



SUNNICA ENERGY FARM

EN010106

Draft Statement of Common Ground with Suffolk Wildlife Trust

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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(Examination Procedure) Rules 2010**

Sunnica Energy Farm

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Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document	1
1.2 Parties to this Statement of Common Ground	2
1.3 Terminology	2
2 Record of Engagement	2
3 Issues	5
3.1 Matters Agreed	5
3.2 Matters Under Discussion	6
3.3 Matters Not Agreed	17

Table of Tables

Table 1: Record of Engagement.....	2
Table 2: Matters agreed.....	5
Table 3: Matters under discussion.....	6
Table 4: Matters not agreed.....	17

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed Sunnica Energy Farm Development Consent Order ("the Application") made by Sunnica Limited ("Sunnica") to the Secretary of State for Department for Business, Energy and Industrial Strategy ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The Order, if granted, would authorise Sunnica to construct, operate (including maintain) and decommission a ground mounted solar farm across Sunnica East Site A, Sunnica East Site B, Sunnica West Site A and Sunnica West B, The Scheme includes the following key components:
- a. Solar PV modules;
 - b. PV module mounting structures;
 - c. Inverters;
 - d. Transformers;
 - e. Switchgear;
 - f. Onsite cabling (including high and low voltage cabling);
 - g. One or more BESS (expected to be formed of lithium ion batteries storing electrical energy) on Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A;
 - h. An electrical compound comprising a substation and control building (Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A only);
 - i. Burwell National Grid Substation Extension should Burwell National Grid Substation Extension Option 2 be taken forward;
 - j. Office/warehouse (Sunnica East Site A and Sunnica East Site B only)
 - k. Fencing and security measures;
 - l. Drainage;
 - m. Internal access roads and car parking;
 - n. Landscaping including habitat creation areas; and
 - o. Construction laydown areas.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.

1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared by (1) Sunnica as the Applicant and (2) Suffolk Wildlife Trust.

1.2.2 Sunnica is a Special Purpose Vehicle (SPV) incorporated in December 2013 to construct, operate, and decommission the Sunnica Energy Farm.

1.2.3 Suffolk Wildlife Trust is an interested party to the Examination of the Application.

1.2.4 Collectively Sunnica and Suffolk Wildlife Trust are referred to as ‘the parties’.

1.3 Terminology

1.3.1 In the tables in the Issues chapter of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position of the parties that is not agreed, and
- c. “Under discussion” indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Suffolk Wildlife Trust’s representations and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint interest in matters arising from the Scheme.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Sunnica, and Suffolk Wildlife Trust is outlined in **Table 1**. There has been email correspondence between the parties to discuss the sharing of information, arrangement of meetings and for them to comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the parties.

Table 1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.06.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust Bedfordshire, Cambridgeshire, Northamptonshire (BCN),	Key topics included: <ul style="list-style-type: none"> • Update from Sunnica on the changes to the Scheme since EIA Scoping • Summary of ecological baseline to date

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
	East Cambridgeshire District Council (ECDC), Natural England, Cambridgeshire County Council (CCC), West Suffolk District Council (WSDC) and Suffolk County Council (SCC).	<ul style="list-style-type: none"> Review and discussion of key ecological constraints and consideration of approaches for avoidance, mitigation and enhancement
04.12.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust BCN, ECDC, Natural England, CCC, WSDC and SCC.	<p>Key topics included:</p> <ul style="list-style-type: none"> Feedback received during non-statutory consultation Ecology surveys Biodiversity net gain Decommissioning Details of lighting
26.03.2021	Ecology Workshop with Wildlife Trust BCN, RSPB, Natural England, Suffolk Wildlife Trust, WSDC, CCC, ECDC and SCC.	<p>Key topics included:</p> <ul style="list-style-type: none"> Scheme update and programme Overview of Stone Curlew population and distribution. Provision of offsetting habitat for Stone Curlew. Management of arable flora and creation of new habitats.
04.05.2022	Meeting between Sunnica Ltd, RSPB, Natural England, Suffolk Wildlife Trust, Wildlife Trust BCN, CCC and WSDC	Sunnica Ecology Working Group meeting to discuss recent changes to the Scheme, ecology surveys, key DCO documents, key points raised in Relevant Representations, vision and ambitions for the Scheme, Stone Curlew, local impact reports and SoCGs.
13.07.2022	Meeting between Suffolk Wildlife Trust, RSPB, Wildlife Trust BCN (on behalf of ECDC), Natural England, CCC and WSDC	Ecology working group meeting in relation to aspects such as the change application, SoCGs, Biodiversity Net Gain, Green Infrastructure and arable flora.
25.10.2022	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	Key issues raised in the Suffolk Wildlife Trust Relevant Representations and the content of the SoCG were discussed.
02.11.2022	Email from Suffolk Wildlife Trust to Sunnica Ltd	The reviewed SoCG was sent through.
07.11.2022	Email from Sunnica Ltd to Suffolk Wildlife Trust	Minor amendments made to the SoCG.
09.11.2022	Emails between Sunnica Ltd and Suffolk Wildlife Trust	Final amendments to the SoCG before the Deadline 2 submission.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Sunnica and (2) Suffolk Wildlife Trust in relation to the issues addressed in this SoCG as at the date of this SoCG.
- 2.1.3 The issues and matters highlighted in **Table 2** to **Table 4** summarise the key issues that have been in discussion between the two parties.

3 Issues

3.1 Matters Agreed

3.1.1 **Table 2** below details the matters agreed with Suffolk Wildlife Trust.

Table 2: Matters agreed

Topic	Sub-topic	Details of Matters Agreed
None	None	None

3.2 Matters Under Discussion

3.2.1 **Table 3** below details the matters under discussion with Suffolk Wildlife Trust.

Table 3: Matters under discussion

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
Assessment	Designated Sites	Impacts to Chippenham Fen and Snailwell Poor's Fen SSSI and the Fenland SAC, as well as Snailwell Meadows SSSI.	Insufficient evidence that construction and operation of solar array at W01, W02 and cable corridor close to this cluster of designated fenland sites will not have significant adverse impacts on these sites, their designated features, and/or associated species assemblages	High	SWT considers that additional evidence is required to provide confidence that significant direct and indirect impacts from construction and operation will be avoided or adequately mitigated, including but not limited to hydrology, air quality (in particular, airborne nitrogen deposition and dust), light and noise disturbance, ecological connectivity. The Applicant will continue to discuss this issue with SWT, but considers that its assessments are robust. Further information will be provided in the update to the HRA to be submitted at Deadline 3.
		Impacts to County Wildlife Sites (CWS) and Local Nature Reserves (LNR).	Potential for cable crossing through Havacre Meadows and Deal Nook CWS to have adverse impacts on the site.	Medium	Horizontal Directional Drilling is being proposed at this location with entry and exit pits set back from the

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
			<p>Any deterioration in condition of CWS will adversely affect biodiversity and wildlife, and the contribution of CWS to maintaining ecological connectivity and acting as steppingstones for nature through the landscape. SWT would like habitats and features of CWS within the scheme boundary to be prioritized for enhancement through the creation and implementation of management plans.</p>		<p>boundary of the CWS to increase confidence that this receptor will not be adversely impacted.</p> <p>CWSs to be indicated as retained and enhanced ecological features on the landscape masterplan in updates to the OLEMP at Deadline 3.</p> <p>The OLEMP will incorporate management measures for the CWSs within the scheme boundary.</p>
		<p>Impacts to Stone Curlew and land functionally linked to the Breckland SPA.</p>	<p>Insufficient evidence that current proposed offsetting measures (mitigation) will be adequate to eliminate any residual adverse impact on nesting stone-curlews on land functionally linked to the Breckland SPA.</p> <p>Appropriateness of operational areas for stone-curlew nesting (disturbance).</p> <p>Disturbance impacts on mitigation areas due to public access, and the proximity of built development</p>	<p>High</p>	<p>Additional surveys required to establish with greater confidence the number of stone curlew nesting territories that will be affected by the Scheme proposals.</p> <p>A precautionary approach should be taken to avoid impacts where there is low confidence in the adequacy of mitigation.</p> <p>The Applicant will respond to the above concerns in the updates to the HRA Report to be submitted for Deadline 3.</p>

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
	Aquatic invertebrates	Impacts to invertebrates which lay their eggs in water, including several nationally rare species.	<p>There is some evidence in the scientific literature as well as anecdotal evidence that flying insects that lay their eggs in water can be attracted to and lay their eggs on solar panels.</p> <p>There is insufficient evidence at present to inform a reasonable assessment of the likely scale of any impact of this effect at a population level on the affected invertebrate populations of Chippenham Fen and Snailwell Poor's Fen SSSI and the Fenland SAC, as well as Snailwell Meadows SSSI, but there is the potential for this to be significant.</p> <p>The solar array at W01 is of particular concern, and we note the joint Local Impact Report submitted by East Cambridgeshire District Council, West Suffolk Council, Cambridgeshire County Council and Suffolk County Council calls for all of the arrays in Sunnica West B to be removed as part of a precautionary approach to impacts on these designated sites and in view of the emerging Nature Recovery Network in East</p>	Medium	<p>Additional evidence is being compiled by the Applicant / their agents to inform an assessment of the likely scale of any impact from this effect on affected aquatic invertebrates.</p> <p>It is SWT's position that in the absence of sufficient evidence to provide confidence that significant adverse impacts to populations of aquatic invertebrates will not result from the construction of solar arrays close to designated wetlands, a precautionary approach should be adopted to the design and implementation of suitable measures to adequately mitigate any significant adverse impacts.</p> <p>SWT considers that for any solar arrays constructed within Sunnica West B there should be long term monitoring to establish the scale of any impact on aquatic invertebrates through the described effect and inform any remedial measures deemed necessary</p>

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
			<p>Cambridgeshire and ambitions to expand and connect wetland habitats in this area.</p> <p>If the Applicant suggests mitigation to prevent flying insects in existing wetland sites from reaching the solar panels at W01 and W02 by screening, we are concerned this will limit the effectiveness of work to restore and re-connect wetlands and associated habitat in this area, as mobile species should be permitted to colonise newly restored areas.</p>		<p>to mitigate significant adverse impacts.</p> <p>The Applicant will be providing a technical note in relation to aquatic invertebrates at Deadline 2</p>
	Arable flora	Impacts to arable flora and the unique Brecks plant communities.	<p>Insufficient evidence from surveys to understand the full impacts of the Scheme on arable flora and Brecks plant communities.</p> <p>Insufficient detail on proposed mitigation for any loss of these habitats and communities to provide confidence that there will not be any residual adverse impacts.</p>	Medium	<p>SWT considers that more detail is required on mitigation measures, including management for mitigation areas and mechanisms for securing these.</p> <p>Further surveys and evidence have been obtained by the Applicant to inform the assessment of likely impacts on these features and will be shared with SWT and, or submitted to Examination</p>

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
	Protected species	Impacts to wintering birds, breeding birds, bats and badgers.	Surveys and monitoring for these protected species groups is incomplete and not sufficient to inform a full assessment of likely impacts. SWT would like to see monitoring expanded to provide sufficient evidence to support assessments of the likely impacts to these receptors from the scheme	Medium	SWT considers that additional surveys / more comprehensive monitoring is required for these species groups to assess likely impacts and inform approach to avoidance, mitigation where indicated, in line with the mitigation hierarchy. Further surveys will be undertaken and information obtained by the Applicant to inform the assessment of likely impacts on these features.
	Connectivity and nature recovery	Impacts on ecological connectivity in the wider landscape within which the scheme would be located.	The potential for barrier effects from the construction and fencing of solar array areas to impinge on the movement of wildlife through the landscape between high value habitats and designated sites. Impacts on the potential for restoration and recovery of habitat in the area between Chippenham Fen and Snailwell Meadows and along the valley of the River Snail, contributing to emerging Nature Recovery Networks in East Cambridgeshire and West Suffolk.	Medium	SWT acknowledges that the mitigation areas have the potential to offset any barrier effects from the scheme that might reduce ecological connectivity, but more work is needed to quantify these effects and provide confidence that ecological connectivity will be enhanced. SWT consider that more detail is needed of design elements that can be incorporated to help minimize barrier effects from the

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					<p>fenced solar array compounds themselves.</p> <p>The Applicant considers that the detail on these design elements for the different habitats proposed in relation to connectivity will be provided at the detailed LEMP stage in line with the principles set out in the OLEMP.</p>
	Water environment	Impacts on chalk streams and other freshwater ecosystems.	<p>Lack of evidence to inform the assessment of likely impacts on chalk streams and other freshwater ecosystems, for example detailed hydrological investigations to assess impacts of cable crossings.</p> <p>Insufficient setback between Lee Brook and solar arrays in E03 and E05.</p> <p>Insufficient Biodiversity Net Gain for rivers and watercourses is indicated by the BNG report.</p> <p>Potential for restoration and enhancement of watercourses and floodplains as part of the emerging Nature Recovery</p>	Medium	<p>SWT considers that further surveys and investigation needed to inform assessment of impacts on chalk streams and other freshwater ecosystems.</p> <p>It also considers that biodiversity net gain (BNG) design for rivers and watercourses should aim to deliver a minimum 10% BNG for these ecological features.</p> <p>SWT considers that the potential for solar array location and setbacks combined with opportunities to restore and enhance watercourses and floodplains</p>

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
			<p>Network has received insufficient consideration in the location of the solar arrays adjacent to natural watercourses including the River Snail, River Kennett and Lee Brook, and in the design of ecological mitigation and enhancement measures for the scheme.</p>		<p>should be explored as part of the design of the scheme's ecological mitigation and enhancements.</p> <p>Further surveys and investigation have been undertaken to inform assessment of impacts on chalk streams and other freshwater ecosystems which will be reported through a new BNG report using V3.1 of the Defra metric to be submitted to Examination in due course.</p> <p>Detail on the design elements for the different habitats proposed in relation to connectivity will be provided at the detailed LEMP stage.</p>
	Cable route	Impacts of cabling route through area ECO4.	Potential for hydrological impacts from cabling on adjacent fen habitats (Fenland SAC / Chippenham Fen Ramsar / Chippenham Fen & Snailwell Poor's Fen SSSI)	Medium	<p>SWT considers that detailed hydrological is investigation needed to assess potential for impacts.</p> <p>The Applicant considers that this information has been provided in the application documentation. The HRA will also be updated at Deadline 3 to account for stakeholder</p>

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
					and ExA comments on impacts to the Fen.
	Biodiversity Net Gain	An updated calculation of Biodiversity Net Gain is to be provided by the Applicant, using the latest Biodiversity Net Gain metric 3.1.	<p>BNG report is incomplete and inadequate to assess the BNG the scheme can be expected to deliver. Specific issues include but not limited to:</p> <ul style="list-style-type: none"> Phase 1 survey used to assess existing habitat baseline is not adequate. UK Habs classification and methodology should be used. Habitat creation/ enhancement for mitigation can only count toward No Net Loss and must be presented separately from that counted towards gains beyond NNL. Predicted BNG for rivers and ditches is only 1%. This should be increased to 10% minimum through design and delivery of restoration and enhancement measures. 	Medium	<p>SWT considers that the preparation of the BNG report should follow Defra guidance provided alongside V3.1 of the Biodiversity Metric¹, and adhere to CIEEM Good practice principles².</p> <p>A full copy of the metric tool spreadsheet that has been used in the BNG assessment should be provided.</p> <p>GIS data used in the BNG assessment and plan will be provided to evidence the full review and recalculation.</p> <p>The Applicant confirms that a new BNG report using V3.1 of the Defra metric is being prepared and will be submitted to Examination in due course.</p>

¹ The Biodiversity Metric 3.1 - JP039 (naturalengland.org.uk)

² Biodiversity Net Gain | CIEEM

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Mitigation and monitoring	Habitat creation	The Applicant's assessment of the likelihood of significant effects from the Scheme is highly dependent on the success of the habitat creation within the mitigation areas, as well as the successful creation of species rich grassland and field margins for arable flora within the solar arrays.	Insufficient detail has been provided of proposed habitat establishment and management processes and mechanisms for securing and maintaining habitats in good condition to provide confidence in the success of habitat creation in mitigation areas.	High	Mechanisms for creating and, or maintaining and securing habitats for the duration of the Scheme need to be agreed along with details of monitoring for habitats and species. Detailed establishment and management plans for the different habitats proposed in the mitigation areas will be provided at the detailed LEMP stage.
	Framework Construction Environmental Management Plan (CEMP)	The level of detail of the Framework CEMP is not sufficient.	CEMP needs to provide sufficient detailed of precautionary working methods for avoiding impacts on ecological features during the construction phase of development. Please see Local Impact Report for more detailed comments from Local Authorities on the requirements for the CEMP.	Medium	A detailed CEMP will be provided at the detailed CEMP stage covering precautionary working methods for avoiding impacts on ecological features during the construction phase of development.
	Decommissioning	Uncertainty surrounding the decommissioning of the site and the retention of the created habitats in perpetuity, also creates doubts about the long-term	Potential for adverse effects on habitats and species during decommissioning. Proposed retention of mitigation habitats ad BNG habitats for the lifetime of the development only	High	Potential routes and mechanisms for securing the habitats created and enhanced as part of the delivery of the scheme beyond its operational

Topic	Sub-topic	Details of Matters Under Discussion	Description of Suffolk Wildlife Trust concerns	SWT Level of concern	Status of discussions & outlook for resolution
		retention of any benefits resulting from the scheme's proposed enhancements for wildlife and biodiversity.	<p>increases the potential for loss of these habitats following decommissioning and the loss of any long-term benefit to biodiversity or contribution to nature recovery from habitat creation and enhancement in these areas.</p> <p>It is the view of Suffolk Wildlife Trust and The Wildlife Trusts nationally that ecological mitigation, and Biodiversity Net Gain should be secured in perpetuity.</p>		lifetime will be explored together with the landowners who will receive the land back (with created habitats left <i>in situ</i>) once the scheme is decommissioned.
	Outline Landscape and Ecology Management Plan (LEMP)	Lack of detail within the Outline LEMP. The full LEMP should be produced early in order to inform the inspectors decision	Lack of detail of proposed habitat establishment and management processes and mechanisms.	High	<p>There is a need for the full LEMP to incorporate flexibility for management to be modified in response to monitoring of delivery, i.e. adaptive management plans for the different habitats and mitigation and enhancement areas within the scheme.</p> <p>A governance framework will be established to steer this process and take evidence-based decisions informed by expert advice.</p> <p>The Ecological Advisory Group will perform this role, among other important functions related to the</p>

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					<p>monitoring and auditing of delivery of the scheme's ecological mitigation and enhancement measures.</p> <p>This will be reflected in updates to the OLEMP at Deadline 3.</p>
	Monitoring and Evaluation	For there to be greater certainty as to the effectiveness of mitigation and enhancement measures it will be necessary for more detailed monitoring of ecological impacts to take place than is currently proposed.	Lack of sufficient ecological monitoring at all stages of the development, construction operation, and decommissioning of the scheme has the potential to result in adverse ecological impacts and/or reduced ecological gains.	High	Detailed monitoring for the different habitats proposed in the mitigation areas will be provided at the detailed LEMP stage. This monitoring will inform adaptive management of mitigation and enhancement areas, in particular for the ecological features mentioned above.

3.3 Matters Not Agreed

3.3.1 **Table 4** below details the matters not agreed with Suffolk Wildlife Trust.

Table 4: Matters not agreed

Topic	Sub-topic	Details of Matters Not Agreed
None	None	Matters under discussion in Section 3.2 (table 3) will be placed here if unresolved.