

Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 5 January 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - **ExQ2**. If necessary, the Examination Timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 28 June 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates to which Interested Parties (IPs) and other persons each question is directed. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating why the question is not relevant to them. This does not preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to that person's interests.

For example, the first question on air quality and human health issues has the unique reference number Q2.1.1. When answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: Please contact sunnica@planninginspectorate.gov.uk.

As all parties will be aware, a further change request is due to be submitted by the Applicant at Deadline 5, Friday 13 January 2023. Some of these questions may therefore in due course be superseded if the change is accepted into the Examination. If you think that this may be the case when responding to a question, please explain how the proposed change affects your response.

Responses are due by Deadline 5, Friday 13 January 2023.



Abbreviations used:

PA2008	The Planning Act 2008	ExA	Examining Authority
AC	Alternating Current	LEMP	Landscape and Ecology Management Plan
ADR	Alternative Dispute Resolution	LIR	Local Impact Report
Art	Article	LHA	Local Highway Authority
ALA 1981	Acquisition of Land Act 1981	LPA	Local Planning Authority
ALC	Agricultural Land Classification	LVIA	Landscape and Visual Impact Assessment
AP	Affected Person	MoD	Ministry of Defence
BESS	Battery Energy Storage System	NE	Natural England
BoR	Book of Reference	NGESO	National Grid Electricity System Operator
CA	Compulsory Acquisition	NGET	National Grid Electricity Transmission plc
CCC	Cambridgeshire County Council	NMU	Non-motorised user
CEA	Cumulative Effects Assessment	NPPF	National Planning Policy Framework
CPO	Compulsory Purchase Order	NPS	National Policy Statement
CEMP	Construction Environment Management Plan	NSIP	Nationally Significant Infrastructure Project
CTMP and TP	Construction Traffic Management Plan and Travel Plan	PHE	Public Health England
DC	Direct Current	PRN	Primary Route Network
dDCO	draft Development Consent Order	PRoW	Public Right of Way
DCO	Development Consent Order	PSED	Public Sector Equality Duty
EC	East Cambridgeshire District Council	R	Requirement



EIA	Environmental Impact Assessment	RPG	Registered Park and Garden
EM	Explanatory Memorandum	SAC	Special Area of Conservation
EN-1	Overarching National Policy Statement for Energy	SCC	Suffolk County Council
ES	Environmental Statement	SI	Statutory Instrument
FPRF	United States Fire Protection Research Foundation	SoS	Secretary of State
FRA	Flood Risk Assessment	SPA	Special Protection Area
GLVIA	Guidelines for Landscape and Visual Impact Assessment	SuDS	Sustainable drainage system
HRA	Habitats Regulations Assessment	TP	Temporary Possession
		WSC	West Suffolk Council

The Examination Library

References in these questions set out in brackets, eg [APP-010], are to documents catalogued in the Examination Library. The Examination Library will be updated as the examination progresses and can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-002090-Sunnica%20Energy%20Farm%20Examination%20Library.pdf>



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ExQ2	Question to:	Question:
2.0	Principle and Nature of the Development	
Q2.0.1	The Applicant	<p>Community benefit</p> <p>Why has the Applicant not designed the proposed development to incorporate benefits to the local community by way of reduced energy costs?</p>
Q2.0.2	The Applicant	<p>Temporary development</p> <p>With reference to the D4 submission of Mr Munro [REP4-076] please comment on the “relevant points” in the last column of Appendix D with respect to the treatment of solar energy proposed developments as temporary or permanent in nature.</p>
Q2.0.3	Mr Munro	<p>Relevant planning decisions and appeals</p> <p>With reference to your D4 submission, Summary of relevant planning decisions and appeals [REP4-076], hyperlinks to decisions are not acceptable: please submit the copies of the decision letters in full.</p>
Q2.0.4	Mr Harvey	<p>Land use strategy</p> <p>In your submission made at D4 [REP4-114] you refer to a debate in the House of Commons on land use strategy/large solar developments. Please provide a copy.</p>
Q2.0.5	The Applicant	<p>Electricity generation and food production</p> <ul style="list-style-type: none"> • Where in the Application is the Applicant’s best estimate and explanation of the likely output of the amount of electricity this scheme will realistically generate above the minimum 50MW capacity for its classification as an NSIP? • Is the margin of output over the minimum 50MW capacity, that may substantiated by robust evidence as likely to obtain during its operation, a relevant consideration to weigh against the loss, for the duration of 40 years, of food production in the arable fields proposed to be developed?
Q2.0.6	The Applicant	<p>NPS EN1</p> <p>Paragraph 5.9.21 of NPS-EN1 notes that ...”<i>reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in</i></p>

ExQ2	Question to:	Question:
		<p><i>function. In these circumstances, the IPC may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.”</i></p> <p>SCC comments in its D4 submissions concerning ISH3 [REP4-125] that whether certain parts of the scheme can be removed without making the overall scheme unviable is a ‘fact-sensitive’ question, but solar photovoltaic generation projects are inherently modular and each part of the site provides a proportional contribution to the overall benefit; a reduction in site area results in a proportional reduction in electricity generation. However, landscape impact is not generated evenly across the site, so removal of portions of a scheme (even considerable portions) can create landscape benefits which are disproportionately great compared to the loss of generation.</p> <p>Does the Applicant agree and if not, why not?</p>
Q2.0.7	The Applicant	<p>NPS EN-1</p> <p>How would a loss of function, and/or any established realistic increase over the minimum threshold of 50MW capacity, be weighed against landscape benefits to be created by removal of panels on the parcels as proposed by SCC and CCC?</p>
Q2.0.8	The Applicant	<p>Land parcels E12, E13, E05</p> <p>Does the Applicant agree with SCC in its D4 post hearing submission on ISH3 [REP4-125] that there would be no procedural difficulty in the removal of parcels E12, E13 and E05 from the development in the event that the ExA recommended their removal within its preferred DCO?</p>
Q2.0.9	SCC	<p>Land parcels E12, E13, E05</p> <p>If the ExA were to recommend that parcels E12, E13 and E05 should remain, please identify the extent of the PV solar panels in those parcels that would effectively mitigate impacts.</p>
Q2.0.10	SCC	<p>Rights of way</p> <p>What rights of way improvements are proposed as an offsetting measure if avoidance or mitigation were not possible?</p>
Q2.0.11	The Applicant	<p>Landscape</p> <p>In order for the scheme to become acceptable in landscape terms, the county councils consider it necessary to remove further parcels (in Suffolk E12, in Cambridgeshire W03 to W12, and the balance of E05) (see SCC D4 post ISH2 submission [REP4-124]).</p>

ExQ2	Question to:	Question:
		How if at all would removal of all or part of the specified parcels present a significant operational constraint on the Proposed Development? If so, please provide a robust justification for their retention.
Q2.0.12	The Applicant	<p>General</p> <p>We note that the contents page of your response to our first written questions was not hyperlinked: consequently, in view of the number of questions we needed to ask, it was difficult for us (and no doubt for other parties) to navigate the document. Please ensure that the contents page of your responses to these questions (and to all other documents) is hyperlinked to enable straightforward navigation.</p>
Q2.0.13	The Applicant	<p>Timescale of proposed development</p> <p>We note that the timescale of the proposed development applied for is 40 years, whereas the projected operational life of the solar panels is likely to be approximately 25 years.</p> <p>Please explain why the time period applied for is not 25 or 50 years which would appear to relate more to the lifespan of the solar panels.</p>
2.1 Air Quality and Human Health		
Q2.1.1	The Applicant	<p>Dust mitigation</p> <p>In relation to CCC's D4 submission, Comments on the Applicant's D3 and D3A submissions [REP4-137] page 1, as to the dust mitigation measures proposed, please clarify the locations for inspections referred to in the HRA Report to Inform an Appropriate Assessment [REP3-009,010].</p>
Q2.1.2	The Applicant, ECDC, WSC	<p>Battery energy storage system (BESS): COMAH and P(HS) regulations</p> <p>Please comment on the precise legal authority (if any) on which one might rely to exclude the scope of the COMAH and P(HS) Regulations 2015 from application to BESS.</p>
Q2.1.3	The Applicant	<p>BESS: design parameters</p> <p>With regard to the proposed BESS, is the design of the storage solution, chemical make-up of the batteries being proposed, capacity of individual units, density of storage, and configuration of enclosures not fundamental to an effective examination of the Application?</p> <p>If the Applicant is not yet in a position to describe clearly what is proposed whether for reasons of evolving development of battery solutions or otherwise, why should the Application not be regarded as premature?</p>
Q2.1.4	The Applicant	<p>BESS: design assumptions</p>

ExQ2	Question to:	Question:
		Please comment on WSC's statement in D4 post ISH3 submission [REP4-132] page 5, that a significant number of assumptions have been made by the Applicant relating to the BESS and until the size, power rating and chemical make-up of the BESS is determined it is not possible to fully assess any potential air quality impacts.
Q2.1.5	The Applicant, SCC, CCC, ECDC, WSC	<p>Discharge of Requirement 7: DCO</p> <p>Are you satisfied with the arrangements for discharge of DCO Requirement 7 in relation to the OBFSMP, as currently drafted (Rev 03, 18 December 2022 [REP4-006])?</p> <p>If not, please explain and supply your proposed form of amended wording.</p>
Q2.1.6	The Applicant	<p>BESS: consultation</p> <p>In your response to our ExQ1.1.4 [REP2-037], you state that <i>"The (PEI) report was also copied to HSE but this did not constitute consultation."</i></p> <p>and in your response to our ExQ1.1.18 you say that <i>"Requirement 7 has been updated in the draft DCO submitted at Deadline 2 to include the Health and Safety Executive as one of the bodies that the relevant planning authorities must consent before determining an application for approval. This secures the need for the relevant local planning authorities to get input from the fire services and the Health and Safety Executive as part of approving the final plan prior to commencement of Work No. 2."</i></p> <ul style="list-style-type: none"> • Please explain why HSE was not consulted on the PEI report.
Q2.1.7	East of England Ambulance Service Trust	<p>BESS: consultation</p> <p>In its response to our ExQ1.1.18 [REP2-037], referring to paragraph 2.4.1 of the outline Battery Fire Safety Management Plan (OBFSMP) [APP-267], the Applicant states that <i>"Paragraph 2.4.1 does not include the East of England Ambulance Service Trust, as this is not appropriate given the scope of the Plan is about managing fire safety rather than a plan for how the emergency services should respond in a major event. In any event, EEAST has submitted a Relevant Representation following submission of the DCO application and has not requested that it is consulted as part of developing or approving the plan."</i> Also, the Statement of Common Ground [REP2-065] lists matters agreed and shows no matters either under discussion or outstanding.</p> <p>Please</p> <ul style="list-style-type: none"> • state whether or not you are satisfied with this response and explain why; and • confirm that there are no matters either under discussion or outstanding

ExQ2	Question to:	Question:
Q2.1.8	The Applicant	<p>BESS: consultation</p> <p>In your response to our ExQ1.1.40 [REP2-037], we note that along with the fire services and relevant planning authorities, <i>“Health and Safety Executive (HSE) was also consulted. It is anticipated that these same stakeholders will be consulted during the preparation of the Battery Fire Safety Management Plan (BFSMP).”</i></p> <ul style="list-style-type: none"> • What was the outcome of the consultation with HSE? • Please confirm that the fire services, the relevant planning authorities and HSE will continue to be consulted both in respect of the evolving outline Battery Fire Safety Management Plan and the Battery Fire Safety Management Plan, and any advice and requirements incorporated into both these documents.
Q2.1.9	The Applicant	<p>BESS: consultation</p> <p>In your response to our ExQ1.1.40 [REP2-037], you say in respect of further consultations with the fire services, relevant planning authorities and HSE that <i>“These further consultations have not been carried out and are not necessary for this stage; it is intended these would happen during detailed design.”</i></p> <ul style="list-style-type: none"> • Please explain why this is the case. • Would it be worthwhile to undertake early consultation to assist with the post consent discharge of Requirement 7?
Q2.1.10	The Applicant	<p>BESS: fire risk</p> <p>In your response to our ExQ1.1.4 [REP2-037], you state that <i>“The fire risk is not anticipated to generate a “likely significant effect”.</i></p> <p>Please explain how you have arrived at that conclusion.</p>
Q2.1.11	The Applicant	<p>BESS: emergency response plan (ERP)</p> <p>In your response to our ExQ1.1.17 [REP2-037], you state that <i>“Once the battery system is selected for Sunnica an Emergency Response Plan (ERP) will be drafted with firefighters to decide on water tank refilling protocols / requirements based upon a risk assessment from UL 9540A unit or installation level test data and / or 3rd party fire & explosion test data for the BESS system. There is an expectation that water tanks will be refilled as soon as it is practical and safe to do so.”</i></p> <p>Please confirm that the ERP so drafted will</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • utilise independent test data; and • form part of the BFSMP; and that water tanks will be refilled as soon as reasonably practicable.
Q2.1.12	The Applicant	<p>BESS: emergency response plan (ERP)</p> <p>In item 2 in Table 3 of the revised OBFSMP [REP2-032] you state that <i>“The Battery Fire Safety Management Plan will include an emergency response plan during the detailed design stage of the Scheme based on local, national and international input and best practice recommendations”</i> but what these are and what will be included in the ERP does not appear to be explicitly stated.</p> <p>Please update the OBFSMP to</p> <ul style="list-style-type: none"> • list and explain what specific items will be included in the ERP and why; • confirm that the BFSMP will include the ERP and be entirely in accordance with the OBFSMP
Q2.1.13	East of England Ambulance Service Trust, Cambridgeshire Fire and Rescue Service, Suffolk Fire and Rescue Service	<p>Major accidents and disasters</p> <p>The Applicant has stated in its response to our ExQ1.1.46 [REP2-037] that <i>“the only pollutant of concern is hydrogen fluoride (HF) and ... concentrations of HF will be below the AEGL-1 value before reaching any sensitive receptors. As such there are not expected to be any adverse effects from HF. The expectation is that exposure will be avoided rather than mitigated.”</i> and that it would be the responsibility of the host authorities and fire services as first responders <i>“to decide if measures such as evacuation or advising people to stay indoors and keep windows closed were appropriate.”</i></p> <p>Are you content with these assumptions and that the issue of HF concentrations and how these will be dealt with is properly addressed in the OBFSMP?</p>
Q2.1.14	The Applicant	<p>BESS: unplanned atmospheric emissions</p> <p>We note your response to our ExQ1.1.53 [REP2-037] regarding testing of BESS of up to 100kWh storage capacity, ie 100kW power for 1 hour or 50kW over 2 hours. You do not state the maximum storage capacity of the BESS but given that this application is under PA2008 the minimum power generation is 50MW and so likely minimum storage capacity is 50MWh (1 hour storage) or 100MWh (2 hour storage). This appears to be around 1000 times the storage capacity of the BESS tested by the US Fire Protection Research Foundation (FPRF).</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Has any testing has been undertaken in respect of BESS of the size which will be needed for the Sunnica Energy Farm? • If so, what are the findings in respect of unplanned atmospheric emissions, and how do they compare with the findings from the FRPF? • If not, please explain why the Secretary of State should have confidence in the application of the FPRF findings to the Sunnica Energy Farm.
Q2.1.15	The Applicant	<p>BESS: unplanned atmospheric emissions</p> <p>We note your response to our ExQ1.1.57 [REP2-037] regarding emissions, in which you state that “<i>detailed design will ensure that the outcomes predicted in Appendix 16D are not exceeded.</i>”</p> <p>Please explain how this will be achieved.</p>
Q2.1.16	The Applicant	<p>Human health, safety and welfare</p> <p>We note from your response to our ExQ1.1.19 [REP2-037] that “<i>Local residents are situated outside the life safety critical zones but their specific health and safety protocols and incident communication requirements will also be factored into Emergency Response Planning (ERP).</i>” and that “<i>“Welfare” has been added to the revised version of the Outline Battery Fire Safety Management Plan ...</i>”.</p> <p>However, human health, safety and welfare do not appear to have been included in Table 6 of the revised OBFSMP [REP2-032] along with the other requirements.</p> <p>Please</p> <ul style="list-style-type: none"> • explain what the “specific health and safety protocols” are; • state where and how human health, safety and welfare have been added to the OBFSMP as requirements; • explain what the salient and relevant human health, safety and welfare factors are; and • explain what additional requirements you propose in respect of human health, safety and welfare, and how you will include them in emergency response planning.
Q2.1.17	The Applicant	<p>BESS: final version of OBFSMP</p> <p>If not already included as explicit requirements in the OBFSMP [REP2-032], please either confirm that the following will be included or alternatively explain why they are not included:</p> <ul style="list-style-type: none"> • an independent expert to interpret test results from UL9540A;

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> testing of ingress protection of containers/cabinets per UL9540A; and use of data analytics to warn of maintenance or failure of components and/or systems.
Q2.1.18	The Applicant	<p>BESS: health and safety related consents</p> <p>We note your response to our ExQ1.1.2 [REP2-037], where we asked about health and safety related consents, and in particular your reference to compliance with the Health and Safety at Work etc Act 1974. Please explain</p> <ul style="list-style-type: none"> how the health and safety related consents you will apply for will take due account of the health, safety and welfare of the public as well as employers and employees; and when such consents will be applied for in order to comply with relevant legislation.
Q2.1.19	The Applicant	<p>Emergency response and evacuation planning</p> <p>Please explain what emergency response and evacuation events, other than BESS related events, may occur, and where the planned response to such events is documented and secured in the DCO.</p>
2.2	Biodiversity and Nature Conservation (including Habitats Regulations Assessment)	
Q2.2.1	The Applicant	<p>Habitats Regulations Assessment (HRA)</p> <p>Please provide an updated report to inform an HRA to reflect the changes to the proposals for Sunnica West B and in particular the alignment and construction of the proposed cable route, including its rerouting to avoid areas of peaty soils.</p>
Q2.2.2	The Applicant	<p>Arable flora</p> <p>In its D4 submission, Comments on D3 and D3A submissions [REP4-137], CCC considers Field W06 and W09 of Sunnica West Site A of district and county importance for their arable flora (cf ES Appendix 8C - Terrestrial Habitats and Flora Report [APP-079]).</p> <p>Please comment on CCC's position that solar arrays should be removed from the field considered of county importance for arable flora (W09), and that an alternative off-site solution is required to work with farms to deliver better landscape scale management for arable flora (W09 and W06).</p>
Q2.2.3	The Applicant	Stone Curlew

ExQ2	Question to:	Question:
		<p>Please comment on NE's statement in its post hearing submission [REP4-139] section 3, that the only area being specifically created and managed for stone curlew would be plots ECO1 and ECO2 in Sunnica East Site A, but that does not seem to make up the whole 108ha discussed in other documents.</p> <p>Please also clarify the total area and locations of habitat that would be specifically created and managed for stone curlew, including whether this will include ECO3.</p>
Q2.2.4	The Applicant	<p>Stone Curlew</p> <p>Will the environmental masterplan, submitted at deadline 3 [REP3-022], be updated to show any public rights of way in order to determine what impact, if any, these will have on the stone curlew offsetting habitat?</p>
Q2.2.5	Natural England	<p>Stone Curlew</p> <p>In paragraph 5.4.4 of the Applicant's HRA report [APP-092] and in subsequent representations it is stated that Natural England (NE) had advised that the Stone Curlew within the Order limits are the same population as those in the Breckland SPA and thus land within the order limits is functionally linked to the SPA.</p> <p>At D2 (REP2-090), however, NE stated that:</p> <p><i>"The impact of development on stone curlew is an ongoing area of research for Natural England and, as such, our advice has changed from that previously given. We have previously advised that birds found on the application site during surveys are likely to be part of the Breckland SPA population and should be evaluated as SPA birds. However, this is no longer considered to be the case. Therefore, any offsetting of impacts to stone curlew can be considered outside of the Habitats Regulations."</i></p> <p>However, in section 5 of its written submission at Deadline 4 [REP4-139] headed 'Comments on updated Report to Inform an Appropriate Assessment', NE appears to raise the expectation that this issue should still be considered in the HRA, stating at paragraph 5.1 that:</p> <p><i>"As discussed in our previous submissions, Natural England maintains that physical displacement of stone curlew should be identified as an impact pathway during operation."</i></p> <ul style="list-style-type: none"> • Please clarify the status of Stone Curlew within the Order limits and whether they should or should not be considered within the scope of the Habitats Regulations; and • if NE considers that the Stone Curlew population within the Order limits is not linked to the Breckland SPA, is NE satisfied that there are no other impact pathways on the site or any other of its qualifying features such as woodlark and nightjar?

ExQ2	Question to:	Question:
Q2.2.6	The local authorities	<p>Stone Curlew and archaeology</p> <p>Please explain what you consider to be the potential conflicts between management of the archaeological areas and the Stone Curlew plots, as referred to in your joint Local Impact Report [REP1-024].</p>
2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
The ExA has no questions in this round.		
2.4 Cultural Heritage and Historic Environment		
Q2.4.1	The Applicant	<p>Chippenham Park RPG</p> <p>If the information has not been submitted at D5, could the Applicant please:</p> <ul style="list-style-type: none"> • indicate on a large-scale plan where the cable route would cross The Avenue and how many trees would be removed to enable that; and • explain how this would impact future replanting plans (i.e. would a gap in tree cover be required above the cable corridor?).
2.5 Draft Development Consent Order (dDCO)		
The ExA has no questions in this round.		
2.6 Environmental Statement – general matters		
The ExA has no questions in this round.		
2.7 Landscape and Visual Effects		
Q2.7.1	The Applicant	<p>Landscape and ecology management plan (LEMP)</p> <p>Should the current iteration of the LEMP [REP3-011] provide more detail on what may happen to existing mature vegetative belts that would currently screen existing public rights of way from glint and glare?</p>
Q2.7.2	Liam and Clare MacGillivray	<p>Design principles</p> <p>With reference to your D4 post hearing submission [REP4-153] please could you submit to the examination a copy of the National Infrastructure Commission Design Group principles, and clarify where in the document are the extracts you quote from?</p>
Q2.7.3	The Applicant	Hedgerows

ExQ2	Question to:	Question:
		<p>The Outline Landscape and Ecology Management Plan [REP3-011] refers in Table 3 to the gain/enhancement of 7.4km of hedgerow.</p> <p>Please provide more details of hedgerow loss, retention, enhancement and creation:</p> <ul style="list-style-type: none"> • in tabular form; and • on a map, showing hedgerows only (on Ordnance Survey base with field boundaries and Order Limits marked) in order to aid clarity.
Q2.7.4	The Applicant; and Say No To Sunnica action group	<p>Visual Impact</p> <p>Please provide a calculation as to the total length of road frontage that will pass between or alongside solar arrays.</p>
2.8	Noise and Vibration	
Q2.8.1	The Applicant	<p>Noise affecting equestrians</p> <p>Regarding CCC's D4 submission, Comments on the Applicant's D3 and D3A submissions [REP4-137] as to noise affecting equestrians:</p> <ul style="list-style-type: none"> • how does the CEMP [REP3-015] (tracked version [REP3-016]) provide for noise levels in the vicinity of bridleways to be monitored so that any issues that arise can be addressed? and • will the CEMP be amended to clarify these matters, including points of contact available within the Contractor to liaise not only with the horse racing and training community but other bridleway users?
2.9	Socio-Economics and Land Use	
Q2.9.1	The Applicant	<p>Agricultural survey</p> <p>With reference to the D4 submission of A G Wright and Sons [REP4-045] and appendices, the D4 submission from Dr Anne Noble [REP4-077] and from Lucy Frazer MP [REP4-110] and letter from Patrick Stephenson (Agricultural Expert engaged by SNTS) at D4 [REP4-121]:</p> <ul style="list-style-type: none"> • please explain how you have responded to the proposal in relation to Sunnica East Site A and other parcels of agricultural land for them to be resurveyed; and • please provide a reasoned justification for your response.
Q2.9.2	The Applicant	Agricultural survey

ExQ2: 5 January 2023

Responses due by Deadline 5: Friday 13 January 2023

ExQ2	Question to:	Question:
		Please detail what response the Applicant has made to NE, in light of NE's comments at paragraph 2.2 of its D4 submissions, [REP4-139] that, where access is permitted, NE wishes to see an agricultural land classification (ALC) survey and soil management plan for all land disturbed as a result of the development, during the examination.
Q2.9.3	The Applicant	<p>Soil quality</p> <ul style="list-style-type: none"> Does the Application provide clarity as to what impact solar panels may have on the properties of the soil where land is subject to the Proposed Development, such as carbon storage, structure and biodiversity? And if so please provide references to where this is explained.
Q2.9.4	The Applicant	<p>ALC assessment</p> <p>With reference to the D4 submission of A G Wright and Sons Appendix 15, [REP4-063] please comment on the critique of the Applicant's ALC assessment with reference to Lee Farm.</p>
Q2.9.5	The Applicant	<p>Food security</p> <p>If not submitted previously to the examination please submit the CPRE report Building on our Food Security, July 2022.</p>
Q2.9.6	The Applicant	<p>Agricultural land productivity</p> <p>In light of the information presented in the D4 submissions of A G Wright and Sons [REP4-045 to REP4-063] how has the Applicant assessed if at all whether agricultural land within the Order Limits is highly productive irrespective of land grading methodology?</p>
Q2.9.7	The Applicant	<p>Agricultural land productivity</p> <p>Is the productive value of agricultural land an important and relevant consideration for the ExA to take into account, whether or not it is classified as best and most versatile (BMV) land?</p>
Q2.9.8	The Applicant	<p>Crop yields</p> <p>Does the Applicant agree with CCC in its D4 submission Written Summary of Oral Case for OFH1 [REP4-079] that Grade 3 soils in Cambridgeshire can produce a greater range and yield of crops than Grade 3 soils in other areas of the country, albeit using irrigation, and if not why not?</p>
Q2.9.9	The Applicant	<p>Public rights of way (PRoW)</p>

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ExQ2	Question to:	Question:
		In light of concerns raised by the authorities with responsibilities for the PRow network within their respective boundaries and others about visual and noise impacts of aspects of the scheme on users of public rights of way, please would the Applicant explain how these concerns have been taken into account, whether the Applicant will now treat NMUs as sensitive receptors in the Environmental Assessment, and indicate what permanent enhancement to the PRow network will be offered in mitigation therefor?
Q2.9.10	CCC	<p>PRow closures</p> <p>Regarding CCC's D4 Submission - Comments on the Applicant's D3 and D3A submissions [REP4-137] relating to concerns about closure of parts of the PRow network, please would the CCC specify wording for amendment to the CTMP and/or propose amendments to the DCO that will ensure closures are as a last resort after thorough discussion with the LHA and once it has been agreed that there is no other alternative, including location and timing of signage?</p>
Q2.9.11	CCC	<p>PRow disruption</p> <p>CCC is requested to provide its proposed wording to include within the DCO to ensure disruption to PRow users is mitigated through agreement as to reinstatement works and inspection and certification by the LHA, and restoration of boundary features agreed with CCC, as discussed in CCC D4 Submission - Comments on the Applicant's D3 and D3A submissions [REP4-137].</p>
Q2.9.12	CCC	<p>PRow and haul roads</p> <p>Please provide a proposed wording to amend the DCO [REP4-005] Schedule 2: Detailed design approval, to include approval of design for hedgerows of PRow to be removed and restored together with the requirement for reinstatement of the surface and width of PRow affected by haul road/cable route crossings, including provision for inspection and certification by the LHA.</p>
Q2.9.13	The Applicant	<p>PRow plans</p> <p>Please amend the Access & Rights of Way Plans (1) to include permissive paths, showing clearly their connectivity and position within the wider routes network, and (2) to show clearly whether or not any of the roads affected by the proposed development are maintainable at the public expense.</p>
Q2.9.14	The Applicant	<p>PRow improvement plan</p> <p>How would the adverse impact of the scheme on local communities be mitigated by addressing the requirements of the Council's statutory Rights of Way Improvement Plan as discussed with CCC at ISH3 and referred to in CCC D4 submission [REP4-137]?</p>

ExQ2	Question to:	Question:
Q2.9.15	The Applicant	<p>Public access strategy</p> <p>How would the Applicant's proposals contribute to a more extensive public access strategy said to be integral to the Stone Curlew mitigation, given its potential to help manage the recreational pressure by diverting people away from Beck Road and providing an alternative to the existing PRow that goes along EC02?</p>
Q2.9.16	The Applicant	<p>Permissive access</p> <p>The permissive access offered in Cambridgeshire at the E05 site does not appear to connect to any existing PRow.</p> <p>Therefore, what proposals does the Applicant have that would increase and/or enhance walking opportunities from Isleham?</p>
Q2.9.17	The Applicant	<p>Permissive path within E05</p> <ul style="list-style-type: none"> • If E05 is retained, does the Applicant agree that the proposed open space and car park facilities (referred to by CCC in its comments on D3 and D3A submissions [REP4-137]) would improve amenity access and please explain your reasoning? • How would this proposal and the suggested pushing back of the permissive path in the southern section of E05 be incorporated as part of the proposed development?
Q2.9.18	The Applicant, CCC	<p>Fordham walking group concerns</p> <p>Fordham Cambs Walking Group (FCWG) has over 200 active members, including members from neighbouring villages. They have expressed strong concerns regarding the inadequacy of mitigation relating to permissive routes (see FPC submission at D4).</p> <p>Please confirm that the discussions between the Applicant and CCC relating to permissive routes will include the FCWG as requested in that organisation's D4 post hearing submission [REP4-097].</p>
Q2.9.19	The Applicant	<p>Soils</p> <p>With regard to NE's comments at D4 at paragraph 4.3 [REP4-139] that, should soil mixing still be proposed, it has concerns over how this will affect the ability to restore the site to its baseline ALC grade at the end of the development, how specifically would the Applicant propose to overcome these concerns?</p>
2.10	Traffic, Transport and Highway Safety	
Q2.10.1	The Applicant	General

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ExQ2	Question to:	Question:
		As to CCC's D4 Submission - Comments on the Applicant's D3 and D3A submissions [REP4-137], could additional plans be provided that more clearly define the boundary without obscuring other required elements?
Q2.10.2	The Applicant	<p>General</p> <p>We note your response to our ExQ1.10.1 and ExQ1.10.2 [REP2-037]. Please confirm that the updated Framework Construction Traffic Management Plan and Travel Plan documents you refer to, namely [AS-300] and [AS-301] are the same as Appendix Q [AS-278, AS-279] to your change request [AS-243].</p>
Q2.10.3	The Applicant	<p>Access to Sunnica East Site B</p> <p>We note your response to our ExQ1.10.23 [REP2-037] relating to access to Sunnica East Site B primary access C on Elms Road, and that <i>"construction staff can pass one another entering and egressing the site access."</i></p> <p>Please advise whether all vehicles expected to use this access can pass each other safely, whether on Elms Road or at the access itself, and how this will be achieved.</p>
Q2.10.4	The Applicant	<p>Abnormal load access to Burwell National Grid substation</p> <p>We note your response to our ExQ1.10.29 and 1.10.31 [REP2-037] relating to abnormal load access to the Burwell substation, and note that you have <i>"reviewed information provided on the National Grid website in reference to the new transformer being transported from Ipswich docks to the National Grid Burwell substation, details are provided below."</i> and that you say with reference to the route used by National Grid that <i>"The confirmation that National Grid delivered a new transformer from Ipswich Docks to the National Grid Burwell substation provides reassurances that the AIL can be accommodated on the local highway network."</i></p> <p>However, other than brief reference to A142, B1102, High Street, Reach Road and Weirs Drove, no details appear to have been provided.</p> <p>Please provide details of the route taken for the delivery of a new transformer from Ipswich docks to the National Grid Burwell substation on 6 June 2021, and explain</p> <ul style="list-style-type: none"> • Whether you considered the route used by National Grid; • if the route used by National Grid was not considered, why it was not considered;

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ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> if the route used by National Grid was considered, why it was not adopted in preference to the route described in section 5.8 of Appendix 13C Framework Construction Traffic Management Plan [REP3A-004]; how and why your proposed route differs from the route used by National Grid.
Q2.10.5	The relevant highway authorities	<p>Site access and crane routes</p> <p>In your joint response to our ExQ1.10.45 and 1.10.46 [REP2-078], you express reservations about various issues relating to site access and crane routes, including road widths, the use of Manual for Streets on high speed rural roads and a post consent crane access route review.</p> <p>Are you satisfied with the Applicant’s response [REP3A-036] to the concerns you raise? If not, what issues are outstanding, and are they capable of satisfactory resolution?</p>
Q2.10.6	The relevant planning and highway authorities	<p>Baseline conditions</p> <p>We note the Applicant’s response to our ExQ1.10.81 [REP2-037] relating to baseline traffic conditions [REP2-037], where it is stated that <i>“The LHAs concern was whether there was a scenario where construction flows and baseline flows combined were likely to be higher than in the weekday assessment, and not whether there would be a higher proportionate impact”</i>.</p> <p>Surely a Saturday assessment should be undertaken as the additional weekend construction traffic will be proportionally higher and impact more on peaceful enjoyment?</p>
Q2.10.7	The relevant highway authorities	<p>Baseline conditions</p> <p>We note your response to our ExQ1.1.85 [REP2-078] regarding the Applicant’s assertion in its Transport Assessment [APP-117] that there is no <i>“particular safety concern that needs to be considered as part of the Scheme proposals.”</i> and to the Applicant’s response [REP3A-036] in which it refers to further review at various locations and the need for and timing of safety audits.</p> <p>Are you satisfied with the Applicant’s response? If not, what issues are outstanding, and are they capable of satisfactory resolution?</p>
Q2.10.8	The relevant planning and highway authorities	<p>Assessment methodology</p> <p>We note your response to our ExQ1.10.98 [REP2-078], particularly in respect of the assessment of links, and to the Applicant’s response [REP3A-036] [REP2-041].</p> <p>Are you satisfied with this response?</p>

ExQ2	Question to:	Question:
Q2.10.9	The Applicant	<p>Forecast peak HGV movements on local roads</p> <p>We note your response to our ExQ1.10.93 and ExQ1.10.94 [REP2-037] relating to HGV on La Hogue Road, where it is stated that <i>“the majority of HGVs currently using La Hogue Road are 7.5T to 18T lorries.”</i> The table showing the numbers of vehicles for each HGV weight classification does not also show the vehicle configurations so it is not possible to correlate your description of your proposed 4-axle and 5-axle vehicles with the weight classification in the table.</p> <p>Please confirm that your proposed 4-axle and 5-axle vehicles are all of weight classification 36T or 40T.</p>
Q2.10.10	The Applicant	<p>Forecast peak HGV movements on local roads</p> <p>We note your response to our ExQ1.10.93 and ExQ1.10.94 [REP2-037] relating to HGV on La Hogue Road, where it is stated that <i>“the majority of HGVs currently using La Hogue Road are 7.5T to 18T lorries.”</i> with a total of 32 HGV currently using La Hogue Road per day: only three of these are classed as 36T or 40T, whereas there will be a peak of 48 HGV of 36T or 40T during the construction of the proposed development.</p> <p>This appears to represent an increase in HGV overall (ie all classes) of 150% and an increase of 1600% in the classes of HGV proposed when compared with current use of La Hogue Road by HGV.</p> <p>Table 6-3 of the Transport Assessment [APP-117] appears to indicate that numbers of HGV overall will be above or close to double existing HGV flows for months 2 to 7, ie over a six month period, and with the exception of months 20, 23 and 24 will be more than 30% higher than existing flows throughout the 24 month construction period.</p> <p>Please explain</p> <ul style="list-style-type: none"> • why these increases in both volume and size of HGV over the planned 24 month construction period are not considered to have a significant impact on La Hogue Road, particularly from air quality, human health, safety and amenity viewpoints as well as from an operational viewpoint; and • with reference to your response to our ExQ1.10.102 [REP2-037], why a longer construction period is not the worst case bearing in mind economic, social, mental health and wellbeing issues, particularly in respect of uncertainty and anxiety related to the increased length of the construction period.
Q2.10.11	The relevant planning and highway authorities	<p>Joint LIR</p> <p>We refer to the joint LIR [REP1-024] and to the Applicant’s Response [REP3A-034].</p>

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ExQ2	Question to:	Question:
		Other than topics raised elsewhere in this section of questions ExQ2, are there any other outstanding transport and access issues? If so, please give details and indicate whether or not these issues are capable of satisfactory resolution.
Q2.10.12	The Applicant	Updated Framework CTMP and TP [REP3A-004] With reference to paragraph 1.4.1 of the updated Framework CTMP and TP, and to avoid confusion, please confirm that <ul style="list-style-type: none"> • this updated version is Rev 03; • the cover sheet status column should read “Deadline 3A” for Rev 03 dated 28 November 2022; • the cover sheet in the tracked version should show Rev 03 as tracked; and • the version submitted at Deadline 3 (Rev 02) [REP3-013] is now superseded.
Q2.10.13	The Applicant	Updated Framework CTMP and TP [REP3A-004]: crane and AIL routes In paragraph 5.4.11, you state that <i>“the routes included within the review do not necessarily mean they will be the final routes of the AILs. It will be the hauliers’ responsibility to finalise the AIL route in coordination with the relevant highway authorities and any other relevant authority ...”</i> <ul style="list-style-type: none"> • If the actual route chosen to each site access is different from the route identified here, how do you know that the worst case has been assessed and reported in the ES? and • Why have you not already engaged the necessary expertise to establish a feasible route to each access, as suggested by the local authorities in their joint response to your response to our ExQ1.10.6 [REP3A-049]?
Q2.10.14	The relevant highway authority	Updated Framework CTMP and TP [REP3A-004]: crane and AIL routes In paragraph 5.4.11, the Applicant states that <i>“the routes included within the review do not necessarily mean they will be the final routes of the AILs. It will be the hauliers’ responsibility to finalise the AIL route in coordination with the relevant highway authorities and any other relevant authority ...”</i> If the actual route chosen to each site access is different from the route identified here, are you satisfied that the powers available to you in the DCO are sufficient to ensure that the actual route agreed for each site access is no worse in terms of impact and effects than the case which has been assessed and reported in the ES?
Q2.10.15	The Applicant	Updated Framework CTMP and TP [REP3A-004]: site accesses

ExQ2	Question to:	Question:
		<p>In paragraph 5.11.3, you refer to <i>“the proposed relocation of the Golf Links Road site access to Newmarket Road located between the A11 and Golf Links Road ...”</i>.</p> <p>Please confirm that our understanding is correct and that</p> <ul style="list-style-type: none"> • the Golf Links Road site access is to Sunnica East Site B and is site access J; • the proposed move is to site access I; and • site access J will nevertheless remain open but during the operational phase only, at which point site access I will be closed.
Q2.10.16	The Applicant	<p>Updated Framework CTMP and TP [REP3A-004]: construction staff vehicle numbers</p> <p>In paragraph 7.2.38 you state that <i>“it is proposed to establish a daily vehicle cap at this level, which is 640 staff vehicles for Sunnica East, 598 staff vehicles for West and 1,074 staff vehicles across the scheme.”</i></p> <ul style="list-style-type: none"> • How will these caps translate into actual vehicle movements and times on the local roads nearby, particularly Elms Road and La Hogue Road? • How will the vehicle movements compare as a percentage of the existing peak hour flows on these roads? and • In paragraph 7.4.6 line 6, should reference be to paragraph 7.2.38?
2.11	Water Resources, Flood Risk and Drainage	
Q2.11.1	The Applicant	<p>Sustainable Drainage Systems</p> <p>The Applicant is requested to provide clear detail in its next iteration of SoCGs with CCC and SCC as to exactly what is agreed and not agreed related to the detail of the proposed Sustainable Drainage Systems features of the Proposed Development.</p>

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