 3 is taken forward, although the compulsory</i></p>	



ExQ1	Question to:	Question:	Local Authority Response
		<p><i>acquisition of rights for the final electrical connection works into the existing Burwell National Grid Substation (Work No. 5C) would still be required”.</i></p> <p>Would the compulsory acquisition of rights be over the same area of land as the original compulsory acquisition of land?</p> <p>If so, please explain why, given that only the cabling is required and not the Option 2 substation.</p>	
<b>1.4</b>	<b>Cultural Heritage and Historic Environment</b>		
Q1.4.1	The Applicant	<p><b>Settings of heritage assets</b></p> <ul style="list-style-type: none"> <li>• Please explain your methodology for identifying the settings of heritage assets and the extent of likely impact on these by the proposed development; and</li> <li>• Please explain your reasoning in [APP-039] paras 7.5.13 and 7.5.20 in that churches were not considered further as their settings were considered to relate to their settlements and not extend into the scheme area.</li> </ul>	
Q1.4.2	The Applicant	<p><b>Heritage assets</b></p> <p>Environmental Statement Volume 6; 6.2 Appendix 10l: Landscape &amp; Ecology Management Plan [APP-108] states “<i>There are no Registered Parks and Gardens within Sunnica West Site A. Chippenham Park RPG is to the north of this part of the Order Limits...</i>” Please clarify whether this statement is correct.</p>	
Q1.4.3	The Applicant	<p><b>Heritage assets</b></p> <p>Please provide details of any heritage assets or locations where access was denied/not possible for survey purposes.</p>	
Q1.4.4	The Applicant	<b>Chippenham Park RPG</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Has any survey work or research been undertaken to establish the historic extent and design of Chippenham Park?</li> <li>Has any survey work or research been undertaken to establish the extent and condition of remaining historic landscape features?</li> <li>Please provide details of the proposed planting along the Grand Avenue, to include precise measurements and details of species mix and densities.</li> <li>Please detail future management measures for the proposed mitigation planting, and how this will be managed and secured</li> </ul>	
Q1.4.5	The Applicant and the local authorities	<p><b>Historic Environment Management Plan (HEMP)</b></p> <p>It is noted within chapter 7 of the ES [APP-039] that the Applicant does not intend to submit a HEMP. This was originally requested within the Scoping Opinion and has been requested within the Cambridgeshire County Council Relevant Representation.</p> <p>Please comment on the requirement to submit a HEMP to the Examination, and for it to be secured within the DCO.</p>	<p>A HEMP is required as the provisions in APP-108 Framework LEMP, APP-123 Framework CEMP or APP-125 Framework DEMP do not allow long term security for the archaeological sites that are the subject of in-situ preservation. In the APP-108 F LEMP, there is mention of an Ecological Clerk of Works to be appointed but no overlap occurs within their remit to manage the grassland in archaeological protection areas specifically for their long term protection.</p> <p>In the FDEMP at Table 3-2 Cultural Heritage is stated that "Decommissioning will not have any impact beyond the already-disturbed footprint of the Scheme; therefore, it is not anticipated that decommissioning activities will have</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>a direct physical impact upon archaeological remains.</p> <p>No previously undisturbed land will be disturbed within the Sites to deliver the decommissioning activities.”</p> <p>In the FDEMP at Table 3-3 Biodiversity where under “Habitat Restoration” it states, “Habitats to be temporarily lost or damaged during decommissioning will be fully reinstated on a like-for-like basis at the same location on completion of the works”, and</p> <p>At Table 3-7 Socio-Economics and Land Use it states, “Agricultural soils will be managed, preserved, retained and reinstated in accordance with Department for Environment, Food and Rural Affairs (Defra) guidance. Key mitigation measures from this guidance will be included in the DEMP(s).”</p> <p>We consider that the initial tenet that archaeological remains will not be affected by decommissioning is wrong. If vehicular movements occur in wet weather in the fields where cover soils are known to be thin, even where archaeological excavations will have occurred in advance – understanding that</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>these are never 100% of the remains but differ between 30% of ditches, 50% of discrete features (pits/postholes) but 100% of structural remains and discrete inhumations/cremations (rather than in ditches where they are harder to find), there will be damage and loss of archaeological features from this type of impact. This would be most damaging in the River Snail floodplain at Sunnica West Site B W01, an area we do not consider appropriate for solar panel erection owing to the waterlogged aspect of archaeological remains and palaeochannels associated with the scheduled monument of a Roman Villa on the adjacent bank to the west and hope to see this area placed under grass through the extension of Eco4.</p> <p>The new grassland protecting sizeable archaeological sites at Sunnica East Site A Eco1 (E06), Sunnica West Site B Eco4, Sunnica West Site A at W04, W08 and W09 will become new habitat areas. The plan in the FDEMP (APP-125) to restore land back to cultivation will place the protected archaeological sites in jeopardy of attrition through measures to allow plough cultivation again in these areas that will have benefitted from 40 years of protection and loss of new habitats.</p>

ExQ1	Question to:	Question:	Local Authority Response
			<p>There is nowhere in the plan that ensures long term protection, such as agreements with Historic England to schedule these sites that have already been classed as significant – possibly equivalent to sites they have recommended to the Secretary of State (DCMS) for scheduling in other situations by invoking the relevant policy NPS EN-1 Paragraphs 5.8.4 and 5.8.5.</p> <p>Therefore, we consider that a HEMP is required to properly capture and manage the construction, operational and future (decommissioning) impacts upon the sensitive and finite archaeological resource in these areas.</p>
Q1.4.6	The Applicant	<p><b>Archaeological surveys</b></p> <p>ES Chapter 7 [APP- 039] paragraphs 7.2.6 and 7.3.6 identify data gaps in the extent of geophysical surveys due to access.</p> <ul style="list-style-type: none"> <li>• Please clarify to what extent these gaps have now been filled, and how the results of baseline information gained from additional trial trenching work affects the Environmental Statement and in particular the Cultural Heritage chapter [APP-039]; and</li> <li>• Please provide a list of these areas and confirm whether and when there will be further submissions of baseline information to the Examination.</li> </ul>	
Q1.4.7	The Applicant	<p><b>Archaeological surveys</b></p> <p>Air photos were not submitted as part of the EIA. Is work ongoing to obtain these?</p>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.4.8	The Applicant	<b>Archaeological surveys</b> Certain areas were not physically surveyed due to ground conditions and the presence of livestock. What are your plans to complete or compensate for this?	
Q1.4.9	The Applicant	<b>Archaeological surveys</b> ES chapter 7 [APP-039] paragraph 7.6.5 notes that flexibility is requested within the scheme if additional heritage assets are encountered during trial trenching or construction works. Please confirm how the scheme design would be adapted should trial trenching or archaeological work during construction indicate that further areas require protection or exclusion from development.	
Q1.4.10	The Applicant	<b>Areas of archaeological potential</b> The scheme description [APP-035] indicates that power cables may need to be installed within areas identified for Stone Curlew mitigation that have also been excluded from development due to their high archaeological potential. <ul style="list-style-type: none"> <li>Please confirm whether excavation is required in these areas and how both aims (protecting sites of high archaeological potential and providing stone curlew mitigation habitat) are compatible with the installation of power cables.</li> </ul>	
Q1.4.11	The Applicant	<b>Archaeological potential of cable corridors</b> No reference is made within the ES chapter 7 [APP-039] or appendices to archaeological assessments being completed for the cable route corridor. <ul style="list-style-type: none"> <li>Please explain how a mitigation strategy for this area will be developed and submitted to the examination.</li> </ul>	
Q1.4.12	The Applicant	<b>Archaeological mitigation</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>In Relevant Representations [RR-1178, RR-1340], CCC and SCC note that the Applicant's mitigation strategy is not developed and will require further consultation with the Councils.</p> <p>In relation to the Detailed Archaeological Mitigation Strategy:</p> <ul style="list-style-type: none"> <li>• Please confirm whether this will be submitted to the examination</li> <li>• Please confirm who will be responsible for implementing the strategy.</li> </ul>	
Q1.4.13	Isleham Parish Council	<p><b>Plane crash site</b></p> <p>Please supply a map detailing the location of the military plane crash site, along with a statement explaining the importance of the site to the Parish.</p>	
Q1.4.14	Suffolk County Council	<p><b>Icknield Way</b></p> <p>i) Please clarify which PRoW form the Icknield Way; and ii) please explain whether you consider that the Application proposals would have an impact on users of the Icknield Way.</p>	<p>i) It is important to distinguish between the Icknield Way as an ancient historic roadway and as a modern promoted path.</p> <p>In the case of the ancient Icknield way, the evidence is unclear as to whether the original route (if it did consist of only one route) survives and in what form. It is therefore not possible to be precise about which current PRoW form the ancient Icknield way, and it may be the case that a number of parallel tracks were part of the overall route.</p> <p>The modern Icknield Way Path is promoted on the routes on the eastern</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>side of the A11 between the parishes of Icklingham and Kentford in the immediate vicinity of Sunnica East site.</p> <p>Both the equestrian and pedestrian promoted routes are accommodated on a combination of public rights of way. Suffolk County Council is not a lead promotion of The Icknield Way route and all information to confirm its promoted alignment has been taken from the Icknield Way Path website which advertises the route.</p> <p>The routes are also shown as recreational routes on the Ordnance Survey Explorer mapping series.</p> <p>Pedestrian route:</p> <p>U6208 (Unclassified unsurfaced road)</p> <p>U6207 (Unclassified unsurfaced road)</p> <p>W-530/004 (Tuddenham Public Footpath No. 4)</p> <p>W-530/003 (Tuddenham Public Footpath No.3)</p> <p>W-312/003/0 (Herringswell Public Footpath No. 3)</p> <p>W-312/001/0 (Herringswell Byway Open to All Traffic No. 1)</p> <p>W-262/011/0 (Gazeley Byway Open to All Traffic No. 11)</p>



ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>Equestrian route:  U6208 (Unclassified unsurfaced road)  U6207 (Unclassified unsurfaced road)  U6204 (Unclassified road)  W-312/001/0 (Herringswell Byway Open to All Traffic No. 1)  W-262/011/0 (Gazeley Byway Open to All Traffic No. 11)</p> <p>ii) The modern Icknield Way Path is not advertised as a promoted route through the Sunnica site in Suffolk. The advertised routes for pedestrian, cyclists and equestrians are east of the DCO application boundary. The modern promoted route of the Icknield Way and its users are not affected by the proposals.</p> <p>It is not possible to consider the impact of the proposals on the ancient Icknield Way without further archaeological evaluation and evidence.</p>
<b>1.5</b>	<b>Draft Development Consent Order (dDCO)</b>		
Q1.5.1	The Applicant	<p><b>General</b>  Please confirm that the submitted DCO:</p> <ul style="list-style-type: none"> <li>has been drafted using the Statutory Instrument (SI) template and validated against it;</li> </ul>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>follows guidance and best practice for SI drafting (for example avoiding “shall/should”) in accordance with the latest version of guidance from the Office of the Parliamentary Counsel; and</li> <li>follows best practice drafting guidance from the Planning Inspectorate and the Departments in Advice Note 15 – Drafting development consent orders.</li> </ul>	
Q1.5.2	The Applicant	<b>General:</b> Please confirm that, prior to submission of any amended version of the DCO during the Examination, you will have checked and updated all internal references and legislative footnotes as necessary.	
Q1.5.3	The Applicant	<b>General:</b> Table 1-1 of the Consents and Agreements Position Statement [APP-021] shows a summary of those consents and licences likely to be required in addition to the dDCO. Please ensure that it is kept up to date as the Examination progresses (showing tracked changes) and that a tracked changes and clean version is provided at the close of the Examination.	
Q1.5.4	The Applicant	<b>Art 2: Interpretation - drafting:</b> <ul style="list-style-type: none"> <li>Should “electronic transmission” and “drainage strategy” be transposed so as to be in alphabetical order?</li> <li>Should the words “the at” immediately before “Schedule 10” under “environmental statement” be deleted?</li> </ul>	
Q1.5.5	The Applicant	<b>Art 2: Interpretation:</b> Should “commence” be “begin to carry out a material operation as defined in section 155 of the 2008 Act”?	
Q1.5.6	The Applicant	<b>Art 2: Interpretation:</b>	

ExQ1	Question to:	Question:	Local Authority Response
		Should “framework construction travel plan” and “important hedgerows and tree preservation order plan” also be defined?	
Q1.5.7	The Applicant	<b>Art 2: Interpretation:</b> Are the “framework” plans outline plans? eg outline access management plan, outline code of construction practice, outline construction traffic management plan, outline substation design principles statement (Burwell extension), outline pre-commencement archaeological investigation plan, outline PRow strategy, outline travel plan, outline written scheme of investigation.	
Q1.5.8	The Applicant/the relevant planning authority	<b>Art 2: Interpretation:</b> The definition of “maintain” includes “reconstruct” with no upper limit save that it does not include reconstruction of the whole of the authorised development. <ul style="list-style-type: none"> <li>Are you satisfied that this definition of “maintain” is not too extensive and widely drawn?</li> </ul>	<p>The Councils are concerned that the definition of “maintain” is too extensive and is too widely drawn, and that it could result in the reconstruction and replacement of significant parts of the scheme without the need for any prior approval. Such works could result in environmental effects in areas such as transport, noise and vibration and as such would be unregulated.</p> <p>It is necessary to delete “reconstruct”, “replace and improve” so that it reads:  <i>“maintain” includes inspect, repair, adjust, alter, remove, but not remove the whole of, the authorised development and “maintenance” and “maintaining” are to be construed accordingly.</i></p>

ExQ1	Question to:	Question:	Local Authority Response
Q1.5.9	The Applicant/the relevant planning authority	<p><b>Art 2: Interpretation:</b></p> <p>The definition of “permitted preliminary works” is extensive. Are you satisfied that</p> <ul style="list-style-type: none"> <li>• The resulting impacts are not included in the environmental impact assessment; and</li> <li>• This definition is not too widely drawn?</li> </ul>	<p>The Councils are extremely concerned regarding the extent of the definition of ‘permitted preliminary works’. It is concerned that the scope of the works listed is extensive and that the resulting impacts have not been considered in the environmental impact assessment. Works such as the diversion and laying of services could involve extensive ground disturbance and associated activity, including disruption to motorised and non-motorised users, increased vehicular movements and noise and vibration. WSC is also concerned that the reference to site clearance is unchecked and that unlimited amounts of vegetation could be removed to the detriment of the landscape character of the area and with adverse impacts on ecology and biodiversity.</p> <p>The ES (section 8.7.2) highlights the potential for direct impacts associated with changes in land use resulting from the Scheme, for example temporary works associated with site clearance.... Section 8.8.22 requires Precautionary methods for vegetation clearance within areas suitable for reptiles and amphibians. Sections 8.8.25 and 8.8.26 requires pre-construction surveys to update baseline findings and subsequent</p>

ExQ1	Question to:	Question:	Local Authority Response
			mitigation requirement in relation to protected species and invasive species, which is highly relevant to vegetation clearance. Section 8.8.28 lists measures to be implemented that will reduce the impacts of construction, including of site vegetation clearance, on reptiles (f) other protected species (g) and breeding birds (h) will be required in the CEMP. It is therefore not appropriate for site clearance to be undertaken ahead of the discharge of the CEMP.
Q1.5.10	The Applicant	<b>Art 2: Interpretation:</b> Are you satisfied that the definition of “statutory undertaker” includes all statutory undertakers defined in s138 PA2008?	
Q1.5.11	The Applicant	<b>Art 2: Interpretation:</b> Please explain the definition of “Work No 5A land” and “Work No 5B land” with reference to sheet 20 of the Land and Crown land plan [AS-003].	
Q1.5.12	The Applicant	<b>Art 3: Development consent etc. granted by this Order:</b> Should the words “detailed in Schedule 2” be added following the word “requirements” in line 1 to make it clear that all requirements are detailed in Schedule 2 and that this article gives effect to Schedule 2: Requirements?	
Q1.5.13	The Applicant	<b>Art 3: Development consent etc. granted by this Order:</b> Paragraph 5.2.7 of the EM [AS-294] refers to Article 3(2) re <i>“reducing the risk that the authorised development as approved cannot later be implemented for reasons which, at the time the Application was made and the development</i>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>consent was granted, could not reasonably have been foreseen”.</i></p> <p>Article 3(2) simply requires that <i>“Each numbered work must be situated within the corresponding numbered area shown on the works plans and within the limits of deviation.”.</i></p> <ul style="list-style-type: none"> <li>• Please explain <ul style="list-style-type: none"> <li>○ why Article 3(2) is necessary and proportionate, and</li> <li>○ how it ensures that the worst case has been assessed in the EIA</li> </ul> </li> </ul>	
Q1.5.14	The Applicant	<p><b>Art 6: Disapplication of legislation - EM drafting:</b></p> <p>In the EM [AS-294]:</p> <ul style="list-style-type: none"> <li>• Paragraph 5.2.12 a refers to section 23 of the Land Drainage Act 1991: in line 2 should “with” read “without”? and</li> <li>• In line 9 of paragraph 5.2.12 f should “Articles 27 and 89” read “Articles 27 and 28” as in line 2?</li> </ul>	
Q1.5.15	The Applicant	<p><b>Art 6: Disapplication of legislation:</b></p> <p>Art 6 would disapply provisions of the Neighbourhood Planning Act 2017 (the NPA) relating to the TP of land. There are elements of the NPA regime that are fixed by the statute itself, for example a notice period before possession is taken and a requirement for notices to identify the period of TP. We note from paragraph 5.2.12 f of the EM [APP-020] that “at present the reforms to the temporary possession regime contained in the Neighbourhood Planning Act 2017 have not yet .... commenced”. Please</p> <ul style="list-style-type: none"> <li>• explain why such elements are not relevant to this application; and</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>give an update on the current position in respect of the relevant regulations.</li> </ul>	
Q1.5.16	The Internal Drainage Boards and the Environment Agency	<p><b>Art 6: Disapplication of legislation:</b></p> <p>Art 6 would disapply sections 23 and 32 of the Land Drainage Act 1991, byelaws made under section 66 of the Land Drainage Act 1991, byelaws made or having effect under Schedule 25 of the Water Resources Act 1991 and Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 and the legislation listed in Schedule 3.</p> <ul style="list-style-type: none"> <li>Are you content that your interests are adequately protected?</li> </ul>	
Q1.5.17	The relevant planning authority	<p><b>Art 6: Disapplication of legislation:</b></p> <p>Are you content with the provisions of Art 6(3) in respect of Worlington Quarry?</p>	<p>SCC is the relevant Minerals Planning Authority. SCC has no issue with the intention behind these provisions and notes and welcomes the Applicant's intention, in response to questions from the ExA, to look further at the scope of Article 6(3) as regards whether precluding "enforcement action" was the most effective mechanism to address the question of inconsistency between the authorised development and the restoration plans for Worlington Quarry.</p> <p>SCC's Post Hearing Submission in relation to ISH1, submitted alongside this document, contains further detail on a narrow point about the statutory authority referred to in the explanatory memorandum.</p>

ExQ1	Question to:	Question:	Local Authority Response																								
Q1.5.18	The Applicant	<p><b>Art 10: Construction and maintenance of altered streets:</b></p> <p>Paragraph 5.3.3 of the EM [AS-294] refers to an “appropriate standard”.</p> <ul style="list-style-type: none"><li>Does this mean to the reasonable satisfaction of the highway authority?</li></ul>																									
Q1.5.19	The relevant highway authority	<p><b>Art 10: Construction and maintenance of altered streets:</b></p> <ul style="list-style-type: none"><li>Art 10 refers to “the highway authority”. Are there any streets for which you are not the street authority?</li><li>In respect of those streets for which you are the street authority, are you satisfied with the current drafting of Articles 8 to 13 inclusive? eg Art 11(4)(a) consent not required for street works in the streets in Schedule 6, only consultation; If not, please explain.</li></ul>	<p>The table below shows the elements from Schedule 5 parts 1 and 2 which are <b>not</b> highway, and for which Cambridgeshire County Council would not be the street authority:</p> <table><tr><th>Road</th><th>Parish</th><th>DCO Ref</th></tr><tr><td>Private access</td><td>Fordham</td><td>AS-24</td></tr><tr><td>Private access</td><td>Fordham</td><td>AS-27</td></tr><tr><td></td><td></td><td></td></tr><tr><td>First Drove</td><td>Burwell</td><td>AS-31</td></tr><tr><td></td><td></td><td></td></tr><tr><td>Weirs Drove</td><td>Burwell</td><td>AS-33</td></tr><tr><td>Junction of B1103, Swan Lane and Chapel Street</td><td></td><td>AS-40</td></tr></table>	Road	Parish	DCO Ref	Private access	Fordham	AS-24	Private access	Fordham	AS-27				First Drove	Burwell	AS-31				Weirs Drove	Burwell	AS-33	Junction of B1103, Swan Lane and Chapel Street		AS-40
Road	Parish	DCO Ref																									
Private access	Fordham	AS-24																									
Private access	Fordham	AS-27																									
First Drove	Burwell	AS-31																									
Weirs Drove	Burwell	AS-33																									
Junction of B1103, Swan Lane and Chapel Street		AS-40																									



ExQ1	Question to:	Question:	Local Authority Response
			<p>There are no streets for which SCC is not the streets authority within the order limits that are recorded on our database. We note that there are a number of private farm tracks within the order limit which may fall within the definition of street in NSW 1991 section 48.</p> <p>As Art 8 defines the applicant as a 'statutory undertaker' the Councils are content that (provided the necessary legal instruments such as NRSWA 1991 are not disapplied) that such legislation provides adequate control.</p> <p>Article 10 should include provisions for the Highway Authority approving the design of temporary and permanent changes to highways. This should include consideration of the maintenance implications of the alterations and appropriate safety audits. Such works not to commence until the Highway Authority has formally approved the designs. This will require a certification process that is either detailed in the DCO or in a binding Legal Agreement.</p> <p>It is welcomed that the applicant has included in article 10(1) a period of 12 months during which completed</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>alterations to streets must be maintained by the undertaker. However, this clause offers no opportunity for the local highway authority to inspect and certify that the completed works remain in a satisfactory condition at the conclusion of the 12 month period.</p> <p>For Art 10 (1) the Councils would like to see this changed so the 12 month maintenance period commences on completion of the construction phase of the project as it appears disproportional to expect the public to maintain works solely used by the applicant and of no other benefit to the public. Note that agreement has not been reached with the applicant on the subject of commuted sums for future maintenance of new or improved highway assets adopted by the LHAs, though this could be included in a side-agreement.</p> <p>Art 10(4) and (5) have a degree of ambiguity that could be resolved by aligning with the Council's maintenance procedures, for example see SCC's Highway Operational Maintenance Plan. <a href="https://www.suffolk.gov.uk/assets/Roads-and-transport/how-we-manage-highway-maintenance/Highway-Maintenance-Operational-Plan-May-2021.pdf">https://www.suffolk.gov.uk/assets/Roads-and-transport/how-we-manage-highway-maintenance/Highway-Maintenance-Operational-Plan-May-2021.pdf</a></p>

ExQ1	Question to:	Question:	Local Authority Response
			The Councils also seek protections in the DCO to enable the Highway Authority to inspect works within the highway during construction and prior to completion. Such works not to be handed over to the Highway Authority prior to the Authority certifying that it is content.
Q1.5.20	The Applicant	<b>Art 11: Temporary stopping up of public rights of way:</b> <ul style="list-style-type: none"> <li>Please confirm that there are no public rights of way which are to be stopped up permanently.</li> <li>Article 11(5) refers to private rights of way. Please detail all those private rights affected by your proposals.</li> </ul>	
Q1.5.21	The relevant street authority	<b>Art 11: Temporary stopping up of public rights of way:</b> Art 11(4)(a) provides only for consultation with the street authority in respect of the streets listed in Schedule 6. Are you content?	<p>Article 11 includes a requirement for the undertaker to consult with the street authority prior to temporarily stopping up public rights of way. Such closures could impact the adjoining public highway and PROW network for which the County Councils are both the local highway authority and the street authority.</p> <p>The Councils' position is that approval should be sought from the LHA. This is important when considering the provision of safe diversion routes, co-ordination with other closures and to ensure that closures and the associated disruption are necessary for justified safety reasons. The Councils have a particular concern</p>

ExQ1	Question to:	Question:	Local Authority Response
			<p>that these powers will also be available to the applicant in the operational phase of the project.</p> <p>The Construction Management Plan must include PROW, as they are classes of highway. It should require the Applicant to agree the detail of any temporary closures with the relevant street authority.</p>
Q1.5.22	The relevant highway authority	<p><b>Art 12: Access to works:</b></p> <p>Art 12(c) provides only for consultation with the highway authority. Are you content?</p>	<p>Temporary and permanent access arrangements should be subject to formal approval by the Highway Authority prior to construction. Designs to be submitted to the Highway Authority for approval, which would be subject to appropriate safety audits. This will require a certification process that is either detailed in the DCO or in a binding Legal Agreement. This is of particular importance due to the limited information provide in the application that prevents the LHA's from making a full assessment of the feasibility and safety of the accesses (LIR Table 9 and 13.61 to 13.67 [REP1-024]).</p> <p>While the LHAs approval for the detailed design can be secured through a suitable requirement and / or side agreement The Councils consider that the information on this issue is still insufficient to show that the accesses are safe, feasible and</p>

ExQ1	Question to:	Question:	Local Authority Response
			deliverable at this stage of the planning process, nor that all environmental impacts such as vegetation removal have been considered. The Councils would expect the information provided at this stage to be at least equivalent to that supporting an outline planning permission under the Town and Country Planning Act.
Q1.5.23	The Applicant	<b>Art 12: Access to works:</b> There does not appear to be a subclause covering deemed consent if the LPA does not respond within 28 days. Are you content?	
Q1.5.24	The relevant highway authority	<b>Art 13: Agreements with street authorities:</b> Art 13(d) provides for adoption by the highway authority of existing (modified) and new highway. <ul style="list-style-type: none"> <li>• Are you content with this provision?</li> <li>• Are there any areas of highway which will remain unadopted on completion of the authorised development?</li> </ul>	<p>Art 13 (1) states that the street authority and the undertaker may enter into agreements which allows discretion to do so on either party. However, the applicant could still pursue adoption of any highway works via s37 of the Highways Act and this is a risk to the LHA. The Councils' preference would be for the mutual agreement for adoption of highway as publicly maintainable to form a key element of a side agreement with the applicant secured before the end of the examination.</p> <p>At present it is not possible for the LHA to identify if there will be areas of highway that will remain unadopted, because the Rights of Way &amp; Access Plans do not show the highway boundaries. The LHAs</p>

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
			have requested the Applicant to add highway boundaries to their plans, and have highlighted to them that not doing so 1) could risk the Applicant ending up with ransom strips where they intend to undertake works that are actually beyond the existing extent of highway, even if they are within the redline boundary, and 2) it is essential for the LHA to understand where these areas might be and what the intention is regarding dedication of such land as highway, because that would require consent from the LHA to take on that additional liability. As noted above, any modification of the existing or additional highway will require designs to be submitted to the LHA and a formal certification and handover process. Such processes need to be agreed and documented through a binding Legal Agreement.
Q1.5.25	The Applicant	<b>Art 14: Discharge of water:</b> There appears to be no deemed consent if a person who receives an application for consent or approval under this article fails to notify the undertaker within 28 days. Are you content with this position?	
Q1.5.26	The Swaffham Internal Drainage Board	<b>Art 14: Discharge of water:</b> Are you satisfied with Article 14(5) and with the protective provisions it refers to?	
Q1.5.27	The Applicant	<b>Art 17: Authority to survey and investigate the land:</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Are you satisfied that the current drafting</p> <ul style="list-style-type: none"> <li>• of Art 17(1)(c) does not include trial trenching? (suggest drafting per EAs?)</li> <li>• of Art 17(1)(d) does not include any welfare facilities which may be necessary?</li> <li>• of Art 17(4) does not include for such consent not to be unreasonably withheld?</li> </ul>	
Q1.5.28	The Applicant	<p><b>Art 18: Compulsory acquisition of land:</b></p> <ul style="list-style-type: none"> <li>• Please explain the need for 18(1)(b) and in particular the need for “Or for any other purposes”; and</li> <li>• Please explain what is meant by “ancillary”.</li> </ul>	
Q1.5.29	Statutory undertakers	<p><b>Art 20: Compulsory acquisition of rights:</b></p> <p>Are you satisfied with the provisions in 20(5) and 20(6) in respect of the transfer of the power to acquire rights?</p>	
Q1.5.30	The Applicant	<p><b>Art 21: Private rights:</b></p> <p>Subsection (2) makes reference to Article 20 (compulsory acquisition of rights).</p> <ul style="list-style-type: none"> <li>• Should subsection (1) make reference to Article 18 (compulsory acquisition of land) in a similar manner?</li> <li>• Under what circumstances would subsection 2(c) be invoked? Please explain why it is needed.</li> </ul>	
Q1.5.31	Statutory undertakers	<p><b>Art 21: Private rights:</b></p> <p>Paragraph (5) of Art 21 disapplies Art 21 in respect of statutory undertakers and cites section 138 of the 2008 Act and Art 29 of the dDCO.</p> <p>Art 29 in turn cites Schedule 12 (protective provisions).</p> <ul style="list-style-type: none"> <li>• Are you satisfied that your interests are adequately protected?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.5.32	The Applicant	<b>Art 22: Application of the 1981 Act: drafting:</b> In line 3 of Art 22(6), should the word “section” be added immediately before “5A”?	
Q1.5.33	The Applicant	<b>Art 23: Acquisition of subsoil only:</b> Paragraph 5.5.13 of the EM (APP-020) says that Article 23 is sufficient for cables and pipes and is intended to enable you to minimise the extent of interest to be acquired. With reference to Article 2, paragraph 5.2.3 of the EM refers to both subsoil and airspace rights. <ul style="list-style-type: none"> <li>Should this article also apply to airspace? If not please explain why.</li> </ul>	
Q1.5.34	The Applicant	<b>Art 24: Power to override easements and other rights:</b> In paragraph 5.5.16 of the EM [AS-294] you say that this article “ <i>is considered necessary and expedient to give full effect to development consent under Article 3</i> ”. <ul style="list-style-type: none"> <li>Please explain why.</li> </ul>	
Q1.5.35	The Applicant	<b>Art 25: Modification of Part 1 of the Compulsory Purchase Act 1965</b> (see Article 22 question above) Art 25(2) seeks to modify section 4A(1) (extension of time limit during challenge) in respect of section 23 of the Acquisition of Land Act 1981 and Art 25(4) seeks to modify section 22(2). However, there appears to be no proposal to modify section 4 (time limit for giving notice to treat) which appears to be inconsistent with the time limit in Article 19. Should section 4 be disappplied?	
Q1.5.36	The Applicant	<b>Art 26: Rights under or over streets:</b> Please explain what is meant by “ancillary” in Art 26(1).	



ExQ1	Question to:	Question:	Local Authority Response
Q1.5.37	The Applicant	<b>Art 27: Temporary use of land for constructing the authorised development</b> <ul style="list-style-type: none"> <li>Notwithstanding the definition of Order land, should there be a schedule listing land of which temporary possession may be taken, with reference made under subsection (1) to the land specified in column (X) of that Schedule for the purpose specified in relation to that land in column (Y) of that Schedule? (cf Schedule 9 in the EAs)</li> <li>If so, would that Schedule be cited in subsections (1) and (4)?</li> <li>In 27(1)(b) does the term “temporary works” include temporary means of access? (cf EAs)</li> <li>Subsection 27(4) – notice or declaration? In what circumstances would each be used?</li> <li>Subsection 27(5) - should the undertaker be required to remove all works and restore the land in any event? Why the exclusions?</li> </ul>	
Q1.5.38	The Applicant	<b>Art 29: Statutory undertakers</b> <ul style="list-style-type: none"> <li>Should subsection (a) also refer to the book of reference?</li> <li>Should the words “and described in the book of reference” be added immediately after “within the Order land”?</li> </ul>	
Q1.5.39	Statutory undertakers	<b>Art 30: Apparatus and rights of statutory undertakers in stopped up streets:</b> Are you satisfied with the provisions in this article in respect of your powers and rights?	
Q1.5.40	The Applicant	<b>Art 31: Recovery of costs of new connections - drafting:</b>	

ExQ1	Question to:	Question:	Local Authority Response
		In subsection 2(b) should “sewerage” read “sewage”?	
Q1.5.41	National Grid	<b>Art 32: Benefit of the Order:</b> Are you content with the provisions in this Article in respect of Work No. 5?	
Q1.5.42	The Applicant	<b>Art 33: Consent to transfer the benefit of the Order:</b> <ul style="list-style-type: none"> <li>• Please explain why the SoS should be satisfied with the exception in subsection (3)(b).</li> <li>• Is the five working days’ notice in subsection (6) adequate? Would 14 days be more helpful? and</li> <li>• Should the relevant planning authority also be notified in the same way if the transfer or grant relates to the exercise of powers in its area?</li> <li>• To effect these modifications, should the words “and, if such transfer or grant relates to the exercise of powers in its area, to the relevant planning authority at least 14 days” be inserted in subparagraph (4) immediately after the words “Secretary of State in writing”?</li> <li>• If so, can subsection 6 be deleted?</li> </ul>	
Q1.5.43	The Applicant	<b>Art 36: Felling or lopping of trees and removal of hedgerows:</b> <ul style="list-style-type: none"> <li>• Is this article to be subject to Article 37?</li> <li>• If so, should the words “Subject to article 37 (trees subject to tree preservation orders),” be inserted at the start of subsection 36(1)?</li> </ul>	
Q1.5.44	The Applicant	<b>Art 36: Felling or lopping of trees and removal of hedgerows:</b>	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
		<p>Subsection 36(1) states that “The undertaker may fell or lop any tree or shrub near any part of the authorised development, or cut back its roots”</p> <ul style="list-style-type: none"><li>• Please explain what you mean by “near”;</li><li>• Given that you have a 100m wide strip of Order land within which to locate the cable route, please explain why such provision is necessary and whether it would extend outside the Order limits.</li></ul>	
<b>Q1.5.45</b>	The Applicant	<p><b>Art 36: Felling or lopping of trees and removal of hedgerows:</b></p> <ul style="list-style-type: none"><li>• Are there any important hedgerows affected by the authorised development?</li><li>• If so, how and where in the dDCO are they identified?</li></ul>	
<b>Q1.5.46</b>	The Applicant	<p><b>Art 37: Trees subject to tree preservation orders:</b></p> <ul style="list-style-type: none"><li>• Are there any trees subject to tree preservation orders affected by the authorised development?</li><li>• If so, how and where in the dDCO are they identified?</li></ul>	
<b>Q1.5.47</b>	The Applicant	<p><b>Art 37: Trees subject to tree preservation orders:</b></p> <p>Subsection (3) refers to deemed consent. What written notice period do you propose to give?</p>	
<b>Q1.5.48</b>	The Applicant	<p><b>Art 39: Arbitration:</b></p> <ul style="list-style-type: none"><li>• Please explain whether (and if so how) you have considered other forms of alternative dispute resolution (ADR), such as statutory adjudication, and why there is no provision in the Order as it currently stands for other forms of ADR.</li></ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>What happens if there is a difference with the SoS in the event that the parties cannot agree on a single arbitrator?</li> <li>What happens if the SoS fails to make an appointment within 14 days of referral?</li> </ul>	
Q1.5.49	The Applicant	<b>Art 41: Service of notices - drafting:</b> In subsection (1)(a) do you mean first class post?	
Q1.5.50	The Applicant	<b>Art 42: Procedure in relation to certain approvals etc:</b> <ul style="list-style-type: none"> <li>Is the appeals procedure the same as in sections 78 and 79 of the Town and Country Planning Act 1990?</li> <li>If not, how and why is it different?</li> </ul>	
Q1.5.51	The Applicant	<b>Art 43: Guarantees in respect of compensation:</b> <ul style="list-style-type: none"> <li>Should the provisions referred to in subsection (2) also include article 23 (acquisition of subsoil)?</li> </ul>	
Q1.5.52	The Applicant	<b>Art 44: Traffic regulation measures - drafting:</b> In order for section 6(b) to make sense, please confirm that the words “published the undertaker’s intention to make the provision in one or more newspapers circulating in the area in which any road to which the provision relates is situated.” should immediately follow the words “not less than 7 days before the provision is to take effect,”.	
Q1.5.53	The Applicant	<b>Art 44: Traffic regulation measures:</b> Are any new offences created by this article?	
Q1.5.54	The Applicant	<b>Art 44: Traffic regulation measures:</b> Paragraph 5.6.19 of the EM (APP-020) says that these powers would be used during construction, maintenance and decommissioning.	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>How and in what circumstances do you see these powers being used, particularly during the maintenance period: for what purposes, and over what time periods?</li> <li>Please explain why you consider that these powers are proportionate.</li> </ul>	
Q1.5.55	The Applicant	<b>Art 44: Traffic regulation measures:</b> Paragraph 5.6.19 of the EM (APP-020) says that subsection (3) would authorise “other temporary traffic regulation measures”. <ul style="list-style-type: none"> <li>What measures? and</li> <li>Why are they needed?</li> </ul>	
Q1.5.56	The Applicant	<b>Art 44: Traffic regulation measures:</b> In subsection (3)(a) <ul style="list-style-type: none"> <li>what is meant by “vehicles”? Does it include emergency vehicles?</li> <li>What is meant by “any road”? is it a reference to roads specified in Schedule 14?</li> </ul>	
Q1.5.57	The Applicant	<b>Art 44: Traffic regulation measures:</b> Subsection (6)(a) provides for 4 weeks’ notice in writing to be given to the chief officer of police and to the traffic authority. Could such information also be provided to users of the highways in question through implementation of a Communications Strategy?	
Q1.5.58	The relevant highway authority/traffic authority	<b>Art 44: Traffic regulation measures</b> Are you satisfied that the powers sought in this article are proportionate and not too widely drawn?	The Councils raised this matter in ISH1 and full details of our position are included in our respective post-hearing submissions.

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>The LHAs are concerned that the consultation requirements under this article are insufficient and considers they should better reflect the consultation regime set out in regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which The LHAs would have to follow when making a TRO.</p> <p>LHAs would welcome the Applicant's explanation as to why this article departs from the 1996 Regulations. LHAs would also like to know how any objections would be dealt with. We would expect the applicant to give notice and advertising in the locally circulating newspaper the intention of imposing the provisions.</p> <p>To summarise, The Councils consider some redrafting would resolve the matter.</p> <p>Article 44(1) be amended as follows – "Subject to the provisions of this article, <u>and the consent of the traffic authority in whose area the road is situated,</u> the undertaker may, for the purposes of the construction, maintenance and decommissioning of the authorised development— ..."</p>

ExQ1	Question to:	Question:	Local Authority Response
			<p>Article 44(2) be amended as follows –</p> <p>“Subject to the provisions of this article, <u>and the consent of the traffic authority in whose area the road is situated,</u> the undertaker may for the purposes of the construction, maintenance and decommissioning of the authorised development, temporarily place traffic signs and signals in the extents of the road specified in column 2 of Part 4 of Schedule 14 (traffic regulation measures) <del>and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016</del></p> <p>Additional comments are included in Annex F of the LIR (APP1-024) specifically at paras F.14 to F.27</p>
Q1.5.59	The Applicant/The Crown Estate	<p><b>Art 45: Crown rights</b></p> <ul style="list-style-type: none"> <li>• Should the words “lessee or” be added immediately before “licensee” in subsection (1)?</li> <li>• No reference is made to the inclusion of any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary: please confirm that this drafting been omitted because this is deemed not necessary in this case.</li> </ul>	
Q1.5.60	The Applicant	<b>Schedule 1: Authorised development:</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Section 2 paragraph 1 defines the authorised development as the NSIP, Work No 1 (the authorised project) plus associated development (Works No 2-10): this is explained further in paragraph 4.1.6 of the EM (APP-020).</p> <ul style="list-style-type: none"> <li>• Are “authorised project” and “associated development” not defined at the start of Schedule 1 because they are already defined by reference to PA2008.</li> <li>• Should “ancillary” be defined at the start of Schedule 1?</li> <li>• Are jointing bays, fibre bays, cable ducts, cable protection, joint protection, manholes, kiosks, marker posts, underground cable marker, tiles and tape, send and receive pits for horizontal directional drilling, trenching and lighting adequately defined within the definition of part (e) of “electrical cables”? If not, should they be defined?</li> <li>• Should there be a separate definition of horizontal directional drilling (HDD) and trenchless techniques?</li> </ul>	
Q1.5.61	The Applicant	<p><b>Schedule 1: Authorised development:</b></p> <p>With reference to paragraphs 2.4.6 and 2.4.7 of the Explanatory Memorandum (EM) [AS-294], there appears to be no upper limit to the gross electrical output capacity in paragraph 2.</p> <ul style="list-style-type: none"> <li>• Please explain why, and how you can be sure that all environmental impacts have been assessed in the EIA.</li> </ul>	
Q1.5.62	The Applicant	<p><b>Schedule 1: Authorised development:</b></p> <ul style="list-style-type: none"> <li>• With reference to section 2 paragraph 2 of Schedule 1, and paragraph 4.1.1 of the EM [APP-020], please confirm by way of clarification that <ul style="list-style-type: none"> <li>○ The Scheme is the authorised development, and</li> <li>○ it is it the authorised development, rather than the NSIP, for which development consent is</li> </ul> </li> </ul>	



ExQ1	Question to:	Question:	Local Authority Response
		sought and which comprises “all or any of the work numbers in this Schedule or any part of any work number in this Schedule”, with the NSIP being Work No 1 as stated in paragraph 4.1.7 of the EM [APP-020].	
Q1.5.63	The Applicant	<b>Schedule 1: Authorised development: drafting</b> <ul style="list-style-type: none"> <li>• With reference to section 2 Work No 2A, should the wording “a battery energy storage compound” be inserted at the start of the description of each of Work Nos 2B and 2C in place of “works”?</li> <li>• With reference to section 2 Work No 7D, line 1, should “areas” read “area”? and</li> <li>• With reference to the penultimate line of the final paragraph of section 2 Work No 10, should “are unlikely to” read “do not”?</li> </ul>	
Q1.5.64	The Applicant	<b>Schedule 2: Requirements - general:</b> Please provide a document giving details of the relationship of all plans, codes of practice, method statements and other documents to be secured by the DCO to the requirements and the associated outline plans, to include for each <ul style="list-style-type: none"> <li>○ The relevant requirement and what it relates to;</li> <li>○ A summary description of each plan, code of practice, method statement and other document to be secured by that requirement; and</li> <li>○ The outline or other plan or plans or other document cited in the requirement in accordance with which each plan, code of practice, method statement and other document is to be produced, with the Examination Library reference.</li> </ul> For example, currently Requirement 6:	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<p>i) relates to detailed design approval;</p> <p>ii) requires under Art 6(1) details of the layout, scale, proposed FGL etc to be provided;</p> <p>iii) which must accord with the design principles and the flood risk assessment;</p> <p>and Requirement 14:</p> <p>i) relates to construction environmental management;</p> <p>ii) requires under Art 14(1) a construction environmental management plan (CEMP), to include under Art 14(2) a construction resource management plan;</p> <p>iii) which must accord with the framework CEMP</p>	
Q1.5.65	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 4 is for written approval.</p> <ul style="list-style-type: none"> <li>Should this requirement also apply explicitly to the Secretary of State?</li> </ul>	
Q1.5.66	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 6 relates to detailed design approval.</p> <ul style="list-style-type: none"> <li>There is no reference to maximum height of buildings, external electrical equipment or lightning protection masts above finished ground level, nor to the maximum number of lightning protection masts. Please explain why these are not stipulated in this Requirement.</li> </ul>	
Q1.5.67	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 7 provides for a battery fire safety management plan, and paragraph 6.2.13 of the EM [APP-020] states that “a <i>Battery Fire Safety Management Plan (“BSFMP”), substantially in accordance with the outline battery fire safety management plan, must be submitted and approved by the Relevant</i></p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>Planning Authorities before commencement of Work No. 2 of the authorised development”.</i></p> <ul style="list-style-type: none"> <li>• Should BSFMP read BFSMP?</li> <li>• Would it be clearer if this were entitled “battery energy storage system (BESS) fire safety management plan”?</li> <li>• In section (3), for the avoidance of doubt please delete the word “substantially” so that it is clear that the plan must be in accordance with the outline referred to; and</li> <li>• Should the emergency services such as the East of England Ambulance Service also be consulted?</li> </ul>	
Q1.5.68	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>As well as in Requirement 7, the word “outline” is also used in relation to the landscape and ecology management plan in Requirement 8.</p> <ul style="list-style-type: none"> <li>• Would it be clearer if the word “outline” were to be used throughout?</li> </ul>	
Q1.5.69	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 8 provides for a landscape and ecology management plan.</p> <ul style="list-style-type: none"> <li>• In section (1), line 2, for the avoidance of doubt please delete the word “substantially” so that it is clear that the plan must be in accordance with the outline referred to.</li> <li>• Should reference be made to the associated work programme?</li> <li>• In respect of landscaping works, <ul style="list-style-type: none"> <li>○ should reference be made to compliance with the relevant recommendations of the relevant British Standards? and</li> <li>○ should reference be made to the need for replacement of any tree or shrub planted as part of</li> </ul> </li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		the approved landscape and ecology management plan which within a period of five years after planting is removed, dies, or becomes seriously damaged or diseased?	
Q1.5.70	The Applicant	<b>Schedule 2: Requirements:</b> Requirement 11 provides for fencing and other means of enclosure. <ul style="list-style-type: none"> <li>Should there be a paragraph 11(6) inserted to specify that any approved permanent fencing must be completed prior to the works which are enclosed by that fencing being brought into use and maintained for the operational lifetime of those works?</li> </ul>	
Q1.5.71	The Applicant	<b>Schedule 2: Requirements:</b> Requirement 12 provides for surface and foul water drainage. <ul style="list-style-type: none"> <li>In section (2),               <ul style="list-style-type: none"> <li>what and where is the drainage strategy?</li> <li>is an outline to be submitted and, if so, when? and</li> <li>for the avoidance of doubt please delete the word “substantially” so that it is clear that the surface water drainage strategy must be in accordance with the drainage strategy.</li> </ul> </li> </ul>	
Q1.5.72	The Applicant	<b>Schedule 2: Requirements:</b> Requirement 13 provides for a written scheme of archaeological evaluation for Work No 5 and a detailed archaeological mitigation strategy for the authorised development. <ul style="list-style-type: none"> <li>Do the scheme and/or the strategy take into account the archaeological trial trenching reports submitted with the application?</li> <li>Do the scheme and/or the strategy include investigation?</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Are these the schemes referred to in subsection (3)?</li> <li>Should Historic England also be consulted?</li> </ul>	
Q1.5.73	The Applicant	<b>Schedule 2: Requirements: drafting</b> Requirement 14 provides for a construction environmental management plan. <ul style="list-style-type: none"> <li>In line 2, please delete the words “by substantially” and replace them with the word “be”, both to make sense and to ensure that the construction environmental management plan is in accordance with the framework construction environmental management plan.</li> </ul>	
Q1.5.74	The Applicant	<b>Schedule 2: Requirements: drafting</b> Requirement 15 provides for an operational environmental management plan. <ul style="list-style-type: none"> <li>In line 2, please delete the word “substantially” and replace it with the word “be”, both to make sense and to ensure that the operational environmental management plan is in accordance with the framework operational environmental management plan.</li> </ul>	
Q1.5.75	The Applicant	<b>Schedule 2: Requirements: drafting</b> Requirement 16 provides for a construction traffic management plan. <ul style="list-style-type: none"> <li>In line 2, please delete the word “substantially” and replace it with the word “be”, both to make sense and to ensure that the construction traffic management plan is in accordance with the framework construction traffic management plan.</li> </ul>	
Q1.5.76	The Applicant	<b>Schedule 2: Requirements: drafting</b> Requirement 16 provides for a construction traffic management plan.	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Please add drafting to section (2) to make it clear that the construction traffic management plan for any phase must be implemented upon commencement of that phase, and that the works are to be carried out in accordance with the approved construction traffic management plans.</li> </ul>	
Q1.5.77	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 16 refers to a framework construction traffic management plan.</p> <ul style="list-style-type: none"> <li>Is this plan the same as the framework construction traffic management plan and travel plan submitted with the application [APP-118]?</li> <li>Does it include a framework access management plan and a framework travel plan? If not, where are they provided for?</li> </ul>	
Q1.5.78	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 17 provides for an operational noise assessment and makes reference to rating levels as set out in the ES. However, this is only in respect of design, and there is no mention of monitoring of actual operational noise levels.</p> <p>Also there does not appear to be modelling in the ES associated with the operation of the extension to the existing Burwell substation, nor any predicted sound levels for monitoring and compliance purposes.</p> <p>Furthermore, the actual location of the extension to the existing Burwell substation has not yet been determined.</p> <p>Paragraph 11.7.6 of the ES [APP-043] acknowledges that “noise emissions from new transformer plant associated with the Burwell National Grid Substation Extension may have tonal characteristics” but concludes that “due to the existing ...transformer plant noise ... and road traffic noise, it is not</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>expected that any tonal features from new transformers would be noticeable at receptors in Burwell”.</i></p> <ul style="list-style-type: none"> <li>What are the existing transformer plant noise levels and road traffic noise levels at sensitive receptors near the existing Burwell substation, and are they deemed significant?</li> <li>Should this Requirement include <ul style="list-style-type: none"> <li>specified rating levels for free field locations immediately adjacent to receptors in Burwell; and</li> <li>a requirement that Work No 5 must not begin operation until a scheme for monitoring compliance with these specified noise rating levels has been submitted to and approved by the LPA; and</li> <li>a requirement that the monitoring scheme must be implemented as approved?</li> </ul> </li> </ul>	
Q1.5.79	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Requirement 18 covers “<i>geo-environmental investigations which must be designed with due consideration of the requirements of BS 10175:2011 ...</i>”</p> <ul style="list-style-type: none"> <li>What do you mean by due consideration?</li> <li>Will the investigations be in accordance with BS 10175:2011+A2:2017?</li> </ul>	
Q1.5.80	The Applicant	<p><b>Schedule 2: Requirements:</b></p> <p>Is there a code of construction practice covering such matters as flood management, vibration, soil management, soil handling, air quality management and stakeholder communications?</p>	
Q1.5.81	The Applicant	<p><b>Change application</b></p> <p>Plot 21-04 has been added to the Order land and its permitted use during construction is provided for under Article 27.</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>Should provision for its permitted use also be made under Article 28? If not, please explain why not.</li> </ul>	
<b>1.6</b>	<b>Environmental Statement – general matters</b>		
Q1.6.1	The Applicant	<p><b>Overall sustainability of the solar panels</b></p> <p>Bearing in mind current trends in materials, efficiency and production, and taking into account issues of human rights and national security, please explain and quantify the total whole-life environmental and social footprint of the solar panels you propose to use. Please include a consideration of</p> <ul style="list-style-type: none"> <li>the whole life cost including the materials to be used;</li> <li>where the panels will come from;</li> <li>where and how the panels will be produced;</li> <li>the cost of transport to the site;</li> <li>operational performance;</li> <li>decommissioning; and</li> <li>reuse/recycling of materials,</li> </ul> <p>so as to give a robust and transparent indication of the full environmental impact of your proposals measured against the benefit of the energy produced over the lifetime of the proposed development.</p>	
Q1.6.2	The Applicant	<p><b>Environmental sustainability</b></p> <p>Will there be an Environmental Product declaration?</p> <p>Are figures relating to the environmental impact expressed as a CO<sub>2</sub> equivalent for construction and installation?</p>	
Q1.6.3	The Applicant	<p><b>Building sizes</b></p> <p>Paragraph 3.3.2 of the Scheme Description [APP-035] says that “<i>enclosure or building sizes may vary ...</i>” and Table 3.2</p>	



ExQ1	Question to:	Question:	Local Authority Response
		<p>[APP-035] gives some information about maximum dimensions.</p> <p>Please explain why this variation is necessary, what the maximum sizes are, what the locations are and where and how in the Environmental Statement the impacts have been assessed, particularly in terms of landscape and agricultural land loss.</p>	
Q1.6.4	The Applicant	<p><b>DC electrical boxes</b></p> <p>Table 3.2 of the Scheme Description [APP-035] lists DC Electrical Boxes and makes reference to “the SCADA system” (page 3-8). SCADA does not appear to be listed in Chapter 0 of the Environmental Statement [APP-032].</p> <p>What size are these DC electrical boxes?</p> <p>Are the DC electrical boxes above or below ground?</p> <p>Does SCADA stand for Supervisory Control and Data Acquisition?</p>	
Q1.6.5	The Applicant	<p><b>Site restoration: removal/retention of piles</b></p> <p>Please confirm:</p> <ul style="list-style-type: none"> <li>• Whether it is proposed to remove or retain underground piling during site restoration following decommissioning; and</li> <li>• If piles are to be removed, whether it is proposed that they be recycled, and explain how this will be achieved.</li> </ul>	
Q1.6.6	The Applicant	<p><b>Site restoration: removal of solar panels</b></p> <ul style="list-style-type: none"> <li>• Please confirm if it is proposed to recycle the solar panels after they are removed from the site</li> <li>• If they are to be recycled, please confirm where and how this will be achieved.</li> </ul>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		<ul style="list-style-type: none"> <li>To what extent are you relying on future technology to be able to recycle the solar panels?</li> <li>Please demonstrate that the relevant technology and recycling facilities will be available within the timescale proposed for decommissioning or replacement of equipment for this development project.</li> </ul>	
Q1.6.7	The Applicant	<b>Long-term management of ecological mitigation land</b> Please explain how long-term management of ecological mitigation land will be secured following decommissioning.	
Q1.6.8	The Applicant	<b>Construction Environmental Management Plan</b> With reference to paragraph 1.1.2 of the Framework Construction Environmental Management Plan [APP-123], please confirm that, as the scheme is split across four main areas and may be constructed in phases, the CEMP will be prepared in accordance with Requirement 14, albeit in phases, and that the completed CEMP will form part of the Health and Safety File for the project for use during the operational and decommissioning phases.	
Q1.6.9	The Applicant	<b>Construction Environmental Management Plan</b> With reference to paragraph 1.3.4 of the Framework Construction Environmental Management Plan [APP-123], please confirm that the land referred to in line 2 is the Order land.	
Q1.6.10	The Applicant	<b>Construction Environmental Management Plan - drafting</b> With reference to the Framework Construction Environmental Management Plan (CEMP) [APP-123], please confirm that <ul style="list-style-type: none"> <li>i) In paragraph 2.6.1 impacts from construction traffic will always be minimised;</li> <li>ii) In paragraph 2.6.2 all freight traffic includes abnormal loads;</li> </ul>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>iii) In paragraph 2.6.3 the detailed CTMP will be developed and approved by the relevant planning authority;</p> <p>iv) In paragraph 2.7.1 there will be no detrimental effect on either the highway or users of the highway</p>	
Q1.6.11	The Applicant	<p><b>Working methods to minimise ecological impacts</b></p> <p>With reference to the fifth bullet point in Table 3-3 of the CEMP [APP-123] on page 16C-17 in respect of birds attempting to nest on cleared ground, but also more generally, what will be the maximum time between site clearance and commencement of construction?</p>	
Q1.6.12	The Applicant	<p><b>Working methods to minimise ecological impacts</b></p> <p>The first bullet point in Table 3-3 of the Construction Environmental Management Plan (CEMP) [APP-123] on page 16C-20 says that vegetation (including topsoil) is to be removed.</p> <p>Why is it necessary to remove topsoil?</p>	
<b>1.7 Landscape and Visual Effects</b>			
Q1.7.1	The Applicant	<p><b>Visual impact</b></p> <p>Given that Figure 10-11F [APP-206] shows that there would be visibility of the site from the city of Ely, why has Ely Cathedral been excluded from the Visual Impact Assessment?</p>	
Q1.7.2	The Applicant	<p><b>Glint and glare</b></p> <p>The Glint and Glare Assessment [APP-121] refers to selected locations rather than general areas of visibility such as are set out in the figures relating to zones of theoretical visibility [APP-201 to APP-206].</p> <p>Why have areas with potentially high levels of visibility, such as the Limekiln Gallops, been omitted from the Glint and Glare Assessment?</p>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.7.3	East Cambridgeshire District Council (ECDC)	<p><b>Landscape and visual effects</b></p> <p>ECDC Relevant Representation [RR-0998] Section 6.15 states that <i>“There continues to be a lack of relevant details in the submitted application, this does not promote the full and clear understanding of the landscape and visual effects of the proposal. This may substantially limit the ability to provide precise comments within the LIR”</i>.</p> <p>Please provide further details on what information they consider to be absent, in order for the Applicant and other Interested Parties to be able to comment.</p>	<p>The Councils consider that the following information is absent, incomplete or not provided in sufficient detail:</p> <ul style="list-style-type: none"> <li>• Tree survey in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, as requested in the Councils' representations responding to the PEIR, see also the Councils LIR at section 10.83 (REP1-024)</li> <li>• Hedge survey for all hedgerows, in accordance with Hedgerow Regulations (see section 8.102. 'Trees woodlands and hedgerows' in the Councils LIR). Other hedgerows may also have been missed.</li> <li>• The quantification of vegetation losses.</li> <li>• The consideration of required visibility splays for access points and their impact on roadside trees and hedges.</li> <li>• The design of access points.</li> <li>• The spatial arrangement of various components of infrastructure in each parcel.</li> <li>• Mitigation proposals including a landscape masterplan at an appropriately detailed scale to demonstrate the depth of proposed tree belts and woodland, new hedgerows and scrub planting, setbacks/ buffers, retained grassland</li> </ul>

ExQ1	Question to:	Question:	Local Authority Response
			<p>and new grassland and indicating areas retained for arable flora. It is suggested that a coherent plan of the scheme proposals that takes into account the requirements for ecology, landscape, recreation and archaeology is provided.</p> <ul style="list-style-type: none"> <li>• Omissions within the visual assessment, such as views to and from Ely Cathedral, and views north of Snailwell.</li> <li>• Lack of landscape and visual assessment of required works to roads.</li> <li>• Specific management prescriptions within the LEMP for all existing and newly created habitats.</li> </ul>
Q1.7.4	Suffolk County Council (SCC)	<p><b>Landscape and visual effects</b></p> <p>SCC Relevant Representation [RR-1340] Section 7.22 states that <i>“The continued lack of relevant detail (for example, with regards to the spatial arrangement of various components of infrastructure in each parcel; the quantification of vegetation losses; the consideration of required visibility splays for access points and their impact on roadside trees and hedges; the design of access points; etc.) does not promote the full and clear understanding of the landscape and visual effects of the proposals.”</i></p> <p>Please provide a full list of the details which it considers are absent, so that the Applicant and other Interested Parties are able to comment.</p>	See response to Q1.7.3

ExQ1	Question to:	Question:	Local Authority Response
Q1.7.5	The Applicant	<p><b>Landscape and visual assessment</b></p> <p>ES chapter 10 [APP-042], Table 10-2, provides a response to a number of comments within the Scoping Opinion and from other consultation bodies. Some of these are not fully responded to or are not included within the relevant section of the ES chapter.</p> <p>Please provide the methodologies for the Type 2 photomontages (as the Type 4 methodology is detailed in the relevant appendix but Type 2 is not), including an explanation as to why only selected viewpoints have the photographs and wireframe montages, and why this section uses the terminology Type 2 or 4 whereas the rest of the document refers to Type 1 and 4.</p>	
Q1.7.6	Suffolk County Council (SCC)	<p><b>Landscape mitigation</b></p> <p>SCC Relevant Representation [RR-1340] Section 7.18 states that <i>“However, a key component in the success or otherwise, of the project’s Green Infrastructure (GI) will be effective management, in the short and long term, and this should be part of the LEMP vision. Inconsistencies within the Environmental Statement (ES) with regard to the retention of the gained Green Infrastructure post-decommission create uncertainty. If the intention is for the proposed GI to reflect the surrounding landscape character and context, this should be part of the overall LEMP vision”</i>.</p> <p>Please provide further details on these inconsistencies, in order for the Applicant and other Interested Parties to be able to comment.</p>	<p>Section 3.8.6 of the ES (APP-040) states that it is anticipated that all areas of habitat and biodiversity mitigation and enhancement (Works No 6 and 10) will be left in-situ given they could contain protected species and therefore relevant licences at the time would be required for any changes.</p> <p>Chapters 8 (APP-040) states that <i>Upon decommissioning, the physical infrastructure will be removed and the land within the Order limits returned to landowners, including established habitats. Management and use of the land will then be in the control of the then landowner (section 8.7.4)</i>. However, Chapter 10 (APP-042) confirms that <i>The</i></p>

ExQ1	Question to:	Question:	Local Authority Response
			<p><i>proposed Green Infrastructure would remain (10.8.438).</i></p> <p>The issue is that the land along with the areas of habitat and biodiversity and landscape mitigation will be returned to the landowner. The retention of these features is not secured in any way. The end of the project and the extent to which the site will return to its original state, is very much a crucial part of the decision-making process (as suggested in the Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), and not something that should be left out of the assessment or avoided through discharging the responsibility back to the individual landowner.</p>
Q1.7.7	The relevant local authorities	<p><b>Landscape mitigation</b></p> <p>The local authorities' Relevant Representations refer to the need for "positive place making" or "innovative design solutions" in order to ensure that appropriate mitigation is provided.</p> <p>Could the local authorities please explain in more detail what they mean by this and what they would like the Applicant to submit in order to demonstrate that appropriate mitigation will be provided.</p>	<p>In their working paper 'Defining and developing the design champion role' (version of 25/08/2022) the ICE defines design as: <i>'Infrastructure design is not purely about aesthetics; it's about how something works as well as how it looks. Great infrastructure uses design to solve problems and to maximise the benefits provided over a project's whole life. When visible, it should look good, too, as projects can shape the landscape for generations.'</i></p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>As stated in the LIR (section 10.4) it is also not sufficient for only the functional parameters (fitness for purpose and sustainability) of the project to have set the parameters of the design (see NPS (EN-01)). Good or High Quality Design and positive place making should begin with an appropriate site selection process according to NPS EN-01(see LIR section 10.7-10.9) and should include linked up thinking about Green Infrastructure, Community involvement and benefits, public recreational access for a variety of users, and amenity value. ES Chapter 4: Alternatives and Design Evolution does describe the selection criteria for the sites. However, these do not include landscape character and visual amenity.</p> <p>The proposals are at a scale and of a duration which would result in long-term changes at a landscape scale. The layout and spatial arrangement of the proposals appear to be driven by the sites' constraints, rather than by a pro-active design strategy.</p> <p>The proposals do not appear to fully explore the Design Principles of the National Infrastructure Commission (for further information see Climate People</p>



ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>Place Value, Design Principles for National Infrastructure) with regards to people (Reflect what society wants and share benefits widely), places (Provide a sense of identity and improve our environment) and value (Achieve multiple benefits and solve problems well), (p.4).</p> <p>A key view assessment across the DCO, involving the local communities could have informed where vistas across the landscape should be designed into the proposals to reduce the solar farm's close range visual impact (for example at La Hogue Road, along the U6006 or at settlement edges). These vistas could have been designed as public avenues through and/or around the solar sites, with built-in destinations or the provision of circular routes.</p> <p>An example, where wider benefits could be achieved, is the historic plane crash site south-east of Isleham, located within the proposed parcel E05. Alongside this parcel (along Beck Road) a permissive footpath has been proposed. This footpath does currently stop short before reaching the Ark Church and does not connect with anywhere. However, this footpath could be used to lead to the plane crash site as a memorial</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>destination. Together with the community of Isleham a meaningful memorial could be created, that is more than just the absence of solar panels in the area of the plane crash site. In cooperation with the Councils, the Parish Council and the wider community additional footpath sections connecting the memorial site to Isleham via Beck Road and Sheldrick Road could be explored.</p> <p>Public information boards and viewing platforms could be proposed, that interpret the change in the landscape, and explain how the solar farm works and what can be seen (this could include both elements of the solar farm and other landmarks). Information about biodiversity improvements as a synergetic by-product of the renewable energy farm could also be explained, in principle and with regards to what can be seen on location.</p> <p>Playgrounds/ outdoor gyms could be provided for children and adults, where energy could be generated with physical human power by using different equipment. The level of energy being generated by visitors could be measured and then put in context and compared to the energy generated by a single solar</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>panel, an array or all of Sunnica and explained, what this energy would be able to provide power for.</p> <p>Local design competitions could be held to gather ideas for innovative arrangements of the solar panels (for example in waves around The Ark, E05) (also see Conergy's heart-shaped solar farm in New Caledonia to encourage the island's residents to "start loving solar").</p> <p>Innovative design solutions could also include setting the solar panels further apart to provide more light to the grassland habitat in-between for better biodiversity gains (see Broxted Solar Farm in Straddishall, Suffolk) and should consider using high efficiency bi-facial panels solar panels (as used by Gridserve at Warrington Borough Council's York solar farm).</p> <p>Public rights of way (PROW) are both historic and living features that are part of the landscape. PROWs have a critical role in positive place-making as they connect communities and assist with the development of quality of life. The public health indices in this area are poor, and there are very few PROW in this area, so it is vital that the existing network is</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>protected and enhanced. The ES has not assessed PROW as living community features within the landscape, and has not proposed any measures to enhance them e.g. through the creation of permanent new PROW to enable connectivity that would assist the long term health and well-being of local communities and NM Users. The proposed permissive paths, whilst welcome, have limited value because they are temporary for the duration of the development only, and in Cambridgeshire provides little benefit. The proposed path near Isleham off Beck Road is an isolated offering with no connection at either end except along a fast road. The Councils request the Applicant to engage with them to consider the creation of permanent new PROWs to enhance the existing limited network and enable better connectivity that would assist the long term health and well-being of local communities and NM Users, in accordance with NPPF para 100 and the Cambridgeshire ROWIP and Health &amp; Wellbeing Strategy.</p> <p>Further, information as to the plans for decommissioning have not been provided and it is not possible to ascertain what the long term intentions are and how this</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			<p>will impact upon the landscape and local communities. An example is a comparison with minerals developments, where PROW schemes are required to be drawn up as part of restoration plans. The Applicant should produce decommissioning plans that include measures to provide permanent benefit to local communities.</p> <p>These examples are not intended to be exhaustive simply demonstrate a number of potential directions. The Councils would welcome any further ideas or proposals by the Applicant.</p>
Q1.7.8	East Cambridgeshire District Council (ECDC)	<p><b>Landscape mitigation</b></p> <p>ECDC Relevant Representation [RR-0998] section 6.13 states that “<i>Current inconsistencies within the Environmental Statement with regards to the retention of the gained Green Infrastructure create uncertainty. If the intention is for the Green Infrastructure to reflect the surrounding landscape character/context this should again form part of the LEMP</i>”.</p> <p>Please provide further details on these inconsistencies, in order for the applicant and other interested parties to be able to comment.</p>	See response to Q1.7.6
Q1.7.9	The Applicant	<p><b>Landscape mitigation</b></p> <p>Please confirm whether a hedgerow is proposed between plots E12 and ECO3.</p>	
Q1.7.10	The Applicant	<b>Construction impacts on landscape</b>	

ExQ1	Question to:	Question:	Local Authority Response
		ES chapter 10 [APP-042], paragraphs 10.1.2 and 10.3.9 states that effects of a short construction period extension beyond 24 months are not noted to be enough to change the assessment. Please confirm: i) Why this is considered to be the case, as limited evidence has been provided. ii) At what point in time additional assessment would be required as the location, duration, magnitude or significance of effects has changed.	
Q1.7.11	The Applicant	<b>Trees &amp; woodland</b> With reference to Environmental Statement Chapter 10, Landscape and Visual Amenity [APP-042] paragraph 10.3.4, please explain why you it consider it appropriate not to have undertaken a detailed Arboricultural assessment at the application stage?	
Q1.7.12	The Applicant	<b>Trees &amp; woodland</b> [APP-264] paragraph 2.2.70 states that there are “ <i>no ancient woodland or veteran trees within the order limits</i> ”; however para 5.1.7 of the Tree Constraints Report [APP-101] states that several trees with veteran characteristics were identified during survey work. Please reconcile these two statements.	
<b>1.8</b>	<b>Noise and Vibration</b>		
Q1.8.1	The Applicant, relevant local authority	<b>Health and safety related consents:</b> Item 6 of the Consents and Agreements Position Statement [APP-021] refers to consents under Section 61 of the Control of Pollution Act 1974. <ul style="list-style-type: none"> <li>What is the position if the application is not successful?</li> </ul>	If an application for consent under s.61 of the Control of Pollution Act 1974 is not agreed, it is open to the developer/contractor to appeal against the refusal of the Local Authority to consent or against conditions imposed in a consent. The Magistrates Court may

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			uphold, amend, or reject any or all conditions attached to a consent. We would wish to work to agree consents and conditions which would preclude the necessity to take action regarding either noncompliance with s.61 consents or in respect of statutory nuisance. If consent requirements are contravened it is open to the Local Authority to take action in the Magistrates Court. Compliance with consents under s.61 does not mean that nuisance action cannot be taken under s.82 Environmental Protection Act 1990 (subject to any restrictions on action imposed by the method by which planning approval is granted) in respect of statutory nuisance, but it can be used as a defence in appeals against any private action taken.
Q1.8.2	The Applicant	<b>Health and safety related consents:</b> Item 7 of the Consents and Agreements Position Statement [APP-021] refers to health and safety related consents. <ul style="list-style-type: none"><li>• Do such consents apply in respect of both the workforce and members of the public?</li><li>• How long before construction commences are such consents to be applied for?</li><li>• Rather “as appropriate” do you mean that such consents are to be made as required to comply with relevant legislation?</li></ul>	

ExQ1	Question to:	Question:	Local Authority Response
<b>1.9</b>	<b>Socio-Economics and Land Use</b>		
Q1.9.1	The Applicant	<p><b>Solar tracking systems</b></p> <p>Does the Applicant agree with the general proposition that solar tracking systems increase electricity production over fixed panel installations which latter cost less to install but require more panels to achieve a similar gain than tracking systems, thus requiring a larger land take. If not why not?</p> <p>Has the Applicant performed a cost benefit analysis that demonstrates the extra area of land that would be required for the Proposed Development over the use of a solar tracking system in order to produce the same amount of energy? If so please indicate where this is in the application documents.</p>	
Q1.9.2	The Applicant	<p><b>Dual use of land</b></p> <p>Does the Applicant agree with the general proposition that the “dual use” of land for renewable energy and ecosystem services, agriculture or livestock has the potential to reduce solar farm operational costs whilst creating new habitats and valued agricultural products. If not, please explain why?</p> <p>How has the Applicant assessed, if at all, the potential offered by the Order Land for such dual use, what conclusions were reached and why?</p>	
Q1.9.3	The Applicant	<p><b>DC Electrical boxes</b></p> <p>Table 3.2 of the Scheme Description [APP-035] lists “DC Electrical Boxes” (page 3-8).</p> <ul style="list-style-type: none"> <li>• What size are these DC electrical boxes?</li> <li>• Are the DC electrical boxes above or below ground?</li> <li>• Will they interfere with agricultural operations?</li> </ul>	
Q1.9.4	The Applicant	<b>Jointing bays within the cable corridor</b>	



ExQ1	Question to:	Question:	Local Authority Response
		<p>Table 3.2 of the Scheme Description [APP-035] covers several pages and would benefit from repeat headers and numbering of the scheme components to aid the reader. It lists “Jointing bays within the cable corridor (Work No 4)” (page 3-14) and paragraph 3.5.7 gives dimensions of cables with dimensions of up to 30m by 8m and a depth of 2.5m.</p> <ul style="list-style-type: none"> <li>• Do the jointing bays extend above ground? and</li> <li>• Will they interfere with agricultural operations?</li> </ul>	
Q1.9.5	The Applicant	<p><b>Fibre bays within the cable corridor</b></p> <p>Table 3.2 of the Scheme Description [APP-035] covers several pages and would benefit from repeat headers and numbering of the scheme components to aid the reader. It lists “Fibre bays within the cable corridor (Work No 4)” (page 3-14) and paragraph 3.5.8 in the following section of the document gives dimensions of approximately 1.5m x 1m x 2m deep.</p> <ul style="list-style-type: none"> <li>• Do the fibre bays extend above ground? and</li> <li>• Will they interfere with agricultural operations?</li> </ul>	
Q1.9.6	The Applicant	<p><b>Land Restoration: Removal or retention of piles</b></p> <p>Please confirm</p> <ul style="list-style-type: none"> <li>• whether it is intended to remove or retain the underground piling when the site is restored following decommissioning;</li> <li>• if the piles are to be removed, how this will be achieved;</li> <li>• if the piles are to be removed, whether and if so how they will be reused and/or recycled; and</li> <li>• if the piles are to remain, that they will not interfere with any agricultural operations or other use of the land.</li> </ul>	
Q1.9.7	The Applicant	<p><b>Operational life of the proposed development</b></p> <p>Paragraph 3.2.4c of the Scheme Description [APP-035] says that “<i>The operational life of the Scheme is to be 40 years and</i></p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p><i>decommissioning is therefore estimated to be no earlier than 2065. Some parts of the Scheme may be decommissioned earlier if the landowner requires it."</i></p> <ul style="list-style-type: none"> <li>• Does this mean that all land lost to agriculture will be returned to agriculture at the end of the operational life of the Proposed Development?</li> <li>• Which parts do you envisage decommissioning earlier and why?</li> <li>• How will you achieve this in a sustainable way?</li> <li>• Will any part or parts of the Proposed Development remain, for instance the below ground cabling, piling, substation and cabling required to connect to the national grid?</li> </ul>	
Q1.9.8	The Applicant	<p><b>Land use and food production</b></p> <p>What area of agricultural land will be lost to the Proposed Development?</p> <p>How much agricultural land relates to arable and how much is pasture?</p> <p>What crops are currently grown on this land?</p> <p>How much land is used for grazing livestock?</p> <p>What are the actual current yields in terms of arable, pasture and livestock?</p> <p>What is the estimated loss in yield due to the Proposed Development?</p>	
<b>1.10</b>	<b>Traffic, Transport and Highway Safety</b>		
Q1.10.1	The Applicant	<p><b>General</b></p> <p>Both the Transport Assessment [APP-117] and the Framework Construction Traffic Management and Travel Plan [APP-118] contain many figures, in the form of maps, photographs and swept path diagrams.</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>To aid our understanding of the Proposed Development, for each figure, please ensure that</p> <ul style="list-style-type: none"> <li>i) each photograph is labelled with the direction of view and all street names; and</li> <li>ii) each map and swept path diagram has a clear legible background identifying the location, a north point and all street names, and includes vehicle configuration and direction of travel.</li> </ul>	
Q1.10.2	The Applicant	<p><b>General</b></p> <p>The pages of the annexes and appendices to annexes which form part of the Framework Construction Traffic Management and Travel Plan [APP-118] do not carry the document header and are not consecutively numbered. For example, the final page (21) of Annex D2 has no document title header and is followed by Annex E - Stage 1 Road Safety Audit which has a document header but is page number 13C-64. However, page 13C-63 does not immediately precede page 13C-64 but is the Annex D header sheet.</p> <p>To aid our understanding of the Proposed Development, please ensure that each page of the Framework Construction Traffic Management and Travel Plan [APP-118] carries the full document header, and is consecutively numbered and properly identified.</p>	
Q1.10.3	The Applicant	<p><b>General</b></p> <p>Reference is sometimes made to a Construction Traffic Management Plan, for example in paragraph 7.3.1 of the Framework Construction Traffic Management and Travel Plan [APP-118], but then there is reference to a Transport/Travel Plan coordinator in paragraph 7.3.2 of the Framework Construction Traffic Management and Travel Plan [APP-118].</p>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		Will the Framework Construction Traffic Management and Travel Plan [APP-118] be developed into separate Construction Traffic Management and Travel Plans?	
Q1.10.4	The Applicant	<p><b>Other projects - A11 Barton Mills/Fiveways junction</b></p> <p>Improvement of the nearby A11 Fiveways junction at Barton Mills is in the National Highways five-year delivery plan for 2020 to 2025.</p> <p>How has this been taken into account in your plans for the construction and operation of the proposed development?</p> <p>Are there any other projects which need to be taken into account?</p>	
Q1.10.5	The Applicant	<p><b>Abnormal loads</b></p> <p>Do you envisage plant and materials being imported through ports?</p> <p>If so, which ones have you considered? and</p> <p>Which routes would you use for abnormal loads to access the various parts of the proposed development?</p>	
Q1.10.6	The Applicant	<p><b>Abnormal loads</b></p> <p>Is there a report giving a detailed operational assessment of the routes to be used for access to the various parts of the site by abnormal loads, giving details of matters including vehicle configurations, structural restrictions, structural assessments, route inspections, parking restrictions, traffic management, temporary diversions (particularly for emergency vehicles), movement timings under police escort, and removal and replacement of street furniture?</p> <p>If so, please provide it and summarise its contents and conclusions.</p>	
Q1.10.7	The Applicant	<b>Abnormal loads - cranes and transformers</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Please confirm that both cranes and transformers will be AIL.</p> <p>Will there be any other loads which are AIL?</p> <p>Will there be any abnormal loads which are not AIL? If so, please explain.</p>	
Q1.10.8	The Applicant	<p><b>Abnormal loads - permitting</b></p> <p>Item 5 of the Consents and Agreements Position Statement [APP-021] refers to the need for a permit for the transport of abnormal loads.</p> <p>Please</p> <ul style="list-style-type: none"> <li>i) confirm that timely applications will be made to the Department for Transport, National Highways, the relevant highways authority, the police and bridge owners as necessary;</li> <li>ii) explain the process; and</li> <li>iii) confirm that it applies to all abnormal loads and not just abnormal indivisible loads.</li> </ul>	
Q1.10.9	The Applicant	<p><b>Abnormal loads - trips and routes</b></p> <p>In paragraph 1.1.4 e of the Transport Assessment [APP-117] you quote up to 16 abnormal indivisible loads (AIL) per substation, 52 in total.</p> <ul style="list-style-type: none"> <li>i) Do these figures include the substation extension at Burwell?</li> <li>ii) How many other abnormal loads will there be?</li> <li>iii) What will be the total number of trips (ie delivery trip plus return trip)?</li> <li>iv) Which routes are specified for each delivery location? And</li> <li>v) What physical mitigation measures, temporary or permanent, will be required?</li> </ul>	
Q1.10.10	The Applicant	<b>Abnormal loads - signage and street furniture</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>In Annex D to ES Appendix 13C [APP-118] which deals with the routes to be used by cranes to access the proposed development, you state in several places that it will be necessary to remove signage and street furniture temporarily. In paragraph 5.5.1a of ES Appendix 13C [APP-118] you state, with reference to La Hogue Road, that “<i>signage will be promptly reinstated</i>”.</p> <p>Please confirm in the interests of safety that, wherever you propose to remove signage and street furniture temporarily to allow the passage of abnormal loads, this signage and street furniture will be replaced as soon as the abnormal load has passed.</p>	
Q1.10.11	The Applicant	<p><b>Abnormal loads - access to Sunnica East Site A</b></p> <p>Pages 16 and 17 of Annex D to ES Appendix 13C [APP-118] describe the proposed crane access route to Sunnica East Site A from the A11 northbound, via the B1085 through Chippenham, the B1104 and the B1102 to Ferry Lane.</p> <p>i) Will this route also be used for access by transformers? and</p> <p>ii) if the crane is to access the site from the north via the A11 southbound, how will this be achieved?</p>	
Q1.10.12	The Applicant	<p><b>Abnormal loads - access to Sunnica East Site A</b></p> <p>Pages 16 and 17 of Annex D to ES Appendix 13C [APP-118] describe the proposed crane access route to Sunnica East Site A, via the B1085 through Chippenham, the B1104 and the B1102 to Ferry Lane.</p> <p>Paragraph 5.6.4 of ES Appendix 13C [APP-118] states that “<i>the weight limit of the bridge on Ferry Lane is 44 tonnes</i>”.</p> <p>Please</p> <p>i) Advise who owns and maintains the bridge;</p>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		ii) supply swept path diagrams for the bridge and for the junction; iii) supply vertical clearance diagrams for the bridge; iv) advise in which direction the photograph at Figure 32 has been taken; v) give an update in respect of the weight restriction on the bridge; vi) advise of any measures, particularly in respect of the bridge, which would make the route viable; vii) confirm or otherwise that your chosen route is viable; and viii) advise of your access proposals should this route no longer be viable.	
Q1.10.13	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraph 5.6.5 of ES Appendix 13C [APP-118] states that “ <i>an additional review of the site access options for the cranes for the Ferry Lane site access was undertaken</i> ”. Why was an additional review undertaken?	
Q1.10.14	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraph 5.6.6 of ES Appendix 13C [APP-118] says that “ <i>the existing agricultural access on Beck Road (alternative option 2) has been identified as the preferred site access for the cranes and AILs ... The other HGVs using the existing site access on Ferry Lane</i> ”. Paragraph 5.9.3 of ES Appendix 13C [APP-118] states that “ <i>This access will only be used for entry and egress of cranes with HGVs and the mini-bus using the site access on Ferry Lane</i> ”. Please confirm that, to enter and leave Sunnica East Site A, i) all abnormal loads including AIL and cranes will use access K on Beck Road; and	

ExQ1	Question to:	Question:	Local Authority Response
		ii) all HGV will use access E on Ferry Lane.	
Q1.10.15	The Applicant	<p><b>Abnormal loads - access to Sunnica East Site A</b></p> <p>On page 9 of Annex D2 to ES Appendix 13C [APP-118], dealing with the route to and from the A11, you say that “... <i>the number 1 identifying the approximate location of site access option 1 and the number 2 the approximate location site access option 2</i>”.</p> <p>Please confirm that</p> <ul style="list-style-type: none"> <li>i) this annex relates to an alternative access to Sunnica East Site A;</li> <li>ii) Figure 17 relates to the entry route as implied in paragraph 2.1; and</li> <li>iii) resubmit Figure 17 at a suitable scale and clarity, showing Options 1 and 2 clearly.</li> </ul>	
Q1.10.16	The Applicant	<p><b>Abnormal loads - access to Sunnica East Site A</b></p> <p>Paragraphs 2.2, 2.3 and 2.4 of Annex D2 to ES Appendix 13C [APP-118] deal with the Beck Road/Ferry Lane egress and entry manoeuvres. However, paragraph 2.5 deals only with the right turn egress manoeuvre from Ferry Lane onto B1102 Mildenhall Road.</p> <p>Please advise whether the left turn from B1102 Mildenhall Road to Ferry Lane can be made safely within highway land and whether it will be necessary to remove the traffic signs temporarily.</p>	
Q1.10.17	The Applicant	<p><b>Abnormal loads - access to Sunnica East Site A</b></p> <p>Paragraphs 2.2, 2.3 and 2.4 of Annex D2 to ES Appendix 13C [APP-118] deal with the Beck Road/Ferry Lane egress and entry manoeuvres. However, paragraph 2.6 deals only with the right turn egress manoeuvre from B1102 Mildenhall Road onto The Street.</p>	



ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Please advise whether the left turn from The Street onto B1102 Mildenhall Road can be made safely within highway land and without affecting the tree in the central island.	
Q1.10.18	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraphs 2.2, 2.3 and 2.4 of Annex D2 to ES Appendix 13C [APP-118] deal with the Beck Road/Ferry Lane egress and entry manoeuvres. However, paragraph 2.7 deals only with the egress manoeuvre from B1102 Fordham Road onto B1104. Please advise whether i) the turn from B1104 onto Fordham Road can be made safely within highway land and ii) the full width of both roads would be required.	
Q1.10.19	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraph 2.8 of Annex D2 to ES Appendix 13C [APP-118] is headed "B1104 to B1085 High Street" and states that " <i>The 1000T crane can manoeuvre the right turn from B1104 onto B1085 High Street</i> ". Please i) confirm that the manoeuvre from B1104 onto B1085 is a left turn and is the egress manoeuvre as shown on Figure 35; and ii) advise whether or not the entry manoeuvre from B1085 onto B1104 can be made safely within highway land and whether any road traffic signs would require temporary removal.	
Q1.10.20	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraph 2.9 of Annex D2 to ES Appendix 13C [APP-118] is headed "Chippenham" and includes Figures 37 to 42. Should Figures 39 and 40 refer to the East S-bend?	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Please confirm that the entry manoeuvres can also be made safely within highway land without removal of street furniture or road traffic signs.	
Q1.10.21	The Applicant	<b>Abnormal loads - access to Sunnica East Site A</b> Paragraph 2.10 of Annex D2 to ES Appendix 13C [APP-118] is headed “Dane Hill Roundabout” and includes Figures 43 and 44. Please confirm that the entry manoeuvre from the A11 off slip left onto the B1085 can also be made safely within highway land without removal of street furniture or road traffic signs.	
Q1.10.22	The Applicant	<b>Abnormal loads - access to Sunnica East Site B</b> Paragraph 5.9.4 of ES Appendix 13C [APP-118] and pages 23, 24 and 25 of Annex D to ES Appendix 13C [APP-118] describe the proposed crane access route to Sunnica East Site B, with entry from the A11 northbound off slip to Elms Road and egress via the Red Lodge dumb-bell roundabout junction. iii) If the crane is to access the site from the north via the A11 southbound, how will this be achieved? iv) Will this route also be used for access by transformers? and v) In the title to Figure 36 on page 13C-40, should “ <i>Beck Road</i> ” read “Elms Road”?	
Q1.10.23	The Applicant	<b>Access to Sunnica East Site B</b> Paragraph 5.9.5 of ES Appendix 13C [APP-118] says that “ <i>Figure 37 presents a selection of swept path analysis of a large car for entry and egress into Sunnica East Site Access C on Elms Road (Site Access C)</i> ”. Please explain how you know that the selection includes the worst case.	

ExQ1	Question to:	Question:	Local Authority Response
Q1.10.24	The Applicant	<p><b>Access to Sunnica East Site B</b></p> <p>With reference to Annex C1 to ES Appendix 13C [APP-118]: Table 8 on page 29 is headed “Sunnica East - Access I” but related Figure 21 is headed “Sunnica East Access J”. Figure 22 (Access I) states that Access I is “<i>only to be used in the operational phase</i>”. Figure 3-13 shows access I coloured grey (secondary access: construction and decommissioning) and adjacent to the A11, and access J coloured green (secondary access: operation only) on Golf Links Road.</p> <p>vi) Are these the accesses I and J as shown on Figure 3-13?</p> <p>vii) Are the designations on Figure 3-13 correct?</p> <p>viii) Should reference also be made in Table 8 to Figures 21, 22 and 24?</p> <p>ix) Do Figures 23 and 24 refer to access I or access J?</p>	
Q1.10.25	The Applicant	<p><b>Abnormal loads - access to Sunnica West Site A</b></p> <p>Paragraph 5.9.2 of ES Appendix 13C [APP-118] and pages 26 and 27 of Annex D to ES Appendix 13C [APP-118] describe the proposed crane access route to Sunnica West Site A, with entry from the A11 northbound off slip to La Hogue Road and egress from La Hogue Road to the A11 via the northbound on-slip.</p> <p>If the crane is to access the site from the north via the A11 southbound, how will this be achieved?</p> <p>Will this route also be used for access by transformers?</p>	
Q1.10.26	The Applicant	<p><b>Access to Sunnica West Site A</b></p> <p>With reference to Annex C1 to ES Appendix 13C [APP-118]:</p> <p>i) why does Table 10 on page 38 make reference to access G? and</p>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		ii) noting the footnote and that Annex C is in two parts, why has the document not been revised and material about access M (a cable route access) moved into Annex C2?	
Q1.10.27	The Applicant	<b>Access to Sunnica West Site A</b> With reference to Annex C1 to ES Appendix 13C [APP-118]: i) why does Table 11 on page 45 show access C as reference E? and ii) noting the Order limits shown on Figure 3-14, why do Figures 35 and 36 show a 90 degree entry and exit?	
Q1.10.28	The Applicant	<b>Access to Sunnica West Site B</b> With reference to Annex C1 to ES Appendix 13C [APP-118]: i) why does Table 12 on page 49 show access D as reference F? and ii) in the comments in Table 12, do you mean to say “ <i>nearby bridge</i> ”? and iii) does the weight limit on the bridge affect or restrict access?	
Q1.10.29	The Applicant	<b>Abnormal loads - access to Burwell National Grid substation</b> Please provide details of the route taken for the delivery of a new transformer from Ipswich docks to the National Grid Burwell substation on 6 June 2021.	
Q1.10.30	The Applicant	<b>Abnormal loads - access to Burwell National Grid substation</b> Paragraph 5.8.1 of ES Appendix 13C [APP-118] describes the proposed route. Further information is provided in Annex D to ES Appendix 13C [APP-118].	

ExQ1	Question to:	Question:	Local Authority Response
		<p>Paragraph 5.8.1b refers to overrunning the footpath by the White Swan public house and says that “<i>conditional surveys will be undertaken, and any damage caused will be rectified</i>”.</p> <p>As well as undertaking condition surveys, which you would presumably undertake at other locations as well, would it be prudent to strengthen the footway temporarily to avoid damage to buried services?</p>	
Q1.10.31	The Applicant	<p><b>Abnormal loads - access to Burwell National Grid substation</b></p> <p>Paragraph 5.8.1 of ES Appendix 13C [APP-118] describes the proposed route. Further information is provided in Annex D to ES Appendix 13C [APP-118].</p> <p>Paragraph 5.8.1d makes brief mention of an alternative access route through the residential area of Burwell and a swept path analysis and concludes that “<i>the cranes were unable to manoeuvre across the bridge and therefore this was not considered an appropriate route</i>”.</p> <p>Please confirm that this was not considered a feasible route and was not considered further.</p> <p>With reference to alternative routes, please explain why you have apparently not considered the route used to deliver a new transformer from Ipswich docks to the National Grid Burwell substation on 6 June 2021.</p>	
Q1.10.32	The Applicant	<p><b>Abnormal loads - access to Burwell National Grid substation</b></p> <p>Paragraph 5.9.7 of ES Appendix 13C [APP-118] says that “<i>There are two potential options for the Burwell National Grid Substation Extension</i>”.</p>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Please advise whether this is still the case and update as necessary.	
Q1.10.33	The Applicant	<b>Abnormal loads - access to Burwell National Grid substation - drafting</b> In paragraph 5.9.13 of ES Appendix 13C [APP-118], should “100T” read “1000 tonne?”	
Q1.10.34	The Applicant	<b>Access to Burwell National Grid substation</b> Annex C2 to ES Appendix 13C [APP-118] is headed “Grid Connection Route A and Grid Connection Route B Site Access Review” but nevertheless includes information about options for access to the Burwell National Grid substation as well as for the connection routes. i) For clarity please amend the heading and add letter references corresponding to those in Figure 3-25 to each table and figure. ii) Should the text at the top of page 28 be in a table?	
Q1.10.35	The Applicant	<b>Access to the cable route on La Hogue Road</b> In Table 11 on page 32 of Annex C2 to ES Appendix 13C [APP-118] i) Should the second column read “La Hogue Road”? and ii) In the last bullet point in column 3, do you mean to say that La Hogue Road provides access (to the south) to and from the A11 northbound?	
Q1.10.36	The Applicant	<b>HGV access</b> Paragraph 3.2 4 and Table 3-2 of ES Appendix 13C [APP-118] refer to “ <i>recommended routes for Heavy Goods Vehicles when travelling within and through the county</i> ” and Table 3-2 sets out examples of the route types.	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		<p>i) Please confirm that the A11, A14 and A142 are the only strategic routes that you will use; and</p> <p>ii) Table 3-2 shows examples of local routes: please confirm details of all the local routes you intend to use.</p>	
Q1.10.37	The Applicant	<p><b>HGV access</b></p> <p>Paragraph 3.2.5 of ES Appendix 13C [APP-118] deals with weight and height restrictions in Cambridgeshire. In respect of the second road referred to</p> <p>i) Is the bridge located approximately 150m west of “a <i>proposed access to the Sunnica West Site B</i>”? and</p> <p>ii) What other access is proposed to Sunnica West Site B?</p>	
Q1.10.38	The Applicant	<p><b>HGV access</b></p> <p>Paragraph 4.1.3 of ES Appendix 13C [APP-118] says that “<i>The main access to the Sunnica West Site A and B is proposed ... in close proximity to the A11/La Hogue Road/Norwich Road T-junction.</i>”.</p> <p>i) Is there a T-junction at A11/La Hogue Road/Norwich Road?</p> <p>ii) Is it possible to gain access to La Hogue Road from Norwich Road and/or the A11 southbound?</p>	
Q1.10.39	The Applicant	<p><b>HGV access</b></p> <p>With reference to paragraph 4.1.6 of ES Appendix 13C [APP-118] please explain</p> <p>i) in what circumstances you would seek to make changes to the HGV routes used for the proposed development; and</p> <p>ii) how you would demonstrate that the changes were within the Rochdale envelope.</p>	
Q1.10.40	The Applicant	<b>Site access and crane routes</b>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		With reference to paragraph 5.1.4 of ES Appendix 13C [APP-118] please explain i) in what circumstances you would seek to make changes to the information provided; and ii) how you would demonstrate that the changes were within the Rochdale envelope.	
Q1.10.41	The Applicant	<b>Site access and crane routes</b> With reference to paragraph 5.2.2 of ES Appendix 13C [APP-118] i) Does a 16.5m articulated vehicle always have the least favourable (ie worst case) swept path? ii) What happens when two articulated vehicles attempt to pass each other? iii) What type of vehicle will be used to transport large items of plant, eg transformers, and how will such vehicles be accommodated?	
Q1.10.42	The Applicant	<b>Site access and crane routes</b> Paragraph 5.2.3 of ES Appendix 13C [APP-118] refers to the east and west site accesses and paragraph 5.3.4 of ES Appendix 13C [APP-118] refers to the grid connection route site accesses. Please confirm that in all cases you are seeking the necessary rights to enable you to deal with unplanned maintenance and replacement activities during the operational phase of the Proposed Development.	
Q1.10.43	The Applicant	<b>Site access and crane routes</b> Paragraph 5.2.5 of ES Appendix 13C [APP-118] says that " <i>In the Manual for Streets, 4.8m is identified as the width of carriageway which can accommodate an HGV passing a car.</i> " This reference appears to be to Figure 7.1 in the Manual.	



ExQ1	Question to:	Question:	Local Authority Response
		With reference to the Manual for Streets, please explain i) why a document intended for use in urban areas with design speeds often of 20mph is relevant here, particularly as there are generally no footways; and . ii) why 4.8m is a realistic figure, bearing in mind rural road geometry, likely visibility and vehicle speeds.	
Q1.10.44	The Applicant	<b>Site access and crane routes</b> Paragraph 5.2.5 of ES Appendix 13C [APP-118] says that, in response to Suffolk County Council, you undertook a review into the widths of key local roads where the majority of the HGV trips would be undertaken. Please i) provide details of any local roads, ie any roads other than the A11, A14 and A142, where any HGV and/or AIL trips would occur at any time in the life of the project which have not been assessed; ii) explain why these roads have not been assessed; and iii) detail any further mitigation proposals you consider to be necessary in respect of these roads.	
Q1.10.45	The relevant highway authority	<b>Site access and crane routes</b> Paragraph 5.2.5 of ES Appendix 13C [APP-118] says that, in response to Suffolk County Council, the Applicant undertook a review into the widths of key local roads where the majority of the HGV trips would be undertaken. Are you satisfied that all local roads, ie any roads other than the A11, A14 and A142, where any HGV and/or AIL trips would occur at any time in the life of the project have been satisfactorily assessed and that sufficient mitigation is proposed?	The applicant has included highway widths annotated to several plans provided in the application. However, the Councils are not aware that the Applicant has undertaken full surveys to determine the road widths at locations other than proposed accesses or selected junctions. We consider that this is required to provide evidence that no additional mitigation such as widening, strengthening, removal of street furniture or vegetation clearance is required to

ExQ1	Question to:	Question:	Local Authority Response
			<p>allow safe passage of large loads. The lack of information has been remarked on in the LIR 13.62 (APP1-024).</p> <p>Referencing guidance from Manual for Streets form use on a high-speed rural roads is not appropriate. A width of 4.8m is not sufficient for the passage of two vehicles on a high-speed road, particularly when the propensity of two HGVs passing one another with the associated potential for conflict will be significantly increased by the proposals. For La Hogue Road a minimum width of 6.1m is considered appropriate on straight sections of road used by heavy goods vehicles, with additional widening on bends as may be required/ determined by AutoTrack.</p> <p>There is a reliance on haul roads to gain access to specific parts of the site (e.g. the substation in plot 33) which are only available in the construction phase of the development. It is unclear how access for large loads will be provided in the operational phase, if required.</p>
Q1.10.46	The relevant highway authority	<b>Site access and crane routes</b> Paragraph 5.4.5 of ES Appendix 13C [APP-118] says that “A review of the route (sic) will be carried out by an experienced contractor prior to the crane(s) requirement on-site”.	The Councils are not satisfied. The information provided currently shows overhang of private land at the junction of Weir Road/Newnham Drove, Burwell and safe access to the site within the DCO

ExQ1	Question to:	Question:	Local Authority Response
		Are you satisfied that this review is conducted post-consent?	<p>boundary has not yet been established. In the absence of accurately defined public highway extent, DCO boundaries or access proposals, there may be other issues that have yet to be identified. Failure to resolve such issues prior to determination may make appropriate resolution unfeasible, thus compromising safe use of the highway.</p> <p>The Councils are also concerned that the Applicant has not considered how AILs will access the site from the nearest suitable port. For a number of NSIPs in Suffolk the applicant in that case undertook a high-level route assessment and submitted this to the ExA (e.g. see for East Anglia One North Offshore Windfarm: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010077/EN010077-001388-6.3.26.3%20EA1N%20ES%20Appendix%2026.3%20Abnormal%20Indivisible%20Load%20Access%20to%20Onshore%20Substation.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010077/EN010077-001388-6.3.26.3%20EA1N%20ES%20Appendix%2026.3%20Abnormal%20Indivisible%20Load%20Access%20to%20Onshore%20Substation.pdf</a>) . This is of particular concern to the Councils as many parts of the Strategic Road Network have restrictions that require wide, high or heavy loads to divert onto the local road network. LIR 13.55 to 13.60, 13.123 and</p>

ExQ1	Question to:	Question:	Local Authority Response
			Annex E (APP1-024) provides further detail.
Q1.10.47	The Applicant	<p><b>Site access - Golf Links Road</b></p> <p>Paragraph 5.11.1 of ES Appendix 13C [APP-118] deals with site access to Sunnica East site B and says that ... <i>“a site access was identified on Golf Links Road ... which avoided the A11/Newmarket Road Junction.”</i> but does not identify which access by cross reference to Figure 3-13 which shows Sunnica East A and B site accesses.</p> <p>i) Is this access J as shown on Figure 3-13?</p> <p>ii) If not, which access are you referring to?</p> <p>iii) Why is access needed off Golf Links Road?</p>	
Q1.10.48	The Applicant	<p><b>Site access - Golf Links Road</b></p> <p>Paragraph 5.11.1 of ES Appendix 13C [APP-118] deals with site access to Sunnica East site B and says that ... <i>“a site access was identified on Golf Links Road ... which avoided the A11/Newmarket Road Junction ... It was agreed that development related vehicles would be permitted to undertake left in and left out movements and would be prohibited to undertake right in and right out movements at the A11/Newmarket Road junction”.</i></p> <p>The A11/Newmarket Road junction is a grade separated junction with dumb bell roundabouts, so</p> <p>i) why are you seeking to avoid it?</p> <p>ii) why would National Highways stipulate that right in and right out manoeuvres be prohibited? And</p> <p>iii) Would the prohibition of right in and right out manoeuvres apply instead to the at-grade junction of the A11 with Golf Links Road?</p>	
Q1.10.49	The Applicant	<b>Site access - Newmarket Road</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>In paragraph 5.11.4 of ES Appendix 13C [APP-118] you propose that “<i>appropriate signage is provided as a ‘gateway’ on entry to Newmarket Road to warn both right and left turning vehicles of the construction site access</i>”.</p> <p>By “<i>appropriate signage</i>” do you mean suitable warning signs, including countdown markers and a 30mph speed limit, both on the way in to Worlington from the A11 and on the way out of Worlington towards the A11?</p>	
Q1.10.50	The Applicant	<p><b>Proposed traffic management</b></p> <p>With reference to paragraph 6.1.2 of ES Appendix 13C [APP-118], and to your inference that the final proposals may change from those outlined here, please confirm that the measures outlined in your Framework Construction Traffic Management Plan and Travel Plan will be updated in accordance with Requirement 16 in Schedule 2 to the dDCO [AS-293].</p>	
Q1.10.51	The Applicant	<p><b>Proposed traffic management</b></p> <p>With reference to paragraph 6.1.5 of ES Appendix 13C [APP-118], please explain</p> <ul style="list-style-type: none"> <li>i) why vehicle speeds are unlikely to be affected by the recent public health restrictions; and</li> <li>ii) why the surveys were necessary, given that it is normal practice to introduce a speed limit, usually 30mph, at site accesses if one is not already in place?</li> </ul>	
Q1.10.52	The Applicant	<p><b>Proposed traffic management measures</b></p> <p>With reference to paragraph 6.4.1 of ES Appendix 13C [APP-118],</p> <ul style="list-style-type: none"> <li>i) Please clarify the sites, access points and options to which each of the proposals applies; and</li> </ul>	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
		ii) please signpost the reader to a plan showing the location and extent of the temporary traffic signal and temporary speed limit proposals.	
<b>Q1.10.53</b>	The Applicant	<p><b>Proposed traffic management measures</b></p> <p>With reference to paragraph 6.4.1 of ES Appendix 13C [APP-118], are there any proposals in respect of</p> <p>iii) Grid Connection Route A site access point T on Isleham Road (Figure 3-25); and</p> <p>iv) East A access points E, F, G and K on Beck Road and Ferry Lane? (Figure 3-13)</p> <p>If not, please explain why not.</p>	
<b>Q1.10.54</b>	The Applicant	<p><b>Proposed traffic management measures</b></p> <p>With reference to the Traffic Regulation Measures Plan [AS-284 to AS-288] please explain why the proposed temporary speed limit does not extend southwards beyond the proposed site access opposite the La Hogue farm shop access.</p>	
<b>Q1.10.55</b>	The Applicant	<p><b>Proposed traffic management measures</b></p> <p>With reference to sheet 15 (of 16) of the Traffic Regulation Measures Plan [AS-284 to AS-288] please confirm that the northern extent of the proposed temporary speed limit is contiguous with the existing speed limit.</p>	
<b>Q1.10.56</b>	The Applicant	<p><b>Proposed traffic controls</b></p> <p>In paragraph 7.2.3b of ES Appendix 13C [APP-118], do you mean compliance with the limits on number of deliveries arriving at and departing from any particular location at any one time and over the course of the day?</p>	
<b>Q1.10.57</b>	The Applicant	<b>Proposed traffic controls</b>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		In paragraph 7.2.5 of ES Appendix 13C [APP-118], in respect of HGV routes, you say that “ <i>Local HGV deliveries ....would be required where possible to follow Sunnica HGV routes</i> ”. In what circumstances would it not be possible to follow Sunnica HGV routes, and why?	
Q1.10.58	The Applicant	<b>Proposed traffic controls - drafting</b> In line 4 of paragraph 7.2.6 of ES Appendix 13C [APP-118], in respect of timing restrictions, should the words “ <i>avoid the</i> ” be deleted?	
Q1.10.59	The Applicant	<b>Proposed traffic controls</b> With reference to paragraph 7.2.8a of ES Appendix 13C [APP-118], does this mean that deliveries will occur before 0800 and/or after 1800 on weekdays?	
Q1.10.60	The Applicant	<b>Proposed traffic controls</b> With reference to paragraph 7.2.8a of ES Appendix 13C [APP-118], please explain what you mean by TMSS.	
Q1.10.61	The Applicant	<b>Communications strategy</b> Should the communications strategy outlined briefly in paragraph 7.2.12 of ES Appendix 13C [APP-118] also include communications with the public through a stakeholder communications plan, to be part of your Code of Construction Practice or your Construction Traffic Management Plan and secured through a Requirement in Schedule 2 to the dDCO?	
Q1.10.62	The Applicant	<b>Staff vehicles</b> With reference to paragraph 7.2.21 of ES Appendix 13C [APP-118], i) what do you mean by “ <i>where appropriate</i> ”? ii) Please confirm that staff will be directed to use the SRN and PRN to access the site (the A142 is not part of the SRN) in	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		the same way as construction vehicles, and that this will be a condition of use of the car park permit referred to in paragraph 7.2.29 of ES Appendix 13C [APP-118].	
Q1.10.63	The Applicant	<b>Staff vehicles</b> With reference to paragraph 7.4.5 of ES Appendix 13C [APP-118] i) Are the development peak hours the times when all staff will arrive and leave? ii) do you intend that staff will be enabled to arrive and leave at different times in these hours so as to spread arrival and departure times evenly and minimise the impact on the local highway network; and iii) if so, how will this be achieved?	
Q1.10.64	The Applicant	<b>Transport/Travel Plan coordinator</b> In paragraph 7.3.2a of ES Appendix 13C [APP-118] i) do you mean that the Transport/Travel Plan coordinator will liaise proactively? And ii) will Parish Councils be included?	
Q1.10.65	The Applicant	<b>Compliance and enforcement</b> With reference to paragraph 8.2.2c.iii of ES Appendix 13C [APP-118] i) Do you intend for the Construction Traffic Management Plan and Travel Plan (CTMP and TP) to be a single document or separate documents? and ii) please confirm that updates to the CTMP and TP will always be considered to resolve the risk of repeated breaches.	
Q1.10.66	The Applicant	<b>Compliance and enforcement</b> With reference to paragraph 8.2.6 of ES Appendix 13C [APP-118]	



ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		i) What sanctions are you considering? And ii) How will they be enforced?	
Q1.10.67	The Applicant	<b>Baseline conditions</b> With reference to paragraph 1.2.1 of the Transport Assessment [APP-117], i) Have traffic flows returned to their normal level? ii) How do you know? iii) If not, do you expect traffic flows to return to their normal level? iv) If not, does this mean that links which have not been assessed will need to be assessed?	
Q1.10.68	The Applicant	<b>Baseline conditions</b> With reference to paragraph 1.2.2. of the Transport Assessment [APP-117], will the speed survey data collected during the pandemic be an overestimate as the network is less congested?	
Q1.10.69	The Applicant	<b>Baseline conditions</b> With reference to paragraphs 3.4.4 and 4.5.6 of the Transport Assessment [APP-117] please confirm that i) The A11 and A14 are part of the Strategic Road Network (SRN); ii) The A142 is part of the primary route network (PRN); and iii) All other roads affected by the proposed development are A, B and unclassified roads.	
Q1.10.70	The Applicant	<b>Baseline conditions</b> With reference to paragraph 3.4.5 of the Transport Assessment [APP-117] and the “ <i>appropriateness of the traffic survey data</i> ” please confirm that you are referring to the suitability, fitness for purpose and robustness of the data.	

ExQ1	Question to:	Question:	Local Authority Response
Q1.10.71	The Applicant	<p><b>Baseline conditions</b></p> <p>With reference to paragraph 3.4.14 of the Transport Assessment [APP-117] you say that “<i>staff will be sourced from within a 30km radius of the Order limits</i>”.</p> <p>Please explain how you will achieve a construction staff car occupancy rate of 1.5 if staff live over such a wide area. Where is there a map showing the study area?</p>	
Q1.10.72	The Applicant	<p><b>Baseline conditions</b></p> <p>With reference to paragraph 3.4.14 of the Transport Assessment [APP-117], where convenient to the reader is there a map showing the study area?</p>	
Q1.10.73	The Applicant	<p><b>Baseline conditions and development traffic</b></p> <p>With reference to paragraphs 3.4.14 and 5.4.39 of the Transport Assessment [APP-117], please explain what a MSOA is and its role in establishing the study area.</p>	
Q1.10.74	The relevant highway authority	<p><b>Baseline conditions</b></p> <p>With reference to paragraph 3.4.15 of the Transport Assessment [APP-117],</p> <p>i) please confirm that you are still content that it is not necessary to assess the opening year of the Proposed Development because it is in the operational and not the construction phase;</p> <p>ii) notwithstanding low flows during the operational phase, what is your view on the need for assessment of unplanned abnormal load movements during the operational phase?</p>	<p>(i) The Councils are content that the baseline year selected by the Applicant is appropriate as the most severe transport impacts are within the construction phase.</p> <p>(ii) The Councils consider that there should be a requirement or similar commitment that neither HGV nor AIL movements in the operational phase exceed those assessed at any a specific location or cumulatively across the highway network for the construction. As discussed at ISH1, there is a lack of clarity of what ‘maintenance’ in the operation phase may mean. If significant</p>

ExQ1	Question to:	Question:	Local Authority Response
			replacement of either PV cells or battery equipment is required, this could introduce additional traffic for removal that is not required during the construction phase. Any reinstatement of temporary access including haul roads should also be considered.
Q1.10.75	The Applicant	<p><b>Baseline conditions</b></p> <p>Figure 3 of the Transport Assessment [APP-117] shows the junction numbered 3 as being on the A14 at Kentford, but there is no junction with the A14 here.</p> <p>Should the junction numbered 3 be shown as being on the B1506 to the south of the A14, as described in para 3.4.19?</p>	
Q1.10.76	The Applicant	<p><b>Baseline conditions</b></p> <p>With reference to paragraph 3.4.20 of the Transport Assessment [APP-117], you say that “<i>No traffic survey data was (sic) available to the west of the A142 along Route Connection A, however there is a low number of forecast HGVs and staff along this section of the Scheme</i>”.</p> <p>i) Should “<i>Route Connection A</i>” read “<i>Route Connection B</i>”?</p> <p>ii) Do “<i>these gaps in traffic survey data ... not result in limitations to the ability to draw conclusions regarding the traffic effects</i>” because the number of forecast construction HGV is in any event high?</p> <p>iii) Will all construction HGV use the A142, the B1102 and haul roads to access the works at Route Connection B and at the Burwell substation?</p> <p>iv) Will all operational HGV use the A142 and the B1102 to access the cable route and the extended Burwell substation?</p>	
Q1.10.77	The Applicant	<b>Baseline conditions</b>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		Are the flows in Table 3-3 of the Transport Assessment [APP-117] classified?	
Q1.10.78	The relevant local planning and highway authorities	<b>Baseline conditions</b> Do you have any comments to make about the dual methodology referred to in paragraph 3.4.26 of the Transport Assessment [APP-117]?	Comments have been made on this matter in the LIR Annex D (APP1-024) but on this specific matter the Councils would accept that the use of TEMPro growth factors to modify historical baseline data is accepted as a commonly applied methodology. It is also correct that the Councils (specifically SCC and WSC) accepted the second methodology outlined as being suitable for the purposes of estimating traffic movements for the purposes of informing the FHDC Local Plan. In both cases there are caveats to the use of either methodology. The application of TEMPro growth needs careful application to avoid double counting development being delivered and consideration of unplanned growth which may not be included. The TEMPro data relies on a number of assumptions which are subject to change (e.g. fuel prices). The methodology used for the FHDC Local Plan is by definition a strategic study and may lack accuracy when applied to local roads as in the case of this assessment.
Q1.10.79	The Applicant	<b>Baseline conditions</b>	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		In paragraph 3.4.41 of the Transport Assessment [APP-117] do you mean to say that the traffic flows identified are considered fit for purpose?	
Q1.10.80	The Applicant	<b>Baseline conditions</b> With reference to Transport Assessment [APP-117] Figure 4: WebTRIS Data Collection Locations, please explain why there appear to be two locations labelled 7?	
Q1.10.81	The Applicant	<b>Baseline conditions</b> You say at the end of paragraph 3.4.43 of the Transport Assessment [APP-117] that “A Saturday assessment has not been undertaken as the weekday baseline traffic flows are expected to be higher.” Surely a Saturday assessment should be undertaken as the additional construction traffic will be proportionally higher?	
Q1.10.82	The Applicant	<b>Baseline conditions</b> In paragraph 3.4.50 of the Transport Assessment [APP-117], by “ <i>appropriateness</i> ” do you mean validity, suitability and fitness for purpose?	
Q1.10.83	The Applicant	<b>Baseline conditions</b> In paragraph 3.4.56 of the Transport Assessment [APP-117], when you say that “ <i>it has not been appropriate to collect more recent baseline traffic survey data ...</i> ” and that “ <i>the use of pre-Covid survey data is considered appropriate and robust ...</i> ” i) do you mean that it has not been possible to collect more recent data? ii) do you mean that the use of pre-Covid survey data is considered sufficiently robust? and iii) do you plan to collect data to validate your assumptions now that public health restrictions have eased?	

ExQ1	Question to:	Question:	Local Authority Response
Q1.10.84	The Applicant	<p><b>Baseline conditions</b></p> <p>From the figures quoted in paragraph 3.5.3 and Tables 3-20 and 3-21 of the Transport Assessment [APP-117], the killed and seriously injured (KSI) rate for the surrounding network appears to be around 19%.</p> <p>Do you consider this to be high, low or normal and why?</p> <p>Please explain whether and if so how you expect this value to change with the levels of forecast staff and HGV construction traffic, and why.</p>	
Q1.10.85	The relevant highway authority	<p><b>Baseline conditions</b></p> <p>In paragraph 3.5.14 of the Transport Assessment [APP-117] the Applicant concludes that there is no “<i>particular safety concern that needs to be considered as part of the Scheme proposals.</i>”.</p> <p>Do you have any comments to make on this statement?</p>	<p>The Councils do not agree with this statement and have made comments on this matter in 13.68 to 13.73 of the LIR (APP1-024). The Councils also note that only one access design has been subject to a Road Safety Audit.</p> <p>As forecasting of traffic safety (particularly when there are significant changes to the use of the network) is an imprecise science, the Councils have recommended that collisions are monitored in the construction phase and, if necessary, mitigation undertaken by the Applicant (LIR 13.117 and 118).</p>
Q1.10.86	The Applicant	<p><b>Site accesses</b></p> <p>In paragraph 4.2.1 of the Transport Assessment [APP-117] you say that “<i>Sunnica East Site B will be accessed via the A11 and B1085.</i>”.</p> <p>Is this correct?</p>	
Q1.10.87	The Applicant	<b>Temporary road closures</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>In paragraphs 4.3.1 and 4.3.2 of the Transport Assessment [APP-117] you list the roads to be closed temporarily and say that advanced warning will be provided in accordance with highway authority guidance.</p> <p>Would you also inform the public and local road users well in advance of any closure as part of a stakeholder communications plan, to be part of your Code of Construction Practice or your Construction Traffic Management Plan, to be secured through a Requirement in Schedule 2 to the DCO?</p>	
Q1.10.88	The Applicant	<p><b>Temporary PRow closures</b></p> <p>In paragraph 4.4.2 of the Transport Assessment [APP-117] you list those PRow to be closed temporarily at some point during construction and say that timing and routeing are currently unknown.</p> <p>When better information is available, particularly in respect of diversion routes, would you inform the public and local PRow users well in advance of any closure as part of a stakeholder communications plan, to be part of your Code of Construction Practice or your Construction Traffic Management Plan, to be secured through a Requirement in Schedule 2 to the dDCO?</p>	
Q1.10.89	The Applicant	<p><b>Temporary PRow closures</b></p> <p>In paragraph 6.1.5 of the Transport Assessment [APP-117] you acknowledge that temporary closures will impact on users, but say that you have not carried out an assessment.</p> <p>Please explain why.</p>	
Q1.10.90	The Applicant	<p><b>Temporary PRow closures</b></p> <p>Please confirm that the public rights of way (PRow) listed in paragraph 6.3.9 of ES Appendix 13C [APP-118] are to be closed temporarily rather than permanently.</p>	

ExQ1	Question to:	Question:	Local Authority Response
Q1.10.91	The Applicant	<p><b>Construction staff car share: occupancy factor</b></p> <p>In paragraph 5.4.4 of the Transport Assessment [APP-117] you cite an actual average vehicle occupancy value of 1.54 obtained from the Hinkley Point C project and say that <i>“applying a staff car share factor of 1.5 persons per vehicle for Sunnica is considered appropriate.”</i>.</p> <p>Has the figure of 1.54 been achieved consistently throughout the Hinkley Point C project to date?</p> <p>By appropriate, do you mean applicable to this project?</p> <p>If so, explain your reasoning.</p> <p>What measures did the Hinkley Point C project take to achieve the figure of 1.54?</p> <p>Do you propose to take any of these measures?</p> <p>Are you able to provide other examples of similar projects where a value of 1.5 or more has been consistently achieved?</p> <p>Given the very different locations and relative lack of knowledge of where your staff will live, explain why you are confident of being able to achieve a staff car share factor of 1.5 persons per vehicle for Sunnica.</p> <p>In the event that a figure of 1.5 is not achieved, what steps will you take?</p>	
Q1.10.92	The Applicant	<p><b>Forecast peak HGV movements on local roads</b></p> <p>On plates 2 and 3 of the Transport Assessment [APP-117] should there be a coloured line representing the A11 northbound off slip access to Elms Road?</p>	
Q1.10.93	The Applicant	<p><b>Forecast peak HGV movements on local roads</b></p> <p>Forecast figures are summarised in tables 6-3 and 6-4 of the Transport Assessment [APP-117].</p> <p>What class or classes of HGV are these?</p>	



ExQ1	Question to:	Question:	Local Authority Response
		What is/are the classification(s) of HGVs currently using these local roads?	
Q1.10.94	The Applicant	<p><b>Forecast peak HGV movements on local roads</b></p> <p>In paragraph 6.2.16 of the Transport Assessment [APP-117] you say that there will be a peak of 48 heavy goods vehicle (HGV) movements per day on La Hogue Road but that this is a low number of HGVs per hour and “<i>is not considered to have a significant impact on the operation of La Hogue Road.</i>”.</p> <p>Please explain, clarifying</p> <ul style="list-style-type: none"> <li>i) The current comparable daily and hourly HGV flows along La Hogue Road by HGV class; and</li> <li>ii) the breakdown of forecast daily and hourly HGV flows by class</li> </ul>	
Q1.10.95	The Applicant	<p><b>Cumulative effects</b></p> <p>Paragraph 13.11.1 of the Transport and Access chapter of the ES [APP-045] says that the future baseline has been calculated for 2023 using TEMPro growth factors which include forecast development growth.</p> <p>Which districts or areas have you selected for growth factors?</p> <p>Are you satisfied that they are sufficiently robust given the effects of the pandemic, local planned projects and local growth considerations?</p>	
Q1.10.96	The relevant highway authority	<p><b>Cumulative effects</b></p> <p>Paragraph 13.11.1 of the Transport and Access chapter of the ES [APP-045] says that the future baseline has been calculated for 2023 using growth factors which include forecast development growth.</p> <p>Are you satisfied that these growth factors are sufficiently robust and apply to the road network affected by the Proposed Development?</p>	The Councils consider this is an acceptable approach.

ExQ1	Question to:	Question:	Local Authority Response
Q1.10.97	The Applicant	<p><b>Assessment methodology</b></p> <p>In paragraph 13.4.14 of the Transport and Access chapter of the ES [APP-045] you say that your methodology has been based on the 1994 Guidelines for the Environmental Assessment of Road Traffic (GEART) from the Institute of Environmental Assessment(IEMA).</p> <p>Has the 2019 IEMA Impact Assessment Strategy resulted in any material changes to the GEART criteria or the way in which the impacts of road traffic are assessed?</p>	
Q1.10.98	The relevant local planning and highway authorities	<p><b>Assessment methodology</b></p> <p>Are you satisfied that</p> <p>i) the 1994 Guidelines for the Environmental Assessment of Road Traffic (Institute of Environmental Assessment) remain sufficiently robust; and</p> <p>ii) all potentially sensitive locations have been adequately assessed?</p>	<p>(i) The experience of the Councils during recent NSIP applications is that the 1994 Guidelines form an acceptable framework for assessment of the environmental impacts of development if used indicatively. The guidance should not be taken uncritically without more detailed consideration of individual impacts and site-specific conditions, and not just a generic application of thresholds. Nor should judgement be used instead of robust data or evidence. The details of where the Councils disagree with the applicant's use or interpretation of the guidance are provided in Appendix D of the LIR (APP1-024).</p> <p>ii) SCC is concerned that the assessment methodology, particularly the selection of links for assessment, has not included all locations. In contrast to other similar NSIPs the applicant has</p>

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
			concentrated on links at junctions rather than between them which may result in gaps in the assessment. A number of roads to the north of the Sunnica East development have not been assessed. It is understood the Applicant has scoped these out of the assessment.
Q1.10.99	The Applicant	<p><b>Assessment: new traffic data</b></p> <p>Paragraph 13.3.1 of the Transport and Access chapter of the ES [APP-045] highlights the limitations and the assumptions made in respect of the assessment.</p> <p>Since the easing of public health restrictions in March of this year, have you collected any new traffic data to assess whether traffic flows are returning to normal and to assist in filling gaps in the data available to you prior to submitting this application?</p> <p>If so, how does the new information inform your assessment of the impacts and consequential effects of construction traffic and the consequential need for mitigation, particularly in tranquil locations?</p> <p>If not, do you have any proposals to gather new and more up to date information to help you to assess the impacts and mitigate the effects of construction traffic more accurately?</p>	
Q1.10.100	The Applicant	<p><b>Assessment: professional judgement</b></p> <p>In paragraphs 13.3.2 and 13.4.5 of the Transport and Access chapter of the ES [APP-045] you say that in the absence of baseline traffic data professional judgement has been applied to form a conclusion.</p> <p>Please give examples of instances where you have done this.</p>	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		<p>What evidence do you have that baseline flows are returning to normal following the lifting of public health restrictions?</p> <p>Would the availability of new data now that the public health restrictions have been lifted be a useful validation of your professional judgement?</p> <p>In line 4, to which paragraph are you referring in respect of the assessment of links where the traffic flows are predicted to increase by more than 30%?</p> <p>If traffic flows do not return to normal, would there be additional links requiring assessment?</p>	
Q1.10.101	The Applicant	<p><b>Assessment: gaps in data</b></p> <p>In paragraph 13.3.3 of the Transport and Access chapter of the ES [APP-045] when referring to the west of the A142, do you mean to say Grid Connection Route B?</p>	
Q1.10.102	The Applicant	<p><b>Assessment: construction programme</b></p> <p>In paragraph 13.3.4 of the Transport and Access chapter of the ES [APP-045] you say that the traffic impacts have been assessed over a 24-month construction programme and that this represents the worst case as if the construction period were longer then the effects would be extended but be lower in magnitude.</p> <p>Are you considering phased construction of the Proposed Development?</p> <p>If so, which parts of the Proposed Development might be built in phases?</p> <p>Are there aspects of construction and/or particular sensitive locations where a longer construction period could represent the worst case, particularly for local residents?</p>	
Q1.10.103	The Applicant	<b>HGV deliveries</b>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>At the foot of page i of the Executive Summary of the Transport Assessment [APP-117] you say that “<i>The proportion of HGV deliveries using the determined delivery routes cannot be determined at this time and the 155 HGVs per day have been evenly distributed between the A11 North, A14 East and A14 West ...</i>”.</p> <p>In the absence of defined numbers on each delivery route, please explain how an even distribution of trips is statistically robust and thereby provides a proper assessment of impacts.</p> <p>In this situation, would a more robust and conservative assessment of the impacts of HGV trips at this stage be obtained by assigning all trips to each delivery route?</p>	
Q1.10.104	The Applicant	<p><b>HGV deliveries</b></p> <p>On page ii of the Executive Summary of the Transport Assessment [APP-117], given that there will be no deliveries during network peak hours, you appear to arrive at a figure for the number of HGVs on the local road network associated with the construction of the Proposed Development by an even distribution across the non-peak working hours.</p> <p>i) In the absence of defined numbers on each local delivery route, please explain how an even distribution of trips is statistically robust and thereby provides a proper assessment of impacts.</p> <p>ii) In this situation, would a more robust and conservative assessment of the impacts of HGV trips on the local road network be obtained by assigning all trips to each delivery route?</p>	
Q1.10.105	The Applicant	<p><b>HGV deliveries</b></p> <p>In respect of a more robust and conservative assessment of likely actual HGV movements on local roads, and assuming that the HGV measures and controls outlined briefly in section</p>	

ExQ1	Question to:	Question:	Local Authority Response
		<p>7.2 of the Framework Construction Traffic Management Plan and Travel Plan [APP-118] are in place, please</p> <ul style="list-style-type: none"> <li>i) detail the difference in HGV flows on sensitive links;</li> <li>ii) explain why you do not consider this to have a significant impact on the local highway network; and</li> <li>iii) explain what measures you will take to mitigate the impacts and how these will be secured in the Order.</li> </ul>	
Q1.10.106	The Applicant	<p><b>Staff travel</b></p> <p>In respect of staff traffic during construction, the fourth paragraph on page ii of the Executive Summary of the Transport Assessment [APP-117], says that “<i>The peak number of vehicles associated across the Scheme is 937 staff vehicles per day ...</i>”. Paragraph 2.4.5 of ES Appendix 13C Framework Construction Traffic Management Plan and Travel Plan [APP-118] quotes the peak number of staff as 1393 (implying that average vehicle occupancy will be 1.5) and in section 7.2 you provide a brief outline of staff vehicle measures and controls. You conclude on page iii of the Executive Summary of the Transport Assessment [APP-117] that “<i>the proposed Scheme is not considered to have a significant impact on the highway network ...</i>”</p> <p>Please</p> <ul style="list-style-type: none"> <li>i) explain why you think that this average vehicle occupancy figure is realistic;</li> <li>ii) provide more detail on how it will be achieved;</li> <li>iii) detail the difference in traffic flows on sensitive links;</li> <li>iv) explain why you do not consider this to have a significant impact on the local highway network; and</li> <li>v) explain what measures you will take to mitigate the impacts and how these will be secured in the Order.</li> </ul>	
Q1.10.107	The Applicant	<b>Staff travel</b>	

ExQ1	Question to:	Question:	Local Authority Response
		With reference to the second paragraph on page iii of the Executive Summary of the Transport Assessment [APP-117] please confirm that staff will always be directed to use the strategic road network (SRN) (A11 and A14) and also the primary route network (PRN) [A142] to travel to and from the Proposed Development.	
Q1.10.108	The Applicant	<b>Change application</b> There appears to be some repetition at the start of paragraph 3.5.51 of the Scheme Description [AS-249]. Please redraft as necessary.	
Q1.10.109	The Applicant	<b>Change application</b> In Table 3-5 on page 53 of the Scheme Description [AS-249] an estimate is given of the number of crane and low loader movements and that there would be fewer movements if Option 2 is not selected. <ul style="list-style-type: none"> <li>How many crane movements and how many low loader movements would be required if Option 2 is not selected?</li> </ul>	
<b>1.11</b>	<b>Water Resources, Flood Risk and Drainage</b>		
Q1.11.1	The Applicant	<b>Flood risk</b> The flood risk summary on page ii of the Flood Risk Assessment [AS-012] says that pluvial (surface water) flood risk varies with some areas susceptible to surface water flooding, that flooding is localised and that the Applicant will undertake further ground investigation, groundwater monitoring and infiltration testing. i) At which locations does the localised flooding occur? ii) How deep are the flood waters and for how long? iii) What further ground investigation do you intend to undertake; and for what purpose?	

ExQ1: 4 October 2022

Responses due by Deadline 2: Friday 11 November

ExQ1	Question to:	Question:	Local Authority Response
		iv) When, where and for how long do you intend to undertake this further ground investigation, groundwater monitoring and infiltration testing? v) Will the results be made public? vi) How will this work inform good design?	
Q1.11.2	The Applicant	Please explain how the design of the Proposed Development and the ES assessments have been established in relation to groundwater protection and management in the absence of ground investigation to establish groundwater levels? Please confirm how future ground investigation works would be managed, including what mitigation, monitoring and remedial measures would be in place?	
Q1.11.3	The Applicant	ES Chapter 9 [APP-041], paragraphs 9.6.164 and 9.6.165 state that no significant changes to current baseline conditions are predicted for the future baseline, as the main reasons for differences in water body importance are unlikely to change. Please confirm whether the requirement for waterbodies to have 'good' status by 2027 (referred to in paragraph 9.6) affects the potential future baseline for those waterbodies identified currently as having poor ecological or chemical status?	
Q1.11.4	EA	Please confirm whether the five issues or omissions in the submitted FRA referenced in your RR [RR-1208] of 16 March 2022 (Issues 1.1 – 1.5 and Solution 1.1 – 1.5) have been addressed by the revised FRA submitted by the Applicant [AS-007 to AS-012] in response to s51 advice, and if not please explain what matters, in your view, remain to be addressed and why?	
Q1.11.5	The Applicant	ES Chapter 9, section 9.7.18 [APP-041] states that " <i>For this assessment, it has been assumed that launch and receive pits will be no greater than 4m by 3m by 2m deep</i> ". Would the	



ExQ1	Question to:	Question:	Local Authority Response
		relatively shallow depth of the pits be adequate to achieve the required 2m minimum headroom under the watercourse? Please provide details on the design process so that the ExA may understand how these dimensions have been arrived at.	
Q1.11.6	The Applicant	ES Chapter 9, section 9.7.18 [APP-041] states that “ <i>The fluid component of the drilling mud would be mains water, obtained from a nearby supply</i> ”. Please confirm the likely extent of the supply required and how the potential effects of the drilling methodology have been assessed?	
Q1.11.7	The Applicant	ES Chapter 9, section 9.6.154 and 9.7.7 [APP-041] indicate that there are currently 13 water related licences within the Order limits. Please confirm which if any of these licences are required to be retained. In relation to those that are not required to be retained, what would be the effect of the project on these licences?	
Q1.11.8	The Applicant	ES Chapter 9, section 9.7.42 [APP-041] states that no solar PV panels or other infrastructure would be located in fluvial Flood Zone 3b land. However, there may be solar PV panels in Flood Zone 3a and 2 which would be raised on higher struts up to 850mm Above Ground Level to mitigate flood risk. Please explain why it is necessary to site infrastructure in flood zones 2 and 3a instead of areas of lower flood risk?	
Q1.11.9	The Applicant	ES Chapter 10, Landscape and Visual Amenity [APP-042] states at paragraph 10.3.10 that the Landscape and Visual Impact Assessment (LVIA) is based on a height of 2.5m Above Ground Level. Please explain how the additional height required in areas of higher flood risk has been assessed?	
Q1.11.10	The Applicant	ES Chapter 9 [APP-041] Table 9-12 indicates that parts of Sunnica West B are in Flood Zones 2 and 3. Given the large area available, there may appear to be adequate space to locate these buildings outside Flood Zone 2 or 3. Please	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		explain how, this has been considered. If no adequate space is available for these buildings please explain.	
Q1.11.11	The Applicant	Table 9-13 in Chapter 9 ES [APP-041] shows the watercourse crossing methodologies. For cable route construction and installation below watercourses the exact dimensions of excavations for launch and receiving pits await future site and ground investigation (paragraph 9.3.5). Please confirm all such excavations will take place within the Order limits.	
Q1.11.12	NG	Please provide your design guidelines for the established Burwell Substation area and describe the flood resistance and resilience measures which the guidance is understood to contain (paragraph 9.3.10 Chapter 9 ES [APP-041]).	
Q1.11.13	The Applicant	Please describe the connection apparatus related to Option 3 specifying the exact location and how it interacts with the surface water drainage system.	
Q1.11.14	NG	Please explain how implementation of Option 3 described in the Applicant's Change Request dated 30 August 2022 [AS-243] would comply with your flood resistance and resilience measures, or if not explain what additional works would be required.	
Q1.11.15	The Applicant	ES Chapter 9 [APP-041] paragraph 9.4.2 refers to a wider study area for the Flood Risk Assessment (FRA). Please indicate where in the application such locations are described and their extent downstream in relation to the specific watercourse(s) considered.	
Q1.11.16	EA	In assessing the groundwater resource including abstractors has the Applicant taken adequate account of your records of unlicensed groundwater abstractions for agriculture and domestic uses previously present in the area, referred to in ES Chapter 9 [APP-041] Table 9-4 Main Matters Raised within the	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		Scoping Opinion and statutory consultation, and if not why not?	
Q1.11.17	The Applicant	Have you assessed whether the groundwater level estimates in 'Aquifer Designations' at paragraph 9.6.139 to 9.6.152 of ES Chapter 9 [APP-041] are accurate and there would be a minimum of 1.2m clearance between the base of infiltration Sustainable Drainage System (SuDS) and peak seasonal groundwater levels at all relevant locations?	
Q1.11.18	EA	Are you satisfied that all soakaways and other infiltration SuDS meet the criteria in your Groundwater Protection Position Statements G1 and G9 to G13 (see ES Chapter 9 [APP-041] Table 9-4) and if not why not?	
Q1.11.19	MoD The Applicant	Please clarify whether it is agreed between the MoD and the Applicant that details of the drainage scheme are to be approved by the MoD before they are finalised, are to be consulted upon with MoD or notified to MoD after finalisation. Is it necessary for the dDCO to make provision for the involvement of the MoD and if so how?	
Q1.11.20	The Applicant	Has the Applicant identified the location(s) of dry watercourses and if so where are these described? How have they been taken into account in terms of their individual propensity for flow or flooding following heavy rainfall?	
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	

**ExQ1: 4 October 2022**

**Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		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?	
Q1.11.22	EA The Applicant	How have records of any sewers been obtained and reviewed to inform the drainage technical note and the Flood Risk Assessment [APP-095 to APP-098] and the CEMP?	
Q1.11.23	EA	Is the content of the Framework CEMP [APP-123] adequate to secure best practice mitigation measures, site investigation and eventual remediation works to protect the water environment in Source Protection Zones, Secondary Aquifers and the bedrock Principal Aquifer associated with chalk strata and the Cam and Ely Ouse Chalk groundwater body? If not please explain what additional measures you consider necessary to include in the Framework CEMP that would provide the necessary protection, and why.	
Q1.11.24	The Applicant	What progress has been made on establishing the means of ensuring a suitable water supply for your cleaning needs, such as an approved agricultural irrigation reservoir that would allay the concerns of Worlington PC (see ES Chapter 9 [APP-041] Table 9-4)? If abstraction from a local watercourse provides the water supply, please quantify the volume of water required per day.  Please clarify what is the volume of water required daily for operation of the Proposed Development more generally, including such matters as dust suppression, and identify where in the application documents the relevant assessment and calculations have been made.	
Q1.11.25	The Applicant	Please identify where the “WFD Mitigation and Enhancement Plan” referred to in ES Chapter 9 [APP-041] Table 9-4, is located in the application documents. How does the dDCO	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

ExQ1	Question to:	Question:	Local Authority Response
		(Change Request 30 August 2022 Appendix G - Draft Development Consent Order - Tracked [AS-251]) secure its provision?	
Q1.11.26	The Applicant	The potential BESS foundation option with piling to a depth of 12m at Sunnica West Site A (in the upgradient groundwater flow direction) is likely to encounter groundwater (see ES Chapter 9 [APP-041] Table 9-4). Please explain your conclusion that “no significant impediment” to groundwater flow is anticipated, with reference to the detailed information as to the proposed foundation area and the extent of the aquifer. What specification, standard, methodology or professional judgement was involved in arriving at this conclusion?	
Q1.11.27	The Applicant	What specific measures does the Applicant propose to protect the level of the river Lark against increased rain water run-off, reduction in water absorption due to absence of crops on the Order land, and reduction in large scale water extraction for irrigation?	
Q1.11.28	The Applicant	Please provide comments in relation to the RR of Suffolk County Council (SCC) [RR-1340] at paragraphs 6.2 and 6.6, concerning the updating of the national pluvial flood mapping and the Newmarket surface water management plan.	
Q1.11.29	The Applicant	Please provide comments in relation to the RR of Cambridgeshire County Council (CCC) [RR-1178] at paragraphs 5.2, 5.4, and 5.6 concerning ground water levels, quick storage estimate calculations, the requirement for rainfall data, and a surface water hydraulic model.	
Q1.11.30	The Applicant	In light of the comments in the RR referred to in Q.11.28 and 29 will the Applicant provide an updated FRA and if so please indicate when it will be provided?	

**ExQ1: 4 October 2022****Responses due by Deadline 2: Friday 11 November**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>	<b>Local Authority Response</b>
Q1.11.31	The Applicant	Please provide comments in relation to the RR of SCC [RR-1340] at paragraphs 6.4 to 6.11, and the RR of CCC [RR-1178] at paragraphs 6.1, 5.7 to 5.10 and regarding the design parameters of the scheme based on the current ES chapter and FRA methodologies.	