

Date: 22 November 2022
Our ref: 412939
Your ref: EN010106



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Dear Mr Kean

NSIP Reference Name / Code: Sunnica Energy Farm, EN010106
Natural England's comments in respect of Sunnica Energy Farm Project, promoted by Sunnica Ltd

Examining authority's submission deadline 3, 22 November 2022

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

The following constitutes Natural England's formal statutory response for Examination deadline 3.

1 Issue Specific Hearings (ISH)

- 1.1 Natural England notes that dates and topics for ISHs in December have been provided by the Examining Authority, provided in their Rule 13 letter (dated 08 November 2022).
- 1.2 Natural England does not wish to make oral representations at the ISHs scheduled. However, we remain happy to provide written responses to any questions raised for Natural England by the Examining Authority.
- 1.3 Our non-attendance at any hearings should not be construed as lack of concern on outstanding issues, or a lack of willingness to engage.

2 Comments on the updated Framework Operational Environmental Management Plan (OEMP)

- 2.1 Natural England notes the adjustment made in table 3-3 of the Framework OEMP which now states that an Ecological Clerk of Works will monitor the use of the stone-curlew offsetting areas annually for the lifetime of the scheme. This change is welcomed and is in line with Natural England's previous advice to ensure that the offsetting habitat provided is effective throughout the lifetime of the development.

- 2.2 In addition, table 3-3 now includes provision of monitoring of stone curlews prior to herbicide spraying, as well as monitoring for stone curlew in areas occupied by solar arrays, to inform the need for any staff briefings and controlling works during maintenance operations. Natural England welcomes this adjustment and is satisfied that this will ensure no impacts on nesting stone curlew as a result of maintenance activities.

3 Comments on the updated Framework Construction Environmental Management Plan (CEMP)

- 3.1 Natural England notes the additions to this document with respect to soil handling in table 3-7, and has the following comments to make.
- 3.2 Natural England welcomes the additional text added, including the soil wetness test, and the consideration of soil handling for each element of the development, i.e. access tracks, PV modules and cable trenches.
- 3.3 Natural England advises that the Plastic Limit test described on page 16C-39 should be updated from 3.2mm to 3mm, as per the Supplementary Note 4 of the Good Practice Guide for Handling Soils in Mineral Workings.
- 3.4 The pre-work condition section on page 16C-40 references the use of cultivation to reduce soil compaction. It is Natural England's advice that cultivation provided only a temporary alleviation to soil compaction and can cause further soil structural damage.
- 3.5 Soil stockpile maintenance and seeding should be included within the general principles outlined in table 3-7.
- 3.6 The updates to table 3-7 include the statement "No mixing of topsoil with subsoil, or of soil with other materials". This is inconsistent with previous application documents such as the Landscape and Ecology Management Plan [APP-108] which states "chalk is to be mixed with topsoil stripped from elsewhere". Natural England requests clarification on whether the Applicant proposes to mix topsoil with other substances, and how soil grade can be restored after the decommissioning of the development.
- 3.7 Natural England advises that the monitoring requirements included in table 3-7 should also include:
 - 3.7.1 Soil stockpile plans, including location, soil type and volume
 - 3.7.2 Any corrective actions undertaken

4 Comments on the updated Framework Decommissioning Environmental Management Plan (DEMP)

- 4.1 Natural England notes the additions to this document with respect to soil handling in table 3-7, and has the following comments to make.
- 4.2 The monitoring requirements included should also include:
 - 4.2.1 Restoration conditions relative to the restoration criteria (ALC grade) for the full site

- 4.3 On page 16E-22, it is stated that “removal of the solar panels and associated infrastructure will involve trafficking of vehicles over the grassed soil surface”, however, the mitigation goes on to state that “An aftercare period will not be necessary for the majority of the Scheme where soil has remained in situ as the extended period of time under grass would leave the soil profile in better structural condition than that found under the current arable production”. Natural England advises that the risk of compaction during decommissioning as a result of trafficking should warrant an aftercare plan to ensure the soils are not damaged. This could include the proposed three year grass cover following decommissioning.
- 4.4 The DEMP states “Where problematic compaction is found the area would be subsoiled prior to any reestablishment of arable production” (pg 16E-23), however, the CEMP states: “Subsoil compaction rapidly becomes more difficult to alleviate through cultivation with increasing depth” (pg 16C-40). Therefore, Natural England advises that compaction should be avoided as far as possible, as subsoil compaction alleviation may not be possible.

5 Comments on the revised draft Development Consent Order (DCO)

- 5.1 It is noted that Schedule 2, requirement 10 sub-paragraph (4) states “The undertaker must maintain the offsetting habitat provision for stone curlew...throughout the construction and operation of the authorised development”. Natural England advises that this is updated to include through the decommissioning of the project, in line with clarifications provided by in the Applicant’s response to our Relevant Representations [REP1-016].

This concludes Natural England’s advice at this time, which we hope you will find helpful.

Yours sincerely

Joanna Parfitt
Norfolk and Suffolk Area Team