



ID Number: 20031311

Sunnica Energy Farm – Ref. EN010106

**Issue Specific Hearing 2 (7 December 2022) –
(ISH2) on Ecology & Biodiversity, Historic
Environment and Landscape and Visual Impact**

West Suffolk Council Registration ID Number: 20031311

Deadline 4

16 December 2022

Issue Specific Hearing (7 December 2022)

Post hearing submissions including written summary of West Suffolk Council's Oral Case

Topic	West Suffolk Council's Response	References
Agenda Item 1 – Welcome, introductions and arrangements for the Issue Specific Hearing		
	Ed Grant appearing on behalf of West Suffolk Council accompanied by Julie Barrow, Principal Planning Officer and Jaki Fisher, Senior Landscape & Ecology Officer and Christine Leveson, Principal Conservation Officer.	
Agenda Item 2 – Ecology and biodiversity		
2a	<ul style="list-style-type: none"> <li data-bbox="537 877 1041 909">• <u>Adequacy of ecological surveys</u> <p data-bbox="582 949 1803 1013">WSC has not raised any issue in respect of bird surveys in a wider context beyond stone curlews.</p> <p data-bbox="582 1053 1825 1300">WSC maintain their concern about the adequacy of Stone Curlew survey undertaken by the applicant. Two matters were identified in the LIR section 8.60. The first that Stone Curlew surveys had not been consistently undertaken for the entirety of the breeding season. The applicant has responded to this concern in the Applicants response to LIR which is consistent with the Applicants response to (NE's) RR p252-3. The position of NE is that they are satisfied in respect of that issue; WSC fall into line with the position of NE.</p> <p data-bbox="582 1340 1792 1404">The second matter is that surveys did not cover all areas within 500m of the DCO limits in 2020 and 2021. The response of the applicant, pages 20-21, is that they</p>	<p data-bbox="1859 1093 2027 1125">[REP1-024]</p> <p data-bbox="1859 1197 2027 1268">[REP3-019] [REP1-016]</p> <p data-bbox="1859 1380 2027 1412">[REP1-019]</p>

	<p>elected to concentrate on areas previously identified in 2019 and that no further suitable nesting areas were found to be present.</p> <p>WSC note NEs <i>Additional Submission - Position Statement in lieu of attendance at Issue Specific Hearing (ISH2) - Accepted at the discretion of the Examining Authority</i> which explains that in respect of this matter that 'The applicant has since provided verbal clarification on their reasoning for this which Natural England currently considers will be adequate. We are awaiting the written explanation to be submitted into the examination process and we will update our advice accordingly'.</p> <p>WSC will review its position on this matter once this information has been submitted to the examination.</p> <p>WSC understanding of NE's position at Deadline 2 is superseded by NE's additional submission (see above)</p> <p>In relation to the adequacy of arable flora survey, WSC principal issue is identified in the LIR at 8.89 that significant areas of arable land appear to have been excluded from the detailed arable flora surveys. The applicant's response was that all 'accessible' arable fields within order limits were surveyed. WSC remain unclear about which of the fields were scoped out on the basis of accessibility or for any other reasons (such as the accuracy of the Phase 1 survey (LIR 8.81) as identified by CCC). Without this information WSC is not confident that the arable flora surveys are comprehensive.</p> <p>WSC's understanding is that further information is to be provided (Meeting minutes Ecology group 4 May 22 noted that <i>surveys for 2022 will focus on priority habitats (including arable flora) and any other surveys needed to update the Biodiversity Net Gain</i>).</p> <p>Until the survey work undertaken in 2022 is made available, the issue of the adequacy of the arable flora survey therefore remains outstanding.</p> <p>WSC note the applicant's commitment to provide further clarification on arable flora survey methodology, if needed, during the SoCG process.</p>	<p>[AS-313]</p> <p>[REP2-090]</p> <p>[REP1-024] [REP3-019]</p>
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<p>2b</p>	<p>WSC has no comments to make on aquatic invertebrates</p> <p>The adequacy of tree and hedgerow survey is dealt with below, landscape and visual amenity item 4a.</p> <p>The adequacy of bat survey is also dealt with briefly in relation to landscape and visual amenity item 4a below.</p> <ul style="list-style-type: none"> • <u>Impact on Stone Curlews and proposed mitigation</u> <p>WSC concerns in relation to impacts on stone curlew are summarised in LIR 8.6, second bullet.</p> <p>WSC position is that solar farm infrastructure should be removed from parcel E12 and potentially E05 and E13. Breeding Stone Curlew territories are identified on figure 5.5 of ES Appendix 8I confidential Annex D which shows regular territories in E12 and further territories in E05 and E13. The position of the applicant at page 17 is that the scheme has sought to avoid blocks of land where regular nesting attempts have been observed. WSC consider that this is not a compatible position in respect of E12 so far as engagement of the mitigation hierarchy, and that solar farm infrastructure should avoid parcel E12 LIR 8.49.</p> <p>The situation in relation to E05 and E13 is more nuanced. The applicant’s position, it is assumed, is based on observed stone curlew territories and historical data. Appendix 8M: Habitats Regulations Assessment: Report to Inform an Appropriate Assessment provides information on the availability of historical data (section 3.3.34 and 5.4.4). The data does not appear to have been submitted to the examination and therefore WSC has not been able to satisfy itself that parcels E05 and E13 are not regular nesting territories and therefore whether these parcels should also be avoided. The principle of the mitigation hierarchy is that parcels should be considered in the avoidance tier of the hierarchy before moving into mitigation of impacts.</p>	<p>[REP2-024]</p> <p>[APP-086] [REP3-019]</p> <p>[REP3-010]</p>
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	<p>In response to the Applicants submission that mitigation is being provided for 4 pairs of stone curlew, WSC understand that the current requirement is for 5 pairs of stone curlew to be mitigated on a precautionary basis, but that concerns remain over this number until the adequacy of the survey is confirmed. In addition, although there appears to be sufficient area set aside for mitigation of this number (5) of stone curlew based on the calculation of 16ha per pair. This figure (16ha) is based on the habitat being high quality grass heath (European Site Conservation Objectives: Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA) page 13 (Annex A)). The proposed mitigation land will be unlikely to achieve this condition for a number of years and there remain uncertainties over the effectiveness of the mitigation land due to issues relating to disturbance (LIR 8.148).</p> <p>WSC note that if parcels are removed from the solar farm, they would not necessarily become part of the stone curlew mitigation area. However, these land parcels would likely remain as farmland and therefore be available to stone curlew as is the current situation.</p> <p>WSC understand that in the Brecks, the RSPB regularly monitor SC nesting plots on land in co-operation with some landowners. It is understood that the RSPB has monitored land within the DCO site (see also section 3.3.34).</p> <p>The RSPB has provided a summary of stone curlew conservation in the Brecks (see Annex B).</p> <p>WSC has several outstanding points relating to stone curlew offsetting as follows:</p> <ol style="list-style-type: none"> 1. Management of the wider grassland areas around the stone curlew plots in terms of sward height and density (LIR 8.64). The applicant has committed to providing detail of how the close-cropped sward will be maintained in the detailed LEMP section 8.64. WSC’s view is that the requirement for a close-cropped sward within the stone curlew offsetting areas is fundamental to the effectiveness of the area for stone curlew and should be provided prior to consent in the OLEMP and/or Environmental Statement - Offsetting Habitat Provision for Stone-Curlew Specification. 	<p>[REP2-024]</p> <p>[REP3-010]</p> <p>[REP2-024] [REP3-019]</p>
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	<p>2. Management of public recreational access in the vicinity of the stone curlew offsetting land (LIR 8.148). This issue has not been specifically addressed by the applicant. In WSC view this is essential if the offsetting land is to be effective. The following potential issues should be addressed:</p> <ul style="list-style-type: none"> • PRow to the southeast of ECO2 and on the eastern edge of the mitigation land • Informal access to the north of ECO1 along the disused railway line • Proposed footpath along Beck Road/E05 to the east of ECO1 • The draw of a large area of short grassland at ECO1 and ECO2 to recreational users including dog walking including consideration of alternative recreational routes given the paucity of public footpaths in the area • The draw of a large area of short grassland at ECO3 to recreational users on the U6006 including dog walking including consideration of alternative recreational routes given the paucity of public footpaths in the area • Proposed footpath to the east of Worlington Heath CWS adjoining the U6006 road • Footpath diversions and the potential for indirect effects to stone curlew associated with usual recreational routes becoming unavailable without appropriate diversions. <p>3. Monitoring of stone curlew using suitable habitat within 500m of the DCO site (LIR 8.66-67 and 8.147). The applicants position in relation to this matter is dealt with on page 24. We are satisfied with the commitment that the applicant will monitor stone curlew for the lifetime of the project in the offsetting land, DCO site and in suitable habitat within 500m. However the examination documents including the OLEMP, CEMP, OEMP, DEMP, HRA and Offsetting Habitat Provision for Stone-Curlew Specification should be consistent on this matter.</p> <p>4. WSC consider that the detail on the ongoing management of stone curlew areas is not clear and is inconsistent (LIR 8.58 and 8.62). The applicant has responded at page 18 and acknowledges that further detail is required and will be provided in the LEMP and OEMP. However, this has not yet been provided and should be prior to</p>	<p>[APP-258]</p> <p>[REP2-024]</p> <p>[REP3-019]</p> <p>[REP3-011]</p> <p>[REP3-016]</p> <p>[REP2-031]</p> <p>[REP2-029]</p> <p>[REP3-010]</p> <p>[APP-256]</p> <p>[REP2-024]</p> <p>[REP3-019]</p>
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	<p>consent. WSC provided comments on encouraging rabbits within the offsetting areas LIR 8.172 for management of a short sward grassland. The applicant has not provided a specific response on this matter. More information on techniques for managing rabbits can be found at Annex C.</p> <p>WSC await the further detailed information for review.</p> <p>5. WSC are concerned that the archaeological management of ECO1 will compromise the provision of high-quality habitat and plots for SC LIR 8.63 and 8.175 The inconsistency between documents further confuses the situation. The applicants Offsetting Habitat specification addresses archaeological areas in EC02 whilst the parameter plans identify ECO1 as an archaeological area. The Applicant’s response is that further information will be provided. Any archaeological constraints that conflict with the ecological management of the offsetting area could limit the effectiveness of the mitigation for impacts on SC.</p> <p>WSC will review its position on this matter once this information has been submitted to the examination.</p> <p>6. There is no contingency plan in place to deal with the situation that the SC offsetting land is not effective. WSC concerns are in LIR at 8.150. The applicant has responded in section 8.146-8.151 pages 53-54 that ‘the remit of the Ecology Advisory Group includes responding to the monitoring of stone curlew and where necessary, to determine, for example, changes to the habitat management, changes to the operational activities on the site or alternative locations for habitat creation for stone curlew. This is also provided for by enabling the specification to be developed further post consent’.</p> <p>WSC’s position is that this issue should be addressed prior to consent. WSC’s view is that ecological management and monitoring, including Stone Curlew plots, will be the responsibility of the applicant. Should alternative and/or additional locations for stone curlew offsetting/habitat creation be required this will also be the responsibility of the applicant. One possible solution might be that a contingency</p>	<p>[REP2-024] [PP-258]</p> <p>[REP2-024] [REP3-019]</p>
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<p>2c</p>	<p>fund is made available which could be included/secured in requirement 10 of the DCO. The Councils are discussing this matter with the applicant.</p> <p>WSC agree with SWT that an objective of the offsetting land should be based on the outcome, such as that mentioned by NE in their response to EXQ1 1.2.6 that 'the offsetting land can only be considered successful if there is no net loss of stone curlew in and around the scheme'.</p> <p>Based on the current proposals, it is WSC view that the effectiveness of the offsetting land for the maintenance of the current population of SC is not guaranteed and there is no evidence to suggest that the proposals will lead to an expansion of the population.</p> <ul style="list-style-type: none"> • <u>Impacts on other ecological receptors and adequacy of proposed mitigation measures</u> <p>WSC confirm that badgers have been satisfactorily addressed.</p> <p>WSC has no concerns in relation to deer other than to highlight the potential for damage to landscape planting that is not adequately protected. WSC's view is that the impact of the proposals on bat roosts is dependent on the loss of trees throughout the site. WSC's view on the adequacy of the AIA is at item 4a below. Based on the this there remains some concern about the potential for residual impacts on bats.</p> <p>WSC's concerns about the adequacy of the arable flora compensation is in LIR 8.92-95 and 8.152. There are four main points:</p> <ol style="list-style-type: none"> 1. that the proposed compensation has not been quantified and a comparison made with what is to be lost. The applicant has responded in page 29 that the habitat loss has been quantified. However, the current proposals for arable flora compensation, shown on the Environmental Masterplan are not quantified. The applicant is proposing to present a comparison which will be submitted by deadline 5 as part of the revised BNG report. 	<p>[REP2-090]</p> <p>[REP2-024]</p> <p>[REP3-019]</p> <p>[REP3-022]</p>
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	<p>2. WSC remain concerned about the small size of proposed habitats and lack of connectivity LIR 8.93; this matter has not been addressed adequately. The applicant suggests this will be confirmed in the final LEMP. WSC view is that this should be provided within the OLEMP.</p> <p>3. In respect to the proposition from the applicant that construction activities are expected to give rise to benefits (LIR8.94). WSC remain- in the dark as to which aspects of construction activities will give rise to benefits.</p> <p>4. In relation to the Councils request that areas for scarce plants need to be created in a joint up way on edge of fields away from solar panels (LIR8.95). WSC have not been able to identify a meaningful response from the applicant on this point. The proposals in the Environmental Masterplan do not demonstrate a robust approach to compensating for the loss of arable flora habitat.</p> <p>WSC Council remains concerned about the adequacy of the arable flora compensation. If sufficient space cannot be found within the red line for meaningful arable flora, offsite compensation should be sought within adjacent arable farmland.</p> <p>WSC raised the matter of loss of acid grassland LIR 8.96-8.97 with the intention that the matter would be addressed at Item 5d. As this item was postponed WSC raise this issue here.</p> <p>WSC concern is that the ES states that 0.8ha of acid grassland will be lost and translocated to ECO3 however it is not clear where this loss will occur. The impact of the proposals on invertebrates is closely linked to that of acid grassland LIR 8.86.</p> <p>The applicant’s response at REP3-091 does not clarify where the grassland will be lost and does not address why the mitigation hierarchy was not engaged. However, the applicant has confirmed informally (workshop of 1.12.22) that the acid grassland will be lost from the east of parcel E13 (T13 assessed to be of county importance (Pg 8C-35 APP-079) and E13 eastern margin assessed to be on county-regional importance for invertebrates (pg 8D-21 APP-080)). The Council’s position is that the mitigation hierarchy should be engaged and the acid grassland and associated invertebrate population avoided not least because of the difficulty in translocating</p>	<p>[REP2-024]</p> <p>[REP2-024]</p> <p>[REP2-024]</p> <p>[REP3-019]</p> <p>[REP2-024]</p> <p>[REP2-024]</p> <p>[REP3-091]</p> <p>[APP-079] [APP-080]</p>
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<p>2d</p>	<p>turfs and the constraints to management that would occur as a result of SC using ECO3 as set out in the LIR at 8.49-8.51.</p> <p>WSC agree with SWT that the BNG Metric 3.1 does not recognise species level impacts and would add that BNG is intended to be additional to existing habitat and species protections.</p> <p>WSC would also add that the proposals should not contribute to the decline in biodiversity in striving to address the climate crisis.</p> <ul style="list-style-type: none"> • <u>Impact on Snailwell Fen and potential mitigation</u> <p>WSC has no comment in relation to Snailwell Fen</p>	<p>[REP2-024]</p>
<p>2e</p>	<ul style="list-style-type: none"> • <u>Impacts on other designated sites and potential mitigation</u> <p>WSC agree with SCC in relation to the CWS at both Badlingham Lane and Worlington Heath, that measures to offset any potential effects (in the CEMP) need to be site based rather than construction needs based.</p>	<p>[REP3-016]</p>
<p>2f</p>	<ul style="list-style-type: none"> • <u>Adequacy of mitigation measures in general: connectivity</u> <p>WSC are aligned with ECDC/CCC in their concern about the long-term outcome for mitigation measures beyond the 40 year timescale of the project given that there is no commitment to retain those habitats beyond that stage LIR 8.163 – 8.165.</p> <p>WSC align with SCC re long-term mechanisms that could secure ecological mitigation measures.</p> <p>WSC is concerned about the potential effects on micro-climate particularly beneath the solar panels and the effects on condition of grassland as set out in LIR section 8.179.</p> <p>WSC endorse SCC’s written position on the post-operation/decommission management of landscape and biodiversity.</p>	<p>[REP2-024]</p> <p>[REP2-024]</p>

Agenda Item 3 – Historic environment		
3a	<ul style="list-style-type: none"> • <u>Heritage assessment</u> <p>WSC have no specific comment to make on this matter.</p>	
3b	<ul style="list-style-type: none"> • <u>Impacts on Snailwell Fen historic landscape and proposed mitigation</u> <p>Point deferred to Item 5 due to potential changes to the scheme.</p>	
3c	<ul style="list-style-type: none"> • <u>Impacts on Chippenham Park registered Park and potential mitigation</u> <p>WSC have no specific comment to make on this matter.</p>	
3d	<ul style="list-style-type: none"> • <u>Isleham plane crash site – impacts and potential mitigation</u> <p>WSC have no specific comment to make on this matter.</p>	
3e	<ul style="list-style-type: none"> • <u>Potential impacts on conservation areas and their settings, and potential mitigation</u> <p>An assessment of the impacts of the scheme on the settings of listed buildings and conservation areas in West Suffolk has been carried out and the conclusions are summarised in the Joint LIR in rows 1g, 1h and 1i of Table 1: Summary of Impacts – Cultural Heritage in chapter 7 (pages 36-38).</p> <p>In terms of the potential NDHAs, WSC require Sunnica to identify any which exist within the study area where they are outside the conservation areas. It is accepted that the proposals would not harm the conservation areas in West Suffolk, or the settings of the buildings within them, but there may be outlying assets which have not been identified. The impact of the proposals on the settings of any NDHAs identified should be assessed. If there are none, this should be confirmed for the avoidance of doubt.</p>	[REP2-024]
Agenda Item 4 – Landscape and visual impact		

<p>4a</p>	<ul style="list-style-type: none"> • General points and methodology <p>WSC are satisfied with the with the information presented on viewpoints submitted at Deadline 2</p> <p>On methodology LIR 10.78-10.82, WSC take the same position as ECDC and SCC</p> <p>WSC take the same position as ECDC and SCC on the AIA submitted at Deadline 3. That while this document is welcomed it falls short of what is required. The AIA does not cover the whole site and that there will be a need for further survey for un-surveyed trees impacted by the works section 10.96-10.101. The main concerns with the information provided can be summarised as:</p> <ul style="list-style-type: none"> - Not all trees likely to be impacted are surveyed - Lack of clarification about assumptions made - The key to the plans is incomplete - Shade patterns and access tracks are blurred - Easements to allow for shade do not allow for future growth and shading - Veteran trees should be afforded protection as irreplaceable <p>WSC will provide further comments at deadline 4</p> <p>WSC has concerns with the consistency and coverage of the hedgerow survey and raised some concerns in LIR 8.102 and Table 3. The concern is that there is a lack of information as to what had been included and whether all relevant hedgerows had been surveyed and mapped. The applicant has responded on page 35 that hedges that were not affected by the scheme were scoped out of the assessment.</p> <p>WSC await updated information from the applicant so it can be understood what was scoped out and why.</p>	<p>[REP2-024]</p> <p>[REP3-021]</p> <p>[REP3-019]</p> <p>[REP2-024]</p> <p>[REP3-019]</p>
<p>4b</p>	<ul style="list-style-type: none"> • <u>Snailwell Fen/Chippenham Fen – combined impacts on landscape; proposed mitigation</u> <p>Deferred to item 5.</p>	

<p>4c</p>	<ul style="list-style-type: none"> • <u>Impact on views from the Limekilns and Water Hall Farm gallops and impact on the landscape character of the area; potential for mitigation</u> WSC agrees with ECDC and SCC in relation to the impacts of the proposals from Limekilns, the relevance in West Suffolk being the views from viewpoint 38. 	
<p>4d</p>	<ul style="list-style-type: none"> • <u>General Impacts on the landscape of the area; potential for mitigation and impact of mitigation proposals on the landscape</u> WSC note the intention of the ExA to deal with this matter later in the Examination. WSC concern in relation to the general impact on the landscape of the area are in LIR 10.7, 10.8, 10.9, 10.13, 10.14, 10.15, 10.16, 10.161. The Councils view on the potential for mitigation is additionally in 10.189. WSC view is that some parts of the landscape are more able to accommodate the proposals than others. Where the landscape is very open, it is more difficult to assimilate the proposed development. Within Sunnica East, these areas include: <ul style="list-style-type: none"> • E05 not in WS • E01—E04, E33 and E08-E10 • Area to the north of the U6006 EC03, E12 and E13 Areas where there is an existing GI framework are more able to accommodate the proposals although there would be a consequent impact on legibility of pine lines in the landscape where these are present. The Councils view of the proposed mitigation proposals are summarised at 10.02, 10.60 and further detailed in 10.189 – 10.197 	<p>[REP2-024]</p> <p>[REP2-024]</p> <p>[REP2-024]</p>
<p>4e</p>	<ul style="list-style-type: none"> • <u>Specific impacts on visual amenity at Elms Road Caravan Site and potential for mitigation</u> WSC has no comments to make on this matter 	

Agenda Item 5 - In-combination impacts (ecology & biodiversity, historic environment and landscape & visual impact) on:		
	<p>WSC concurs with the comments made by SCC in relation to parcels E05, E12 and E13, namely that there are important outstanding concerns regarding these parcels.</p> <p><u>c. Land parcel E05</u> WSC is particularly concerned with the effects on ecology which could act in-combination with landscape effects caused by the inclusion of this parcel in the scheme. These matters are addressed in the LIR at 8.6 bullet 2, 8.57, 10.198.</p> <p><u>d. Land parcels E12 and E13</u> WSC is particularly concerned with the in-combination effects on landscape and ecology caused by the inclusion of these parcels in the scheme. These matters are addressed in the LIR at 8.6 bullet 2, 8.57, 10.175, 10.203, 10.204, 10.205.</p> <p>Additional factors such as the proposal to provide an access across the U6006 requiring the loss of TPO trees that form a pine line, the presence of veteran trees in E13, the proposed loss of acid grassland in E13 (LIR8.96, 8.97) are also relevant.</p>	<p>[REP2-024]</p> <p>[REP2-024]</p> <p>[REP2-024]</p>