



# SUNNICA ENERGY FARM

EN010106

Volume 8

8.61 Applicant's Response to East Cambridgeshire District Council,  
Cambridgeshire County Council, Suffolk County Council and West  
Suffolk Council Deadline 2, 3 and 3A Submissions

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009



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**The Infrastructure Planning  
(Applications: Prescribed Forms and  
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**Sunnica Energy Farm  
Development Consent Order 202[x]**

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# 1 Introduction

## 1.1 Purpose of this document

1.1.1 This report responds to Applicant's response to East Cambridgeshire District Council (**ECDC**), Cambridgeshire County Council (**CCC**), Suffolk County Council (**SCC**) and West Suffolk Council's (**WSC**) deadline 2, 3 and 3A submissions. The Applicant has responded to these submissions thematically in section 2, under the following 16 themes:

- Section 2 –
  - Client Design
  - Environment/Planning Design
  - Planning
  - Environment – Archaeology
  - Environment – Ecology
  - Environment – Water
  - Environment – Landscape and Visual (L&V)
  - Environment – Socio-economics
  - Environment – Transport
  - Environment – Human Health
  - Environment – Ground Conditions
  - Environment – Waste
  - Environment – BESS – Fire Safety
  - Environment – Noise
  - Environment – BESS
  - Legal

1.1.2 Please note, reference to 'Deadline 2 Submission – *SCC response to ExA's Written Questions (ExQ1)*' is to REP2-078 as per the Examination Library, however this document is a joint submission from ECDC, CCC, SCC and WSC in response to the Examining Authority's first written questions.

1.1.3 Please also note, the Applicant has not responded directly to Suffolk County Council Comments on the Applicant's Response to Relevant Representations [**REP2-080**], as it understands



## 2 Applicant's response to East Cambridgeshire District Council, Cambridgeshire County Council, Suffolk County Council and West Suffolk Council Deadline 2, 3 and 3A submissions and the Applicant's themed responses

### 2.1 Topic – Client Design

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Design Champion	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.0.5	<p>WSC, SCC, ECDC and CCC would support the principle of a Design Champion being engaged to oversee the detailed design stage of the process.</p> <p>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.</p>	The Applicant responded to these issues in its response to First Written Question 1.0.5. <b>[REP2-037]</b> and does not consider there is any further submissions that need to be made in light of the response from the Councils.

## 2.2 Topic – Environment/Planning Design

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Detailed design approval	Deadline 3A Submission – WSC <i>comments on Applicant's revised draft Development Consent Order</i>	<b>Schedule 2 (Requirement 6):</b> suggested amendment for the details to accord with the Unplanned Atmospheric Emission documents and the approved Battery Fire Safety Management Plan 'where appropriate' on the basis these documents are only required to be agreed prior to commencement of Work No. 2 (as set out in Requirement 7).	The draft DCO has been amended at this Deadline 4 to make clear that accordance with these documents is required with respect to Work No. 2.
	Deadline 2 Submission – CCC <i>Post Hearing Submissions</i>	Details in respect of "vehicular and pedestrian access, parking and circulation areas" (currently sub-paragraph 1(f)) should be submitted to and approved by the relevant county authority.	These matters are included in requirement 6 which requires the relevant planning authority's approval of detailed design before the authorised development is commenced. Schedule 13 to the Order (as updated at Deadline 2 – see [REP2-013]) ensures that the relevant tier of local government is consulted where it is not the discharging authority.

## 2.3 Topic – Planning

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Decommissioning	<i>Deadline 2 Submission – CCC Post Hearing Submissions</i>	<b>Requirement 22:</b> the Applicant is to confirm how the county councils will know that the undertaker has “decided” to decommission any part of the development under requirement 2(1).	Requirement 22 was amended at Deadline 2 to address this concern by including a requirement in sub-paragraph (6) that the Applicant must notify the relevant planning authority within 28 days of ceasing operations at any part of the authorised development.
Mitigation	<i>Deadline 2 Submission – SCC Post Hearing Submissions</i>	The Applicant's proposed mitigation is underdeveloped at this stage. Owing to this, SCC considers it is currently too early to determine whether any planning obligation will be necessary.	As indicated at Issue Specific Hearing 3, the Applicant is keen to engage with the County Councils with respect to any appropriate planning obligations, and for example invited proposals from the LPAs so that the Applicant has a clear idea on how to contribute to PRoWs outside of the site, such as providing funding or helping interconnectivity between communities. This is recorded in the Applicant's written summary of oral submissions made at Issue Specific Hearing 3, submitted at this Deadline 4.

## 2.4 Topic – Environment – Archaeology

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Archaeological trenching	<i>Deadline 2 Submission – CCC Post Hearing Submissions</i>	<b>Schedule 2 (Requirement 13):</b> CCC considers this does not currently take into account the second phase of archaeological trenching required, or secure timescales for delivery of the Post-Excavation Assessments and an Updated Project Design.	The Applicant will confirm details of the second phase of trenching and secure timescales for delivery of the Post-Excavation Assessments and an Updated Project Design through the DAMS.  The Applicant is currently awaiting a brief from the joint LPA's to enable completion of the DAMS for submission to the Examination; and which will then be secured by this Requirement..
Removal of human remains	<i>Deadline 3A Submission – CCC comments on Applicant's revised draft Development Consent Order. Para. 7.</i>	<b>Article 15:</b> CCC welcome the recent changes at paragraphs (11), (12) and (13) but there is no new text to address matters relating to further evaluations, updates to project design and post consent programme for investigation, monitoring and reporting.	These matters will be dealt with through the DAMS; and so does not need to be set out within the DCO drafting.
Historic Environment Management Plan (HEMP)	<div> <i>Deadline 3A Submission – ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.4.5</i> </div> <div> <i>Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.4.5</i> </div>	<p>The Councils 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> <p>The Councils would seek for this to be separate to the Construction Environment Management Plan as this will cover the operational and decommissioning stages as well.</p>	<p>The Applicant has proposed to combine the HEMP with the LEMP.</p> <p>The Applicant wishes to propose that this is the most appropriate format for the document as the majority of the Archaeological Protection Areas within the scheme also serve as mitigation as Ecological Zones and there are numerous crossover aspects that would benefit from a more holistic approach. The combined LEMP/HEMP document will ensure future management is compatible and consistent with requirements for both ecology and archaeology protection.</p> <p>The HEMP will detail an archaeological management strategy during the operational and decommissioning stages of the scheme.</p> <p>The Applicant will produce the HEMP alongside the DAMS following receipt of the LPA's brief.</p>
Archaeological Surveys	<i>Deadline 3A Submission - ECDC, CCC, SCC and WSC</i>	Completion of the evaluation is necessary in order to inform the Detailed Archaeological	This matter has not been previously raised and does not accord with agreements made in discussions with the LPA's Historic Environment Teams. The Phase 1 evaluation undertaken to date



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
	<i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.4.6</i>	Mitigation Strategy (DAMS) which will be submitted at a future Examination deadline.	<p>was agreed through LPA briefs (CCC/SCC 2020) for pre-consent delivery. If the reference to 'completion of the evaluation' pertains to the Phase 2 evaluation it should be noted that this was agreed to be undertaken post-consent as stated in the SCC Brief for WSI (2020).</p> <p><i>2.9 This brief concerns the first phase of pre DCO consent archaeological trial trench evaluation ONLY. Post DCO consent archaeological trial trench evaluation, including of the cable corridor will be covered by a separate brief.</i></p> <p>Over the recent months, the Applicant has provided the LPA's with all information requested in order to prepare a Brief for DAMS as agreed.</p> <p>Neither brief for DAMS or brief for Phase 2 evaluation (Post Consent) has yet been received.</p>
Decommissioning	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.4.5	We consider that the initial tenet that archaeological remains will not be affected by decommissioning is wrong.	<p>The Council's view is noted. The Applicant's DAMS will include a dedicated section to outline the strategy for how the mitigation of archaeological impacts as a result of decommissioning will be developed.</p> <p>The DAMS should be considered a dynamic document to allow the outline mitigation strategy for decommissioning to be updated with the following information as it becomes available allowing for;</p> <ol style="list-style-type: none"> <li>1. Ground/soil information derived from the results from the Phase (post consent) fieldwork.</li> <li>2. Assessment of construction groundworks and installation methods to inform recommendations for mitigation at the later stage of decommissioning.</li> <li>3. Cross referencing with the agreed HEMP.</li> </ol>

## 2.5 Topic – Environment – Ecology

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Lack of protection for decommissioning phase	Deadline 3A – <i>ECDC Comments on Draft DCO</i> Para. 11	<b>Schedule 2:</b> Requirement 8(3) lacks protection to landscape and ecology during the decommissioning stage.	This is not required. Requirement 8(2) notes that the LEMP must be implemented until the DEMP approved pursuant to Regulation 22 'kicks in'. The DEMP will include measures relating to landscape and ecology in line with the Framework DEMP, including the commitment to leave mitigation and enhancements measures in situ on handover to landowners.
Stone Curlew	Deadline 3A Submission – CCC <i>comments on Applicant's revised draft Development Consent Order.</i> Para. 12.	<b>Schedule 2 (Requirement 10):</b> the information added is lacking as follows: <ul style="list-style-type: none"> <li>(a) More clarity required on the work numbers. For example, the list does not include Work No. 4 in relation to works to lay electrical cables etc and only include parts of the works that are required in the mitigation land and consider whether Work 1Biii should also be excluded.</li> <li>(b) Requirement on the Applicant to maintain the offsetting habitat provision for stone curlews should apply during decommissioning.</li> <li>(c) CCC would also like to see monitoring, reporting and any subsequent remedial action secured in Requirement 10. The council's raise in their joint submission that assessing net loss of stone curlew can only be measured by annual monitoring for the lifetime of the development.</li> </ul>	(a) Further to consultation and input from Natural England, the Ecology Advisory Group, Suffolk Wildlife Trust and from the workshop on landscape and ecology with the Local Authorities (1 <sup>st</sup> December 2022), the Applicant will be providing details on the proposed mitigation in the updated LEMP for Deadline 5. As noted in earlier submissions, Requirement 10 of the DCO does not include Work No. 4 which covers the installation of the grid connection. A section of the grid connection passes through the Stone Curlew offsetting area and therefore, will be subject to temporary ground disturbance whilst the cables are laid. As a necessity (and as all other works on the main sites are caught by Requirement 10), this will need to take place before the compensation area is created, as Requirement 10 would not be able to be discharged with cable works taking place. As such there would be no impacts to the Stone Curlew mitigation area arising from the cabling works. The inclusion of Work 1B means that all of works 1B(i)-(v) are included – the sub-paragraphs do not need to be separated out.
	Deadline 3A Submission – WSC <i>comments on Applicant's revised</i>		(b) At the end of the decommissioning process, the Scheme will no longer exist and the land would be returned to landowners (inclusive of habitats that had been created). At this point the Applicant would no longer be involved with the land and so as such, the proposed Requirement would not be appropriate and would not achieve the desired aims. However, the Applicant has



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	<i>draft Development Consent Order</i>		amended this Requirement at Deadline 4 to provide that the habitat must be maintained during the period of decommissioning works taking place.
	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.2.4		(c) The Applicant can confirm that monitoring of the Stone Curlew will be annually for the lifetime of the Scheme. This is secured through the updated LEMP.
Stone Curlew	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.2.5 & Q1.2.7	The Applicant has not demonstrated how the scheme will deliver at least 16 hectares of high-quality habitat for Stone Curlews, as per Natural England's guidance. Of particular concern is the positioning of offsetting area within suboptimal areas, given the proximity of the road, houses, PROW and the solar farm itself.	<p>With reference to the Offsetting Habitat Provision for Stone Curlew Specification <b>[APP-258]</b> and the Outline Landscape and Ecology Management Plan <b>[REP3-011]</b>, approximately 100 ha of land, predominantly arable farmland to be reverted to grassland and bare ground plots, have been embedded within the Scheme and will be specifically managed to create a close-cropped sward, suitable for Stone Curlew. Small areas of existing acid grassland have also been retained within ECO3 of the Scheme design in Sunnica East Site B and these will form the basis of reverting adjacent areas in ECO3 to semi-natural grassland, characteristic of the Breckland heaths. This equates to greater than the 16 ha per pair and acknowledges the requirement for not only suitable nesting sites, but also the requirement for foraging habitat. The provision of ten 2 ha plots maximises the potential for take up with two plots allocated per pair. Plots unoccupied for nesting will contribute an important resource for foraging pairs.</p> <p>Importantly, the offsetting areas are utilising the existing distribution of the species within the Order limits, i.e., it is successfully occurring in proximity to roads, houses and PROWs.</p>

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			<p>This should be seen in the context that disturbance from farm vehicles is significantly more intrusive than the level of disturbance from an operational energy farm. The former is undertaken without knowledge of the presence and location of Stone Curlew nests and, when fields are being managed, the disturbance will last for relatively long periods and is undertaken by large and noisy vehicles.</p> <p>The proposed offsetting measures in relation to the habitat creation, methods of delivery, long term management, monitoring and opportunity for remedial actions to robustly offset the adverse effects of the proposals are described in the OLEMP to which further detail will be added.</p> <p>Further clarification will be provided in the updated Offsetting Habitat Provision for Stone Curlew Specification to be submitted at Deadline 5.</p>
		<p>The Framework Outline Environmental Management Plan (FOEMP) provides no information about what procedure will take place if nesting Stone Curlews are present. The Councils seek confirmation within the FOEMP that spraying of occupied plots will only be undertaken prior to nests hatching, or alternatively wait until chicks have fledged (or a nest failed).</p>	<p>Monitoring of Stone Curlew prior to and during operation of the Scheme will establish whether the species is nesting within 500 m of the Order limits. As outlined in the Framework OEMP [REP2-030, ES - Appendix 16F], should this be the case, then the same requirements, with regard to briefing staff and controlling works, will be applied to any locations where there is potential for disturbance within the Stone Curlew breeding season (March to September inclusive) within the 500 m zone, that are already included in the Framework OEMP for the offsetting areas. Given, the low likelihood that Stone Curlew will nest in the 500 m zone due to the low quality of habitat, seasonal restrictions with regards operational maintenance are not required throughout the Scheme. Operational monitoring of Stone Curlew plots, secured through the OEMP, will help to establish the location of nesting locations within the Order limits and for the surrounding 500 m zone.</p> <p>Operational monitoring of Stone Curlew plots, secured through the OEMP, will help to establish the location of nesting locations prior to spraying commencing. This will inform the process for the</p>

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			application of any herbicides to Stone Curlew plots. The management of Stone Curlew plots will be within the remit of the Ecology Advisory Group, who will ensure that management techniques are compatible with protection of the species' nests and chicks.
Biodiversity Net Gain	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1)	Insufficient information to demonstrate that the scheme will contribute to delivery of BNG or improve the environment.	The Biodiversity Net Gain Assessment [APP-259], using Defra's Biodiversity Metric 3.0, concludes that the Scheme will result in approximately 83% gain of habitat units, 16% gain in hedgerow units, and approximately 1% gain of river units. The Landscape and Ecology Management Plan [APP-108] sets out the design measures through which biodiversity net gain will be achieved. A technical note will be produced and issued during the Examination process providing the detail for the calculations using the latest BNG metric 3.1 and accounting for the proposed changes to the Scheme.
		<p>See ExQ1.2.8. The recalculation of the BNG assessment should be underpinned by habitat surveys using UKHabs criteria. Condition assessments for the habitats should be supplied, along with maps showing the location of each parcel of pre- and post- development habitat type, along with annotations of the condition for each parcel.</p> <p>It is unclear what the Applicant means in its response which states "<i>the Scheme is not providing any compensatory habitats for any habitats or species</i>" given the scheme will be providing compensatory habitat for stone curlews, arable plants / arable field margins, hedgerows and other temporary / permanent loss of habitat as set out in pages 12-20 of the Schedule of Environmental Mitigation.</p>	<p>The biodiversity net gain is being recalculated using Metric 3.1 and will be submitted at a later Deadline. This will consider where areas may be classed as mitigation as laid out in the latest guidance, in order to avoid any double counting. It will also take into account updates to habitat changes from recent updating surveys.</p> <p>The Applicant has reviewed the Phase 1 mapping and undertaken any necessary updates. This will be reported during the examination process and used to inform the Biodiversity Net Gain calculations using the Defra Metric 3.1. Where uncertainty remains over the quality of any habitats then a precautionary approach will be used to assign value and condition.</p> <p>It should be noted that the Scheme is not providing compensation for Stone Curlew or arable plants. Stone Curlew will be retained within the Order limits by creating sufficient nesting habitat to avoid any net reduction in the availability of nesting opportunity due to the loss of arable farmland. Please see paragraph 5.4.7 of</p>



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>the HRA: Report to inform Appropriate Assessment [REP3-009] for further discussion on this point.</p> <p>Similarly, notable arable flora are being retained in fields where they have been noted through the implementation of suitable management techniques.</p>
Ecological Mitigation	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.2.9	The Councils consider insufficient information has been provided to demonstrate the success of the proposed landscape masterplan, including at ECO4	Further to consultation and input from Natural England, the Ecology Advisory Group, Suffolk Wildlife Trust and from the workshop on landscape and ecology with the Local Authorities (1 <sup>st</sup> December 2022), the Applicant will be providing further details on the delivery of the proposed mitigation in the updated OLEMP for Deadline 5.
Grass re-establishment	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.2.10	<p>The Councils look forward to reviewing the figure showing the areas referred to as "native grassland" in Figures 1 – 5 of the LEMP.</p> <p>In addition, the LEMP should be updated to include detailed information.</p>	Further to consultation and input from Natural England, the Ecology Advisory Group, Suffolk Wildlife Trust and from a workshop on landscape and ecology with the Local Authorities (1 <sup>st</sup> December 2022), the Applicant will be providing further details on the delivery of the proposed mitigation including Ecological Clerk of Works in the updated OLEMP for Deadline 5.
Glint and Glare	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the	A number of aquatic species that have been recorded within Chippenham Fen could potentially be impacted by solar panels.	A Technical Note in relation to aquatic invertebrates has been provided by the Applicant at Deadline 2 [REP2-038] which sets out further evidence to support the Applicant's conclusions that no significant effects to such species would arise from the Scheme. In any event, notwithstanding this position, as set out in the Heritage

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
	<i>Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.2.13</i>	<p>The Councils do not agree with the conclusion that the impact on invertebrates of Chippenham Fen SSSI will be negligible due to the lack of comprehensive research on the impact of solar farms and assumptions within the reports about, future management of Chippenham Fen, the behaviour of insects, and prevailing wind.</p> <p>The Councils seek an update of the document to address the following points:</p> <ul style="list-style-type: none"> <li>(a) Barrier between Chippenham Fen and Snailwell Fen – the applicant should review their assessment to take into account of the long-term aims of Chippenham Fen and not assume that the shelterbelt will be managed / retained throughout the operational lifetime of the proposed solar farm development.</li> <li>(b) Prevailing Wind – greater consideration should be given to local weather patterns and the set out the potential impact if the wind blows from a “non” prevailing direction.</li> </ul>	<p>and Substation Connection Update [REP3A-037], for heritage reasons the Applicant has now determined to remove Sunnica West B from the Scheme.</p> <p>As set out in the Heritage and Substation Connection Update, for heritage reasons the Applicant has now determined to remove Sunnica West B from the Scheme, further ensuring that there is no functional linkage between the Scheme and Chippenham Fen. The nearest solar panels to Chippenham Fen and Snailwell Poor's Fen SSSI (Fenland SAC) following the change will be at a distance of just over 1 km, being sufficiently far away for impacts to be able to be avoided.</p>
Habitats Regulation Assessment	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to	The Councils assume the piling works are located within Works No. 2 (BESS) and 3 (onsite substations) areas shown on the Works Plan, but cannot identify any locations approximately 0.35km from Fenland SAC / Chippenham Fen Ramsar. The Councils therefore seek confirmation of the location of the proposed piling	The removal of West Site B from the Scheme means that the nearest solar panel is just over 1 km from Chippenham Fen and Snailwell Poor's Fen SSSI (Fenland SAC) and Ramsar site boundary, removing any impact of piling on these sites.

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	<i>Examining Authority's Questions 1 (ExQ1). Q1.2.20 &amp; Q1.2.27</i>	<p>works that will be undertaken approximately 0.35km from the designated site.</p> <p>The fact that the Applicant states '<i>The Scheme has taken this fluid nesting distribution into consideration and sought to avoid blocks of land where regular nesting attempts have been observed e.g., those in ECO3</i>' does not explain why the Applicant has not avoided other land parcels where stone curlew have been recorded nesting, according to the Applicants relatively limited stone curlew survey of the DCO site, and noting that a review of historic stone curlew records is not included in the DCO information.</p>	<p>As previously set out the Scheme has sought to create large contiguous blocks of offsetting habitat, informed by the species distribution both within the Order limits and within the surrounding area. Given, the species nests in an agricultural landscape, dependant on suitable crop type in any given year, Stone Curlew have nested widely across the Order limits and surrounding area in the past, therefore, it is not possible nor appropriate to exclude all fields where nesting has occurred, because these fields may no longer be suitable, in any given year. The offsetting habitat to be delivered by the Applicant is moving away from this annually variable resource and creating permanent nesting and foraging habitat for the species.</p> <p>It should also be noted that the Applicant's surveys of the Order limits where not 'relatively limited', but covered the entirety of the Order limits across three breeding seasons (2019-2021). The rationale for survey methods has been described in previous responses, but the Applicant is confident that this provides a proportionate and robust approach to defining the Stone Curlew population, whilst minimising undue disturbance.</p> <p>With respect to historic Stone Curlew data, these data do not belong to the Applicant and were purchased from the RSPB, under strict licence agreements and a fixed period, to inform the impact assessment. The reproduction of these data for the DCO submission was not permitted under this licence agreement, due to the sensitive nature of the data.</p>



## 2.6 Topic – Environment – Water

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Drainage Strategy	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.71 & Q.11.13	<b>Schedule 2 (Requirement 12):</b> Regarding the inclusion (or otherwise) of "substantially" the Councils note that the equivalent requirement of the Sizewell C (Nuclear Generating Station) Order 2022 does not include "substantially".	<p>The rationale for use of the word "substantially" is to reflect that the drainage strategy is an outline document that will need to be developed in detail. A degree of flexibility provided by the word "substantially" achieves this. It also enables the Applicant to make suitable updates to the surface water drainage strategy that it is required to submit to the relevant county authority / authorities where there is e.g. an update in relevant guidance, policy or legislation. Ultimately, it will be for the discharging authority to determine the appropriateness of the surface water drainage details when submitted for approval under requirement 12.</p> <p>For these reasons, the Applicant will continue to retain this wording in the draft DCO.</p>
		If any changes to the proposed drainage strategy were to become necessary, they should be thoroughly assessed and associated calculations, plans and details provided in an updated drainage strategy.	Noted.
		All proposed management of surface water should be detailed in site specific drainage strategies and be in accordance with sustainable drainage principles as outlined in the Suffolk SuDS Guidance (Appendix A of the Suffolk Flood Risk Management Strategy), the Cambridgeshire County Council Surface Water Guidance and the national CIRIA SuDS Manual. This will be submitted to the relevant County Planning Authority in accordance with Requirement 12.	<p>Noted.</p> <p>The need to produce a surface water drainage strategy for approval by the relevant county authority / authorities is secured in Requirement 12 in Schedule 2 to the draft DCO. The strategy will comply with all relevant guidance and current national and local policies at the time of preparing the detailed design.</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Flood Risk	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.11.1-2 &amp; Q.11.17</i>	The proposal to undertake ground investigation and request that this include BRE365 infiltration testing, geological borehole logs and identification of depths to groundwater (to ensure maximum levels are recorded). The ground investigation works should be done as early as possible to inform good design.	Noted. The ground investigation be secured though Requirement 12 and will include BRE Digest or suitably equivalent test to confirm ground conditions and infiltration. The principles of infiltration proposals are set out in the revised drainage strategy, within the Annex D of the FRA Addendum, being submitted at Deadline 4.
Baseline for waterbodies	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.11.3</i>	The Internal Drainage Board (IDB) should be consulted for any works on watercourses within their area. The Councils advise that land drainage consent will be required for any works to an ordinary watercourse that may impact the flow within it. Furthermore, that culverting of watercourse should be avoided if possible and wherever this is unavoidable, the length culverted should be as short as possible and as large a pipe section as achievable.	Noted.
Surface Water Management	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.11.6</i>	The Councils request a construction surface water management plan is provided at the appropriate time to cover flood risk and pollution related matters that may arise during the construction period. This could be included as a component of the CEMP.	Noted, this will be included within the CEMP (Requirement 14).
Dry watercourses	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses</i>	Query the finding that no 'dry watercourses' were identified in the entire east and west areas. Further information should be provided with regard to the presence of dry/seasonal watercourse within the Order Limits as failure to	The Applicant has attempted to identify all the waterbodies and water resources within the study area, and these are presented on Figure 9.1 of the Environmental Statement [APP-188] and discussed in Section 9.6 of Chapter 9: Flood Risk, Drainage and Water Resources of the Environmental Statement [APP-041].

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
	<i>to Examining Authority's Questions 1 (ExQ1). Q1.11.20</i>	acknowledge them now will result in them being excluded from any designs and may result in adverse impacts during the construction period.	<p>Certainly, all of the flowing, more significant water features have been identified. However, by their very nature watercourses become increasingly small and may only flow intermittently or seasonally in headwater areas at the uppermost extents of a catchment channel branch (where ground conditions are very permeable larger watercourses would have been identified). Very small drainage features such as this are difficult to identify due to cover of vegetation or the presence of hedgerows, and they are often heavily modified. As they flow intermittently there is no guarantee that on a particular occasion, even if raining, they will be flowing and therefore identified as a watercourse. Their limited flows also mean the channel is likely not well defined with an absence of geomorphic features. Overall, it does remain a possibility that some additional dry or seasonably flowing watercourses may exist on this rural site, but these will be very small, localised and insignificant features.</p> <p>It is considered that there would not be any increase in flood risk from dry / seasonably flowing watercourses. At this stage of outline design, it is proposed to capture existing greenfield runoff volumes from PV areas within swales and detention basins and new impermeable areas from BESS and compound areas will also be captured in these features to ensure no increase in flood risk to adjacent watercourses, whilst providing a reduction in surface water flood risk downstream. More detail can be found in the drainage technical note in Annex F of the FRA (FRA Part 4; <b>AS-010</b>). Furthermore, where they are found to be flowing or have water in them, the pollution prevention measures set out in the Framework CEMP will apply (see Appendix 16C of the Environmental Statement [<b>AS-277</b>]).</p>



## 2.7 Topic – Environment – Landscape and Visual (L&V)

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Lack of information	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.7.3	<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</li> <li>• Hedge survey for all hedgerows, in accordance with Hedgerow Regulations</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</li> <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>	<p>The Applicant updated the OLEMP at Deadline 3 [REP3-011] and has also submitted an Environmental Masterplan [REP3-022] which illustrates the spatial relationship between mitigation and enhancement features. The Applicant is preparing further updates to the OLEMP and Environmental Masterplan following a meeting with officers of the Councils held on 1 December 2022 and which will be submitted at Deadline 5.</p> <p>Please see responses to the Traffic topic in relation to the question of access points design and visibility splays.</p> <p>Information regarding trees and hedgerows impact (including from creating access points) is set out in the AIA [REP3-021].</p> <p>Information regarding views from Ely Cathedral is set out in the Applicant's response to FWQ 1.7.1.</p>
Landscape mitigation	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.7.6-7	<p>The land along with the areas of habitat and biodiversity and landscape mitigation will be returned to the landowner. The retention of land and areas of these features is not secured in any way.</p>	<p>The Applicant is seeking temporary consent and notes the Councils position and refers to the Framework Decommissioning Environmental Management Plan [REP2-028]. Please also see the Applicant's Summary of Case made at ISH2 also submitted at this Deadline 4.</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		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. The proposals do not appear to fully explore the Design Principles of the National Infrastructure Commission.	The Applicant has developed a design vision and principles which respond to local policy and strategies as far as possible and are informed by local landscape character and opportunities for enhancement. This is in line with the 'Place' Design Principle of the National Infrastructure Commission. The Applicant has provided detailed responses to these points in its response to the joint LIR [REP3-019].
		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.	The Landscape and Visual Impact Assessment (LVIA) summarised in Chapter 10 of the ES [APP-042] has informed the design of the Scheme, including the retention of views and vistas. Examples include the view west along Beck Road on the approach to Isleham, which retains views of the Ark and setbacks embedded into the design to retain the prominence of pine lines on the skyline in the east.
Decommissioning	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.7.7	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 will impact upon the landscape and local communities.	The Applicant is seeking temporary consent and notes the Councils position and refers to the Framework Decommissioning Environmental Management Plan [REP2-028]. Please also see the Applicant's Summary of Case made at ISH2 also submitted at this Deadline 4.
Trees / Landscape	Deadline 3A – ECDC Comments on Draft DCO Paras. 5-10	<b>Article 27:</b> allowing removal of trees is unacceptable, as raised by ECDC's Tree Officer.	Prior to any tree works an Arboricultural Report secured as a commitment in the Framework CEMP will be submitted for agreement with the LPA. This will set out the final extent of tree loss or pruning impacts.
	Deadline 3A Submission – WSC comments on Applicant's revised draft Development Consent Order	<b>Article 36:</b> the Applicant not able to adequately define 'near' under Q1.5.44. Too much discretion on the Applicant in relation to felling and lopping and insufficient scope for	Prior to any tree works (including the use of powers under this article) an Arboricultural Report secured as a commitment in the CEMP will be submitted for agreement with the LPA. This will set out the final extent of tree loss or pruning impacts including trees near to the Order limits.

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		consultation with or permission required from the LPA.	
		<b>Articles 37:</b> the Applicant is seeking to cause damage to / remove trees protected by a TPO.	At this stage this is an unavoidable impact of the Scheme on a precautionary approach however as is set out in the Framework CEMP, impacts to trees subject to TPO will be reviewed in further detail to review the potential to minimise impacts wherever possible.
		<b>Work No. 10 (Schedule 1):</b> concern around the potential to allow the removal of or harm to highways trees. The Applicant should be able to provide information prior to determination as to where trees and other vegetation will be required for removal to facilitate access.	Tree works required to implement the Scheme are identified in the Arboricultural Impact Assessment [REP3-021] submitted at Deadline 3. A final report on arboricultural impacts will be submitted to the LPA for agreement in advance of commencement and this will identify tree removals and pruning works to facilitate the Scheme. This is secured via a commitment in the CEMP
		<b>Schedule 2 (Requirement 14):</b> inadequate protection to trees.	Outline tree protection measures are detailed in the Arboricultural Impact Assessment Report [REP3-021] submitted at Deadline 3. The design is a concept design only at this stage. A final detailed Tree Protection Plan and Arboricultural Method Statement will be submitted as part of the Arboricultural Report which is a commitment in the CEMP and will be submitted to the LPA for approval in advance of commencement.
Trees / Landscape	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.43, Q1.5.44 & Q1.5.47	<b>Article 36:</b> The Councils consider art.36 would be improved if art.36(2) were amended to include the provisions in Article 39(2) of the A47/A11 Thickthorn Junction DCO 2022 (S.I. 2022/1070).	The Applicant has updated article 36 to incorporate those elements of article 39(2) of the Thickthorn Junction DCO where they are not already covered by the drafting within the article.
		The Councils find that a suitable definition of near would be, "if a tree is within falling distance of the development boundary".	Prior to any tree works (including the use of powers under this article) an Arboricultural Report secured as a commitment in the CEMP will be submitted for agreement with the LPA. This will set



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			out the final extent of tree loss or pruning impacts including trees near to the Order limits.
		<b>Article 37:</b> a detailed arboricultural impact assessment should provide information as to what trees will be affected by the proposals including the network connection routes (regardless of them having a TPO or not) and this information should lead the detailed design of the site.	An Arboricultural Impact Assessment [REP3-021] has been submitted at Deadline 3. An updated report of impacts based on the final design is secured via a commitment in the Framework CEMP and will be submitted to the LPAs for agreement in advance of commencement.
Tree and shrub replacement	Deadline 3A Submission – ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.69	Reference should be made to compliance with the relevant British Standards and the need for tree and shrub replacement should be referred to. The Councils consider that the aftercare period should be for a minimum period of 5 years, but this should be predicated on the successful establishment of the plants.	These matters are addressed in the Outline Landscape and Ecology Management Plan [REP3-011], which was updated at Deadline 3. The Applicant is preparing further updates to the OLEMP following a meeting with officers of the Councils held on 1 December 2022 to be submitted at Deadline 5, alongside the updates to the DCO submitted at Deadline 4.
Trees & woodland	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.7.11	Hedges and trees were missed in several locations.	The Environmental Masterplan submitted at Deadline 3 details the location of existing hedgerows [REP3-022]. Existing trees are shown on the plans within the Arboricultural Impact Assessment [REP3-021].

## 2.8 Topic – Environment – Socio-Economics

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Employment	Deadline 3A – <i>ECDC Comments on Draft DCO</i> Para. 15	<b>Schedule 2:</b> Requirement 20 should include provision for employment during the decommissioning stage.	The Applicant has updated requirement 20 in the draft DCO submitted at Deadline 4 so that the skills, supply chain and employment plan must be maintained during the carrying out of decommissioning works.
Car Share	Deadline 3A Submission - <i>ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1)</i> . Q1.10.71	<p>The Councils do not agree with the socio-economic assessment of the workforce nor the car share ratio being used.</p> <p>The Council are seeking appropriate monitoring, controls, reporting and enforcement to ensure that the impacts do not exceed the assessed figures.</p>	<p>The broad approach to the workforce and its origins assessment as presented in Chapter 12 of the ES [APP-044], is aligned with typical EIA methodology including consideration of leakage and multiplier effects, as set out in the Homes and Communities Agency Additionality Guidance (4th Edition).</p> <p>The Applicant considers its methodology of assessment to be an appropriate level of detail on which to base an assessment of significant effects in EIA.</p> <p>Discussions around the validity or achievability of car share occupancy parameters have been superseded by the Applicant agreeing to introduce a cap on staff vehicle numbers. This introduces a control measure to ensure that a greater level of vehicle numbers than that assessed will not occur.</p> <p>The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004, REP3A-005], to include a commitment to monitor total vehicle levels at the two main staff accesses, and introduce a cap in vehicle numbers calculated at the level of a 1.3 vehicle occupancy to ensure the maximum assessed level of vehicle trips is not exceeded. Capping based on vehicle numbers, rather than car occupancy, addresses the crux of the parameter for which control is sought, whilst enabling the applicant to achieve this through other measures, such as the mini-bus which is set out in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004, REP3A-005].</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Home-based workers	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1)</i> . Q1.10.73	The Councils disagree with the use of 2011 Census data to forecast trip distribution for reasons that are analogous to our criticism of the calculations of the proportion of home-based workers.	<p>In respect of the home-based workers assessment presented in Chapter 12 of the ES <b>[APP-044]</b>, presented as a Leakage factor within the assessment of construction employment generation, this was carried out using Census 2011 Origin and Destination data representing the number of people that travel into the 45-minute travel area for work, amounting to 88% workers being home-based. The Applicant considers its methodology of assessment to be an appropriate level of detail on which to base an assessment of significant effects in EIA being aligned with typical EIA methodology including consideration of leakage and multiplier effects, as set out in the HCA Guidance.</p> <p>The Applicant notes the comments made in the Socio-Economics Chapter of the Local Impact Report and directs the reader to the Applicant's Response <b>[REP3-019]</b> to that section. The use of Census data to determine the distribution of workers within the 30km study area is not questioned by the Local Highways Authorities. Therefore, it is assumed that this comment relates to the level of certainty over the 30km study area, which was questioned by the Councils in the Socio-Economics Chapter of the LIR, rather than the use of Census data itself.</p> <p>The uncertainty raised is noted, and is the case for any major development at this stage of planning. The Local Authorities' position appears to be that there may be workers from outside the region. If some workers travel from further afield on a daily basis, these workers would use the Strategic Road Network to access the staff car parks on La Hogue Road and Elms Road, which would likely result in a lower proportion of staff using local roads.</p> <p>The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan <b>[REP3A-004, REP3A-005]</b> to introduce a cap on vehicle numbers using each of the staff car parks, to provide a level of control against potential uncertainty. This addresses potential mode share risks of longer distance</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			commuting, and provides added certainty on the validity of conclusions.



## 2.9 Topic – Environment – Transport

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Site access and crane routes	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.10.45	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 is required to allow safe passage of large roads.	<p>The Applicant has undertaken topographical survey in addition to using OS mapping. The Applicant has also undertaken spot measurements at junctions to provide the local highway authorities additional confidence in the mapping used. This information, including the source of mapping used, is clearly presented on the plans included within Annex C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. Therefore, the Applicant does not consider it necessary to undertake additional surveys at the current time. However, if required at the detailed design stage of the site accesses, appropriate additional surveys would be considered in consultation with the local highway authorities.</p> <p>The Applicant has provided updates to the proposed highway works on Elms Road and La Hogue Road which has been discussed during multiple meetings with the LHAs which have occurred since April 2022. This is a matter which has been addressed by the Applicant through direct responses to the LHAs, and formally in the Transportation Technical Note [REP2-041] submitted at Deadline 2, and the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. The highway works along Elms Road and La Hogue Road are not capped at 4.8m, with the passing places identified a maximum highway width of 7.2m to accommodate two-way HGV movements. Swept path analysis has been provided to the local highway authorities demonstrating that the proposed passing places can accommodate two-way HGV movements along Elms Road and La Hogue Road where the carriageway is widened to a sufficient width, which is greater than 4.8m where necessary. Therefore, the Applicant does not consider it necessary to continue to refer back to the 4.8m as the Applicant has taken onboard the comments from the local highway authorities and demonstrated where Elms Road and La Hogue Road carriageways could be widened, greater than</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.	
		It is unclear how access for large loads will be provided in the operational phase, if required.	
		<p>The Councils are not satisfied that a review of the route (sic) is conducted prior to the crane(s) requirement on-site but post-consent.</p> <p>Safe access to the site within the DCO 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.</p>	

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		<p>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.</p>	<p>4.8m, to accommodate two-way HGV movements. The highway works along Elms Road and La Hogue Road are not capped at 4.8m, with the passing places identified a maximum highway width of 7.2m to accommodate two-way HGV movements. Swept path analysis has been provided to the local highway authorities demonstrating that the proposed passing places can accommodate two-way HGV movements along Elms Road and La Hogue Road where the carriageway is widened to a sufficient width, which is greater than 4.8m where necessary. Therefore, the Applicant does not consider it necessary to continue to refer back to the 4.8m as the Applicant has taken onboard the comments from the local highway authorities and demonstrated where Elms Road and La Hogue Road carriageways could be widened, greater than 4.8m, to accommodate two-way HGV movements.</p> <p>The DCO application seeks authorisation to construct, operate and maintain the Scheme. Article 2 of the draft DCO [APP-019] defines the meaning of "maintain" in the draft DCO. This sets out that the definition does not include removal, reconstruction or replacement of the whole of the authorised development. Article 5(3) of the draft Development Consent Order [APP-019] also sets out that the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement would not be authorised. There is not anticipated to be a requirement for large loads during the operational phase. If large loads are required, using HGVs, they would access the main site accesses on Elms Road and La Hogue Road. The traffic surveys undertaken in 2022 identify that HGVs travel along both of these highway links.</p> <p>The AIL route review provided within Section 5 of the Framework Construction Traffic Management Plan and Travel Plan identifies that the AILs, including the cranes, can access the required site accesses across the Scheme. The reference to the review being post-consent is assumed to relate to the</p>



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>detailed route review to be undertaken by the contractor, which is explained at 5.4.7. This is standard practice, and does not replace the establishment of the feasibility of the routes prior to consent, as evidenced in the F-CTMP/TP. The contractor will consult with the local highway authorities regarding the movement of the AILs, in accordance with the regulations that govern the movement of such vehicles.</p> <p>The relevant port used will have well established road access infrastructure for use to transport abnormal loads to the Strategic Road Network. The A14 and A11 form the parts of the Strategic Road Network which will be used to transport abnormal loads to the vicinity of the Scheme, as set out in 5.4.11 of the F-CTMP. National Highways has been consulted extensively on the Scheme and has raised no issues with the use of the SRN to transport AILs. This is evidenced by the Applicant's Statement of Common Ground (SoCG) with National Highways [REP2-048], where there are no matters not agreed, and only one unrelated matter still under discussion</p>
Public Rights of Way (PRoW)	<p>Deadline 3A Submission – CCC comments on Applicant's revised draft Development Consent Order. Paras. 3-6.</p> <p>Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.5.21</p> <p>Deadline 2 Submission – CCC Post Hearing Submissions</p>	<p><b>Article 11:</b> the Local Highways Authority ('LHA') seeks:</p> <ul style="list-style-type: none"> <li>(a) Alternative diversionary routes for PRoW proposed to be stopped-up to be agreed with the LHA as appropriate;</li> <li>(b) When appropriate, its consent (in particular in relation to paragraphs (1) and (3); and</li> <li>(c) The period of notice to be amended from 'no less than 28 days' to 'no more than 56 days'.</li> </ul>	<p>a) and b) - During temporary closures of relevant PRoWs, the Applicant will re-direct the public elsewhere on the PRoW network. Depending on the nature of the works requiring the temporary closure, the available space and other relevant factors, it may prove possible to exercise the power in article 11 to temporarily divert rather than close public rights of way. The Applicant is currently considering the mechanism for implementing this and envisages that it may best be accommodated through the Framework Construction Traffic Management Plan and Travel Plan, in an updated version to be submitted later in the examination.</p> <p>c) The Applicant considers that a consultation period of 28 days is appropriate. A longer period would have potential knock-on impacts on delays to the construction programme of the Scheme.</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		<b>Article 11:</b> The Applicant has been invited to amend Article 11(1) to clarify that rights of way may only be stopped up for the purposes of the delivery of the scheme	This is, and always been, included in article 11 paragraph (1) of which states "The undertaker may, for the purposes of constructing or maintaining the authorised development..."
		<b>Article 11, (1) (b):</b> it should be made clear internal haulage routes will not use sections of PROW, only cross PROW. The DCO should be amended to remove the possibility of travel along PROW.	Article 11(1)(b) of the draft DCO enables the Applicant to authorise the use of motor vehicles on PROWs, but for the purpose of crossing only. This amendment was made at deadline 2 (see [REP2-013]).
		The Applicant has been invited to address the consultation procedure in respect of any diversionary route or temporary closure of a PROW via its Traffic Management Plan.	The Applicant submitted at Deadline 3A an updated Framework Construction Environmental Management Plan [REP3-016] which expanded the scope of the Applicant's Communication Strategy to provide advance warning of the proposed traffic regulations to the public and users of the highway. In terms of consultation, the traffic regulation measures that are known to be required are detailed in the applicant's application and are being thoroughly tested in public through the examination process.
		<b>Schedule 1:</b> the plans at Annex A of the Landscape and Ecology Management Plan are not at an appropriate scale to show the position of the path relative to other features, the exact location of egress onto the road network, and does not provide width or set back from vegetation or fencing.	The design of the Scheme is outline. The detailed design of the Scheme will be prepared post-DCO consent in line with the principles set out in the OLEMP. The Applicant is preparing further updates to the OLEMP and the Environmental Masterplan following a meeting with officers of the Councils held on 1 December 2022. The Environmental Masterplan will provide further clarity on the alignment of the proposed permissive paths in relation to existing and proposed features.
		<b>Schedule 2:</b> the impact of noise on equestrian users should be considered as part of the assessment contained in Requirement 17.	Horses and humans share the most closely related hearing ranges of any other mammals on the planet. The British Horse Society (BHS) state that "A horse's range of hearing is greater than a human to higher frequencies (over 33 kHz in the horse compared with under 20 kHz in humans) although a horse may

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p><i>not be able to hear the lowest frequencies audible to humans</i><sup>1</sup>. The BHS go on to state that: "Horses can become difficult to handle in conditions where there is a continuous level of noise because it may mask other sounds that could be a threat". Examples are provided of noise sources that may affect a horse as "gunshot, motorway, train", which are all considered to generate high levels of noise. Noise predictions presented in Figure 11-4 of the ES [APP-043] indicate operational noise levels of no higher than approximately 40 dB LAeq,T at bridleway locations. This level of noise is likely to be perceptible but can be compared as equivalent to a quiet residential area. Consequently, this level of noise is unlikely to cause disturbance to equestrian bridleway users.</p>
Access to Works	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.5.22	<p><b>Article 12:</b> 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.</p> <p>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.</p>	<p>The requirements of the draft DCO provide for the LHAs involvement in the technical approvals and construction stages. The detailed design of site accesses is required to be submitted for the approval of the relevant planning authority / authorities prior to the commencement of the Scheme in accordance with requirement 6 contained in Schedule 2 to the draft DCO. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's / authorities' approval of the CTMP before the commencement of the development. Schedule 13 to the Order (as updated at Deadline 2 – see [REP2-013]) ensures that the relevant tier of local government is consulted where it is not the discharging authority.</p> <p>The Applicant is in the process of negotiating Heads of Terms in respect of highway matters. This relates to a proposed agreement which would provide set out the legal framework in respect of highways matters, to include where the Applicant exercises statutory powers in respect of highways under the</p>

1 [REDACTED]



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>DCO. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks.</p> <p>The Applicant agrees with the Councils that the information provided at this stage should be equivalent to that supporting an outline planning permission under the Town and Country Planning Act 1990. The Applicant considers that this level of information has been provided, including within Annex C of the F-CTMP/TP [REP3A-004], which was submitted at Deadline 3A.</p>
Vehicular Access	Deadline 3A – SCC <i>comments on the Applicant's Schedule of Change to the draft DCO from Change Request application to Deadline 2.</i>	<b>Schedule 2 (Requirement 16):</b> proposed amendments to secured that all works involving the formation of or change to any vehicular access, whether on a temporary basis or not, needs to be subject to a prior approval process.	<p>The requirements of the draft DCO provide for the LHAs involvement in the technical approvals and construction stages. The detailed design of site accesses is required to be submitted for the approval of the relevant planning authority / authorities prior to the commencement of the Scheme in accordance with requirement 6 contained in Schedule 2 to the draft DCO. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's / authorities' approval of the CTMP before the commencement of the development. Schedule 13 to the Order (as updated at Deadline 2 – see [REP2-013]) ensures that the relevant tier of local government is consulted where it is not the discharging authority.</p>



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Highways	<p>Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.5.19</p> <p>Deadline 2 Submission – CCC Post Hearing Submissions</p>	<p><b>Article 10:</b> 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>Sub-paragraph (1) 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. 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.</p> <p>Art 10(4) and (5) have a degree of ambiguity that could be resolved by aligning with the Council's maintenance procedures.</p> <p>The Councils also seeks 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.</p>	<p>The requirements of the draft DCO provide for the LHAs involvement in the technical approvals and construction stages. The detailed design of site accesses is required to be submitted for the approval of the relevant planning authority / authorities prior to the commencement of the Scheme in accordance with requirement 6 contained in Schedule 2 to the draft DCO. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's / authorities' approval of the CTMP before the commencement of the development. Schedule 13 to the Order (as updated at Deadline 2 – see <b>[REP2-013]</b>) ensures that the relevant tier of local government is consulted where it is not the discharging authority.</p> <p>The Applicant is in the process of negotiating Heads of Terms in respect of highway matters. This relates to a proposed agreement which would provide set out the legal framework in respect of highways matters, to include where the Applicant exercises statutory powers in respect of highways under the DCO. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks.</p> <p>In relation to article 10(4) and (5); the Applicant notes that his drafting is widely precedented. It would be open to a court when considering whether the undertaker has "taken such care as in all the circumstances was reasonably required" to have regard to appropriate standards. It is not necessary, nor desirable, to more narrowly define this by reference to extraneous standards or documents.</p>
	Deadline 3A Submission – CCC	<b>Article 9:</b> the LHA seeks a role in agreeing the design and standard of construction related	The detailed design of site project is required to be submitted for the approval of the relevant planning authority / authorities

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	<i>comments on Applicant's revised draft Development Consent Order. Paras 8-11.</i>  Deadline 2 Submission – CCC Post Hearing Submissions	matters. This could be achieved through the legal side agreement. The same in relation to inspections and to certify any alterations.	<p>prior to the commencement of the Scheme in accordance with requirement 6 contained in Schedule 2 to the draft DCO. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's / authorities' approval of the CTMP before the commencement of the development. Schedule 13 to the Order (as updated at Deadline 2 – see [REP2-013]) ensures that the relevant tier of local government is consulted where it is not the discharging authority.</p> <p>The Applicant is in the process of negotiating Heads of Terms in respect of highway matters. This relates to a proposed agreement which would provide set out the legal framework in respect of highways matters, to include where the Applicant exercises statutory powers in respect of highways under the DCO. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks.</p>
		CCC requests that the undertaker removes redundant apparatus from the highway.	As stated in Table B-9 of the Design Principles (Appendix B to the Design and Access Statement [REP3A-032]), the Applicant proposes that the Grid Connection would remain in-situ on the decommissioning of the Sunnica Energy Farm.
		<b>Schedule 2:</b> LHA should be consulted in relation to Requirement 6 in relation to vehicle and pedestrian access, parking and circulation.	These matters are included in requirement 6 which requires the relevant planning authority's approval of detailed design before the authorised development is commenced. Schedule 13 to the Order (as updated at Deadline 2 – see [REP2-013]) ensures that the relevant tier of local government is consulted where it is not the discharging authority.
Vehicle Emissions	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining	The Councils note that other NSIPs have made commitments to control construction vehicle emissions, including Sizewell C and East Anglia One (North).	The F-CTMP/TP [REP3A-004], which was submitted at Deadline 3A commits to freight compliance with appropriate exhaust emissions, being a minimum of EURO VI.

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	<i>Authority's Questions 1 (ExQ1). Q1.1.65</i>		
Construction Traffic Management Plan	Deadline 2 Submission – CCC Post Hearing Submissions	Detail is not sufficient to show that the Applicant's proposals are feasible or deliverable. It is suggested that the definition of "commence" here (Requirement 16) should include any permitted preliminary works.	The Applicant has demonstrated a package of measures, including temporary traffic management, highway works, provision of site access improvements to accommodate HGVs, which are to provide safe entry and egress to the site accesses. These proposals are shown to be feasible and deliverable and are set out in Annex C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004.]. Notwithstanding this, the applicant is committed to working with the local highway authorities to address concerns raised.
	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.9	It would be helpful if the Applicant could confirm whether such traffic management plans will follow the principles set out in the Framework Construction Traffic Management and Travel Plan.	This is secured under the draft DCO - Requirement 16(3) in Schedule 2 to the draft DCO requires the relevant authority's / authorities' approval of the preliminary works traffic management plan before the commencement of the permitted preliminary works.
Traffic Regulation Measures	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.5.58	<b>Article 44:</b> The LHAs are concerned that the consultation requirements under this article are insufficient.  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.	The key point to note is that the draft DCO as a statutory instrument is distinct to a Traffic Regulation Order. However, paragraph 8(b) of article 44 treats any provisions under paragraphs (1) to (3) as though a Traffic Regulation Order has been made under the Road Traffic Regulation Act 1984, applying that Act to it. Section 120(5)(a) of the Planning Act 2008 is clear that a development consent order may apply a statutory provision. Please refer to the Applicant's response to Written Question Q.1.5.54 [REP2-037] for more details on this.



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			<p>The drafting in article 44 that relates to consultation on the implementation of traffic regulation measures is widely preceded, there is nothing novel in the Applicant's approach.</p> <p>Note that the Applicant will continue its discussions with local highways authorities regarding highway matters.</p>
	<p>Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.54 &amp; Q1.5.55</p>	<p><b>Article 44:</b> Consent from the LHA would need to include approval of the traffic management layout. This is to ensure such temporary works comply with the current standards and the highway remains safe for all users.</p> <p>The LHAs are concerned that the consultation requirements under this article are insufficient.</p> <p>The Councils consider the powers under art.44(3) are wide and, for a DCO applicant which is not a highway authority, unprecedented.</p> <p>The Councils are unaware of any DCO providing powers for the undertaker to seek traffic regulation powers during the decommissioning phase.</p>	<p>The Applicant notes the powers it seeks to implement the temporary traffic regulation measures described in Schedule 14 to the Order and shown on the two sets of Traffic Regulation Measures Plans are proposed not to require the consent of the traffic authority. This is because the detail of those measures has been published with the application and the traffic authorities and members of the public will have the opportunity for their views to be heard during the course of the examination. The Applicant amended the specific power in paragraph (1) of article 44 at deadline 2 such that those measures may only be implemented for the purposes of construction.</p> <p>In relation to the general power to make traffic regulation measures (i.e. those the specifics of which are not secured through the terms of the Order), this power is, and always has been, subject to the consent of the traffic authority concerned. This would remain the case during the decommissioning phase. The Applicant considers it to be entirely appropriate to include a general power to implement traffic regulation measures during the operation and decommissioning phases. Given that it has concluded that such measures are required for the construction phase, it is only logical to conclude that such powers may also be required during the operation and decommissioning phases. However, this should not be of concern to the relevant traffic authorities because such powers may only be exercised with the consent of the traffic authority concerned.</p> <p>In relation to the broader point about the layout of temporary traffic management equipment, paragraph 6.4.2 of the Construction Traffic Management Plan and Travel Plan</p>
	<p>Deadline 3A Submission – CCC comments on Applicant's revised draft Development Consent Order. Paras 8-11.</p>		



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			<p><b>[REP3A-004]</b> provides that signage and layout of temporary traffic regulation measures will be agreed with the relevant county authority in advance of implementation.</p> <p>More generally, it should be noted that the Applicant is in the process of negotiating Heads of Terms with the local highways authorities in respect of highway matters. This relates to a proposed agreement which would provide set out the legal framework in respect of highways matters, to include where the Applicant will exercise its statutory powers in relation to highways under the DCO. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks.</p>
Temporary traffic signals	Deadline 2 Submission – SCC Post Hearing Submission	<p><b>Article 44:</b> SCC has requested that article 44(2) be amended as follows – “</p> <p><i>Subject to the provisions of this article, and the consent of the traffic authority in whose area the road is situated, 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)</i></p>	<p>Please note that a revised version of article 44(2) has been included in the updated version of the draft DCO <b>[REP2-012]</b>. In addition, please refer to the Applicant's response to Written Question Q.1.5.54 <b>[REP2-037]</b> which explains the purpose and context to the drafting of this article.</p> <p>The Applicant cannot agree to the struck through drafting as that is essential to give legal effect to the temporary traffic signals that are an essential element of its strategy for making the site accesses safe.</p> <p>Note that the Applicant will continue its discussions with local highways authorities regarding highway matters.</p>
Abnormal loads	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1	Using Immingham or Southampton Docks would not appear to be compliant with Paragraph 5.13.10 of EN-1.	<p>Paragraph 5.13.10 states that “<i>Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective.</i>”</p> <p>The Applicant has indicated in its application documentation states in its response to Q1.10.5, to which this LPA comment relates, that “At this stage it is not yet known precisely which port would be used. Consideration has been given to the use of Ipswich Docks or Immingham Docks with Southampton Docks</p>

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	(ExQ1). Q1.10.5 & Q1.10.6		<p>and Liverpool Docks considered unlikely at this stage, given the distance from the site."</p> <p>Therefore, Southampton Docks is not considered likely. The port most likely to be used is Ipswich, as it is the closest.. Ipswich will be used where it is cost effective. If Immingham were to be used, it would be in a scenario where it was not cost-effective to use Ipswich, and therefore it would be compliant with Paragraph 5.13.10 of EN-1.</p>
		<p>The Councils consider that assessment of the whole route from a suitable port to the site accesses is necessary to determine which Strategic Road Network and local highway structures would be affected and allow at least an initial screening operation to identify any sites of concern.</p>	<p>The port from which materials will be received will not be determined until after the grant of development consent, if granted.</p> <p>It would be wholly disproportionate and hugely impractical to require wide ranging detailed AIL route assessment from every port that might be utilised.</p> <p>The relevant port used will have well established road access infrastructure for use to transport abnormal loads to the Strategic Road Network. The A14 and A11 form the parts of the Strategic Road Network which will be used to transport abnormal loads to the vicinity of the site, as set out in 5.4.11 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. National Highways has been fully consulted on the DCO application and does not have any concerns regarding the use of the SRN to transport goods and materials. This is evidenced in the Applicant's Statement of Common Ground (SoCG) with National Highways [REP2-048].</p> <p>As part of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], a route review for cranes and Abnormal Indivisible Loads (AILs) was undertaken from the A14 and A11 to the required site accesses. The routes which are included within the reviews and the swept path analysis of the AILs are shown in Figure 21 in the updated Framework</p>

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			<p>Construction Traffic Management Plan and Travel Plan [REP3A-004].</p> <p>These routes include the A11 to Elms Road to access Sunnica East Site B and A11 to La Hogue Road to access Sunnica West Site A. In addition, the A11 would be used to access Sunnica East Site A via the B1105 and B1102. The route to National Grid Substation at Burwell has been identified via the A14, B1103, Reach Road and Weirs Drove. It should be noted that National Grid delivered a new substation to Burwell on 6th June 2021 using the same route set out by the Applicant. The confirmation that National Grid delivered a new transformer from Ipswich Docks to the National Grid Burwell substation provides reassurance that the AIL can be accommodated on the local highway network.</p> <p>The route review identified that there was a practical and achievable route from the Strategic Road Network to the site accesses that were required. In places, temporary signage removal was identified to accommodate the crane or AIL swept paths. The swept path analysis for the AILs is provided within the updated Framework Construction Traffic Plan Management and Travel Plan [REP3A-004] and have superseded the information provided in Appendix C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004, REP3A-005].</p>
		<p>The Council's have the following specific concerns regarding the Abnormal Indivisible Load routes as detailed in Appendix P of the change request:</p> <p>(1) <b>B1102 The Street, Mildenhall Road, Freckenham (Plate 6).</b> The blue line (wheel path 2.2.5)) clearly runs over the circular island at the junction which could</p>	<p>1) The swept path analysis notes that the tree on the central island would need some branches trimming to avoid making contact with the AIL as it passes. The swept path provides an indication that is possible for the vehicle to navigate the movement. Vehicle tracks can be laid for the AIL to follow to assist in avoiding damaging highway assets as well as tree roots. The Arboricultural Impact Assessment Report [REP3-021] identifies a single tree for pruning at Burwell and no other trees are identified along the AIL route which are</p>



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		<p>damage the roots for the tree within the island.</p> <p>(2) <b>B1103 Swan Lane / Oxford Street Junction, Exning (Plate 11).</b> The base map is derived from ordnance survey and the Councils would draw the applicant's attention to potential errors in such map and in this specific case the presence of gutters, down pipes and roof overhang associated with the building. To SCC's knowledge the highway boundary at this location has not been determined.</p> <p>(3) <b>High Street/ Park Road B1085, (Chippenham).</b> The return bend where the driveway to Chippenham Hall joins the B1085 has not been shown. While the Applicant might consider there not to be an impact, details for all relevant bends should be provided even to justify that there will be no impact.</p> <p>(4) <b>Newmarket Rd (B1103)/Isaacson Road junction, Burwell (Plate 10).</b> The highway extent must be verified to confirm if there is oversailing of the verge. Confirmation of vegetation to be cleared and appropriate surveys needed.</p> <p>(5) <b>Reach Road(B1103)/Weirs Drove, Burwell (Plate 13).</b> While Plate 13 includes dimensions, the central island shown does not appear to accurately represent the island seen on site.</p>	<p>of concern. In addition, conditional surveys are committed to by the Applicant and any damage caused will be made good – see the Framework Construction Traffic Plan Management and Travel Plan [REP3A-004]. An experienced contractor will undertake their own analysis of the routes to/from the site accesses for the AIL to determine the most appropriate route. The identification of this route does not preclude the use of an alternative route if required which the contractor will consult with the local highway authorities, National Highways and the police.</p> <p>2) During discussions with the LHA during a video conferencing meeting in November 2022, the Applicant stated that the highway boundary information has been requested but not yet received. The swept path analysis has been undertaken to identify likely routes which can accommodate the AIL given the stage of the project. The contractor will undertake their own route analysis to determine the final route for the AIL. The swept path analysis indicates the AIL can navigate the manoeuvre. Plate 11 has been reproduced within the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] within Figure 32.</p> <p>3) The swept path analysis for the AIL indicates the vehicle can manoeuvre the 'S' bends within Chippenham. The contractor will undertake their own route analysis to determine the final route for the AIL. However, no impact is identified in the location in question therefore it is not considered relevant to identify it at the current stage of the project. Conditional surveys are committed by the Applicant to make good any damage that is caused - – see the Framework Construction Traffic Plan Management and Travel Plan [REP3A-004]. However no impact is identified in the</p>



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		<p>Confirmation of vegetation to be cleared and appropriate surveys needed.</p> <p>(6) <b>'S'- Bend on Weirs Drove, Burwell (Plate 12)</b>. It is indicated that two trees may require pruning. The trunk of one of these trees is shown fully within the swept path and is likely to be entirely compromised by this proposal.</p> <p>(7) <b>Weirs Drove/ Newnham Drove Junction, Burwell (Plate 14)</b>. While it is indicated that 'the trailer will over sail the inside grass verge by approximately 8m but the vehicle will remain within the highway', it appears on plate 14 to overhang the ditch on the north-western corner. While no verified highway extent is shown on plan, it appears likely that this ditch is riparian owned.</p>	<p>location in question as the over-sail of the AIL is on the opposite side of the entrance to Chippenham Hall.</p> <p>4) As discussed with the local highway authority within the video conferencing meeting in November 2022, the highway boundary data has been requested. The Applicant proposes to update the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] at a future deadline once the highway boundary has been obtained. The swept path analysis indicates the AIL can be undertake the manoeuvre. However, the contractor will undertake their own analysis of the AIL route to determine the final route. Plate 10 has been reproduced within the Framework Construction Traffic Management Plan in Figure 33 and both identify the vegetation required to be trimmed back to avoid contact with the AIL as it passes through the junction.</p> <p>5) Plate 13 has been reproduced on Figure 35 and Figure 36 within the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004, REP3A-005] which states which base mapping has been used. The Applicant is unaware which features the local highway authority considers to not be accurately represented. The swept path analysis provided indicates the AIL can be accommodated and can undertake the manoeuvre. The vegetation required to be trimmed back is identified to avoid contact with the AIL as it passes. The contractor will undertake their own analysis of the route to determine the final route of the AIL.</p> <p>6) As discussed with the local highway authority within the video conferencing meeting in November 2022, the highway boundary data has been requested. The Applicant proposes to update the AIL drawings at a</p>

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			<p>future deadline once the highway boundary has been obtained. However, it is noted that one tree is identified, and the second tree stated is a hedge feature as identified in the Arboricultural Impact Assessment Report [REP3-021]. The contractor will undertake their own route analysis to determine the final route for the AIL, however the swept path analysis provided identifies the AIL can perform the manoeuvre.</p> <p>7) The Order limits includes the over-sail area in question, meaning that the Applicant will have powers to undertake works necessary to facilitate the passage of AILs. As discussed with the local highway authority within the video conferencing meeting in November 2022, the highway boundary data has been requested.</p>
Abnormal loads – cranes and transformers	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.7	Whilst the numbers provided at Table 2-2 of APP-118 for AIL movements are those 'expected' for the project. There is no control or monitoring of these movements within the Construction Traffic Management Plan and therefore no guarantee that the actual numbers will be limited to this amount nor that loads will remain within the STGO3 category.	<p>The number of AIL movements are dictated by the design of the Scheme and the large components that are required to be incorporated. The AIL route review has been based on the largest vehicles which would be used to transport this equipment to the site.</p> <p>The monitoring and reporting set out within the F-CTMP/TP [REP3A-004] at paragraph 7.4.7 includes the number of AILs transported to the site.</p>
Abnormal loads – trips and routes	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.9	While the numbers provided at Table 2-2 of APP-118 for AIL movements are those 'expected' for the project, there is no proposed control or monitoring of these movements within the Construction Traffic Management Plan and therefore no guarantee that numbers are limited to this amount.	<p>The number of AIL movements are dictated by the design of the Scheme and the large components that are required to be incorporated. The AIL route review has been based on the largest vehicles which would be used to transport this equipment to the site.</p> <p>The monitoring and reporting set out within the F-CTMP/TP [REP3A-004] at paragraph 7.4.7 includes the number of AILs transported to the site.</p>

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Abnormal loads – access to Sunnica East Site A	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.12, Q1.10.17-20	<p>The Councils note that the load traverses an embankment and that the stability of this under the proposed loading has not yet been considered.</p> <p>The Councils also note that the construction access for large loads and cranes to the substation in plot E33 is via access K which is only a temporary access. It is unclear if it is the applicants intend to reopen access K if any future AIL or crane movements are required in the operational phase.</p>	<p>The construction routes proposed are in line with the weight restrictions for the local highway. Where there are no weight restrictions in place, the public highway is available for use by legal and roadworthy vehicles. It is the responsibility of the Local Highway Authority, and not the Applicant, to identify vulnerable structures on the existing public highway where there are not current weight restrictions, and introduce such weight restrictions as required. The F-CTMP [REP3A-004] at paragraph 7.2.15 includes the provision for undertaking highways condition surveys before, during, and after construction, and making good any damage caused as a result of construction vehicle trips.</p> <p>There is no requirement for AIL or crane movements in the operational phase. The Application seeks authorisation to construct, operate and maintain the Scheme. Article 2 of the draft DCO [APP-019] defines the meaning of "maintain" in the draft DCO. This sets out that the definition does not include removal, reconstruction or replacement of the whole of the authorised development. Article 5(3) of the draft Development Consent Order [APP-019] also sets out that the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement would not be authorised.</p>
		<p>Plate 6 in Appendix P of the change submission appears to contradict the Applicant's response. The blue line (wheel track as described 2.1.5) goes over part of the island.</p>	<p>The swept path analysis notes that the tree on the central island would need some branches trimming to avoid making contact with the AIL as it passes. The swept path provides an indication that is possible for the vehicle to navigate the movement. Vehicle tracks can be laid for the AIL to follow to assist in avoiding damaging highway assets as well as tree roots. The Arboricultural Impact Assessment Report [REP3-021] identifies a single tree for pruning at Burwell and no other trees are identified along the AIL route which are of concern. In addition, conditional surveys are committed by the Applicant</p>



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			and any damage caused will be made good – see the Framework Construction Traffic Plan Management and Travel Plan [REP3A-004]. An experienced contractor will undertake their own analysis of the routes to/from the site accesses for the AIL to determine the most appropriate route. The identification of this route does not preclude the use of an alternative route if required which the contractor will consult with the local highway authorities, National Highways and the police..
		Current plans do not show the Highway boundary and as such it is not possible to confirm manoeuvres can be within the highway.	The DCO affords the powers required by the Applicant to undertake necessary works within both the highway and on private land, where it is included within the Order Limits. Where AIL tracking, presented in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], has identified a requirement to undertake works at relevant junctions, it is ensured that these works are included within the Order Limits.  Land ownership boundary information from His Majesty's Land Registry has been used for the purpose of identifying interests in the land contained within the Order limits. Notwithstanding this, the Applicant has requested Highways Boundary Data from the LHAs..
Abnormal loads – access to Sunnica East Site B	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.23	It is understood that all vehicles <7.5 tonnes (i.e. not HGVs) will be required to use the car park off Elms Road as they have not been assessed for other accesses. Therefore, the swept path analysis should assess the vehicle with the greatest manoeuvring footprint (i.e. not necessarily the largest vehicle.	This has been undertaken and is provided in Annex C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004].
HGV Access	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the	Need for consent to be obtained from the relevant LHA for road closures and their associated diversion routes for the temporary regulation measures in Schedule 14.	Under paragraph 6.3.2 of the Construction Traffic Management Plan and Travel Plan [REP-3A-004], each of the temporary road closures are expected to be no longer than one-week and occur on narrow roads where the use of two-way signals is not



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	<i>Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.39</i>		<p>possible. In addition, prior to any road closures advanced warning will be provided in line with the Local Highway Authority (LHA) guidance with diversions in place (paragraph 6.3.3). The road closures and diversions will be in line with the 'Traffic signs Manual Chapter 8 road works and temporary situations'.</p> <p>The power to apply traffic regulation measures is provided for in article 44 of the draft DCO. The signage and layout of temporary traffic regulation measures will be agreed with the relevant County Authority in advance of implementation. This has been included in the updated Construction Traffic Management Plan and Travel Plan [REP3A-004] at paragraph 6.4.2.</p>
Site Access and Crane Routes	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.40 & Q1.10.42 & Q1.10.44	The Applicant will be responsible for compliance with any management plan and on this basis, overall responsibility should not be delegated to contractors.	The Applicant will retain responsibility for this albeit there will be agreements in place with the contractor to ensure compliance with management plans.
		In the absence of information on the likely use of accesses, planned or unplanned, in the operational phase, the Councils cannot agree that there will not be an intensification of use of the accesses.	<p>This comment is noted, and the Applicant has advised that the use of accesses in the operational phase will be infrequent, which aligns with their current use as farm accesses.</p> <p>The Application seeks authorisation to construct, operate and maintain the Sunnica Energy Farm. Article 2 of the draft DCO [APP-019] defines the meaning of "maintain" in the draft DCO. This sets out that the definition does not include removal, reconstruction or replacement of the whole of the authorised development. Article 5(3) of the draft Development Consent Order [APP-019] also sets out that the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement would not be authorised.</p>
		The Councils do not consider a width of 4.8m (or 5.5m) is adequate for two large vehicles to pass	As noted by the Councils, the applicant has submitted alternative proposals within Annex C of the Framework

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		on rural roads, both for safety reasons but also the likely damage to the edge of the carriageway and verge due to over-running. The Councils is considering the appropriateness of proposed passing bays rather than widening previously proposed based on drawings supplied by the applicant.	Construction Traffic Management Plan and Travel Plan [REP3A-004]. These proposals have been discussed with the Councils and presented for comment in meetings since the submission of the Application.
		It is not clear whether the applicant has yet obtained information on the location of the highway boundary from either SCC or CCC to confirm that the passing bays are deliverable within the order limits or public highway. Clarity is required whether the passing places are permanent or temporary (i.e. removed after the construction phase).	<p>The DCO affords the powers required by the applicant to undertake necessary works within both the highway and on private land, where it is included within the Order limits. Where AIL tracking, presented in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], has identified a requirement to undertake works at relevant junctions, it is ensured that these works are included within the Order limits.</p> <p>Land ownership boundary information from His Majesty's Land Registry has been used for the purpose of identifying interests in the land contained within the Order limits. Notwithstanding this, the Applicant has requested Highways Boundary Data from the LHAs.</p> <p>The passing places are temporarily required during the construction phase.</p>
Site access – Golf Links Road	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.47	It is expected that the access will continue to serve the small gas station to the south and also the surrounding agricultural land plus maintenance traffic for this project which suggests at least some increase in use.	HGVs are not required along Golf Links Road during the operational period and maintenance will be undertaken using smaller vehicles during the operational phase, if and when required.
Proposed traffic management	Deadline 3A Submission - ECDC, CCC, SCC and WSC	While temporary speed limits are frequently used for safety reasons at road works, such use must be tempered with the realisation that without	The enforcement of the temporary speed limits will be undertaken in the same manner as other permanent and temporary speed limits, through the Police. The Applicant has

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
	<i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.51 &amp; Q1.10.52</i>	enforcement or other controls compliance with such limits can be poor. Care should be taken not to rely on temporary speed limits as the sole safety measure nor to set acceptable visibility standards based on such restrictions.	undertaken speed surveys specifically in relation to the proposed temporary speed limits at the request of the local highway authority and the results are presented within the chapter 6 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. The proposed temporary speed limits are part of a package of measures to provide safe entry and egress for the site accesses and for passage for the public.
		<p>Details of the temporary traffic management supplied to date do not show if there is adequate carriageway width at and approaching the signal heads to allow for two lanes of traffic to pass, including within the site access roads.</p> <p>It is unclear if the delays to road users due to the temporary traffic measures has been considered in terms of driver delay.</p> <p>The extent that such measures will need to be reinstated when accesses are used during the operational phase is a matter of discussion between the Applicant and the relevant LHA. The Councils' preference is that at least the permanent accesses should be designed to operate without the need for temporary traffic restrictions. Where use is made of existing accesses these should be improved as considered necessary based on the existing site and likely intensification of use in the operational phase.</p>	<p>The Applicant notes that the LHAs have requested further details on the Traffic Regulation Measures Plans supplied to date [REP2-007 to REP2-011 inclusive]. The designs of the traffic regulation measures will ensure that there is adequate carriageway width at and approaching the signal heads to allow for two lanes of traffic to pass, including within the site access roads.</p> <p>The aforementioned temporary traffic management measures are only required for construction accesses, and not operational accesses. Visibility splays are demonstrated to be achievable at the two main site staff accesses (Sunnica East Access C and Sunnica West Access A) during the operational phase, which are in use for construction and operational phases. All other operational accesses are existing accesses which will not experience material intensification of use, and therefore remain acceptable in their current form. Access plans are provided at Annex C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. The Applicant disagrees that there will be a likely intensification of use in the operational phase.</p>
Proposes Traffic Controls	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses</i>	It would be reasonable to include a control that any diversions from agreed HGV routes shall be recorded as exceptions and including in reports	This control is included in paragraph 7.4.7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004].



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	<i>to Examining Authority's Questions 1 (ExQ1). Q1.10.57</i>	to the relevant LHA if prior written agreement is not obtained from the LHA(s).	
Staff vehicles	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.63</i>	<p>The Councils remain concerned about how the shift patterns are monitored, controlled, enforced and reported within the DCO. It would be beneficial if this could be addressed through a detailed explanation.</p> <p>The Councils disagree with the conclusion that there is spare highway capacity in the event that there were high numbers of vehicles entering and existing the site during a short time period creating a significant spike in traffic on one arm.</p>	<p>Compliance with shift patterns is included in paragraph 7.4.7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. Monitoring, control, enforcement and reporting are set out in Chapters 7 and 8 of the F-CTMP.</p> <p>Entry and exit to the site will occur at off-peak times, i.e. before 0700 hours and after 1900 hours, when there is significantly reduced levels of background traffic on the network, as is detailed within the Transport Assessment [APP-117] and Traffic and Transport Chapter of the Environmental Statement [APP-045]. Impacts are short-term, and are assessed as a worst case peak in the construction phase. Staff will not all arrive and depart at the same time, as is typical for large construction projects.</p>
Compliance and enforcement	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.65 &amp; Q1.10.66</i>	<p>The Councils await submission of the updated Construction Traffic Management Plan and Travel Plan.</p> <p>The Councils welcome changes to the CTMP and TP to address concerns around repeated breaches.</p>	This comment is noted. The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] was updated at Deadline 3A.
Baseline conditions	Deadline 2 Submission – SCC <i>response to ExA's Written Questions (ExQ1). Q1.10.74</i>	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.	There is no requirement for AIL or crane movements in the operational phase. The Application seeks authorisation to construct, operate and maintain the Sunnica Energy Farm. Article 2 of the draft DCO [APP-019] defines the meaning of "maintain" in the draft DCO. This sets out that the definition does not include removal, reconstruction or replacement of the whole of the authorised development. Article 5(3) of the draft



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			DCO [REP2-012] also sets out that the carrying out of any maintenance works which are likely to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement would not be authorised. Thus this requirement requested by the Councils is already established within the DCO.
	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.10.98	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 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.	The Applicant respectfully disagrees. The assessment identified within the Transport and Access Chapter [APP-045] and the Transport Assessment [APP-117] focuses on highway links and utilises the traffic flows collected through various traffic surveys. The assessment has made use of the traffic flows collected and considered the links in their entirety as set out in the Transportation Technical Note [REP2-041].
	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1).	It is noted that the shift pattern for Saturdays is the same as weekdays and the Councils presume that this will be secured within the management plans.	This is correct. Working hours are secured through the F-CEMP. Compliance with shift patterns is included in paragraph 7.4.7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. Monitoring, control, enforcement and reporting are set out in Chapters 7 and 8 of the F-CTMP.
Temporary Road Closures	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.87	<p>The Councils would welcome more detail that can give comfort that an acceptable level of stakeholder communication will occur.</p> <p>The Councils would not object to the communication strategy for road and PRow closures to be included in the OCTMP and TP secured via requirement 16 as this is specifically relevant to transport.</p>	<p>This is noted. Stakeholder Communication requirements for the project overall are set out in section 6 of the F-CEMP [REP3-015], including the role of the Community Liaison Officer.</p> <p>Additional requirements and clarification on stakeholder engagement responsibilities directly relating to transport have been included in the Deadline 3 submission of the F-CTMP/TP, also updated at Deadline 3A [REP3A-004].</p>

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Temporary PRow Closures	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.89-90	When considering the safety of PRow users the applicant must include the provision of safe and suitable diversion routes noting that in many cases diversion will require users to divert onto narrow local roads with little if any footway provision or crossing points.	Through discussions with the Local Highway Authorities, it is understood that their preference is to avoid PRow closures where they are required for vehicles to cross the PRow, with the preferred method to be the use of marshals (banksman/banks person) to enable uses of the PRow to cross the point the closure is required. This is supported by the Applicant, however, the contractor will make the final decision as to whether marshals can be used, and this will be decided on a case-by-case basis based on health and safety of workers and users of the public rights of way. As such, the ES assesses temporary closures, rather than managed crossings, for the purpose of a robust assessment, i.e. a worst-case scenario. See paragraph 6.3.10 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004].
		The Councils are seeking a requirement for the applicant to agree with the appropriate LHA alternative diversionary routes for PRow proposed to be stopped up, and to agree appropriate signage and management. The Councils would be open to facilitating this by means of a highways side-agreement.	The Applicant is in the process of negotiating Heads of Terms in respect of highway matters. This relates to a proposed agreement which would provide set out the legal framework in respect of highways matters. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks.
Assessment: professional judgement	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.100	The Applicant has quoted IEMA rule 1; this applies to both total traffic and its HGV proportion and needs to be assessed for peak hour, the hour of greatest change and daily traffic flows. The Applicant should confirm that all these time periods were included within the assessment when determining the area of impact.	This is confirmed, and is set out within the Traffic and Transport Chapter of the Environmental Statement [APP-045]. The hours of greatest change are the development peak hours of 0600-0700 and 1900-2000 hours. HGV numbers and impacts are set out in terms of hourly and daily flows. The embedded mitigation in the F-CTMP/TP [REP03-004] will mean that staff and HGV travel will not occur during the network peak hours of 0800-0900 and 1700-1800.
HGV Deliveries	Deadline 3A Submission - ECDC, CCC, SCC and WSC	The application does not include sufficient information, for example sizes and construction of car parks, hard standings or haul roads to	The Applicant has responded to this in its response to the Local Impact Report [REP3-019], specifically at 13.50-13.51. It is noted that the Councils would not have had the benefit of being

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
	<i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.10.103-105a</i>	enable an independent assessment of the transport requirements for this project. In the absence of such data the application of robust controls, monitoring and enforcement, so that the assessed volumes of traffic are not exceeded, is of critical importance.	able to review this response at the time of drafting their joint comments on the Applicant's Responses to the Examining Authorities Questions 1 (ExQ1).
		The Councils remain concerned that it has not had adequate reassurance that peaks in daily HGV movements, such as for large concrete pours at specific locations, will not exceed those estimated by the applicant.	The Applicant has responded to this in its response to the Local Impact Report, specifically at 13.50-13.51. It is noted that the Councils would not have had the benefit of being able to review this response at the time of drafting their joint comments on the Applicant's Responses to the Examining Authorities Questions 1 (ExQ1).
		The Council are content with the assessed figures assuming that relevant controls, monitoring, enforcement and reporting is in place. The exact detail of this will need to be agreed. The Applicant needs to outline the reporting of this information to the relevant authorities to ensure compliance is evidenced.	This is noted. Chapters 7 and 8 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] set out the relevant controls, monitoring, enforcement and reporting, as requested. This has been updated at Deadline 3A to capture e.g. additional requests in the Local Impact Report acceptable to the Applicant .
Appendix A	Brief comments on the Transportation and Access Technical Note [REP2-041]	2.1.2 The Councils would like further clarification on this statement. It is assumed to mean that sensitivity of links was informed by the entirety of the link and not just the area shown on the figure?	This is confirmed. The sensitivity of links was informed by the characteristics of the entire link. The 200m illustrated in Figure 2-1 is for representation purposes.
		2.1.5 The Councils provided a summary email on our concerns around link sensitivity, which was provided to the Applicant on 17 October 2022; subsequently the Councils' LIR [REP1-024] also included a list of concerns around link sensitivity at ANNEX F. The Councils welcome these concerns being addressed.	SCC provided a table of links and proposed NMU and highway sensitivity classifications on 17/10/22. CCC has not provided a response to the Applicant at the time of writing. The Applicant has prepared a Link Sensitivity technical note in response to SCC's suggested link classifications which was provided as Appendix A to the Local Impact Report (LIR) response [REP1-024].



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		3.1.4, Table 3-1, 3.1.9 Comments regarding car share factors at comparator projects	<p>Discussions around the validity or achievability of car share occupancy parameters have been superseded by the Applicant agreeing to introduce a cap on staff vehicle numbers. This introduces a control measure to ensure that a greater level of vehicle numbers than that assessed will not occur.</p> <p>The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], to include a commitment to monitor total vehicle levels at the two main staff accesses, and introduce a cap in vehicle numbers calculated at the level of a 1.3 vehicle occupancy to ensure the maximum assessed level of vehicle trips is not exceeded – see paragraphs 7.2.37-7.2.38.</p>
		3.1.10 Without a firm commitment to provide a mini-bus, it should not form part of considerations of impacts.	<p>The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], to include a commitment to monitor total vehicle levels at the two main staff accesses, and introduce a cap in vehicle numbers calculated at the level of a 1.3 vehicle occupancy to ensure the maximum assessed level of vehicle trips is not exceeded. Capping based on vehicle numbers, rather than car occupancy, addresses the crux of the parameter for which control is sought, whilst enabling the Applicant to achieve this through other measures, such as the mini-bus which is set out in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004].</p>
		3.1.12/13 The councils do not agree that 1.33 car share factor is a worst case scenario as it is not based on evidence.	<p>The 1.33 car occupancy assumption is based on the lowest construction staff average vehicle occupancy and staff car driver mode share used for a number of DCO projects. As it is the lowest factor used for the whole range of DCO projects set out, it is clear that this represents a worst-case scenario. The DCO projects that this assumption has been based on is set out in Table 3-1 [REP2-041]. The lowest average staff vehicle</p>



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			<p>occupancy set out in Table 3-1 is 1.33 for the Hornsea Project Three Offshore Wind Farm.</p> <p>Since that technical note was submitted, the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] has been updated to include a commitment to monitor total vehicle levels at the two main staff accesses, and introduce a cap in vehicle numbers calculated at the level of a 1.3 vehicle occupancy to ensure the maximum assessed level of vehicle trips is not exceeded. This is set out in paragraph 7.2.37. .</p>
		Table 3.3 Whilst it is recognised that Table 3-3 indicate that there would be very limited change in the effect. This is based on the link sensitivity used within the assessment, which the Councils have not agreed to these sensitivities. It also has not informed any updated modelling assumptions including the Councils' concerns around the spreading of the construction traffic across the assessed peak hour. It would also be beneficial if the proportional changes were provided alongside this table to check for any uncertainty in the conclusions.	<p>SCC provided the Applicant with a table of links and proposed NMU and highway sensitivity classifications on 17/10/22. CCC has not provided a response to the Applicant at the time of writing. The Applicant has prepared a Link Sensitivity technical note in response to SCC's suggested link classifications which is provided as an Appendix to the Local Impact Report (LIR) response [REP1-024].</p> <p>The Applicant is happy to provide the additional information requested in this response by the LHAs.</p>
		3.1.16 The Councils are concerned about the dismissal of impacts, whilst we recognise that the relative change is limited it highlights the limitations of the assessment method that one impact is slight and the other moderate.	<p>The statement partially quoted about the duration of change is only part of the assessment. The full statement is '<i>the number of vehicles forecast on this link would increase from 144 to 165 in the AM (0600-0700) and PM (1900-2000) construction peaks. In absolute terms, this is a small increase, but it is magnified in percentage terms by being applied to a low baseline. This would also be temporary, occurring for a short amount of time, for one month, at the peak of the construction phase only. This is therefore not considered a significant adverse effect.</i>'</p> <p>It is clear from the full statement in 3.1.16, to which the Councils' comment refers, that the basis for the Applicant's</p>

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			conclusion is the low absolute number of vehicles, rather than the duration of change.
		3.1.17 The Councils disagree that it has been evidenced to be robust, as there is no monitoring data that shows this from similar projects. The Councils disagree that the 1.3 car share ratio is overly pessimistic for the same reasons. Without agreeing the assessment method, the link sensitivity and being provided with the proportional changes in traffic it is impossible for the Council to conclude that this would not change the effect.	The Applicant disagrees as it has presented substantial evidence on each of these points, including worst case scenarios of a 1.3 car share occupancy and construction tasks compressed into a five day week, rather than six. Furthermore, additional controls have been introduced to cap vehicle numbers in paragraph 7.2.37 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. A robust response has been provided to the Councils views on link sensitivity in the technical note [REP3-019] provided as an Appendix to the Local Impact Report (LIR) response.
		3.1.18 The Councils consider that a commitment to appropriate monitoring, controls, enforcement and reporting would ensure that this is the case.	Chapters 7 and 8 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004, REP3A-005] set out the relevant controls, monitoring, enforcement and reporting, as requested. This has been updated at Deadline 3A to reflect additional requests in the Local Impact Report acceptable to the Applicant.
		3.1.24 The Councils do not agree to Socioeconomic assessment of workforce origins and therefore the distribution of vehicle movements.	<p>The Applicant notes the comments made in the Socio-Economics Chapter of the Local Impact Report and directs the reader to the Applicant's Response to that section [REP3-019].</p> <p>The uncertainty is noted. The Local Authorities' position appears to be that there may be workers from outside the region. If some workers travel from further afield on a daily basis, these workers would use the Strategic Road Network to access the staff car parks on La Hogue Road and Elms Road, which would likely result in a lower proportion of staff using local roads.</p> <p>The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] to introduce a cap on vehicle numbers using each of the staff car parks, to provide a level of control against potential uncertainty. This</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			addresses potential mode share risks raised by the LHAs, and provides added certainty on the validity of conclusions.
		Table 4-3 to 4-5. Link Sensitivities not agreed so conclusions are not agreed. Request for survey data	As set out in our response to the LHA's comments on paragraph 2.1.5 of the Transportation Technical Note [REP2-041], to which this review relates, a robust response has been provided to the Councils' views on link sensitivity in the technical note provided as an Appendix to the Local Impact Report (LIR) response [REP1-024].  The Applicant will supply the raw survey data to the LHAs as has now been requested.
		4.1.16 These conclusions are based on an even split of development traffic across the hour, which is unlikely given the shift patterns. It is considered more likely that staff would arrive in the 30 to 15 minutes before the shift begins.	The modelling assessment and results presented use the Best Practice approach within the Junctions 9 modelling software of applying the "ODTAB" distribution of traffic throughout the hour. This means that the traffic flows for the hour are entered as "per hour" flows, but the software uses the "Normal distribution" to distribute traffic throughout the hour, creating a peak in traffic flows. Thus an even split of development traffic has not been applied to the model.  The Applicant has undertaken a sensitivity test, applying all development traffic in the period 0630-0700 hours to establish whether this would produce a greater peak in Ratio of Flow to Capacity (RFC) than the ODTAB method. The maximum RFC using the ODTAB method was 0.56, and the maximum RFC using the directly entered development flows in 0630-0700 method was 0.50. The maximum queue in both methods was 1 car. The model output files will be sent directly to the LHAs for their review.  This demonstrates that the conclusions presented in the modelling exercise are robust and valid.



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		4.1.9 The working hours are set out at paragraph 2.3.1 of [AS-302], but without monitoring, enforcement and reporting, the Council are concerned that different working hours could occur.	The working hours are secured under the draft DCO (with reference to the requirement relating to the Construction Environmental Management Plan [REP3-015]).  Chapter 7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] sets out the monitoring and reporting commitments for the development. This includes the commitment to the 07:00-19:00 working hours.
		4.1.20 The traffic flows are evidenced to be lower on the Saturday, but this implies that the proportional increase will be greater and therefore the magnitude of effect will be greater than the assessed hours.	The LHA's stated concern in meetings was where there would be a scenario where there is a high level of development traffic coinciding with a higher level of background traffic than has been assessed, resulting in a risk of congestion. This has been addressed within Chapter 4 of the Transportation Technical Note [REP2-041], to which this comment refers, and proven to not be the case.
		5.1.1 The LHA are grateful that the definition of HGV is confirmed to be those greater than 7.5 tonnes. For completeness we would ask that this definition is included in the OCTMP & TP. There appears to be an assumption in the assessment that no vehicles <7.5 tonnes other than minibuses will access any other location than the main site car parks. For clarity the applicant is asked to confirm this is the case and that all car and LGV movements have been considered for each link in the traffic assessment.	The Applicant confirms that all car and LGV movements have been considered for each link in the traffic assessment.
		Fig 5.1 The LHA still notes that there is a general reduction of HGV movements through the day as shown in Figure 5-1 it is agreed that this is not significant provided that the daily HGV movements are robustly controlled on the LHA network. As discussed elsewhere the due to the limited information available regarding quantities	The Applicant has responded to this in its response to the Local Impact Report [REP3-019], specifically at 13.50-13.51.



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		of materials required for the project the LHA still retains concerns regarding peaks in HGVs movements resulting from activities, such as large concrete pours.	
		5.1.2 Without evidence, this assumption is considered to include uncertainty. SCC's views are based on its experience on local road and development sites which do indicate a slight bias towards deliveries being focussed in the morning / early pm particularly for the larger planned activities. However, provided that there are robust controls on daily HGV movements this should not be a significant issue.	The Applicant has assessed multiple potential distributions at the request of the LHA and presented each outcome. This addresses the Council's concerns around uncertainty. It is noted in the following response that the Council welcomes the additional assessment and considers that the alternative profile would not materially affect conclusions. Please chapter 5 of the Technical Note: Traffic and Transportation [REP2-041].
		5.1.7 The Council welcomes the additional assessment and considers that the alternative profile would not materially affect conclusions.	This is noted.
		6.1.3 The absence of information regarding the internal site layout and the mini-buses is of concern to the Councils as they are unable to form a full picture of the cumulative traffic movements associated with the project, for example if minibuses movements on Elms Road travel against arriving shift workers or HGVs. While there is no objection in principle to haul roads and mini-bus routes crossing highways with suitable traffic management, the LHAs would seek approval of such arrangements as part of the CTMP (as per requirement 16). Indeed, it would support measures to use haul roads to internalise HGV movements. The duration that such temporary traffic management is present may exceed that shown in the programme for the discrete project elements	The Applicant has assessed a worst case scenario as it has not relied upon such measures. The LHAs will be able to approve the use of haul roads and minibus movements crossing the highway with suitable traffic management through Requirement 16 under the draft DCO.

Theme	Deadline and document ref	Summary of issue raised	Applicant's response																																																																							
		<p>accessed from specific locations (for example accesses D and H).</p> <p>6.1.4 Further clarity is sought on the estimation of mini-bus numbers and movements. Are the 59 no. minibuses spread across the project or focussed at either Sunnica West or Sunnica East? The peak construction in month 9 of 1,393 staff [APP2-022, 3.7.29] would, if all used minibuses for transport, require 100 minibuses at full capacity. It would be beneficial if the combination of minibuses and HGVs during the 0700 to 0800 peak hour could be shown by the Applicant to be a minimal impact.</p>	<p>The table below sets out the mini-bus movements for the peak construction month (month 9). The site accesses that have been identified as internal are located within a 400m radius of the main car park (five minute walk) and will therefore not require a mini-bus to reach that section of the site.</p> <table><tr><th>Site</th><th colspan="2">Access</th><th>Peak Daily Staff</th><th>Mini Bus</th><th>Internal / External</th></tr><tr><td rowspan="8">Sunnica East</td><td>A</td><td rowspan="3">Elms Road</td><td>93</td><td>0</td><td>Internal</td></tr><tr><td>B</td><td>0</td><td>0</td><td>Internal</td></tr><tr><td>C</td><td>92</td><td>0</td><td>Internal</td></tr><tr><td>D</td><td>Newmarket Road</td><td>0</td><td>0</td><td>External</td></tr><tr><td>E</td><td>Ferry Lane</td><td>292</td><td>21</td><td>External</td></tr><tr><td>F</td><td>Beck Road</td><td>0</td><td>0</td><td>External</td></tr><tr><td>H</td><td>Newmarket Road</td><td>129</td><td>9</td><td>External</td></tr><tr><td>I</td><td>Newmarket Road between A11 &amp; Golf Links Road</td><td>129</td><td>9</td><td>External</td></tr><tr><td rowspan="5">Sunnica West</td><td>A</td><td>La Hogue Road</td><td>197</td><td>0</td><td>Internal</td></tr><tr><td>B</td><td>Chippenham Road</td><td>196</td><td>0</td><td>Internal</td></tr><tr><td>E</td><td>Dane Hill Road</td><td>137</td><td>10</td><td>External</td></tr><tr><td>F</td><td>Fordham Road</td><td>66</td><td>5</td><td>External</td></tr><tr><td>G</td><td>Chippenham Road</td><td>66</td><td>5</td><td>External</td></tr></table>	Site	Access		Peak Daily Staff	Mini Bus	Internal / External	Sunnica East	A	Elms Road	93	0	Internal	B	0	0	Internal	C	92	0	Internal	D	Newmarket Road	0	0	External	E	Ferry Lane	292	21	External	F	Beck Road	0	0	External	H	Newmarket Road	129	9	External	I	Newmarket Road between A11 & Golf Links Road	129	9	External	Sunnica West	A	La Hogue Road	197	0	Internal	B	Chippenham Road	196	0	Internal	E	Dane Hill Road	137	10	External	F	Fordham Road	66	5	External	G	Chippenham Road	66	5	External
Site	Access		Peak Daily Staff	Mini Bus	Internal / External																																																																					
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	D	Newmarket Road	0	0	External																																																																					
	E	Ferry Lane	292	21	External																																																																					
	F	Beck Road	0	0	External																																																																					
	H	Newmarket Road	129	9	External																																																																					
	I	Newmarket Road between A11 & Golf Links Road	129	9	External																																																																					
Sunnica West	A	La Hogue Road	197	0	Internal																																																																					
	B	Chippenham Road	196	0	Internal																																																																					
	E	Dane Hill Road	137	10	External																																																																					
	F	Fordham Road	66	5	External																																																																					
	G	Chippenham Road	66	5	External																																																																					

Theme	Deadline and document ref	Summary of issue raised	Applicant's response					
			Total			1396	59	
		7.1.5 The Councils are concerned about the 474 right turn movements into access C, which will be affected by the 41 southbound movements and traffic signal control. Which may cause queues on Elms Road for a short period as shifts arrive. The area and surface of the car park is not known to the Councils, and so we cannot comment on how parking bays will be laid out to ensure the necessary capacity is obtained, although the Applicant advises this will be another matter addressed in the final CTMP & TP.	Any queues on Elms Road will be short term during the construction phase only and at times when there is very little traffic on the network, i.e. before 0700 hours.  The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] provides a commitment to deliver the required amount of parking.					
		7.1.8 The Councils would seek clarification on whether there will be a single Community Liaison Officer for the project or if multiple contractors are employed a number of Liaison Officers. We would also query whether the Officer(s) will be directly responsible to the Applicant. It would also be advisable to make the contact details more widely available than just a display board outside the site entrance (e.g. website or social media), which may be difficult to obtain.	There will be a main contractor with overall responsibility, and a CLO (see section 6 of the Construction Environmental Management Plan [REP3-015]), with overarching responsibility, although they may delegate some tasks to members of their team if appropriate. The contractual arrangement will be that the CLO's employer i.e. the main contractor, will be directly responsible to the Applicant. Contact details will be available online as well as on a display board.					
		7.1.10 As no information has been provided on the potential number of visitors other than it will be very few vehicles the Councils consider that access to the site should be monitored (and reported) between shifts to demonstrate that this is indeed the case and no unassessed impact occur due to such movements.	This is correct. It will be monitored and reported. This is established in Chapter 7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]					

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		8.1.2 The Councils would continue to query the potential for the two peaks to crossover and result in a greater traffic impact as set out in our LIR [REP1-024]. This reflects the need for adequate controls.	The Applicant has updated the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], to include a commitment to monitor total vehicle levels at the two main staff accesses, and introduce a cap in vehicle numbers calculated at the level of a 1.3 vehicle occupancy to ensure the maximum assessed level of vehicle trips is not exceeded. Capping based on vehicle numbers, rather than car occupancy, addresses the crux of the parameter for which control is sought, whilst enabling the Applicant to achieve this through other measures, such as the mini-bus which is set out in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. The established caps include the peaks for each individual access and the combined peak across the whole scheme, to ensure that the assessed level of traffic generation is not exceeded.
		8.1.4 It is noted that grid connection workers (max 5) will travel on the LHA network and have not been assessed.	It is correct that an immaterial number of grid connection workers have not been assessed. This is because the trip numbers are very small and will be dispersed away from the main site accesses.
		9.1.3 The Councils have reviewed PIC data for the A14/A142 Junction at Newmarket. Our conclusions are slightly different identifying: 4 collisions at the turn from the A142 to the A14 slip onto A14 westbound (17234739, 19811657, 19876580, 20970797). A common factor was A142 SB turning right into the A14 slip on traffic conflicting with that travelling north on the A142. In two cases these involved 2 wheel vehicles. 3 collisions where the slip off from the A14 westbound joins the A142 (182849999, 18318564, 20992319). All involved northbound vehicles on the A142, one impacting with a	It is best practice to assess the road safety record for the most recent five year period of data available to the public at the time of assessment, which is what has been used in the Transport Assessment [APP-117] and Transport and Access Chapter of the ES [APP-045]. Four of the seven collisions that have been quoted have been included in the road safety analysis presented in the Transport Assessment. Three collisions (19876580, 20970797, 20992319) have not been included in the assessment in the TA as they occurred outside of the five year period assessed. Nevertheless, there is no indication in the Councils quoting a different period of data collection that there is an underlying road safety issue for the movements that



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		<p>vehicle exiting the slip road, the other two being when vehicles stopped and were hit from behind or overtaken, the overtaking vehicle hitting a vehicle leaving the slip road. While such data is useful showing some general trends it may not represent the full picture being affected by the reduced traffic during the COVID pandemic and the long duration roadworks at this junction (2021/2).</p>	<p>would be undertaken by construction traffic related to the Scheme.</p> <p>In terms of the collisions that the Council have outlined, the Scheme will not be adding traffic to the turn from the A142 to the A14 slip onto A14 westbound. The collisions where a vehicle stopped and was hit from behind on the A142 are also not directly related to the assessment of the 'boomerang' movement, which is the Councils' stated concern. Thus, only two of the collisions referenced by the Councils over a five year period are related to movements which would be undertaken by construction traffic for the Scheme.</p> <p>The Applicant has therefore evidenced in the Transportation Technical Note [REP2-041] that the data does not show an inherent safety issue with movements to which the Sunnica development would add traffic.</p>
		<p>9.1.6 SCC can confirm that it has received the design for the improvements to the A14/A142 junction as mitigation for the Hatchfield Farm development and is working with National Highways to technically accept the design and secure roadspace for delivery. At this time no data has been agreed for commencement. Due to the uncertainties regarding the road safety at this junction in terms of data, impacts and delivery of third party mitigation the Councils propose that the FCTMP&amp;TP includes monitoring of road safety at the junction and a commitment to mitigation in the event that the Hatchfield Farm improvement scheme does not proceed or is significantly delayed and there is an increase in collisions during the Sunnica construction phase.</p>	<p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes a commitment to monitoring road safety as stated in the Applicant's response to 13.117-13.118 of the Local Impact report [REP3-019]. This will include at the A14/A142 Junction.</p> <p>The commitment includes undertaking robust data collection and a reporting mechanism to record collisions and near misses associated with construction traffic or on construction routes.</p> <p>If there is a pattern of incidents that is apparent from information collected then this will be reviewed in terms of understanding causality. Understanding the underlying cause of any road safety issues will inform the approach to their resolution. Where relevant, operational measures will be considered and introduced by the Applicant to reduce the likelihood of occurrence, e.g. driver training.</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>The Applicant will raise and discuss any apparent road safety issues with the LHA in their statutory role as being responsible for the safety of the highway network.</p> <p>However, the evidence is clear that the construction of the Scheme is not reliant on the delivery of the third party scheme and there should be no implication for the Scheme should this third party scheme be delayed or not delivered.</p>
		<p>11.1.4 The Councils welcome the provision of additional information. However, in the Councils' opinion the information requested is no greater than is usually asked for planning applications nor is it greater than that provided by other NSIP applicants. The key matter that the LHAs wish to address is that the accesses designs are safe and can be delivered without foreseeable constraints being identified following consent of this application. The Councils have requested that the access layout, including ant traffic management and visibility splays are provided for those that will remain in use for the operational phase. No data has been provided to quantify the likely use during the operational phase but some intensification is likely, particularly East Site Access A the primary site accesses and entrance to sub stations.</p>	<p>The Applicant's view on the level of information requested is set out in its response to the Local Impact Report [REP3-019]. The Applicant agrees that the level of information should be commensurate with that provided for an outline planning application, or other NSIPs.</p>
		<p>Appendix B Notwithstanding the issue with spreading the traffic impacts across the peak hour, as a drawing showing the junction geometries has not been provided; these cannot be verified, which means that the junction model cannot be approved. There is some concern for the use of a two lane approach to the junction and that both lanes have identical</p>	<p>The junction layout used in the Junctions 9 model is as the existing layout.</p> <p>Robust parameters have been used in order to provide a robust assessment of the junction operation with the construction staff traffic. The A11 slip road has a two lane approach to the junction and OS mapping has been used to measure the geometry of the junction.</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
		measurements. The provision of the survey data with traffic flow diagrams would also have been beneficial for reviewing the junction model outputs.	<p>Traffic flows are included within the model output file. These include the traffic flows set out in Annex C and Annex F of the Transport Assessment [APP-117]. A graphical representation will be sent by email.</p> <p>The Junctions 9 results are comprehensive and show a substantial level of spare capacity.</p>



## 2.10 Topic – Environment – Human Health

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Public Rights of Way (PRoW)	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.7.7	The ES has not assessed PROW as living community features within the landscape, and has not proposed any measures to enhance them.	<p>As noted by the Councils, there are few existing PRoW in the area and few which intersect the permanent parts of the Scheme. The integration of existing PRoW and new permissive routes to enhance public access to the countryside have been key considerations in the design of the Scheme, as set out in the Design and Access Statement <b>[APP-264]</b>. The visual impacts on users of PRoW are summarised in Chapter 10: Landscape and Visual Amenity of the ES <b>[APP-042]</b>. Offsets from PRoW are embedded into the Scheme design and planting is proposed where appropriate to provide visual screening whilst retaining the legibility of features on the skyline in longer views, such as landmarks and pine lines. An example is Bridleway W-257/007/0, which will run adjacent to the edge of ECO2, enhancing the setting of the route by providing extensive areas of native grassland and connecting with a new permissive route adjacent to Beck Road connecting with Isleham to the west.</p> <p>The PRoW network will be enhanced during operation of the Scheme through the introduction of permissive paths across the Site. The permissive paths are to be provided by the Applicant for the duration of the Scheme, in accordance with the provisions of Requirement 21 of the draft DCO <b>[REP2-012]</b>. The permissive paths are not intended to be a public highway, as they will be removed upon decommissioning in order for the land to be returned to landowners. Requirement 21 of the draft DCO <b>[REP2-012]</b> requires approval by the relevant planning authority (or authorities) of the details of the permissive paths, including their specification and maintenance regime, prior to their construction and requires the permissive paths to be made available for public use before the final commissioning of the phase of the aspect of the Scheme to which they relate.</p>

## 2.11 Topic – Environment – Ground Conditions

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Groundwater	Deadline 3A Submission - <i>ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1)</i> . Q1.11.29	<p>It is unclear where ground investigations to inform the detailed drainage strategy is in the DCO. We note Requirement 18 relates to ground conditions.</p> <p>It is important the latest climate change allowance is used. The Councils note the response and hydraulic model will be prepared for the BESS and Site Compound areas once design layouts are confirmed.</p>	<p>Requirement 12 provides that the detailed drainage strategy must be approved by the relevant authority prior to commencement of construction. Requirement 14 provides that the detailed Construction Environmental Management Plan (CEMP) must likewise be approved by the relevant authority (or authorities) prior to commencement and must be substantially in accordance with the Framework CEMP. The Framework CEMP provides for infiltration testing to be undertaken as part of the mitigation measures to address potential impacts on groundwater.</p> <p>The latest climate change allowances have been used in the Applicant's assessments, and have been incorporated into the FRA Addendum <b>[EN010106/APP/8.67]</b>, which is also being submitted at Deadline 4 .</p> <p>The Applicant notes the point regarding the response and hydraulic model. The detailed model will be prepared once design layouts are confirmed.</p>

## 2.12 Topic – Environment – Waste

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Hazardous Substances Consent	Deadline 2 Submission – ECDC Post Hearing Submission	Question of the need, or not, for hazardous substances consent. Invitation to the Applicant to provide further detail and a Position Statement to support either the current position that hazardous substances consent is not required, or to indicate that it is.	<p>NPS EN-1 sections 4.11 and 4.12 set out the requirements for Safety and Hazardous Substances respectively.</p> <p>Section 4.11.4 states: “Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. The IPC should be satisfied that an assessment has been done where required and that the Competent Authority has assessed that it meets the safety objectives described above.”</p> <p>Section 4.11.4 does not define exactly when such contact with the Competent Authority should occur, but it is clear that the HSE should be consulted with when it is understood that the development will be subject to The Control of Major Accident Hazards Regulations 2015 (COMAH) Regulations.</p> <p>Section 4.12.1 states “All establishments wishing to hold stocks of certain hazardous substances above a threshold need Hazardous Substances consent. Applicants should consult the HSE at pre-application stage if the project is likely to need hazardous substances consent. Where hazardous substances consent is applied for, the IPC will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent. The IPC should consult HSE about this.”</p> <p>Whilst Section 4.12.1 does state that “Applicants should consult the HSE at preapplication stage” this is only where it is known that the project will be likely to need Hazardous Substances Consent</p>
	Deadline 2 Submission – WSC Post Hearing Submission - ISH1		



Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>(HSC). Under the European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP), and the associated enabling legislation in the UK, batteries are classified as articles, rather than substances, and are therefore outside of the scope of the COMAH and Hazardous Substances Consent.</p> <p>On 12 July 2021 the Secretary of State for Work And pensions published the following response to a question on whether the exclusion of lithium-ion batteries for grid storage from the Control of Major Accident Hazards Regulations 2015 should be reviewed:</p> <p><i>"The Control of Major Accident Hazards Regulations 2015 (COMAH) apply to dangerous substances as classified by the Classification, Labelling and Packaging Regulations 2008. Lithium-ion batteries are considered to be articles, rather than substances, and are therefore outside of the scope of the COMAH.</i></p> <p><i>The Health and Safety Executive considers that the current regulatory framework is sufficient and suitably robust in relation to lithium-ion batteries and battery energy storage systems.</i></p> <p><i>Of particular relevance are the Dangerous Substances and Explosive Atmospheres Regulations which set minimum requirements for the protection of workers and others from fire and explosion risks; the Electricity at Work Regulations which require precautions to be taken against the risk of death or personal injury from electricity in work activities; and the Management of Health and Safety at Work Regulations which require risks to be assessed and appropriately managed. In addition, for large scale battery storage, there are statutory requirements to notify the Fire and Rescue Service to inform their emergency response planning."</i></p> <p>This therefore confirms the current position in England and Wales that COMAH and HSC do not apply to batteries as they are not defined as hazardous substances under CLP.</p> <p>COMAH and HSC both require that the foreseeable potential for dangerous substances to be generated by the site activities</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>(including in the event of incidents) should be considered when assessing whether a facility should be regulated as a COMAH establishment or requires HSC.</p> <p>However, the identification of foreseeable events and assessment of the nature of and quantity of hazardous substances generated can only be robustly undertaken once the following information is all available:</p> <ul style="list-style-type: none"> <li>• Fully developed plant design and layout;</li> <li>• Details on the size of each battery storage unit;</li> <li>• Defined battery technology;</li> <li>• Detailed understanding of the chemical composition of the battery units;</li> <li>• Detailed understanding of the mechanisms by which hazardous substances could be generated;</li> <li>• Detailed understanding of potential event scenarios that could lead to the potential generation of hazardous substances;</li> <li>• Understanding of separation distances between battery storage units and the potential for event propagation between units;</li> </ul> <p>This data can then be used as part of a robust risk assessment to provide an understanding of potential hazardous substances that could be generated under foreseeable conditions and the maximum quantities that could be produced under the worst case foreseeable event scenarios.</p> <p>The Scheme is still progressing through the design process, and as yet full detailed design has not yet been completed. As part of this design process, the specific battery technology for the Scheme has not yet been selected, and hence the battery chemistry is not yet defined. Hence it is not yet possible to undertake a robust</p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p>review of the potential for generation of hazardous substances which can then be used to assess whether COMAH or HSC apply, as stated within the Written Summary of Sunnica Limited's Oral Submissions at the Development Consent Order Issue Specific Hearing on 1 November 2022 [REP2-036].</p> <p>It is therefore proposed that the COMAH and HSC requirements will be reviewed in full at the appropriate point in the Scheme design process. The COMAH Competent Authority will be consulted regarding the adequacy of the risk assessments undertaken and asked to confirm the applicability of COMAH and HSC at the site.</p>



## 2.13 Topic – Environment – BESS – Fire Safety

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Fire Safety Management	Deadline 3A Submission – WSC comments on Applicant's revised draft Development Consent Order	<p><b>Schedule 2 (Requirement 7):</b> the council's agree that the county councils should be the discharging authorities.</p> <p>Query whether the Applicant is satisfied that the Health and Safety Executive has engaged sufficiently at this stage on the Outline Battery Fire Safety Management Plan (OBFSMP) and that it will be in a position to advise the county councils on the content of the final document.</p>	<p>The Applicant confirmed verbally that it would amend the DCO so that requirement 7 was discharged by the County Councils rather than the District Councils. This change has now been made to the DCO submitted at Deadline 4.</p> <p>It is anticipated that the fire services (Cambridge Fire and Rescue Service and Suffolk Fire and Rescue Service) and relevant planning authorities, including HSE, will be consulted during the preparation of the Battery Fire Safety Management Plan (BFSMP).</p> <p>The HSE would be contacted if any deviation from industry guidance is proposed during the Scheme, as noted in Table 6 of the Outline Battery Fire Safety Management Plan [REP2-032].</p> <p>Further consultations have not been carried out and are not necessary for this stage; it is intended these would happen during detailed design.</p>
	Deadline 3A – SCC comments on the Applicant's Schedule of Change to the draft DCO from Change Request application to Deadline 2.		
	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1)		
Life Safety Critical Zones	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.1.19	'Life safety critical zones' do not appear to be discussed in the original or revised OBFSMP. The Councils would appreciate clarification as to whether these zones have a defined geographical extent and if so an illustration of that extent and an explanation of how they have been determined.	The Applicant has submitted materials for Deadline 4 which cover the latest Firefighting tactics for BESS incidents drafted by UL, New York Fire Department and the International Association of Fire Chiefs. General exclusion zone protocols for BESS incident response are covered in these documents (Annex 3 – New Firefighting Tactics for BESS)

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Outline Battery Fire Safety Management Plan (OBFSMP)	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.5	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 OBFSMP should provide a robust framework for approval of detailed matters.	The Applicant considers the outline Battery Safety Management Plan [REP2-032] provides the framework referred to by the Councils. The Applicant will update the outline plan further if this is necessary during the course of the examination.
	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.23	The current OBFSMP does not contain an outline emergency response plan, but commits to producing one.  This should include Detailed information regarding the systems on site and emergency procedures in relation to these.	This is noted and the Applicant confirms the BFSMP will include these details. Briefing notes from the DCO hearing cover ERP content.  Due to time constraints at the DCO hearing there was not time to cover emergency response planning (ERP) issues for Sunnica. Examples of NFPA 855 and UK National Fire Chiefs Councils ERP content is listed in the hearing notes (Appendix 1). There is an expectation that templates will become more standardized during 2023-24, EPRI is producing a new template and there is a UL / ISO working group to develop a BESS first responder ISO standard. The Sunnica ERP drafted at the detailed design stage will integrate content referencing UK and International best practice. A required ERP content framework will be agreed with the FRS and relevant authorities before the detailed design stage and a template will be produced during an annual OBFSM update (2023 or 2024).
	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.29	Modelling should be completed by a competent fire engineer to understand the requirement at item 21 of Table 6 in the OBFSMP.	The Applicant has confirmed that BESS spacing will be validated at the detailed design stage through UL 9540A testing and / or 3 <sup>rd</sup> party fire & explosion testing, these results will be reviewed by an Independent Fire Protection Engineer.  In addition, at the detailed design stage the BESS enclosure should also integrate thermal barriers capable to provide a minimum of 1-2 hours protection as stipulated in NFPA 855 (2023).

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			The above matters are secured in the outline Battery Safety Management Plan [REP2-032]
	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.1.21	<p>Difficult to form a view on the OBFSMP as the appropriateness of any given measure is dependent on the specific technology and design of the BESS system.</p> <p>The County Councils can provide input on operational firefighting matters, but do not have the engineering expertise to provide input on many of the more technical aspects of BESS design.</p>	The application has assessed a parameters based approach to the BESS based on maximum parameters, which limit the environmental effects. These are secured via the Design Principles set out in the Design and Access Statement [REP3A-031] and OBFSMP [REP2-032]. The Applicant has not stipulated detailed specifications of the BESS as it is seeking to maintain flexibility until detailed design is complete. Therefore, detailed specifications for the BESS can be provided at this point. This approach is in line with PINS advice note (Advice Note Nine) on the Rochdale Envelope.

## 2.14 Topic – Environment – Noise

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Noise	Deadline 3A – ECDC <i>Comments on Draft DCO</i> Para. 14	<b>Schedule 2:</b> Request to amend Requirement 17(2) to: <i>“The design as described in the operational noise assessment must be implemented as approved and maintained throughout the construction, operation and decommissioning of the authorised development”</i> .	Impacts relating to decommissioning of the Scheme will be managed and appropriately mitigated through the Decommissioning Environmental Management Plan (DEMP). The Framework DEMP <b>[APP-125]</b> provides for noise monitoring to be undertaken throughout decommissioning, as well as the setting out of a scheme for the provision of monthly reporting information to local residents and for the monitoring of noise complaints and reporting for immediate investigation and action.



## 2.15 Topic – Environment – BESS

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Water drenching system	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.26	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 details need to be confirmed at detailed design stage by a qualified fire engineer.	<p>A qualified fire engineer will be involved with the detailed design of the BESS. Liaison will carry on with the council, Fire &amp; Rescue Services, and HSE with regards to the design.</p> <p>The safety measures in the outline Battery Fire Safety Management Plan <b>[REP2-032]</b> and the need for further liaison with the Fire &amp; Rescue Services and councils will be secured by Requirement 7 of the draft DCO <b>[REP2-012]</b>.</p>
Battery discharge	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.31	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>The BESS and control measures will be designed by a competent person. The team will include a BESS design engineer and qualified fire engineer.</p> <p>The outline Battery Fire Safety Management Plan <b>[REP2-032]</b> provides information on the protections measures proposed by the Applicant following discussions with the council, Fire &amp; Rescue Services, and HSE. A detailed Battery Fire Safety Management Plan which accords with the outline document referred to above is secured by Requirement 7 of the draft DCO <b>[REP2-012]</b>.</p>
Dissipation of residual charge	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.34	<p>Information on whether a residual charge can be safely dissipated to a remote location is essential to provide at detailed design stage.</p> <p>It would be beneficial to understand the design details of the system as soon as possible, so that response plans can be formulated appropriately.</p>	<p>Further information on safety measures, layout, appearance, and design will be shared with the council and Fire &amp; Rescue Services during detailed design, following receipt of any DCO.</p> <p>The Applicant provided a response on residual charge in the Applicant's Response to First Written Questions <b>[REP2-037]</b> (Q.1.32 and 1.1.33. This said:</p> <p><i>The Applicant considers that there may be a misunderstanding as to what item 30 of the outline Battery Fire Safety Management plan [APP-267] was saying. It has been redrafted in an updated plan submitted at</i></p>

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
			<p><i>Deadline 2 to make this clearer. Fundamentally, the reference to dissipation to a remote location was not referring to the discharge of the batteries to a remote location, rather the ability for the BESS to be controlled from a remote location.</i></p> <p><i>Many current BESS Supervisory Control and Data Acquisition (SCADA) systems are capable of discharging battery systems from remote locations. The precise SCADA capabilities and base for the remote facility will be selected by the BESS integrator chosen for the Sunnica project. However, to ensure the highest level of safety in accordance with NFPA 855 (2023) the ability to monitor data from a battery container will be possible from (a) a remote (24/7 facility) and (b) a local control room on the Sunnica site. In addition, there will be remote and local emergency electrical disconnect facilities integrated into the BESS system itself.</i></p>
Mitigation	Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.1.42	Evidence will need to be provided at detailed design stage that the chosen mitigation is suitable.	Further information on safety measures, layout, appearance, and design will be shared with the council and Fire & Rescue Services during detailed design, following the grant of the DCO. This will include demonstrating that the chosen mitigation is suitable and that the maximum design parameters in the Design and Access Statement [REP3A-032] are adhered to, and the significance of effects associated with the Scheme would be no worse than outlined in the ES.

## 2.16 Topic – Legal

Theme	Deadline and document ref	Summary of issue raised	Applicant's response
Disapplication of legislation	Deadline 2 Submission – <i>SCC Post Hearing Submission</i>	Asks the Applicant to give further thought to para 5.2.18 of the Explanatory Memorandum and, potentially, to broaden the scope of the statutory authorisations relied on.	The Applicant updated paragraph 5.2.18 in the Explanatory Memorandum and Article 6(3) of the draft DCO submitted at Deadline 2 following the discussion at ISH1 with the Councils on this point.
Requirements during the lifetime of the consent	Deadline 2 Submission – <i>ECDC Post Hearing Submission</i>	<p>ECDC suggests the following requirements should be maintained in force during the lifetime of the consent:</p> <ul style="list-style-type: none"> <li>• <b>Requirement 7</b> (Fire safety management)</li> <li>• <b>Requirement 8</b> (Landscape and Ecology Management plan)</li> <li>• <b>Requirement 16</b> (Construction traffic management plan)</li> <li>• <b>Requirement 17</b> (Operational noise)</li> <li>• <b>Requirement 20</b> (Skills, supply chain and employment)</li> </ul>	<p>The Applicant confirms that it updated requirement 7, requirement 8, requirement 17 and requirement 20 in the draft DCO submitted at Deadline 2 so that the plans secured pursuant to each requirement must be implemented as approved and maintained throughout operation of the authorised development.</p> <p>In general, impacts relating to decommissioning of the Scheme will be managed and appropriately mitigated through the Decommissioning Environmental Management Plan (DEMP) secured pursuant to requirement 22. However, the Applicant has updated requirement 20 in the draft DCO submitted at Deadline 4 so that the skills, supply chain and employment plan must be maintained during the carrying out decommissioning works.</p> <p>The Applicant has updated the draft DCO submitted at Deadline 4 so that the construction traffic management plan approved pursuant to requirement 16 must be maintained until the date of final commissioning. As this is a traffic management plan for the construction period only it would not be appropriate for it to be maintained during the operational period of the authorised development.</p>
Definition of 'maintain'	Deadline 2 Submission – <i>SCC response to ExA's Written Questions (ExQ1). Q1.5.8</i>	Definition too wide as it could result in the reconstruction and replacement of significant parts of the scheme without the need for any prior approval.	The Applicant has set out in its response to the ExA's First Written Question 1.5.8 [REP2-037] that it is satisfied that this definition of maintain is not too extensive and widely drawn. The definition has been drafted to directly reflect the nature and context of the authorised development, which will need to be properly



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	<p>Deadline 2 Submission – WSC's Post Hearing Submission</p> <p>Deadline 3A – ECDC Comments on Draft DCO Paras. 2-4</p>	<p>It is necessary to delete "reconstruct", "replace and improve" so that it reads: "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.</p> <p>While the possibility of a revised DCO provision was mooted at ISH1, WSC does not consider that the DCO requires amendment. Rather, the issue is a practical one and one which could be better addressed in one of the certified plans. There should be a specified threshold over which the local authorities should be notified in advance of any large-scale maintenance (which includes repair and replacement). WSC would welcome discussions with the Applicant on this point to agree</p>	<p>maintained, managed and protected throughout its operational lifetime. The drafting, therefore, reflects this operational period and likely framework of maintenance that will be required while enabling technological and practice advancement and improvements within identified environmental performance standards.</p> <p>Accordingly, the Applicant's view is that it would not be appropriate to set an upper limit on any works needed to reconstruct the authorised development, save for it doesn't include reconstruction of the whole authorised development, so that the Applicant can properly maintain the Scheme and it can continue to meet the identified need throughout its operational lifetime. In addition, Article 5 of the draft DCO only authorises maintenance to be carried out where there are no materially new or materially different environmental effects that have not been assessed in the environmental statement. Therefore, the definition of "maintain" already contains limits.</p> <p>The Applicant welcomes the WSC's acknowledgement that this is a practical point and that no amendments to the DCO to address its concern regarding the scope of the definition of the DCO. The Applicant is engaging with the Councils on suitable wording to include in the operational environmental management plan to address this concern and will update the Examination in due course.</p>
Definition of 'permitted preliminary works'	<p>Deadline 2 Submission – SCC response to ExA's Written Questions (ExQ1). Q1.5.9</p> <p>Deadline 2 Submission – SCC Post Hearing Submissions</p>	<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.</p> <p>WSC is also concerned that the reference to site clearance is unchecked and that unlimited amounts of vegetation could be removed to the</p>	<p>The Applicant set out in its response to the ExA's First Written Question 1.5.9 [REP2-037] that it has given careful consideration to the works comprised in the definition of "permitted preliminary works" and where in the draft DCO they would be undertaken without restriction.</p> <p>The Applicant has also updated the draft DCO at Deadline 2 following the discussions at the DCO hearing (ISH1) to make the following changes to address the concern raised by the Councils:</p>



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		<p>detriment of the landscape character of the area and with adverse impacts on ecology and biodiversity.</p> <p>SCC has proposed drafting amendments in relation to the demolition of buildings and existing structures.</p>	<ol style="list-style-type: none"> <li>1. Requirement 8 (Landscape and ecology management plan) – site clearance relating to vegetation removal of permitted preliminary works has been included in the remit of the Requirement in response to WSC's comments.</li> <li>2. Requirement 13 (Archaeology) – intrusive archaeological surveys of permitted preliminary works has been included in the remit of the Requirement.</li> <li>3. Requirement 14 (Construction environmental management plan) – above ground site preparation for temporary facilities and site clearance of permitted preliminary works have been included in the remit of the Requirement.</li> <li>4. An additional traffic management plan for permitted preliminary works has been included as a Requirement.</li> </ol> <p>The drafting amendments proposed by SCC in relation to the demolition of buildings and existing structures in paragraphs (a) and (g) have been made in the updated draft DCO submitted at Deadline 2 and at Deadline 4.</p> <p>The Applicant is satisfied that the amendments made to the draft DCO should address the Councils' concerns whilst also building in sufficient flexibility to allow the Applicant to deliver the Scheme in a timely way.</p>
Side Agreement with Local Highway Authority	Deadline 2 Submission – ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1) and CCC's Post Hearing SubmissionsQ1.5.24	<p><b>Article 13:</b> Concern that the Applicant could still pursue adoption of any highway works via s37 of the Highways Act as this is a risk for 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>Request that the Applicant adds the highway boundaries to the Rights of Way and Access</p>	The Applicant has responded to the Councils' comments in the Applicant's response to other party Deadline 2 First Written Question Submissions [REP3A-036].

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		Plans so that it is clear where there will be areas of highway that will remain unadopted.	
	<i>Deadline 2 Submission – SCC Post Hearing Submissions</i>	A side agreement will be needed to address SCC's highways concerns.  In default of such an agreement being concluded, SCC reserves the right to argue that Protective Provisions should be included within Schedule 12 of the DCO in relation to the protection of highways infrastructure.	The Applicant welcomes the Councils' willingness to enter into a side agreement. However, it also agrees that if a side agreement is not possible, then protective provisions should be included within Schedule 12 of the DCO in relation to the protection of highways infrastructure.
Access to Works	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.23	<b>Article 12:</b> Article 12 is captured by Schedule 13 of the draft DCO. The Councils consider 56 days is a reasonable and appropriate timeframe for determining consents etc. and requirements under the DCO.	The Applicant notes this comment and the change was made in the updated draft DCO submitted at Deadline 2.
Consent to transfer the benefit of the DCO	Deadline 3A Submission - ECDC, CCC, SCC and WSC Joint Comments on the Applicant's Responses to Examining Authority's Questions 1 (ExQ1). Q1.5.42	<b>Article 33:</b> In respect of the proposed amendment to sub-paragraph (6), should the reference to "fourteen working days" be to "fourteen days"?	The Applicant has changed paragraph (6) from fourteen working days to fourteen days in the draft DCO submitted at Deadline 4.
Electricity Generation	Deadline 3A – ECDC Comments on Draft DCO Para. 13	<b>Schedule 1, paragraph 2:</b> inconsistency between the Applicant's oral submission at the DCO Hearing that the scheme will be 500 MW Solar Farm and a 500 MW per hour battery connection, and the draft DCO which states "over 50 megawatts".	The description of authorised development in Schedule 1 of the draft DCO refers to the nationally significant infrastructure project (NSIP) comprising up to one generating station with a gross electrical output capacity of over 50 megawatts. This is the threshold under section 15 of the Planning Act 2008 for a generating station to automatically qualify as a NSIP that must be

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			<p>consented under the DCO regime. This is separate to the size of the Scheme, although the Scheme must be over 50 megawatts to be consented under the DCO regime.</p> <p>The Applicant has a grid connection offer from National Grid for a 500 megawatt connection.</p> <p>Following discussion at the hearings the Applicant has updated the description of Work No. 2 so that the energy storage facility is limited to a size of up to 500 megawatts at the point of grid connection in the draft DCO submitted at Deadline 4</p>
Protective provisions for the protection of Drainage Authorities	Deadline 3A Submission – CCC <i>comments on Applicant's revised draft Development Consent Order. Para 13-15.</i>	<b>Schedule 12, Part 8:</b> <ul style="list-style-type: none"> <li>(a) Increase notice period from 14 days to 28 days for the submission of plans.</li> <li>(b) Increase period to consider plans from 28 days to two months.</li> <li>(c) Indemnity wording to be added into paragraph 94.</li> </ul>	The Applicant is in discussions with Cambridgeshire County Council's legal team on the protective provisions for the benefit of the drainage authorities. The protective provisions in Schedule 12 of the Order will be updated in the draft DCO once both parties are agreed.
	Deadline 2 Submission – <i>SCC Post Hearing Submission 2 of 2</i>	SCC is concerned that the current language may allow for payments amounting to less than actual costs. The Applicant has committed to provide an explanation for the new drafting used. SCC would wish to see as a minimum that all its actual costs, charges, and expenses incurred are recovered, provided they were reasonably incurred. SCC considers that the Southampton to London Pipeline DCO provides a suitable precedent.	The Applicant confirm that it will update the paragraph 94 of Schedule 12 so that the undertaker must repay to the drainage authority all reasonable costs, charges and expenses which the drainage authority may reasonably incur in relation to sub-paragraphs (a) to (c). The Applicant intends to make this change when all comments on the drainage authority protective provisions are agreed.
SCC comments on Draft DCO	Deadline 3A – <i>SCC comments on the Applicant's Schedule of</i>	<b>Schedule 2 (Requirement 4):</b> SCC suggest the reference to "secretary of state" should be to "Secretary of State".	The Applicant confirms this change has been made in the updated draft DCO submitted at Deadline 4.

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	<i>Change to the draft DCO from Change Request application to Deadline 2.</i>	<p><b>Schedule 2 (Requirement 22):</b> suggests that "28 days" is used instead of "1 month"</p> <p><b>Schedule 13:</b> Regarding sub-paragraph (1)(a), considers 56 days is satisfactory, rather than 56 business days.</p> <p>SCC also welcomes the further discussions regarding the amount of fees to be included in paragraph 5.</p>	<p>The Applicant confirms this change has been made in the updated draft DCO submitted at Deadline 4.</p> <p>This comment is noted. The Applicant has included provision for fees for the discharge of certain requirements in Schedule 13 of the draft DCO that was submitted at Deadline 2. The Applicant is engaging with the Councils on the detail for the fee schedule and will update the draft DCO once this has been agreed.</p>
Statement of Common Ground	Deadline 3A Submission – ECDC, CCC, SCC and WSC <i>Joint Comments on Initial Statements of Common Ground</i>	The initial SoCG submitted by the Applicant reflects current discussions between the four councils and the Applicant, with a majority of matters being under discussion. The host authorities continue to engage with the Applicant to seek agreement where possible.	This comment is noted and the Applicant is continuing to engage with the Councils on the matters under discussion.



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Deemed consent	<p>Deadline 3A Submission – WSC <i>comments on Applicant's revised draft Development Consent Order</i></p> <p>Deadline 2 Submission – WSC <i>Post Hearing Submission - ISH1</i></p>	<p>Concerns around the inclusion of deemed consent.</p> <p>WSC objects to the approach in Schedule 13, paragraph 2(3) in relation to the deemed consent provision.</p>	<p>The Applicant notes the Councils' concern and has explained in earlier submissions the procedure for any consent, agreement or approval required or contemplated by the provisions of the Order in earlier submissions, including in response to Q1.5.50 in the Applicant's Response to the First Written Questions [REP2-037].</p> <p>Schedules similar to Schedule 13 have been used in various made orders and can be seen in similar form in DCOs such as Riverside Energy Park Order 2020, with the drafting in Schedule 13 having regard to Advice Note 15 (July 2018). The process is required in order to ensure that applications under the Order are dealt with efficiently so that the authorised development is not held up, and to provide greater certainty with regard to the time periods involved in discharging requirements. Deemed consent of applications is required for the same reason and ensures that the projects required to meet a national need will not be held up by the discharge of requirements.</p> <p>The Applicant has updated the time period for approvals to 56 days, which gives the local authorities a reasonable period of time to consider applications for consent, agreement or approval and sub-paragraph 2(d) permits the undertaker and relevant authority to agree an extension to that period if required. In any event, the Councils can refuse its consent, agreement or approval, or give its consent agreement or approval subject to reasonable conditions if it is not satisfied with the application.</p>
Temporary Use of Land	Deadline 3A – ECDC <i>Comments on Draft DCO Para. 12</i>	<b>Article 28:</b> ambiguity around how long the temporary use of land for maintaining the authorised development is likely to be for, with particular need for clarification of paragraph (11).	The definition of "maintenance period" is set out in paragraph (11) and means a period of five years beginning with the date of final commissioning of the phase of the authorised development for which temporary possession is required under the Article. This excludes landscaping works, for which "the maintenance period" is set out in the landscape and ecology management plan. This is in order that the undertaker can carry out the landscaping commitments set out in the landscape and ecology management plan, approved pursuant to requirement 8.

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			<p>The outline landscape environmental management plan [REP3-011] sets out the maintenance periods for the different landscaping works. Further detail on the maintenance time periods for these works will be included in the landscape environmental management plan approved pursuant to requirement 8 of the DCO.</p> <p>In any event, there are several limitations on the general power to temporarily use of land for maintaining the authorised development in paragraphs (3) to (8).</p>
Authority to survey and investigate the land	Deadline 3A – SCC <i>comments on the Applicant's Schedule of Change to the draft DCO from Change Request application to Deadline 2.</i> (xv)	<p><b>Article 17:</b> SCC suggest the inclusion of the following sub-paragraph after Article 17(4) –</p> <p><i>“Following completion of any survey, monitoring or investigation works the undertaker must remove all equipment, apparatus and welfare facilities placed on the land in connection with such survey, monitoring or investigations”.</i></p> <p>(This provision is preceded in other DCOs e.g. art.17(5) of the East Anglia TWO Offshore Wind Farm Order 2022).</p>	The Applicant confirms that this has been added as a new sub-paragraph (5) in the updated draft DCO submitted at Deadline 4.
Private Rights	Deadline 3A Submission - ECDC, CCC, SCC and WSC <i>Joint Comments on the Applicant's Responses to Examining Authority's Questions 1</i> (ExQ1). Q1.5.30	The Councils note there are examples of private rights articles in DCOs referring to the “compulsory acquisition of land” article of the relevant DCO e.g. East Anglia ONE North Offshore Wind Farm Order 2022 (art.21) and East Anglia TWO Offshore Wind Farm Order 2022 (art.21).	The Applicant notes this comment and has set out its response to this question in the Applicant's Response to the First Written Questions [REP2-037].