



SUNNICA ENERGY FARM

EN010106

8.15 Draft Statement of Common Ground with Natural England

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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(Examination Procedure) Rules 2010**

Sunnica Energy Farm

Draft Statement of Common Ground with Natural England

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1 Introduction

1.1 Purpose of this document

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

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

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Sunnica as the Applicant and (2) Natural England.
- 1.2.2 Sunnica is a Special Purpose Vehicle (SPV) incorporated in December 2013 to construct, operate, and decommission the Sunnica Energy Farm.
- 1.2.3 Natural England is an interested party to the Examination of the Application.
- 1.2.4 Collectively Sunnica and Natural England are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG:
- "Agreed" indicates where the issue has been resolved.
 - "Not Agreed" indicates a final position of the parties that is not agreed, and
 - "Under discussion" indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England's representations and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint interest in matters arising from the Scheme.

2 Record of Engagement

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

Table 1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
21.02.2019	Meeting with Natural England	Key topics included: <ul style="list-style-type: none">• Introduction to and overview of the Scheme• Introduction to the Sunnica team

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • The need for the Scheme • Site Selection process • Ecology designations • Approach to the Ecology impact assessment, including surveys • Programme
24.06.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust Bedfordshire, Cambridgeshire, Northamptonshire (BCN), East Cambridgeshire District Council (ECDC), Natural England, Cambridgeshire County Council (CCC), West Suffolk District Council (WSDC) and Suffolk County Council (SCC).	<p>Key topics included:</p> <ul style="list-style-type: none"> • Update from Sunnica on the changes to the Scheme since EIA Scoping • Summary of ecological baseline to date • Review and discussion of key ecological constraints and consideration of approaches for avoidance, mitigation and enhancement
04.12.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust BCN, ECDC, Natural England, CCC, WSDC and SCC.	<p>Key topics included:</p> <ul style="list-style-type: none"> • Feedback received during non-statutory consultation • Ecology surveys • Biodiversity net gain • Decommissioning • Details of lighting
11.02.2021	Email from Sunnica to Natural England	Email setting out key points to discuss regarding Stone Curlew abundance and distribution and the parameters to be used to define offsetting proposals.
08.03.2021	Telephone meeting with Natural England	<p>Call to discuss comments raised through consultation. Key topics:</p> <ul style="list-style-type: none"> • Functional linkages with the Breckland SPA • Nesting and foraging habitat for Stone Curlews • Basis of offsetting proposals and parameters to be followed.
26.03.2021	Ecology Workshop with Wildlife Trust BCN, RSPB, Natural England, Suffolk Wildlife Trust, WSDC, CCC, ECDC and SCC.	<p>Key topics included:</p> <ul style="list-style-type: none"> • Scheme update and programme • Overview of Stone Curlew population and distribution. • Provision of offsetting habitat for Stone Curlew. • Management of arable flora and creation of new habitats.
19.11.2021	Email from Sunnica to Natural England	Provision of draft HRA – version submitted to PINS for comment.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.11.2021	Email from Natural England	Confirmation of receipt of draft HRA – version submitted to PINS for comment.
04.05.2022	Meeting between Sunnica Ltd, RSPB, Natural England, Suffolk Wildlife Trust, Wildlife Trust BCN, CCC and WSDC	Sunnica Ecology Working Group meeting to discuss recent changes to the Scheme, ecology surveys, key DCO documents, key points raised in Relevant Representations, vision and ambitions for the Scheme, Stone Curlew, local impact reports and SoCGs.
13/07/2022	Meeting between Suffolk Wildlife Trust, RSPB, Wildlife Trust BCN (on behalf of ECDC), Natural England, CCC and WSDC	Ecology working group meeting in relation to aspects such as the change application, SoCGs, Biodiversity Net Gain, Green Infrastructure and arable flora.
10/10/2022	Meeting between Sunnica and Natural England.	Meeting covering queries related to soils and Agricultural Land Classification.
13/10/2022	Email from Natural England	Agricultural Land Classification queries provided by email.
14/10/2022	Email from Natural England	Comments provided on the draft SoCG.
20/10/2022	Email from Sunnica Ltd to Natural England	The Applicant's responses to Natural England's Relevant Representations were shared by email.
25/10/2022	Email from Sunnica Ltd to Natural England	Second draft of the SoCG shared with Natural England following comments on 14/10/2022.
10/11/2022	Emails between Sunnica Ltd and Natural England	Exchange of emails to agree wording of SoCG for deadline 2.
30/11/2022	Meeting between Sunnica and Natural England.	Review of progress on Statement of Common Ground.

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

3 Issues

3.1 Matters Agreed

3.1.1 **Table 2** below details the matters agreed with Natural England.

Table 2: Matters agreed

Topic	Sub-topic	Details of Matters Agreed
General	Legislation and Policy	<p>The parties agree that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme:</p> <ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-046]; • Noise in respect of ecological receptors [APP-043]; • Ecology and nature conservation [APP-040]; and • Effect interactions [APP-049].
	Study area definition and extents	<p>The parties agree that the study areas adopted by Sunnica within the following assessments reflect current best practice and standards:</p> <ul style="list-style-type: none"> • Noise in respect of ecological receptors [APP-043]; • Ecology and nature conservation [APP-040]; and • Effect interactions [APP-049]. <p>The geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.</p>
	Application of expert/ professional judgements	<p>The identification of likely significant effects on sensitive features and receptors has been informed by conformance to recognised good practice guidance, professional judgement and the views of relevant</p>

Topic	Sub-topic	Details of Matters Agreed
		<p>technical specialists, where necessary. The parties agree that the application of professional judgement by specialists within the following assessments is considered to be appropriate and robust:</p> <ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-046]; • Noise in respect of ecological receptors [APP-043]; • Ecology and nature conservation [APP-040]; and • Effect interactions [APP-049].
	Assessment assumptions and limitations	<p>The following assessments record the assumptions applied and the approaches taken by Sunnica to reduce any uncertainty resulting from any limitations encountered:</p> <ul style="list-style-type: none"> • Air quality in respect of ecological receptors [APP-046]; • Noise in respect of ecological receptors [APP-043]; • Ecology and nature conservation [APP-040]; and • Effect interactions [APP-049]. <p>It is considered by the parties that the assumptions adopted in these assessments are reasonable and appropriate and that the assessment is robust with the limitations taken into account.</p>
Baseline	Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors: Ecology and Nature Conservation and Air Quality	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders and presented and agreed at workshops and meetings outlined in Table 1.</p> <p>It is considered by the parties that the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in Chapter 14, Air quality assessment [APP-046] and Chapter 11, Noise and vibration [APP-43], Chapter 8, Ecology and nature conservation [APP-040]. The exception to this is the stone curlew surveys where Natural England have requested further information. More detail is given in our Written Representations submitted at Deadline 2 and has been provided in the meeting on 30 November 2022.</p>

Topic	Sub-topic	Details of Matters Agreed
Effect Interactions	Effect Interactions: Baseline data	<p>An assessment has been carried out of the likely significant cumulative effects of the Scheme on the environment resulting from the culmination of effects with other existing and/or approved developments and projects. The assessment has considered:</p> <ul style="list-style-type: none"> Existing completed projects. Approved but uncompleted projects. Ongoing activities. Plans or projects for which an application has been made and which are under consideration by consenting authorities; and plans and projects which are reasonably foreseeable. <p>Cumulative developments and projects were initially identified through a long list, with qualifying developments subsequently shortlisted for consideration in the assessment.</p> <p>It is considered by the parties that the approach to identifying other development projects, their shortlisting and subsequent inclusion in the cumulative effects assessment is robust and appropriate.</p>
	Effect Interactions: Assessment findings: Construction, operation and decommissioning effects	<p>The assessment has concluded that no significant adverse effects would arise on ecology and nature conservation, from the effects of the Scheme interacting cumulatively with other planned projects and developments.</p> <p>It is considered by the parties that the outcomes of the cumulative effects assessment in relation to development interactions are accurate with the exception of air quality, where Natural England has requested an in-combination assessment be carried out.</p>
Habitat Regulations Assessment	Stage 1 – Screening	<p>Natural England considers that the Report to Inform a Habitats Regulations Assessment has not correctly identified all potential Likely Significant Effects. During operation, physical displacement of stone curlew will continue to be an impact pathway for Likely Significant Effect and this should be reflected in the Habitats Regulations Assessment.</p> <p>The Applicant incorporated consideration on this matter in the updates to the HRA Report submitted at Deadline 3 [REP3-010] which demonstrate that operational disturbance will not create physical disturbance.</p> <p>The Applicant has agreed, verbally in the meeting 30 November 2022, that displacement during operation will occur (due to the presence of panels in arable fields, as assessed already for the construction phase) and that the wording in the HRA was unclear with respect to this. Natural England has advised that the wording in the HRA is updated to reflect this. No further mitigation</p>

Topic	Sub-topic	Details of Matters Agreed
		beyond that already proposed will be required. The parties agreed that the HRA would be updated further at a future Examination deadline.
	Stage 1 – Screening	The parties agree that the Stage 1 – Screening has identified all relevant sites, potential impact pathways and has taken into consideration all potential Likely Significant Effects.
	Assessment findings	It is agreed by the parties that the Scheme would have no adverse effect on the integrity of Chippenham Fen Ramsar site and Fenland SAC including in relation to impacts from hydrology and air quality.
	Impacts on aquatic invertebrates associated with Chippenham Fen Ramsar site and Fenland SAC	A Technical Note was provided at Deadline 2 [REP2-038] providing further information to support the conclusions of no adverse effects to aquatic invertebrates from PV panels, presented in the Habitats Regulations Assessment – Report to Inform an Appropriate Assessment [APP-092] . Additionally, the removal of the PV panels from West Site B [REP3A-037] means that Chippenham Fen Ramsar site and Fenland SAC and Snailwell Meadows SSSI are now all just over 1 km from the nearest solar arrays, ensuring that there is no functional link with respect to physical disturbance.
Sites designated for their biodiversity value	Nationally and locally designated sites	No impacts are predicted to nationally designated sites subject to appropriate mitigation measures (see Chapter 8: Ecology and Nature Conservation [APP-040]) including: Locally designated sites are retained and will not be impacted by the Scheme. Locally designated sites in the environs of the Scheme will benefit through habitat buffers and new ecological networks between these sites and the Scheme (see Outline Landscape and Ecology Management Plan (OLEMP) Appendix 10I of the Environmental Statement [APP-108]).
Protected species and habitats	Assessment of the impact on protected species and habitats	Chapter 8: Ecology and Nature Conservation [APP-040] assesses the impact of the Scheme on protected species and habitats. It concludes that no significant effects are likely on protected species (refer also to specific protected species report in the Environmental Statement appendices [APP-078 to APP-092]). With the exception of impacts to stone curlew which are being mitigated. Natural England considers that mitigation has been proposed within the development for other bird species as well as stone curlew, such as little ringed plover. Therefore, no significant effect has been found. Little Ringed Plover is an opportunistic nesting species, often utilising areas of temporarily disturbed ground. Within the Order limits the species was noted during the breeding season frequenting an area of recently disturbed ground near farm buildings and an agricultural reservoir, although successful breeding wasn't confirmed. The Scheme will retain the agricultural reservoirs,

Topic	Sub-topic	Details of Matters Agreed
		which are likely to provide foraging habitat around their margins and the creation of areas of disturbed ground for other species, <i>i.e.</i> Stone Curlew, will also provide potential nesting opportunities for Little Ringed Plover within the Order limits.
	Bat roost appraisal	<p>Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8J – Report on Surveys for Bats [APP-087] sets out the potential for bat roosts to be present within the Order limits.</p> <p>Based on the Scheme layout it is anticipated that impacts to potential roosts will be avoided.</p> <p>The removal of Options 1 and 2 of Burwell National Grid Substation Extension [REP3A-037] avoids the requirement for tree removal along Weir's Drove to facilitate a new access point. Consequently, no trees with bat roost suitability will be removed or otherwise disturbed. The changes would not require updates to the Habitats Regulations Assessment documentation, neither would a bat EPS licence be required as a consequence of the change.</p> <p>Pre-commencement surveys for bats will confirm whether or not the baseline assessment remains accurate. If required, a license would be applied for from Natural England.</p>
	Badger setts	<p>Chapter 8: Ecology and Nature Conservation [APP-040], Appendix 8K – Annex 8A – Results and Evaluation for the Badger Survey Report – CONFIDENTIAL [APP-089] and Appendix 8K – Annex 8B – Badger Mitigation Strategy – CONFIDENTIAL [APP-090] determined that no impacts to Badger setts are predicted as they are within buffered areas of the Scheme (<i>i.e.</i> hedgerows and woodlands). A re-survey will be undertaken prior to construction in case Badger setts are found within or close to the works areas and sett disturbance cannot be avoided.</p> <p>(As the latter two documents contain confidential information, they are only available on request to those who have a legitimate need to view it).</p> <p>The removal of Options 1 and 2 of Burwell National Grid Substation Extension [REP3A-037] results in there being no need to close a main Badger sett affected by Option 1. Whilst underground cabling may still be required through this location, the Badger sett will be avoided which will be secured through the Construction Environmental Management Plan which will be prepared during detailed design, should the Scheme gain consent.</p> <p>Each of the retained setts within the Scheme will have an appropriate exclusion zone of 30m around the sett to prevent disturbance and accidental damage.</p>

Topic	Sub-topic	Details of Matters Agreed
		Pre-commencement surveys for badgers will confirm whether or not the baseline assessment remains accurate. If required, a license would be applied for from Natural England.
	Otter and Water Vole	Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8L – Report on Surveys for Riparian Mammals [APP-091] describe that no evidence of Water Vole or Otter has been identified in any area that would be affected by the Scheme. Potential impacts on both species have been considered in the ES and are demonstrated to be not significant.
	Wintering and breeding birds	The impact of the Scheme on wintering and breeding birds has been considered in the Chapter 8: Ecology and Nature Conservation [APP-040] , Appendix 8H – Wintering Bird Survey Report [APP-084] and Appendix 8I – Report on Surveys for Breeding Birds [APP-085] .
	Great Crested Newt	Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8F – Great Crested Newt Survey Report [APP-082] present information on Great Crested Newt. Great Crested Newt was not recorded within any of the waterbodies or watercourses surveyed within the Order limits during the Great Crested Newt surveys. However, a positive Great Crested Newt eDNA sample was recorded from one waterbody, approximately 150m from the Sunnica East Site B. This will not be impacted by the Scheme and any potential loss of associated terrestrial habitat is assessed in this ES.
	Terrestrial macroinvertebrates	Construction activities will likely result in the direct loss of habitats used by notable terrestrial macroinvertebrate species and assemblages, in particular approximately 0.8ha of acid grassland supporting an important assemblage of ‘brecks’ invertebrates, with a number of rare species. Land has been embedded within the Scheme for creation of replacement habitats suitable for these species but will take time to develop and there is likely to be a temporary and short-term adverse effect on some species. However, significant areas of habitat will be retained and their quality improved (through positive management and reinforced planting), which will mitigate in the short-term for habitat loss and whilst mitigation areas develop. There are no pathways (e.g. habitat loss, disturbance of habitats or pollution), during operation of the Scheme which could affect terrestrial macroinvertebrates. Where there is a change of land use from low value habitats (such as intensively managed arable) to grassland habitat, or where habitats are newly created, then these areas are likely to be of benefit to terrestrial invertebrates. Please refer to

Topic	Sub-topic	Details of Matters Agreed
		Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8D – Terrestrial Invertebrate Survey Report [APP-080] .
	Aquatic macroinvertebrates	<p>The majority of waterbodies present within the Order limits, e.g. agricultural drainage ditches and storage reservoirs, are of no more than Local importance. However, Lee Brook, the River Kennett, River Snail, New River; Catchwater Drain; and Burwell Lode support notable aquatic macroinvertebrate species and assemblages of up to County Importance. There are no pathways (e.g. habitat loss, disturbance or pollution) during operation of the Scheme which could affect aquatic macroinvertebrates, see Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8E – Aquatic Scoping and Ditch Surveys [APP-081]. Taking a precautionary approach, for those aquatic habitats which do have a barrier between the water and solar arrays, planting will be used to ensure that aquatic insects are not able to be attracted to the solar panels.</p> <p>All waterbodies present within the Order limits will be retained and measures embedded within the Scheme will protect these habitats during construction. There will be no direct loss of standing water habitat and no direct impacts to macroinvertebrates. During construction, there is the potential that preparation and construction of the Scheme will result in dust and other pollutants that may impact waterbodies through surface water run-off. Implementation of standard environmental protection measures during construction, such as dust suppression and pollution prevention, will be adopted and these measures will be formalised into a CEMP.</p> <p>A review of the impact of the Scheme on aquatic invertebrates has been submitted at Deadline 2 [REP2-038].</p>
Climate change	Species selection and habitat management	Species selection for planting will take into account the changes in climate. The management of the site will be monitored (e.g. grassland habitat monitoring) and where required the management adapted to maintain the ecological network of habitats for the long-term. The OLEMP sets out proposals for monitoring and maintenance see Appendix 10I of the Environmental Statement [APP-108] .
Agricultural land use and Soils	Allowance for Irrigation in ALC Assessment.	It is agreed by the parties that an assessment of ALC grade should not lessen a soil droughtiness limitation to grade where irrigation water can be applied to crops. In cases where existing MAFF ALC survey work between 1988 and 1997 originally applied such an allowance for irrigation, that ALC grading of drought limited land should be reviewed without irrigation.
Agricultural land use and soils	Loss of Best and Most Versatile	It is agreed by the parties that the Scheme is unlikely to lead to significant permanent loss of BMV agricultural land, on the basis that:

Topic	Sub-topic	Details of Matters Agreed
	(BMV) agricultural land	<ul style="list-style-type: none"> the development has a maximum operational life of 40 years; the land is returned to agricultural use of the baseline ALC Grade at the end of this period at the end of this period; low disturbance methods will be used to install the photovoltaic panels (see Section 3.6 of Chapter 3: Scheme Description of the Environmental Statement [APP-035]) meaning that the scheme will have minimal impacts to soil quality; the Framework CEMP [APP-123] provides that the detailed CEMP will need to include a soil management plan a decommissioning and re-instatement plan is prepared and submitted prior to the panels being removed; and a Framework Decommissioning Environmental Management Plan (DEMP) has been submitted with the DCO Application in Appendix 16E of the Environmental Statement [APP-125] which outlines the management of soil during decommissioning.
Assessment findings	Presentation of results and assessment findings: Construction, operation and decommissioning effects: Ecology and Nature Conservation	<p>The following application documents present the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operation and decommissioning phases of the Scheme:</p> <ul style="list-style-type: none"> Noise in respect of ecological receptors [APP-043]; Ecology and nature conservation [APP-040]; Soils [APP-044]; and Effect interactions [APP-049]. <p>It is considered by the parties that these assessments have identified the adverse and beneficial effects that would potentially result from construction, operation and decommissioning of the Scheme; and that the parties agree, with implementation of the defined mitigation. None of these would result in significant residual effects.</p>

Topic	Sub-topic	Details of Matters Agreed
Mitigation	Ecology and Nature Conservation	<p>Further clarification is also sought on which areas are stone curlew mitigation and which are archaeological mitigation areas. If they are considered to be in the same area, confirmation is sought that the required management of the land can still be carried out without harming archeological interests.</p> <p>Further detail on these areas is shown on the Environmental Masterplan figures [REP3-022] submitted at Deadline 3. The Offsetting Habitat Provision for Stone-curlew Specification [APP-258] submitted with the DCO application sets out the measures to applied to creating Stone Curlew offsetting habitats within areas also containing sensitive buried archaeology. These were agreed in consultation with the relevant archaeological consultees. As there will be no below ground disturbance greater than undertaken under present conditions either during vegetation establishment or maintenance, there are no conflicts between the management of the Stone Curlew habitat, in particular the Stone Curlew plots, and the archaeological areas, where the archaeology is proposed to be left <i>in situ</i>.</p> <p>The Offsetting Habitat Provision for Stone-Curlew Specification [APP-258] will be updated at a future Examination deadline.</p>
		<p>It is considered by the parties that:</p> <ul style="list-style-type: none"> the embedded mitigation measures mentioned in Chapter 8: Ecology and Nature Conservation [APP-040] and Chapter 14, Air quality [APP-046] and secured in the below documents the essential mitigation measures set out in the Outline Landscape and Ecology Management Plan [APP-108], Framework Construction Environmental Management Plan (CEMP) [APP-123], Framework Operation Environmental Management Plan (OEMP) [APP-126] and Framework Decommissioning Environmental Management Plan (DEMP) [APP-125] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme. The exception to this is the stone curlew offsetting land which is still under discussion.</p>
Lighting	Lighting strategy for the Scheme	<p>The Applicant will provide an appropriate lighting strategy aligned with Bat Conservation Trust guidance as far as reasonably practicable at detailed design, should consent be given. This will ensure impacts to bats and other sensitive species are minimized as far as possible and this will be included in the construction, operational and decommissioning environmental management plans.</p>

Topic	Sub-topic	Details of Matters Agreed
		This is secured in the Framework CEMP and Framework OEMP and will be detailed in and delivered through the final CEMP, OEMP and DEMP post consent. The Framework CEMP [REP3-016] and Framework OEMP [REP2-031] include these commitments.

3.2 Matters Under Discussion

3.2.1 **Table 3** below details the matters under discussion with Natural England.

Table 3: Matters under discussion

Topic	Sub-topic	Details of Matters Under Discussion
Biodiversity Net Gain (BNG)	BNG Calculations and Assessment	An updated calculation of Biodiversity Net Gain is to be provided to Natural England by the Applicant, using the latest Biodiversity Net Gain metric 3.1, and will then be submitted to Examination.
Habitat Regulations Assessment	Measures to offset impacts to Stone-curlew, a qualifying species of Breckland SPA.	<p>The assessment of the impacts on Stone-curlew occurring outside the Breckland SPA is presented in Chapter 8: Ecology and Nature Conservation of the Environmental Statement [APP-040] and Section 5.3 of the Habitats Regulations Assessment – Report to Inform an Appropriate Assessment [APP-092]. The Applicant will continue to discuss the details of the Landscape and Ecology Management Plan of the Environmental Statement [APP-108] and the Offsetting Habitat Provision for Stone-curlew Specification [APP-258] with Natural England and RSPB to reach agreement on their content and development.</p> <p>Natural England is not yet satisfied that that the proposed offsetting land is sufficient to rule out impacts to stone curlew. This is partly due to shorter survey times in 2020 and 2021 and no further assessment of the available habitat, as well as limited information on the management of offsetting land. It also has concerns over the proposed monitoring. Natural England advises that stone curlew monitoring on the offsetting land should be carried out annually for the lifetime of the development.</p> <p>The Applicant has provided further responses to surveys in the ExA First Written Questions responses and will seek to resolve this matter by submission of further information to NE, including a figure showing crop types/land use within the survey area.</p> <p>Nesting habitat was assessed on the basis of suitable bare ground areas being present at the beginning of the breeding season and then monitored throughout the spring. Away from the few specific nesting plots provided by farmers in arable fields this was determined by the presence and distribution of suitable crops, e.g. spring grown cereal crops. After the first year of surveys in 2019, and supported by RSPB data, the small numbers of Stone Curlew were found to be focussed on the areas identified by the Applicant and these areas were subject to follow up surveys in 2020 and 2021. As the number of pairs and the somewhat fluid distribution was consistent across the survey years and there was no reason to</p>

Topic	Sub-topic	Details of Matters Under Discussion
		<p>suggest that significant numbers of Stone Curlew were present outside the areas surveyed. The Applicant agreed to provide mapping to show the crop types/land use within the Order limits.</p> <p>Stone Curlew monitoring on the offsetting land will be carried out annually for the lifetime of the development. Provision in this regard has been added to the OEMP submitted by the Applicant at Deadline 2 [REP2-031].</p> <p>The HRA will be updated further at a future Examination deadline.</p>
Assessment findings	Presentation of results and assessment findings: Construction, operation and decommissioning effects: Ecology and Nature Conservation and Air Quality	<p>Chapter 14: Air Quality of the Environmental Statement [APP-046] presents the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operation and decommissioning phases of the Scheme.</p> <p>In our Relevant Representations and further correspondence with the Applicant, Natural England have requested further information with respect to the air quality assessment, specifically Breckland SAC, Devil's Dyke SAC and Rex Graham Reserve SAC. This has not currently been provided and so Natural England are unable to agree to this at the current time. Natural England has requested an in-combination air quality assessment be carried out in respect to these sites.</p> <p>The Applicant has used the air quality data gathered for the Scheme as a whole [Chapter 14 Air quality [APP-046]] to make an in-combination air quality assessment with respect to these sites – it is this which is considered in the HRA material submitted to date.</p>
Agricultural land use and soils	Inadequate Agricultural Land Classification (ALC) survey methodology	<p>Natural England has requested further clarification on the soil survey methodology which was provided in a meeting dated 10 October 2022 and considers that if the additional information is included within the report, it will provide sufficient clarification.</p> <p>The Applicant's position is that the ALC survey method is robust and would like to discuss the approach taken on the area surveyed by Reading Agricultural Consultants (RAC). The Applicants position is outlined below.</p> <p>The land surveyed by RAC, has a survey density of approximately one sample point per two hectares, and was deemed appropriate for assessing the (permitted) minerals site application, and identifying soil units for stripping and restoration.</p> <p>The area of overlap for the RAC survey inside the Sunnica site is small. Surrounding survey work both inside and outside the Order limits shows consistent ALC Grade 4 land. Confidence in the absence of any best and most versatile land is adequately provided by</p>

Topic	Sub-topic	Details of Matters Under Discussion
		<p>the existing RAC plan and it is considered that no additional survey work is required. Resurvey to bring the RAC survey area within Sunnica site up to a density of one sample point per hectare would require one additional sample point.</p> <p>A technical note will be prepared at Examination Deadline 4 to respond to Natural England's concerns on the ALC information.</p>
	Incomplete ALC survey data	<p>Natural England have identified possible discrepancies in the ALC data.</p> <p>The Applicants position is the ALC survey data is robust and would like to discuss the approach taken along the cable corridor. The Applicants position is outlined below.</p> <p>An intrusive ALC assessment cannot easily be conducted on land not optioned to the developer; access is required to survey land. The cable route will not entail occupation of land for the duration of the development as with the solar farm. It can resume any current agricultural use immediately following installation of the cable. Soils on the cable will be managed as part of the Soil Management Plan (SMP), to be approved as part of the CEMP. This survey work will be appropriate to the narrow corridor of the cable route rather than the 100m grid spacing of a detailed ALC survey.</p> <p>A technical note will be prepared at Examination Deadline 4 to respond to Natural England's concerns on the ALC information.</p>
Soil Management	Inadequate consideration of soil stripping, movement, storage and reuse	<p>Natural England has commented on the contradiction, between chapters of the Environmental Statement, in the extent of soil disturbance. Natural England maintains the position that clarification should be provided within the SMP on the extent of soil movement, storage and reuse across the site.</p> <p>Natural England requires further information on the methods proposed to create chalk grassland with further justification on the efficacy of this approach.</p> <p>The Applicants position on soil management is robust and is being discussed with Natural England.</p> <p>All soil handling will be subject to a SMP that will form part of the CEMP. A Framework CEMP is included in Appendix 16C of the Environmental Statement [APP-123] which sets out what the underlying principles of this plan would be.</p> <p>An Outline Landscape and Ecology Management Plan (OLEMP) is provided in Appendix 10I of the Environmental Statement [APP-108]. This outlines the management of soil and</p>

Topic	Sub-topic	Details of Matters Under Discussion
		<p>habitat during operation of the Scheme to manage and mitigate any potential environmental impacts.</p> <p>The Framework DEMP [REP2-028] includes the following mitigation measures for decommissioning:</p> <ul style="list-style-type: none"> • Agricultural soils will be managed, preserved, retained and reinstated in accordance with Department for Environment, Food and Rural Affairs (Defra) guidance. Key mitigation measures from this guidance will be included in the DEMP. • The DEMP will include its own SMP, providing guidance on handling of soil material, specific to the soil resource present. <p>This will ensure that soils are suitably managed during decommissioning and all infrastructure removed from the land to ensure that no effects on agricultural practices and land use occur following decommissioning.</p>
Landscape and Ecology Management Plan	Habitat creation	<p>Sunnica will continue to discuss and agree details of habitat creation and establishment methods, and long-term management with the parties and any necessary amendments to the OLEMP (Appendix 10I of the Environmental Statement [APP-108]). Natural England will continue to be consulted with regard to the Outline LEMP [APP-108] in order to reach agreement of the details contained within and the DCO. This was updated at Deadline 3 [REP3-012]].</p>

3.3 Matters Not Agreed

3.3.1 **Table 4** below details the matters not agreed with Natural England.

Table 4: Matters not agreed

Topic	Sub-topic	Details of Matters Not Agreed
None	None	None