



SUNNICA ENERGY FARM

EN010106

Volume 8

8.72 Applicant's Response to Local Planning Authorities Deadline 4
Submissions

Planning Act 2008

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



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

**Sunnica Energy Farm
Development Consent Order 202[x]**

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Submissions**

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1 Introduction

1.1 Purpose of this document

1.1.1 This report sets out the Applicant's response to the material submitted by East Cambridgeshire District Council (ECDC), Cambridgeshire County Council (CCC), Suffolk County Council (SCC) and West Suffolk Council's (WSC) at Deadline 4. The Applicant has responded to these submissions in sections 2 to 4 of this report, as follows:

- Section 2 – The Applicant's response to ECDC, CCC, SCC and WSC Deadline 4 submissions, which the Applicant has responded to thematically under the following nine themes:
 - Built Heritage
 - Ecology
 - Water
 - Flood Risk Assessment (FRA)
 - Landscape and Visual (L&V)
 - Socio-Economics
 - Transport
 - BESS – Fire Safety
 - Legal
- Section 3 – The Applicant's response to comments from CCC and SCC on the Applicant's response to the LIR.
- Section 4 – The Applicant's response to LPA comments on the following Application documents:
 - Habitat Regulation Assessment
 - Construction Traffic Management Plan and Travel Plan
 - Construction Environmental Management Plan
 - Environmental Masterplan
 - Landscape and Ecology Management Plan
 - Arboricultural Impact Assessment
 - Equality Impact Assessment
 - Access and Rights of Way Plan

2 Response to LPA Post-Hearing Submissions

2.1 Applicant's response to East Cambridgeshire District Council, Cambridgeshire County Council, Suffolk County Council and West Suffolk Council Deadline 4 submissions and the Applicant's themed responses

| Theme | Deadline and Document ref | Summary of issue raised | Applicant's response |
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| Environment – Built Heritage | | | |
| Chippenham Park RPG | CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 12-13, 16-18 | <p>The Councils raised concerns as to the impacts to the setting of the Chippenham Park RPG and seek clarification on direct impacts to trees within the RPG. They go on to highlight the policy protection given to historic assets and consider that this has not properly been considered by the Applicant, including in site selection.</p> <p>The Councils go on to say that W3-W012 should be removed.</p> | <p>In light of the ultimate aim of seeking to maximise the 500MW substation connection at Burwell, the Alternative Sites Assessment explains how a number of factors, including heritage, were balanced in determining the site selection for the Scheme [APP-054].</p> <p>The Applicant has assessed the effect on the RPG in accordance with the EIA methodology and harm caused in accordance with the NPPF. A significant adverse effect has been concluded, but the harm is considered to be less than substantial. Historic England have agreed with this assessment.</p> <p>Notwithstanding this, further to the discussions at ISH2, the Applicant is submitting at Deadline 5 a paper further describing the importance of the historic landscape surrounding the RPG, its contribution to the setting of the RPS and thus the significance of the asset overall; and how the Scheme interacts with that contribution. This includes confirmation that the Scheme will avoid impacts to trees within the RPG, which is secured through the FCEMP.</p> <p>The Applicant has explained how the design of the Scheme has been developed to minimise and mitigate impacts on sensitive receptors including heritage assets. Please refer to ES Chapter 7: Cultural Heritage of the Environmental Statement [APP-039], the Design and Access Statement [REP3A-032] and the Applicant's Technical Note on Settlement Design Iteration which was submitted at Deadline 2 as Appendix A to the Applicant's Response to the First Written Questions [REP2-038].</p> <p>Footnote 10 in paragraph 18 of the CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) [REP4-80] references "Paragraph 2.53.5 of draft NPS EN-1". This paragraph does not exist in draft NPS EN-1. The Applicant expects that the Councils intended to refer to draft NPS EN-3 paragraph 2.53.5. However, this does not concern site selection. In any case, the Applicant took account of heritage indicators in its Alternative Sites Assessment [APP-054]. The Applicant also notes that the Scheme results in less than substantial harm to heritage assets. As such, the relevant policy test set out at paragraph 5.8.15 of NPS EN-1 requires only that any harm is outweighed by the public benefits of the Scheme.</p> <p>With these matters in mind, the Applicant considers that there is no heritage reason why parcels W03-W12 require removal from the Scheme.</p> |

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| <p>Non Designated Heritage Assets</p> | <p>WSC Deadline 4 Submission – Post Hearing Submission ISH2'</p> | <p>It is accepted that the proposals would not harm the conservation areas in West Suffolk, or the settings of the buildings within them, but there may be outlying assets which have not been identified. The impact of the proposals on the settings of any NDHAs identified should be assessed. If there are none, this should be confirmed for the avoidance of doubt.</p> | <p>The Applicant can confirm that non-designated above ground assets were considered as part of the assessment. In accordance with the methodology as set out in desk-based assessment reports [APP-059] to [APP061], all assets within a 1km were identified. Non-designated assets assessed include those noted on the Historic Environment Records for both Suffolk and Cambridgeshire. At present, no local lists of significant historic buildings are held for the study areas. As no formal recognition exists, those assets noted were identified during site visits, where access allowed. In recognition of the importance of group value, those non-designated assets within settlements were considered together, particularly within conservation areas. This includes consideration of assets associated with Chippenham Hall Registered Park and Garden, notably High Lodge (referred to as Bury Road Lodge). Those assets considered to have the potential to be significantly affected by the Scheme were taken through for consideration within the Environmental Statement. No isolated non-designated assets were identified with this potential.</p> |
| <p>Environment - Ecology</p> | | | |
| <p>Flora Surveys</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Para 3</p> <p>'WSC Deadline 4 Submission – Post Hearing Submissions for ISH2 and ISH3'</p> | <p>The Council's view remains that further surveys will be required to address the gap in the evidence; this is particularly so in relation to protected species and flora / grassland. There is currently a gap in the evidence; some fields have been inaccurately mapped, some wrongly classified (i.e. some marked as pasture instead of agricultural); there are other misidentified land uses and generally poor level of detail. The Applicant's responses were not comforting, particularly by repeating that the loss of land relates to simple arable crop rotation to be replaced by claimed net gain. To this end, Mr. Turney's indication that further surveys are to come is welcome by the authorities.</p> | <p>The Applicant maintains that the surveys undertaken and presented in the ES are suitably robust and that there are no significant gaps in the baseline used to undertake the impact assessment. Where appropriate, the Applicant has re-visited mapping and made minor amendments which have been identified during the examination. This has not impacted the veracity of the baseline data nor the impact assessment presented in the ES. For example, refer to Appendix A Phase 1 Habitat and Arable Flora Update in this document.</p> |

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| <p>Maintenance of enhancements/BNG</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 7-11</p> | <p>The Councils require biodiversity enhancements/BNG to be secured in perpetuity but in any event consider that the period during which these measures are being sought to be in place (in perpetuity or for a limited period) will nevertheless be a material consideration when assessing the claimed benefits of the scheme'</p> | <p>An updated Biodiversity Net Gain report has been submitted at Deadline 5. The Applicant has been clear throughout the process that the Scheme is only seeking consent for a 40 year period, after which it will no longer have control of land within the Order limits. Following decommissioning of the Scheme, the land, along with the habitats that have been established, will be returned to the landowner.</p> <p>The benefits of the scheme need to be weighed up against the impacts of the Scheme. Noting that there are very limited residual impacts after year 15 of the Scheme, the at least 40 year lifetime of the established habitats (and likely more given the existing legislative protection for habitats once established, including, for example, the Hedgerow Regulations) should be weighed as an overall benefit of the Scheme.</p> |
| <p>Trees and impact on Ecology</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 23-24, 26 and 28</p> <p>SCC Deadline 4 Submission – Post Hearing submission on ISH2</p> | <p>The Councils require clarifications to be made to the AIA; and consider that the ecological assessments are deficient in respect of impacts from tree works'</p> | <p>The Arboricultural Impact Assessment has been updated to address LPA comments and reissued at Deadline 5. The detailed comments on the AIA, including in respect of ecological impacts, are discussed later on in this document.</p> |

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| <p>County Wildlife Sites</p> | <p>SCC Deadline 4 Submission – Post Hearing Submission for ISH2</p> | <p>SCC is concerned that:</p> <ul style="list-style-type: none">• there is inconsistency between how the Havacre Meadows and Deal Nook CWS and Badlingham Lane CWS are treated in the CEMP;• more specific measures for each CWS should be incorporated in the CEMP, including monitoring; and• the AIA does not deal with CWSs | <p>Further updates to the Framework CEMP and the AIA have been submitted at Deadline 5 to deal with these comments.</p> |
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| <p>Stone Curlew Mitigation</p> | <p>WSC Deadline 4 Submission – Post Hearing Submission ISH2</p> | <p>Impact on Stone Curlews and proposed mitigation</p> <p>WSC concerns in relation to impacts on stone curlew are summarised in LIR 8.6, second bullet.</p> <p>WSC position is that solar farm infrastructure should be removed from parcel E12 and potentially E05 and E13. Breeding Stone Curlew territories are identified on figure 5.5 of ES Appendix 8I confidential Annex D which shows regular territories in E12 and further territories in E05 and E13. The position of the applicant at page 17 is that the scheme has sought to avoid blocks of land where regular nesting attempts have been observed. WSC consider that this is not a compatible position in respect of E12 so far as engagement of the mitigation hierarchy, and that solar farm infrastructure should avoid parcel E12 LIR 8.49.</p> <p>The situation in relation to E05 and E13 is more nuanced. The applicant's position, it is assumed, is based on observed stone curlew territories and historical data. Appendix 8M: Habitats Regulations Assessment: Report to Inform an Appropriate Assessment provides information on the availability of historical data (section 3.3.34 and 5.4.4). The data does not appear to have been submitted to the examination and therefore WSC has not been able to satisfy itself that parcels E05 and E13 are not regular nesting territories and therefore</p> | <p>The Applicant maintains that the mitigation hierarchy has been followed, but for a species, that in this part of Brecks, relies upon sympathetic farmland management, even regular occurrence (within a cropping rotation) in any part of the Scheme does not demonstrate that this is the long-term distribution for the species. It is, therefore, not simply the case of saying a particular field or part of the site that has been regularly used over the past couple of years, should be excluded from future change in land use, simply because it has supported nesting Stone-curlew, even if regularly in the recent past, i.e., E12. The Applicant acknowledges that the small Stone-curlew population is centred on the order limits and has therefore, embedded sufficient land for the long term (40 years minimum) permanent presence of Stone-curlew habitat. This will secure the population of Stone-curlew within the Order limits and reduce any of the uncertainties that come with the management of farmland for the next four decades.</p> <p>Stone curlew mitigation is planned to mitigate for five pairs using ten plots (at 2 plots per pair) which would provide sufficient nesting (one plot) and foraging habitat (a second plot) for each pair, although there is the potential that further pairs will occupy plots and that, in some years, the population may be greater. These plots will provide permanent and largely undisturbed habitat for the species that will sustain the population in the local area. Whilst, high quality grassland will take a number of years to establish, the principal habitat provision is the creation of disturbed ground nesting plots. These have been shown to be the most important habitat feature for Stone-curlew providing both preferred nesting and foraging habitat, i.e., areas of short sward or are ground. These will be delivered prior to the loss of any arable farmland.</p> <p>As noted by WSC, the removal of any areas of panels, may mean that farmland is retained and long longer within the Scheme. However, the assumption that this will remain available for Stone-curlew, will only be the case if cropping and landowner management allows, so shouldn't be taken as a given and certainly not over the period of 40 years.</p> <p>Further clarification of Stone-curlew offsetting areas has been provided at Deadline 5 in the updated Offsetting Habitat Provision for Stone-curlew Specification and the Applicant will continue to work with the LPAs resolve any remaining matters.</p> <p>The following provides a response to WSC's points:</p> <ol style="list-style-type: none"> 1. Management of grassland in the offsetting areas is set out in the updated Stone-curlew specification submitted at Deadline 5. 2. A number of measures have been implemented to reduce disturbance to Stone-curlew by members of the public. The creation of a circular access route around E05 will provide a focus for recreational users and along with |
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| | | <p>whether these parcels should also be avoided. The principle of the mitigation hierarchy is that parcels should be considered in the avoidance tier of the hierarchy before moving into mitigation of impacts.</p> <p>In response to the Applicants submission that mitigation is being provided for 4 pairs of stone curlew, WSC understand that the current requirement is for 5 pairs of stone curlew to be mitigated on a precautionary basis, but that concerns remain over this number until the adequacy of the survey is confirmed. In addition, although there appears to be sufficient area set aside for mitigation of this number (5) of stone curlew based on the calculation of 16ha per pair. This figure (16ha) is based on the habitat being high quality grass heath (European Site Conservation Objectives: Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA) page 13 (Annex A)). The proposed mitigation land will be unlikely to achieve this condition for a number of years and there remain uncertainties over the effectiveness of the mitigation land due to issues relating to disturbance (LIR 8.148).</p> <p>WSC note that if parcels are removed from the solar farm, they would not necessarily become part of the stone curlew mitigation area. However, these land parcels would likely remain as farmland and therefore be</p> | <p>appropriate signage will raise awareness of sensitive ecological receptors. In additional, anti-predator fencing will be erected around ECO1, ECO2 and ECO3 during the nesting season to prevent access to Stone-curlew areas when the birds are present. This is set out in the adapted LEMP.</p> <ol style="list-style-type: none"> 3. All relevant documents have been updated to include the appropriate Stone-curlew monitoring. 4. Management of grassland in the offsetting areas is set out in the updated Stone-curlew specification submitted at Deadline 5. Whilst, rabbits may be an option, particularly in the longer term, as part of the management regime, the Applicant does not believe that they can be relied upon, particularly in the early stages of grassland development and management to deliver the habitat and sward objectives. 5. Details of management in ECO1 where there are archaeological sensitivities are set out in the updated Stone-curlew specification submitted at Deadline. These have been agreed in consultation with the relevant archaeologists. Further details are also included in the OHEMP. 6. Any remedial action required if the offsetting habitat is not meeting its objectives will ultimately be the responsibility of the Applicant, but this will be agreed by the Ecology Advisory Group, which the Applicant will be a party of. At this stage it is not possible to set out a contingency plan, as the specific reasons for not meeting the targeted objectives would need to be understood. The Applicant accepts that the objective should be no net loss of Stone-curlew population, as this is set out in the updated Stone-curlew Specification submitted at Deadline 5. |
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| | | <p>available to stone curlew as is the current situation.</p> <p>WSC understand that in the Brecks, the RSPB regularly monitor SC nesting plots on land in co-operation with some landowners. It is understood that the RSPB has monitored land within the DCO site (see also section 3.3.34).</p> <p>The RSPB has provided a summary of stone curlew conservation in the Brecks (see Annex B).</p> <p>WSC has several outstanding points relating to stone curlew offsetting as follows:</p> <ol style="list-style-type: none">1. Management of the wider grassland areas around the stone curlew plots in terms of sward height and density (LIR 8.64). The applicant has committed to providing detail of how the close-cropped sward will be maintained in the detailed LEMP section 8.64. WSC's view is that the requirement for a close-cropped sward within the stone curlew offsetting areas is fundamental to the effectiveness of the area for stone curlew and should be provided prior to consent in the OLEMP and/or Environmental Statement - Offsetting Habitat Provision for Stone-Curlew Specification.2. Management of public recreational access in the vicinity of the stone curlew offsetting land (LIR 8.148). This issue has not been specifically addressed by the | |
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| | | <p>applicant. In WSC view this is essential if the offsetting land is to be effective. The following potential issues should be addressed:</p> <ul style="list-style-type: none"> • PRow to the southeast of ECO2 and on the eastern edge of the mitigation land • Informal access to the north of ECO1 along the disused railway line • Proposed footpath along Beck Road/E05 to the east of ECO1 • The draw of a large area of short grassland at ECO1 and ECO2 to recreational users including dog walking including consideration of alternative recreational routes given the paucity of public footpaths in the area • The draw of a large area of short grassland at ECO3 to recreational users on the U6006 including dog walking including consideration of alternative recreational routes given the paucity of public footpaths in the area • Proposed footpath to the east of Worlington Heath CWS adjoining the U6006 road • Footpath diversions and the potential for indirect effects to stone curlew associated with usual recreational routes becoming unavailable without appropriate diversions. <p>3. Monitoring of stone curlew using suitable habitat within 500m of</p> | |
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| | | <p>the DCO site (LIR 8.66-67 and 8.147). The applicants position in relation to this matter is dealt with on page 24. We are satisfied with the commitment that the applicant will monitor stone curlew for the lifetime of the project in the offsetting land, DCO site and in suitable habitat within 500m. However the examination documents including the OLEMP, CEMP, OEMP, DEMP, HRA and Offsetting Habitat Provision for Stone-Curlew Specification should be consistent on this matter.</p> <p>4. WSC consider that the detail on the ongoing management of stone curlew areas is not clear and is inconsistent (LIR 8.58 and 8.62). The applicant has responded at page 18 and acknowledges that further detail is required and will be provided in the LEMP and OEMP. However, this has not yet been provided and should be prior to consent. WSC provided comments on encouraging rabbits within the offsetting areas LIR 8.172 for management of a short sward grassland. The applicant has not provided a specific response on this matter. More information on techniques for managing rabbits can be found at Annex C.</p> <p>WSC await the further detailed information for review.</p> <p>5. WSC are concerned that the archaeological management of ECO1 will compromise the provision of high-quality habitat and plots for SC LIR 8.63 and 8.175 The inconsistency</p> | |
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| | | <p>between documents further confuses the situation. The applicants Offsetting Habitat specification addresses archaeological areas in EC02 whilst the parameter plans identify ECO1 as an archaeological area. The Applicant's response is that further information will be provided. Any archaeological constraints that conflict with the ecological management of the offsetting area could limit the effectiveness of the mitigation for impacts on SC.</p> <p>WSC will review its position on this matter once this information has been submitted to the examination.</p> <p>6. There is no contingency plan in place to deal with the situation that the SC offsetting land is not effective. WSC concerns are in LIR at 8.150. The applicant has responded in section 8.146-8.151 pages 53-54 that 'the remit of the Ecology Advisory Group includes responding to the monitoring of stone curlew and where necessary, to determine, for example, changes to the habitat management, changes to the operational activities on the site or alternative locations for habitat creation for stone curlew. This is also provided for by enabling the specification to be developed further post consent'.</p> <p>WSC's position is that this issue should be addressed prior to consent. WSC's view is that ecological management and monitoring, including Stone Curlew plots, will be</p> | |
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| | | <p>the responsibility of the applicant. Should alternative and/or additional locations for stone curlew offsetting/habitat creation be required this will also be the responsibility of the applicant. One possible solution might be that a contingency fund is made available which could be included/secured in requirement 10 of the DCO. The Councils are discussing this matter with the applicant.</p> <p>WSC agree with SWT that an objective of the offsetting land should be based on the outcome, such as that mentioned by NE in their response to EXQ1 1.2.6 that 'the offsetting land can only be considered successful if there is no net loss of stone curlew in and around the scheme'.</p> <p>Based on the current proposals, it is WSC view that the effectiveness of the offsetting land for the maintenance of the current population of SC is not guaranteed and there is no evidence to suggest that the proposals will lead to an expansion of the population.</p> | |
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| <p>Arable Flora Mitigation</p> | <p>WSC Deadline 4 Submission – Post Hearing Submission ISH2'</p> | <ul style="list-style-type: none"> • <u>Impacts on other ecological receptors and adequacy of proposed mitigation measures</u> <p>WSC confirm that badgers have been satisfactorily addressed.</p> <p>WSC has no concerns in relation to deer other than to highlight the potential for damage to landscape planting that is not adequately protected. WSC's view is that the impact of the proposals on bat roosts is dependent on the loss of trees throughout the site. WSC's view on the adequacy of the AIA is at item 4a below. Based on the this there remains some concern about the potential for residual impacts on bats.</p> <p>WSC's concerns about the adequacy of the arable flora compensation is in LIR 8.92- 95 and 8.152. There are four main points:</p> <ol style="list-style-type: none"> 1. that the proposed compensation has not been quantified and a comparison made with what is to be lost. The applicant has responded in page 29 that the habitat loss has been quantified. However, the current proposals for arable flora compensation, shown on the Environmental Masterplan are not quantified. The applicant is proposing to present a comparison which will be submitted by deadline 5 as | <p>The Applicant notes the comments that issues relating to badgers have been adequately addressed and that WSC have no concerns in relation to deer.</p> <p>The Arboricultural Impact Assessment (AIA) Report submitted at Deadline 5, provides updated information on potential woodland and tree loss across the Scheme with relevance to protected species, including bats. This states that a worst case scenario of woodland/tree loss has been assessed (not an actual loss) and it is likely that in practice tree loss and impacts will be significantly reduced through avoidance (e.g. through cable installation via horizontal directional drilling (HDD) and micro-siting of cable and access routes to avoid trees). The AIA identifies that no veteran or ancient trees are to be removed, which often have features for roosting bats.</p> <p>The details of the final tree loss will be provided in an Arboricultural Method Statement which will be provided as part of the Framework CEMP following consent. Due to the lack of detail on tree loss at this stage, it is currently unknown which woodland/trees will be impacted and therefore it is not feasible to survey all potentially impacted woodlands and trees in detail at this stage. A Preliminary Roost Appraisal has been undertaken on all woodlands and trees and it is noted that there could be potential impacts to trees and woodlands with bat roost suitability, however, the Applicant is confident that there is sufficient flexibility within the envelope of the Works Plans that trees identified as having features suitable to support bats can be avoided.</p> <p>Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified.</p> <p>Arable flora compensation (8.92- 95):</p> <ol style="list-style-type: none"> 1. Habitat loss is quantified in terms of number of fields with arable flora that are lost, i.e. 12 fields in Sunnica East and seven fields in Sunnica West (see Table 8.7 of Chapter 8 of the Environmental Statement [APP-040]. The exact distribution of arable flora (other than higher importance species) was not mapped and would likely to change annually due to changes in crops/grazing. A comparison of notable arable flora habitats present at the time of survey (on the basis of the surveys that have been undertaken) and post-construction has been undertaken in a revised Biodiversity Net Gain report issued at Deadline 5. In response to feedback for stakeholders the extent |
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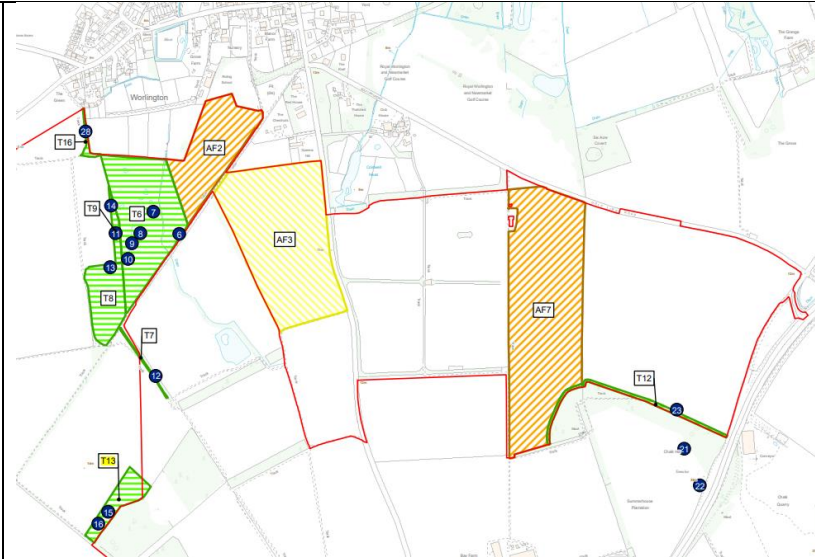
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| | | <p>part of the revised BNG report.</p> <p>2. WSC remain concerned about the small size of proposed habitats and lack of connectivity LIR 8.93; this matter has not been addressed adequately. The applicant suggests this will be confirmed in the final LEMP. WSC view is that this should be provided within the OLEMP.</p> <p>3. In respect to the proposition from the applicant that construction activities are expected to give rise to benefits (LIR8.94). WSC remain– in the dark as to which aspects of construction activities will give rise to benefits.</p> <p>4. In relation to the Councils request that areas for scarce plants need to be created in a joint up way on edge of fields away from solar panels (LIR8.95). WSC have not been able to identify a meaningful response from the applicant on this point. The proposals in the Environmental Masterplan do not demonstrate a robust approach to compensating for the loss of arable flora habitat.</p> | <p>of arable flora plots has been increased. These areas are shown on the updated Environmental Masterplans submitted at Deadline 5.</p> <p>2.The location and extent of areas for arable flora are shown on the Environmental Masterplans with details on management to be included and secured in the OLEMP. These areas will experience an arable field margin-like management.</p> <p>3. In respect to details of construction activities will give rise to benefits; arable plants need regular disturbance to survive. Disturbance is an important part of conservation management to help these species thrive. Construction activities can help these species present in the seedbank to colonise the new areas.</p> <p>4. In relation to areas for scarce plants; the Applicant has updated the OLEMP at Deadline 5 to include further details. The primary objective of the creation of areas for arable flora, is to create these in areas where notable species have been recorded, thus retaining communities where there are. These locations are shown on the Environmental Masterplans submitted at Deadline 5. To clarify, the loss of 0.8ha of acid grassland will be in the south-east corner of E13. This small area of turf will be translocated into ECO3, where it will help establish the creation of further acid grassland.</p> <p>Loss of acid grassland (8.96-8.97):</p> <p>Semi-improved acid grassland within the Scheme is located at Sunnica East Site B, and comprises areas T6 (ECO3), T8 (ECO3) and T13 (E13): these areas are categorised as acid grassland U1 <i>Festuca ovina-Agrostis capillaris-Rumex acetosa</i> grassland with up to three Nationally Scarce species.</p> <p>T13 (E13) details: Short acid grassland similar to T6 and T8. A diverse range of species include Creeping Bent, Viper's Bugloss, Ribwort Plantain, Crested Hair-grass, Lady's Bedstraw, Hare's-foot clover, Hound's-tongue, Yarrow, Biting Stonecrop Sedum acre, Mouse-ear Hawkweed, Sheep's-sorrel, Thyme-leaved Sandwort, Spring Vetch, Little Mouse-ear, Field bindweed, Smooth Hawk's-beard and Whitish Feather-moss. It includes the Nationally scarce Bur Medick and the uncommon Smooth Cat's-ear. It has affinity to NVC community type U1 <i>Festuca ovina-Agrostis capillaris-Rumex acetosa</i> grassland.</p> <p>T12 is a semi-improved neutral grassland field margin strip 10-20m wide between woodland and arable field, comprises a small area (0.6ha) of semi-improved grassland acid to calcareous grassland with a local species of interest, Cat Mint (classified as a CPASI); and E31 comprises an arable field.</p> |
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WSC Council remains concerned about the adequacy of the arable flora compensation. If sufficient space cannot be found within the red line for meaningful arable flora, offsite compensation should be sought within adjacent arable farmland.

WSC raised the matter of loss of acid grassland LIR 8.96-8.97 with the intention that the matter would be addressed at Item 5d. As this item was postponed WSC raise this issue here.

WSC concern is that the ES states that 0.8ha of acid grassland will be lost and translocated to ECO3 however it is not clear where this loss will occur. The impact of the proposals on invertebrates is closely linked to that of acid grassland LIR 8.86.

The applicant's response at REP3-091 does not clarify where the grassland will be lost and does not address why the mitigation hierarchy was not engaged. However, the applicant has confirmed informally (workshop of 1.12.22) that the acid grassland will be lost from the east of parcel E13 (T13 assessed to be of county importance (Pg 8C-35 APP-079) and E13 eastern margin assessed to be on county-regional importance for invertebrates (pg 8D-21 APP-080)). The Council's position is that the mitigation hierarchy should be engaged and the acid grassland and associated invertebrate

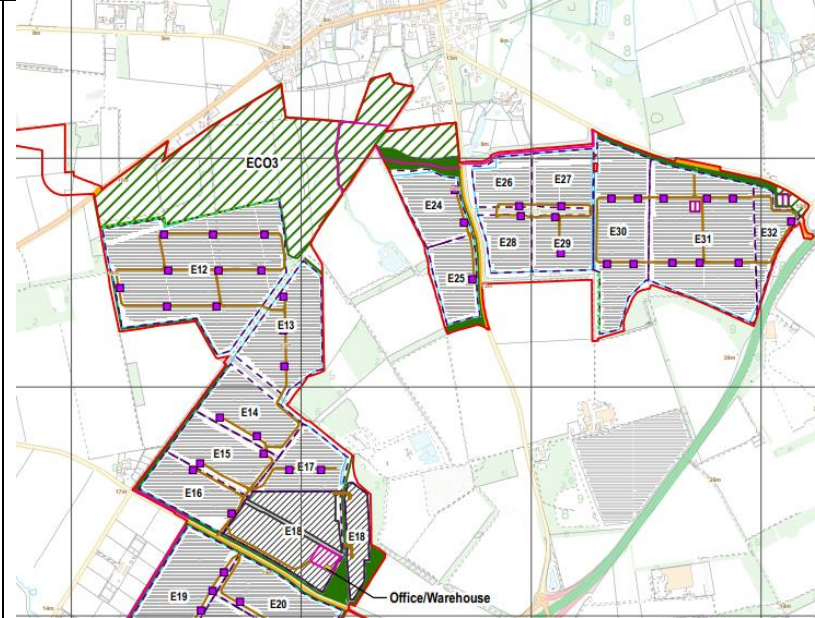


Screenshot from Terrestrial habitats and flora report (Figure 2.2 Flora surveys 2019 to 2020. Page 3 of 10).

population avoided not least because of the difficulty in translocating turfs and the constraints to management that would occur as a result of SC using ECO3 as set out in the LIR at 8.49-8.51.

WSC agree with SWT that the BNG Metric 3.1 does not recognise species level impacts and would add that BNG is intended to be additional to existing habitat and species protections.

WSC would also add that the proposals should not contribute to the decline in biodiversity in striving to address the climate crisis.



Screenshot from Figure 3-1 Sunnica East Parameter Plan.

Water

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| Water, flood risk and drainage | CCC and ECDC Deadline 4 Submission - Written Summary of Oral Case for Issue Specific Hearing 3 (ISH3) Para 11 | The Councils have already expressed their concerns in relation to this issue in the Joint LIR. They have nothing further to add to this. | Comment noted as per Applicant response to Joint LIR [REP3-019]. |
| Environment – Flood Risk Assessment (FRA) | | | |
| FRA | SCC Deadline 4 Submission – Post Hearing Submission for ISH3 | <p>SCC notes that this is a matter that was deferred to written responses.</p> <p>a. Adequacy of flood risk assessment</p> <p>SCC LLFA has reviewed the submission with respect to surface water (pluvial) flooding and groundwater flooding only. SCC defers to the EA on matters of river (fluvial) flooding. The portion of the site within Suffolk is at either low or very low risk of surface water flooding and although the flood risk assessment is relatively high level, given the level of flood risk identified this is not a significant concern.</p> | The Applicant notes and agrees with the comment on adequacy of the Flood Risk Assessment. |

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| SuDS | SCC Deadline 4 Submission – Post Hearing Submission for ISH3 | <p>b. Design of Sustainable Drainage Systems (SuDS) features, floodplain compensation</p> <p>The design of SuDS for solar farms is a relatively new area of the discipline but the SuDS proposed are on the whole considered to be adequate by SCC at this stage and that they will effectively mitigate any additional surface water that may arise as a result of the solar panels being constructed. Further details are required however SCC considers that these can be provided at the detailed design stage once total drained areas are better understood. Floodplain compensation is again a matter for the EA, however given the lack of panels within functional floodplain (see point d) means that compensatory storage may not be required in Suffolk.</p> | The Applicant notes and agrees with the comments made on SuDS design. The Applicant has agreed with the Environment Agency that no Scheme floodplain compensation is required. |
| Burwell Substation | SCC Deadline 4 Submission – Post Hearing Submission for ISH3 | <p>c. Residual risk at Burwell Substation</p> <p>Burwell Substation is within Cambridgeshire, and SCC defers to their LLFA team on this matter</p> | As a consequence of the removal of the Burwell National Grid Substation Extension Option 2 from the Scheme (see the proposed Change Application, Document Reference [EN010106/APP/8.74] as submitted at Deadline 5), there is no longer a long term flood risk at Burwell substation as no permanent above ground infrastructure is being installed. |

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| Solar Panels in Flood Zone 3 | SCC Deadline 4 Submission – Post Hearing Submission for ISH3 | <p>d. Solar panels in FZ3</p> <p>SCC defers to the EA on this matter as it relates to river (fluvial) flooding, but it does not appear that any solar panels are located within flood zone 3 in Suffolk. Solar farms are classified as Essential Infrastructure within the NPPF, https://www.gov.uk/guidance/national-planning-policyframework/annex-3-flood-risk-vulnerability-classification this use is compatible with flood zones 1 and 2, with the Exception Test being required if to be located within flood zone 3. https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2 .</p> | <p>Comment noted. PV panels are to be located within modelled Flood Zone 3 in Suffolk (including climate change), in areas E01, E02 and E03 (as stated in the FRA Addendum [REP4-040] and discussed in pages 9-13 of the Statement of Common Ground [REP4-016]; however, no flood risk mitigation or floodplain compensation is required for PV panels in these areas. The Environment Agency has agreed to all positions related to flood risk across the Scheme within the Statement of Common Ground [REP4-016].</p> |
| Environment – Landscape and Visual (L&V) | | | |
| PRowS | CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 3 (ISH3) Paras 13-15 | <p>The Councils have suggested a number of matters that should be addressed in the LEMP and CTMP.</p> | <p>The Applicant has updated the OLEMP and Environmental Masterplan at Deadline 5 to include further detail in paragraph 4.2.20 on the retention and management of existing vegetation within the Order limits.</p> <p>The matters raised will be discussed further at a workshop with the LPAs in January 2023 and the OLEMP will be reviewed and finalised thereafter.</p> <p>Specific responses to comments on the CTMP are located in Table 5 of this document.</p> |

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| <p>PRoWs</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 3 (ISH3) Paras 16</p> | <p>The Applicant's current offer of four permissive paths, only one of which is in Cambridgeshire, is so limited as to be almost meaningless</p> | <p>The Councils' submission that the offer of four permissive paths is almost meaningless is not reasonable and it is not the role of the Scheme to address currently substandard provisions of the PRoW network. The Councils' have other powers to improve the public right of way network where this is necessary. The proposed permissive paths to be provided by the Applicant will enable increased public access across the landscape of the local area and respond positively to local GI strategy and local planning policies relating to rights of way. The Applicant also proposes an additional permissive route around parcel E05 and a new space south of E05 with views towards the B50 crash site to identify with improved signage and information boards.</p> <p>The Applicant has prepared Heads of Terms for a proposed planning agreement which includes provisions for payment of a contribution towards the improvement of existing PRoW or creation of additional PRoW. This has been provided to the Councils and the Applicant awaits feedback on the proposals.</p> |
| <p>PRoWs</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 3 (ISH3) Paras 13-15</p> <p>SCC Post Hearing Submission on ISH3</p> | <p>The Council considers that there should be a more permanent public rights way of network provided given the health and wellbeing benefits it will provide; and that is willing to negotiate some form of PRoW mitigation and compensation package with the Applicant.</p> | <p>The Applicant is willing to entering into a planning agreement with Cambridgeshire County Council and Suffolk County Council to create new and/or improve existing PRoWs within the vicinity of the Scheme. Heads of Terms have been sent to the Councils for comment in January 2023 for further discussion. It should be noted, for the reasons previously provided, the Applicant cannot dedicate the proposed permissive paths as permanent rights of way.</p> |
| <p>PRoWs</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>SCC welcomes the indication given by the Applicant at ISH3 that it is intending to discuss with the County Councils measures that can be taken to enhance the rights of way network, whether by improving existing routes or by providing new routes.</p> | <p>Noted. The Applicant has prepared Heads of Terms for a proposed planning agreement which includes provisions for payment of a contribution towards the improvement of existing PRoW or creation of additional PRoW. This has been provided to the Councils and the Applicant awaits feedback on the proposals.</p> |

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| <p>Design Approach</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 19-22</p> <p>SCC Deadline 4 Submission – Post Hearing Submission for ISH2</p> | <p>The Councils consider that a design led approach is required; and that siting has come from a constraint led rather than design led approach. The Applicant needs to recognise that is creating a new landscape in this locations that needs to be made acceptable. In particular parcels W03-W12 should be removed</p> | <p>The design of the Scheme has been shaped by detailed studies of the character of the landscape and settlements and engagement with stakeholders including through community consultation. As a result of the design approach taken by the Applicant, the design of the Scheme incorporates offsets from solar farm structures to settlement edges, existing vegetation, including hedgerows, public rights of way and road networks. The design of the Scheme also conserves field patterns, ecology and historical features (including below ground archaeology) across the Order limits, including pine lines. This approach preserves the sense of identity of the landscape. The Design and Access Statement [APP-264] describes how the Applicant's approach to the development of the design of the Scheme has been sensitive to place and local character.</p> <p>The Applicant has prepared a Technical Note on Settlement Design Iteration as Appendix A to the Applicant's Response to the First Written Questions [REP2-038]. This explains in more detail how the Scheme has been refined through the design development process so as to be sympathetic to its setting and communities.</p> <p>The Scheme has been designed to avoid and minimise effects on the landscape and people's views and visual amenity, as described in the Design and Access Statement [APP-264] and the Outline Landscape and Ecology Management Plan (OLEMP) (the latest version has been submitted at Deadline 5). NPS EN-1 recognises that virtually all nationally significant infrastructure projects will have effects on the landscape and that the aim should be to minimise these, providing reasonable mitigation where possible and appropriate. The Applicant does not agree that the Scheme will be the feature that defines or creates a new landscape.</p> <p>The Applicant has demonstrated that the development proposed within parcels W02-W12 can be integrated into the landscape. The framework of the existing natural features and landscape pattern of fields will be strengthened by the proposed planting of woodland, hedgerows, scrub and grassland, extending beneath panels and across ecological mitigation areas, delivering biodiversity net gain and amenity.</p> <p>On that basis, and in light of the policy matters set out in the Applicant's Deadline 4 and Deadline 5 submissions, it is considered that there are no landscape reasons why parcels W3-W012 should be removed from the Scheme. This is particularly in light of the fact that the removal of parcels W03-W012 would mean that there would be no Scheme at all, as set out in [REP4-030]; meaning that the benefits of the Scheme would be lost.</p> |
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| <p>Limekilns</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 26,29-30</p> | <p>The Councils reinforce the importance of the Limekilns and the landscape surrounding it and considers that the impacts are substantial</p> | <p>Visual impacts to the Limekilns were assessed in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042]. The assessment acknowledges that the Scheme will be visible in the middle ground of the view from the Limekilns, above the intervening vegetation and A14 tree screening as a result of its elevated position. The Applicant has assessed the residual visual effects to be moderate adverse at year 15 of operation, which is significant. Planting is proposed as mitigation along the southern edge of parcels W05 and W07 to soften views. However, given the elevation of the viewpoint in relation to the lower lying site, it is recognised that this will not have grown sufficiently by year 15 of operation to fully screen views of the solar panel arrays and associated infrastructure within Sunnica West Site A.</p> <p>However, it is important to bear in mind the distance between the Scheme and the elevated part of the Limekilns, which is over 1km with two of East Anglia's major roads and a railway line intervening between the two locations. The Applicant accepts that some solar panels will be visible in views from the Limekilns, but these will be against a wooded backdrop and below the skyline, resulting in an impact that is acceptable.</p> <p>The Limekilns is not recognised as a landscape or feature of particular interest or a site in need of preservation in published studies or local policy. The key characteristics of the gallops will also not be altered by the Scheme – a view of a solar farm is not going to diminish enjoyment of the Limekilns. The Limekilns is also not identified or designated in any national or local policy as a feature in need of protection in terms of its setting.</p> <p>The Limekilns is identified as Local Landscape Character Area (LLCA) 26: The Limekilns and Gallops. As described in Appendix 10E: Local Landscape Character Areas, of the Environmental Statement [APP-104], LLCA 26 is already influenced by major infrastructure, beyond which the Scheme lies. It is not a designated landscape, but is well maintained, and overall its sensitivity has been assessed as medium.</p> <p>No development is proposed within LLCA 26. Its key characteristics and boundaries would be retained, and overall, the magnitude of impact on LLCA 26 in all phases has been assessed as low. The significance of effect on LLCA 26 has been assessed as minor adverse by year 15 of operation.</p> <p>3 As such, whilst the Scheme does have impacts to the Limekilns, these impacts are not substantial to a landscape asset that is not highly valued in policy terms.</p> |
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| <p>Field E05</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 2 (ISH2) Paras 32-33</p> | <p>The Councils consider that E05 should be removed, or if not removed in full, then the northern half should be to facilitate a proper memorial space for the bomber crash, with additional rights of way</p> | <p>The Applicant fully recognises the sensitivity of the crash site but respectfully disagrees with the Council that E05 should be removed or that the northern half should be removed to facilitate a memorial space for the bomber crash.</p> <p>Instead, the Applicant has proposed through Change 3, inclusion of an additional archaeological offset area comprising a 50m x 50m area around the crash crater to be excluded from development Any activities within 100m of the crash crater area will in any event be subject to the granting of a licence under the Protection of Military remains Act 1986 by the Joint Casualty and Compassionate Centre (JCCC). The JCCC will also consult with United States Air Force regarding the Applicants proposed approach to preserve and memorialise the crash site.</p> <p>In addition, the crash site will be marked by a new formal space to the west of E05, created at a gap in the proposed linear belt of trees and shrubs, to dwell, with interpretation materials and views towards the crash site and RAF Mildenhall beyond. This will allow the crash site to be viewed from a short distance to enable an understanding of the aircraft's final flight path from Lakenheath and the proximity of the crash site from the village of Isleham. The space will link to the new permissive route around the solar panels running parallel with Beck Road. This is reflected in the updated Environmental Masterplan submitted at Deadline 5. The Applicant will ensure protection and maintenance of the crash site and a commemorative plaque for the duration of the Scheme, which will be secured by DCO Requirement.</p> |
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| <p>Sunnica East A Mitigation Suggestions</p> | <p>SCC Deadline 4 Submission – Post Hearing Submission for ISH2</p> | <p>Between Beck Road and the northern scheme Boundary (at E01), the development scheme does present an opportunity to make Lee Brook more legible in the landscape (views from Isleham/Beck Road) by providing a river restoration scheme, including appropriate tree planting. Better screening also needs to be achieved for views from West Row and the River Lark (the latter to the north-west of the scheme).</p> <ul style="list-style-type: none"> • Parcels E01-E04: <p>Clarify width of buffer/setback form Woodland north of E01 and E02 (suggest 20m)</p> <p>Increase distance/ buffer between Lee Brook and western boundary of E01 and E03 and provide additional riparian planting in form of a river restoration scheme (suggest 30m). The buffer should be sufficient that the Lee Brook remains legible in the landscape.</p> <p>Depending on what type of structures are envisaged for E04, it should be considered if, with appropriate adaption of the proposed mitigation, views from the residential properties on Ferry Lane to The Ark and St Andrew's Church in Isleham could be retained. (see VP2C)</p> <ul style="list-style-type: none"> • Parcels E08-E10: <p>At E08 and E10 the photomontage suggests wider set back from Ferry</p> | <p>The OLEMP and Environmental Masterplan have been updated at Deadline 5. The changes made and the issues raised here will be discussed at a workshop with the LPAs in January 2023 and finalised thereafter.</p> <p>In the Deadline 5 updates, new willow tree planting is proposed along the Lee Brook edge of E01 to reinforce the pattern of the existing watercourse and provide additional riparian planting. Proposed woodland planting along the eastern edge of E02 will help to screen views from West Row and the River Lark to the north east.</p> <p>It is noted in any event that existing woodland to the north of E01 and E02 creates a natural buffer between the Scheme and the River Lark to the north.</p> |
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| | | <p>Lane than the Landscape Masterplan. (see VP12A)</p> <p>The woodland between E08 and E33 needs to be wider/deeper as views are far reaching towards the BESS.</p> <p>There should be a tree belt/woodland along the western side of E33 (Bess and substations) (see VP1, VP6, VP7).</p> <p>Subject to archaeological constraints, there appears to be room for a more robust woodland planting scheme east of E33, which would help to screen the BESS even during winter conditions. (see VPs 2A and 2B)</p> | |
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| <p>Sunnica East Site B</p> | <p>SCC Deadline 4 Submission – Post Hearing Submission for ISH2</p> | <p>The U Road U6006 corridor should not form part of the proposals and should be left intact. Access roads for the solar parcels should be located within the parcels and there should only be one crossing point, where a natural gap in the vegetation presents itself. For any cable route crossing HDD would be expected.</p> <p>As there is an irreconcilable conflict between the requirements of landscape planting for amenity (screening) and the requirements for ecology, to be realised in ECO3, E12 should be omitted from the scheme and be made into grassland for ecological enhancement. Failing this, it would be important to provide hedging, not only around the north-western, but also the north-eastern boundary of E12, for the amenity of PRow users.</p> <p>Additional mitigative planting is required along the western boundaries of E24 and E25 in form of shelterbelts.</p> <p>E30-E32 need to be better integrated into the landscape. This should include additional internal hedgerows in E31 and more robust planting along the northern and south-eastern edge of E32. The corner into Golf Links Road should be accentuated with large trees</p> | <p>The Applicant proposes to cross U6006 for the purpose of installing the cable corridor and constructing and maintaining E12 and ECO3; however, the Applicant does not propose to use U6006 as a route of access for construction vehicles. The Applicant has committed to conditional surveys of the highway, which includes PRowWs, to make good any damage caused during the construction period. This commitment is provided within the Framework Construction Traffic Management Plan and Travel Plan [REP3-014].</p> <p>The LVIA summarised within Chapter 10 of the Environmental Statement [APP-042] acknowledges that there will be residual visual effects in relation to parcel E12, and that there will be views of parts of development. The Applicant has concluded that these effects would be not significant by year 15 of operation, therefore we do not consider this a conflict with ecological requirements. For users of U6006 the existing vegetation along the route is dense and contains a high proportion of evergreen trees and shrubs, which restrict views out to the surrounding landscape. Views are channelled along the route and focused on the path ahead. New hedgerow is proposed around the northern boundary of E12. Additionally, the OLEMP and Environmental Masterplan have been updated at D5 to include further new hedgerow planting along the eastern boundary of E12 to enhance screening for PRow users.</p> <p>The landscape planting has provided the opportunity to create habitats within the Scheme that have declined in area as a result of intensive farming, e.g. loss of hedgerows and woodland. This habitat creation has been designed carefully to optimise biodiversity benefit whilst avoiding risk to certain bird species. Far from a conflict between biodiversity and landscape, the outcome has been one of synergy.</p> <p>The OLEMP and Environmental Masterplan have been updated at Deadline 5 and the issues raised in respect of all of these locations will be discussed at a workshop with the LPAs later in January 2023 and finalised thereafter.</p> |
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| <p>E19, E20, E21 and E22 (south of Elms Road)</p> | <p>SCC Deadline 4 Submission – Post Hearing Submission for ISH2</p> | <p>The mitigation proposed to date does not appear robust enough to adequately mitigate the visual effects for neighbouring properties within the short to medium term. However, the Council considers that adequate mitigation should be achievable within the landscape.</p> <p>The Council suggest that the solar panels of E20, E21 and E22 should be set back no less than thirty meters from the south-eastern boundaries and that a tree belt should be provided, with a hedge line on either side, and including pines.</p> <p>Further notes on Elms Road: Retain and strengthen existing hedgerows and tree lines. The roadside hedges are slimmer and less solid than depicted in Section 5 – 5' and require strengthening; proposed woodland planting proposed needs to be deeper.</p> <p>The proposed entrance from Elms Road would appear to result in 215m of hedgerow lost on either side to visibility splays. Of these the south eastern stretch is important for the screening of E18 and the BESS. This is likely to make the visual impact on Elms Road worse and prolonged, and needs to be addressed.</p> <p>Retain existing south-western hedge along the boundaries of E19 and E22 and plant tree belt behind, within the parcels, including pines.</p> | <p>The Applicant considers the proposed mitigation is robust enough to adequately mitigate the visual effects for the residential receptors. Notwithstanding this, the Applicant is currently reviewing the OLEMP and Environmental Masterplan and the issues raised will be discussed at a workshop with the LPAs in January 2023 and finalised thereafter.</p> <p>The Environmental Masterplan has been updated for D5 and incorporates a wider belt of trees along the south-eastern boundary of E20, E21 and E22. Existing hedgerows along Elms Road will be retained and strengthened with additional woodland planting. Further, the Environmental Masterplan updated at D5 incorporates a wider belt of woodland along Elms Road to the south of parcel E18 to enclose the BESS and substation.</p> <p>Existing hedge and vegetation along the south-western edge of parcels E19 and E22 will be retained, and shown on the updated Environmental Masterplan at D5.</p> |
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| <p>Fields E05, E12 and E13</p> | <p>SCC Deadline 4 submission – Post Hearing Submission for ISH3</p> <p>‘WSC Deadline 4 Submission – Post Hearing Submissions for ISH2 and ISH3’</p> | <p>SCC indicated that parcels E12, E13, and E05 were parcels where it considered that PV solar panels should be removed, but if the ExA was persuaded by the Applicant that those parcels should remain, then SCC would wish to see the extent of the PV solar panels in those parcels reduced. If the ExA was persuaded by the Applicant that such reduction was not feasible, then SCC would wish to see compensatory benefits provided to offset the residual impacts. Such offsetting could take the form of landscape enhancements or related improvements to the rights of way network. SCC drew attention to the role of the U6006, which lies between E12 and E13, as a recreational route which is enjoyed for its landscape and visual qualities, as an example of the relationship between landscape impacts and recreational impacts, and so a case where it may be appropriate to consider rights of way improvements as an offsetting measure if avoidance or mitigation was not possible.</p> <p><i>‘The Councils’ concerns are additional to their previous concerns about ecological impacts in these fields, and therefore the in-combination impacts that arise’.</i></p> | <p>The LVIA summarised within Chapter 10 of the Environmental Statement [APP-042] acknowledges that there will be residual visual effects, which include views of parts of development within parcels E12 and E13. The Applicant has concluded that the visual effects on parcels E12 and E13 would be not significant by year 15 of operation. The Applicant acknowledges there will be some significant effects on the landscape that will remain at year 15 of operation, but has demonstrated that the development proposed within parcels E05, E12 and E13 can be integrated into the landscape within the framework of mitigation proposed. The Applicant disagrees it is necessary to remove these parcels from the Scheme, or reduce the extent of panels within them, on landscape and visual grounds. Please also see the Applicant’s responses to the Second Written Questions on the Principal and Nature of Development.</p> <p>With regards to compensatory benefits, the Applicant has proposed a number of new permissive routes and improvements to green infrastructure as set out in the OLEMP and illustrated on the Environmental Masterplans. This includes substantial areas of woodland planting (52ha) and hedgerow planting and enhancement (7.4km) which will reinforce the existing landscape framework. This planting will also be effective in further limiting the visual impacts of the built elements of the Scheme. It also includes proposals for a formal open space and viewpoint point for the crash site in E05 connecting with a further permissive path as detailed in the updated OLEMP and Environmental Masterplans issued at D5.</p> <p>As discussed in ISH3, the Applicant welcomes further proposals from the LPAs so that the Applicant has a clear idea on how to contribute to PRoWs outside of the site. For example, providing funding or helping interconnectivity between communities. Such proposals can be captured in a section 106 agreement. Further, the Applicant is happy to look at ensuring that a fund is available for the LPAs should they wish to seek further path creation orders later on in the Scheme’s lifetime.</p> |
| <p>Environment – Socio-Economics</p> | | | |

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| <p>Skills</p> | <p>CCC and ECDC Deadline 4 Submission - Written Summary of or Oral Case for Issue Specific Hearing 3 (ISH3) Para 9</p> | <p>There is likely to be a skills shortage locally, leading to significant in commuting and the potential for people staying locally during construction. These are all likely to have an impact on the local road networks, on tourism and pressures on local infrastructure/services.</p> | <p>The Applicant considers that the approach taken to the definition of a study area and the home-based workers factor of the assessment of construction employment generation presented in Chapter 12: Socio-economics and Land Use of the Environmental Statement [APP-044] is appropriate as it is based on good practice guidance (HCA Additionality Guidance). The conclusions of the assessment are considered to be sound both on this basis and previous experience. It is recognised that there would be some in-commuting to work on the Scheme particularly for specialist roles. The proportion that this represents of the workforce that could result in need for accommodation locally would be small, and not sufficient to have a negative impact on the tourist accommodation market. Instead there is the potential for tourist accommodation providers to benefit from any local stays required by the workforce particularly outside of the busier summer months. The private rental housing sector would also provide additional capacity to that found within the hotel, bed and breakfast and inns accommodation sector sufficient to support the needs of the limited numbers of workers potentially staying in local accommodation.</p> <p>It is considered that any potential impacts on local infrastructure/services arising from an influx of workers would be limited to access to healthcare. The assessment of impacts on Human Health in Chapter 15 of the Environmental Statement [APP-047] assessed that any impacts on healthcare provision arising from the construction workforce would be neutral. This was on the basis that it is anticipated that 88% of workers would live locally and will already be registered with relevant primary healthcare providers, and thus would not represent additional demand for primary healthcare locally. As detailed in Chapter 12: Socio-Economics and Land Use of the Environmental Statement [APP-044], in a worst-case scenario that the remaining workforce requires accommodation during the construction and decommissioning phases, it is anticipated that accommodation will be sought across the catchment area of a 60-minute drive time in which case the demand for accommodation and thus primary healthcare services is unlikely to be concentrated in a single area.</p> <p>Embedded mitigation proposed in the Framework Construction Traffic Management Plan and Travel Plan [REP-3A-004] will limit the impacts of traffic and transport on the local road network. The construction staff are forecast to travel to the site before 0700 and depart the site after 1900 as a result of the working hours during the construction period of 0700-1900. Therefore, the construction staff vehicles are on the highway network outside of the peak hours. The impact of the construction staff vehicles and HGVs on the highway network was analysed in detail in Chapter 13: Transport and Access of the Environmental Statement [APP-045] and Transport Assessment [APP-117].</p> |
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| <p>Permissive paths</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>Further areas within the DCO area should be reviewed and access enhanced wherever possible to provide green infrastructure benefit.</p> <p>The Highway Authority are willing to actively engage with the applicant to review the permissive path options.</p> <p>SCC does not agree that the Applicant would not have the power to dedicate public rights of way within parcels that it acquires via compulsory acquisition of the freehold under the terms of the DCO. Whilst SCC acknowledges that a leasehold interest would be insufficient to allow the creation of a permanent public right of way, it would be the Applicant's choice to pursue that option rather than to use the compulsory acquisition powers of the DCO.</p> <p>However, irrespective of this issue of available powers, SCC welcomes the indication given by the Applicant (both at ISH3 and in its closing remarks at OFH2) that it is intending to discuss with the County Councils the establishment of a monetary package for enhancing public rights of way in the area, secured by a s.106 agreement, which could include both improvements to existing routes and the creation of new routes. Provided that SCC was indemnified as regards the costs and any compensation liabilities, SCC would be prepared in principle to consider use of its own</p> | <p>The Applicant has responded in the table entitled "Legal" below in relation to the suggestion by the Council that various commitments or maintenance should continue after decommissioning. The points made in that response are relevant to comments made here with respect to compulsorily acquiring freehold land in order to dedicate public rights of way.</p> <p>In any event, the Applicant welcomes SCC's statement that it would be prepared in principle to consider use of its own statutory powers in relation to the creation of public paths. As discussed in ISH3, the Applicant welcomes further proposals from the LPAs so that the Applicant has a clear idea on how to contribute to PRoWs outside of the site. For example, providing funding or helping interconnectivity between communities. Such proposals can be captured in a section 106 agreement. Further, the Applicant is happy to look at ensuring that a fund is available for the LPAs should they wish to seek further path creation orders later on in the Scheme's lifetime.</p> <p>To this end, the Applicant confirms that there are ongoing discussions regarding an agreement under section 106 of the Town and Country Planning Act 1990 which would see the Applicant make a contribution to Suffolk County Council (and Cambridgeshire County Council) for the purpose of them making improvements to existing PRoWs, and/or creating new PRoWs, to be delivered by the local authorities. The Applicant is currently awaiting a response on this matter from the local authorities and is committed to proactive engagement on the subject.</p> |
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| | | <p>statutory powers in relation to the creation of public paths (by agreement or by order) as part of an overall approach to rights of way enhancements. Mechanisms to secure these enhancements should be included as part of a mitigation package.</p> | |
| Environment - Transport | | | |

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| <p>PRoWs</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>Public Rights of Way are key feature within the landscape and provided an amenity for both connectivity between settlements, heritage feature, the landscape and ecology. The Council as Highway Authority has concerns regarding the temporary closures and reinstatement of routes, permissive paths and onsite enhancements, and the mitigation of the impact of the development on the local community.</p> <p>The Council reiterates the point raised during the hearing of the importance of both its Suffolk Green Access Strategy (Rights of Way Improvement plan), which was approved in 2020, and Cambridgeshire's equivalent strategy document. A central objective of the Suffolk Green Infrastructure Strategy is to "<i>Create a more connected network</i>" and actions to be pursued to deliver that objective include "<i>Obtain significant public rights of way improvements and legacies on nationally important development projects, such as Sizewell C and East Anglia Wind Farm developments.</i>" (section 2.3.2 of the Part 3 Delivery Plan of the Green Access Strategy).</p> | <p>The Applicant confirms that there are ongoing discussions regarding an agreement under section 106 of the Town and Country Planning Act 1990 which would see the Applicant make a contribution to Suffolk County Council (and Cambridgeshire County Council) for the purpose of them making improvements to existing PRoWs, and/or creating new PRoWs, to be delivered by the local authorities. The Applicant is currently awaiting a response on this matter from the local authorities and is committed to proactive engagement on the subject.</p> |
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| <p>PRoWs – temporary closures and restoration</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>The Council views that closures should be avoided for public rights of way wherever possible and managed through banksman to limit impact on users. If closures are required a safe alternative route should be sought on public rights of way or land within the applicant's control. Severance of an already sparse network, even for a short period, will have a detrimental impact on the local community, Concerns over pedestrian traffic using adjacent road network during any closures, this results in shared use with standard traffic and construction traffic.</p> <p>The Council views that crossing points of PRoW need to be clearly managed through banksman and signing. If banksman are not available, consideration should be given to gating access for construction traffic keeping PRoWs clear and safe for users.</p> <p>All temporary closures must be agreed in advance with the Highway Authority. A clear communication strategy should be produced advertising closures in advance both on site, press notifications and user groups and local community.</p> <p>All PRoW should be surveyed prior to commencement of works and restored following completion of works. This should be agreed with highway authority in advance.</p> | <p>Please refer to the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] which sets out the Applicant's relevant commitments on PRoWs (noting that the position on diversions remains under discussion).</p> <p>Further details will be included in the final Construction Traffic Management Plan and Travel Plan, which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development.</p> <p>In addition, please note the relevant measures in Table 3-7 of the CEMP (updated for Deadline 5) in respect of restoration of PRoWs.</p> |
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| | | <p>The Council is keen to minimise temporary restrictions and the Applicant has indicated that they will look at least restrictive options: ensuring routes are only closed where necessary and for minimum time, banksman to manage routes, staggered closures between routes and, where appropriate, the appropriate signage and communication strategy is in place. The Council requested that an indicative construction timeframe for the access restrictions be provided to ensure limited impact.</p> | |
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| <p>Impact of the Scheme on the local community</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>Links outside Order limits should also be funded to enable better connections to permissive access proposals. This can be through both physical improvements and filling missing links in existing network. This can be secured through a S106 agreement.</p> <p>The Council will actively engage with Applicant to cover access mitigation and agree a Public Rights of Way and Access Mitigation Strategy. This would consider not only improvements but also education for visitors covering ecology, green energy and heritage. The views of the ecology and landscape colleagues, users and local community would help form the mitigation strategy.</p> <p>The Council is currently in the early stages of dialogue with the Applicant on this approach, the Applicant confirmed they would be willing to enter into an agreement with both Highway Authorities to deliver enhancements needed.</p> | <p>The Applicant confirms that there are ongoing discussions regarding an agreement under section 106 of the Town and Country Planning Act 1990 which would see the Applicant make a contribution to Suffolk County Council (and Cambridgeshire County Council) for the purpose of them making improvements to existing PRoWs, and/or creating new PRoWs, to be delivered by the local authorities. The Applicant is currently awaiting a response on this matter from the local authorities and is committed to proactive engagement on the subject.</p> |
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| <p>PRoW</p> | <p>West Suffolk Council ISH3 Post-hearing Submission, Agenda Item 6</p> | <p>WSC agrees with the points raised by SCC and CCC in relation to the following:</p> <ul style="list-style-type: none"> • That the Applicant should seek to avoid closures of PRoWs during the course of construction with alternative routes provided where closure is unavoidable (with appropriate signage); • All diversion/alternative routes should be agreed with the local highway authorities prior to implementation; • That it is essential that all PRoWs are restored to their existing condition in the event that any damage is caused during construction; and • The Applicant should review the provision of permissive paths and seek to deliver further routes in an area which does not benefit from an extensive an PRoW network. <p>WSC welcomes the Applicant's commitment to the enhancement of the existing PRoW network and that it will work with the county councils in this regard</p> | <p>Please refer to Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] which sets out the Applicant's relevant commitments on PRoWs (noting that the position on diversions remains under discussion). Further details will be included in the final Construction Traffic Management Plan and Travel Plan, which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development.</p> <p>In addition, please note the relevant measures in Table 3-7 of the CEMP (updated for Deadline 5) in respect of restoration of PRoWs.</p> <p>Note also that the Applicant confirms that there are ongoing discussions regarding an agreement under section 106 of the Town and Country Planning Act 1990 which would see the Applicant make a contribution to Suffolk County Council (and Cambridgeshire County Council) for the purpose of them making improvements to existing PRoWs, and/or creating new PRoWs, to be delivered by the local authorities. The Applicant is currently awaiting a response on this matter from the local authorities and is committed to proactive engagement on the subject.</p> <p>The Applicant's position on permissive paths has been set out earlier in this document (see under the sub-heading "Environment – Landscape and Visual").</p> |
| <p>Environment – BESS – Fire Safety</p> | | | |



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| <p>Emergency planning including evacuation plans</p> | <p>Suffolk County Council ISH3 Post-hearing Submission, Agenda Item 4(b)</p> | <p>A protracted incident may require the evacuation of residents and the establishment of a wide area cordon. The Local Resilience Forum, formed under the Civil Contingencies Act, would need to be consulted by the developer to create a Joint Emergency Response Plan, including a multi-agency response and public evacuation strategy.</p> | <p>A multi-agency approach to response planning strategy is welcomed. The Applicant will engage with the Resilience Forum in January 2023 to ensure full engagement moving forward for Sunnica site planning and emergency response consultation processes. The Applicant has amended the outline Battery Fire Safety Management Plan to include the Local Resilience Forum as a consultee and has included details on proposed contents of the ERM which will be prepared at detailed design stage.</p> |
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Legal

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| <p>Decommissioning</p> | <p>Response by Suffolk County Council to Action Point No. 8 Consequent Upon ISH2 on Environmental Matters</p> | <p>SCC does not accept that ongoing management or maintenance of landscape or ecological measures after decommissioning is not possible, and in particular does not agree:</p> <ol style="list-style-type: none"> (1) That the nature of the scheme is temporary; or (2) That the Applicant would not have any control of the land once it had been returned to the previous land owners. <p>Temporary nature: SCC considers that a 40 year duration should be regarded as a permanent change of the receiving environment for many (human) receptors.</p> <p>Post-decommissioning: SCC considers it is incorrect to assert that the proposed development will not have environmental impacts beyond the 40-year operational period. It is not the case that, after the operational period and de-commissioning, the land is to be returned in all respects to its pre-existing condition. Examples are provided including with respect to loss of trees and hedgerows.</p> <p>Notwithstanding that the operational period is time limited, the loss of existing vegetation features will be permanent and will endure beyond the operational period. In addition, the character of the local landscape will have been changed by the introduction of new planting installed to screen the development.</p> | <p>The Applicant notes that SCC has provided no evidence or justification for why a 40 year impact should be regarded as a permanent change of the receiving environment for human receptors.</p> <p>In contrast, the Applicant notes that both the Little Crow and Cleve Hill DCO decisions considered the impacts of solar schemes (particularly where decommissioning and a lifetime was secured such as with Sunnica) to be temporary. This is also consistent with the provisions of the emerging NPSs EN-1 and EN-3.</p> <p>The Applicant notes that SCC refers to the loss of existing vegetation features being permanent, however considers that this should be seen in the context of the fact that there is in fact very limited vegetation loss from the Scheme – with a commitment, for example, that all hedgerows affected by the Scheme will be replaced immediately. There is limited tree loss, but not to the extent that it causes significant effects in EIA terms. Thus, whilst the Applicant accepts that vegetation loss can be considered long-term, for this Scheme, the extent and nature of this loss means this makes little difference to planning balance considerations.</p> <p>The Applicant has also assessed the effects of the Scheme on people's views, including with mitigation and enhancement measures in place, and concluded that there are no significant residual impacts post 15 years save for views from the non-designated Limekilns.</p> <p>This is important context when considering SCC's submissions on these points. Once the Scheme is de-commissioned, the impacts of it are also removed, save for the small amount of trees that were not replaced.</p> <p>The Applicant therefore considers that seeking the long term maintenance of the landscape and ecological mitigation and enhancement measures cannot be considered to meet the policy tests of a DCO Requirement or section 106 obligation as it would not be:</p> <ul style="list-style-type: none"> • necessary: as there are no impacts that need to be mitigated, compensated or against which enhancements will bite; • relevant to planning: once the Scheme is decommissioned, there is no project or development that is subject to the planning regime. The planted habitats/landscaping can therefore not be relevant to planning. Given that the Scheme is being brought forward by the Applicant, whereas the landscaping |
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| | | <p>Replacement of lost vegetation is not proposed to be permanent. The loss is permanent and irreversible rather than temporary and so will continue beyond the end of the operational period, whereas the survival of the new planting beyond the operational period will depend on the actions of the land owners at that time.</p> <p>SCC considers that any new planting needs either to be retained on a permanent basis, or subject to a process of considered review to determine whether it should be retained or not, if it is to be relied on as mitigation or compensation for that irreversible loss.</p> <p>EN-1 does not suggest that enhancement or improvement measures should be limited to be of only temporary duration, even though many forms of energy development (notably wind power) are typically proposed for a temporary period.</p> <p>In terms of the Applicant's second objection to long term management and maintenance, based on an alleged lack of control, it must be noted that any such issues would be wholly self-created by the Applicant. Despite being in the advanced stages of negotiating options, the Applicant still seeks powers of compulsory acquisition for all of those plots.</p> <p>The Applicant still seeks powers of compulsory acquisition over land even if voluntary agreements are reached. In considering the long term future</p> | <p>and ecological planting will be returned to different landowners who would then be bringing forward agricultural uses on the rest of the Scheme land, it would not be appropriate for a control to be put in place against a completely different activity in planning terms.</p> <p>Furthermore, if the landowner wanted to change the land on which the landscaping/habitat planting is situated to a different use, this would involve planning and/or licensing control (or other regimes such as the Hedgerow Regulations), so the LPAs will be able to control any changes at the appropriate point in time;</p> <ul style="list-style-type: none"> • precise: given the ever-evolving nature of environmental protection legislation and environmental land management, it would be more appropriate for habitat and landscaping planting to be able to adapt to fit with future agricultural uses; rather than being required to be associated with a LEMP regime associated with a solar scheme that is no longer there; and • reasonable in all other respects: for all of the reasons stated above, such a Requirement/section 106 drafting cannot be considered reasonable, when fundamentally there is not a planning impact for such provisions to 'bite' on. The Applicant also notes that in respect of biodiversity enhancements, the Applicant is being expected to keep in place measures for a longer time than is currently being required for Biodiversity Net Gain under the Environment Act 2021. This cannot be considered to be reasonable, both generally, and given that those provisions are to apply to permanent, not temporary developments. <p>The Applicant also considers that similar logic applies to any suggestion of the use of compulsory acquisition powers (noting also that it is not possible compulsorily acquire a lease) for the purposes of enforcing long term planting, whether for the compulsory acquisition of rights or fully of land.</p> <p>This is because such powers would not be consistent with the tests under section 122 of the Planning Act 2008, which provides that a DCO may only include provision authorising compulsory acquisition of land (including provisions drafted in the manner such as is the case with article 18 for this Scheme, which as SCC rightly says, provides for a further 'check' on the power) where the Secretary of State is satisfied that the land is required for the development to which the development consent relates or is required to facilitate or is incidental to that development.</p> |
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| | <p>management and maintenance of the land that will accommodate landscape and ecological measures, it must therefore be assumed that (if the DCO is made in the terms sought) it will be open to the Applicant to take freehold control of that land. The Applicant cannot say that it will not have the power to take the freehold interest in all of that land because the DCO (if made) will give it precisely that power in Article 18(1) of the draft DCO [REP2-013]. Any subsequent transfer to another person (whether the previous owner or not) would be on such terms as the Applicant, as transferor, wished to set.</p> <p>It would be open to the Applicant to negotiate with the current owners for the Applicant to agree to take some lesser interest, such as the grant of a lease, or to agree to give the current owners a right of pre-emption to re-acquire the land at some future point post de-commissioning, but that would in no way detract from the powers that would be available to the Applicant under the terms of the DCO. Any agreements to take lesser rights could include, if the Applicant so chooses, provisions that would impose management or maintenance obligations for the land after the end of the operational period. One obvious mechanism for imposing such restrictions in a way which would bind the land in future would be by the execution of a deed containing planning obligations. The Applicant</p> | <p>In a situation where the Scheme is gone, there is no longer the 'development' to which the DCO relates; and there is also therefore nothing that can facilitate or be incidental.</p> <p>This also applies to articles 18 and 20 of the draft DCO, where the same tests are then applied to the Applicant's use of powers of compulsory acquisition of land or rights, even if they are granted by the Secretary of State.</p> <p>Furthermore, the Applicant notes that even if it was considered that such powers could be granted or used in principle, the Applicant also considers that this would not be acceptable on the grounds that it would be unclear at this stage to which land this power would apply – once the detailed landscaping works are complete and the DEMP is approved, the final shape and location of any long term planting could look quite different from the OLEMP as it is currently written, meaning that any land powers could be needed on different land than now, and most likely, <u>less</u> land than is currently suggested to be under the auspices of compulsory acquisition powers. However, flexibility would need to be retained to ensure powers could be given over the land that would be necessary to secure long term planting (if it was accepted). The Applicant considers that it would be difficult for such flexibility now, for an event in the future where there are so many variables, could not be considered acceptable.</p> <p>Finally, as is required the Applicant is seeking voluntary agreements with landowners, which requires a negotiation. To require a landowner to commit to maintaining the landscaping for a Scheme that has been decommissioned and the land handed back, is not acceptable or reasonable to landowners. Equally, using CA powers when a voluntary agreement is secured is also not acceptable – as is highlighted in the Statement of Reasons, CA powers are being sought for the main sites to protect the Applicant in the event that the landowner does not grant the leasehold interest on the terms of the option (as is common practice in DCOs).</p> <p>As such, the Applicant considers that such powers could not be granted or used by the Applicant.</p> <p>In conclusion therefore, the Applicant considers that:</p> <ul style="list-style-type: none"> it is not acceptable in planning terms for a Requirement or section 106 obligation to be imposed on the Applicant to maintain long term planting on the Scheme land, which the Applicant would then be required to impose on a |
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| | | <p>cannot properly say that it would not be within its power to secure the long term management or maintenance of the land that is proposed to accommodate landscape and ecological measures.</p> <p>At paragraph 28 SCC has proposed drafting that could be included in the OLEMP for long term management and monitoring.</p> | <p>returning landowner, even if a voluntary land agreement was able to be done with that landowner; and</p> <ul style="list-style-type: none">• it is not appropriate in legal terms for the Applicant to be forced to take land through compulsory acquisition powers to ensure the on-going maintenance of long term planting once the Scheme is decommissioned. <p>The Applicant therefore fundamentally disagrees with SCC on this point.</p> |
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| <p>Application of National Policy (LVIA)</p> | <p>SCC Deadline 4 Submission – Post Hearing Submission on ISH3</p> | <p>SCC notes at the outset that the proposal falls to be assessed under s.105(1) and (2) of the Planning Act 2008 and it is accepted by the Applicant that there is no NPS which “has effect” in relation to the proposed development: paras 1.4.4 to 1.4.5 of the Planning Statement [APP-261]; para 1.1.6 of the Statement of Need [APP-260].</p> <p>It is common ground between the Applicant and the local authorities that both the current and draft energy NPS suites should be considered ‘important and relevant’ for the purposes of S105(2) of the Planning Act 2008.</p> <p>Unlike S104, S105 contains no requirement that the Secretary of State must decide the application in accordance with any relevant national policy statement. Instead, the Secretary of State must have regard to important and relevant matters, which in our view include the NPS suite.</p> <p>The national policy statements may not be the only important and relevant matters, or the only factors to which the Secretary of State must have regard. For example, the Secretary of State must also have regard to the Local Impact Report, which sets out local policy where relevant and provides detailed commentary on impacts.</p> | <p>The Applicant agrees that there is not a ‘binary choice’ before the ExA and the Secretary of State. The NPS policy provisions need to be applied as a whole, but also can be applied to parts of the Scheme, and not the Scheme as a whole.</p> <p>In respect of the Limekilns and fields W03-W014 specifically (being all bar one field of West Site A), the Applicant notes that:</p> <ul style="list-style-type: none"> • in its Deadline 4 and other Deadline 5 submissions, it has been made clear that the Limekilns cannot be considered to be a ‘highly valued landscape’. It has no statutory status, designation or identified quality in national or local policy; and would not be considered highly valued when applying the criteria in Landscape Institute Technical Guidance Note (TGN) 02/21: <i>Assessing landscape value outside national designations</i>. This low status must therefore be what is balanced against the benefits of the Scheme; notwithstanding the feelings that Interested Parties might have; • in the context of NPS para 5.9.17, through the OLEMP and the Environmental Masterplan, the Applicant has mitigated landscape and visual impacts to the extent possible and Interested Parties agreed at the Hearing that further mitigation would not further lessen impacts; • also in the context of NPS para 5.9.17 the Alternative Sites Assessment [APP-054] sets out how the Scheme development took account of operational and other relevant constraints, in choosing a site; and then seeking to minimise harm to the landscape through the development of the application material; and • through its assessments in the ES and Planning Statements, and further to the information on Chippenham Park RPG set out in its Deadline 5 submissions, it can be considered that there are no heritage reasons as to why those fields could not be consented. <p>All of these factors need to be considered when applying paragraph 5.9.21 of the NPS or indeed in considering the statements of the Joint Councils in the LIR additionally/in the alternative. As set out in its answer to SWQ 2.05, losing fields W3-W12 would lead to the loss of over 228MW of output. This would mean losing almost half of the available grid connection at Burwell substation.</p> |
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| | <p>Though national policy statements are likely to be of considerable importance and relevance, it is nevertheless open to the Secretary of State to use his judgement in deciding the degree of importance and relevance,</p> <p>The Applicant also commented specifically on the application of national policy to the Councils' proposed removal of parts of the scheme with particular reference to Sunnica West A. Although Sunnica West A is in Cambridgeshire, SCC is interested in the principle at issue and supports the views of the Cambridgeshire authorities as regards the impacts of these parcels and wishes to make the following points:</p> <p>Counsel for the Applicant referred to para 5.9.14 of Overarching National Policy Statement for Energy (EN-1) which states that 'local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development' and noted that the Limekilns is not specifically designated in a local development document.</p> <p>We argue that this analysis over-simplifies a more nuanced position. It is not the case that the Secretary of State is faced only with a binary choice: to accept in its entirety the whole of the proposal as put forward by the Applicant or to refuse it. It is also open to the Secretary of State to</p> | <p>Furthermore, as confirmed in its ISH2 summary [REP4-030], given this loss in generation, coupled with the costs that would need to be maintained for the rest of the Scheme and the cable corridor (without even considering the issues that would then arise in terms of whether the current Grid Connection Corridor would be an acceptable route in planning or compulsory acquisition terms if West Site A and B were removed), if W03-W12 were removed, the Applicant would not proceed with the Scheme.</p> <p>The Applicant therefore considers that removal of fields W03-W12 would:</p> <ul style="list-style-type: none"> • not be a mitigation measure that brings 'significant benefits' as the impacts in policy terms do not necessitate such a drastic measure; • not just result in a significant operational constraint – it would remove all Scheme benefits; and • even if the Applicant proceeded with the Scheme, the loss of over 228MW of output can in no way be considered as a marginal loss of function. <p>Similar logic applies to fields E12 and E13, where the impacts from the Scheme in landscape and ecological terms are even less than at fields W03-W12; and where in each case double figures worth of generation would be lost (being in both cases the size of schemes that have would likely be the size of their own planning application). This is considered further in the Applicant's responses to the SWQs under the 'Principal and Nature of Development' heading also submitted at Deadline 5.</p> |
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make a positive decision but for a modified form of the application proposal. That is clearly understood by the ExA, who sought views on that issue at ISH3 and the Applicant did not demur that such an approach was open. The reasons for requiring a modification can relate to concerns about any aspect of the proposal or about any aspect of its environmental impacts, including its impact on the local landscape and local views. The Applicant's binary approach also understates the value of the landscape in question. Although the Limekilns itself is not a designated landscape feature, it is clearly 'highly valued locally' for the purposes of 5.9.14 as testified by interested parties at the OFHs and ISHs. It additionally has a close historic functional and landscape relationship with the Chippenham Park grade II Registered Park and Garden (RPG), which indicates a further source of value.

Para 5.9.21 notes that '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

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| | | <p>warrant a small reduction in 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.' This advice is expressed in terms of examples rather than a specific policy test.</p> <p>SCC accepts 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>It is SCC's view, as set out in the joint LIR, that the benefits of removal of those parts of the development which are recommended to be removed are likely to outweigh the marginal loss of function, but accepts that the Secretary of State will need to apply their own judgement on a case-by-case basis.</p> <p>Whether or not removal of any given portion is judged to be appropriate, it is still necessary to consider ways to</p> | |
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| | | <p>either mitigate or compensate for impacts. This is supported by policy: Para 5.9.17 requires the Secretary of State to 'consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.'</p> | |
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4 Response to LPA Comments on Applicant's Response to the LIR Cambridgeshire County Council

Table 2

| Topic | Paragraph / Page Number | Council's Comment | Applicant's Response |
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| Ecological Vision | 8.37 - 8.40 and Annex A | <p>The Applicant has not adequately demonstrated how the scheme delivers an "ecology-led design" given that the scheme has not avoided destruction of Stone Curlew nesting habitat, ground-nesting habitat for farmland birds of county importance (including 100+ skylark pairs) and 19 fields supporting arable flora of district / county importance.</p> <p>The Cambridgeshire County Council seeks an explanation as to what other designs were discounted and what criteria was used to elect the current design, to demonstrate that the most ecologically sensitive design was taken forward.</p> <p>The scheme does not demonstrate how it will deliver "<i>significant and meaningful contribution to the creation of a Nature Recovery Network in East Cambridgeshire and West Suffolk</i>". For example, Sunnica West Site A falls within the Breckland Edge Priority Area in the East Cambridgeshire Nature Network. A key nature conservation priority for this area is management for its important flora and farmland birds. It is unclear how the scheme meets these objectives, given it will result in the loss of the majority of notable arable flora and ground-nesting bird populations of county importance.</p> <p>The scheme has not demonstrated how it will "<i>ensure a natural environment with a demonstrable net gain in biodiversity</i>" given</p> | <p>The evolution of the Scheme has been an iterative process, informed by extensive and detailed surveys and this can be seen through changes in the Scheme since initial scoping.</p> <p>The Applicant disagrees that the Scheme will result in the loss of the majority of notable arable flora and ground-nesting bird populations, with arable flora retained in existing margins of fields, undeveloped land incorporated into the Scheme to benefit ground-nesting birds, among other species. No significant impacts on these species have been identified.</p> <p>Further information regarding Biodiversity Net Gain and Stone-curlew has been submitted at Deadline 5. It should also be noted that the Applicant disagrees that the offsetting provided for Stone-curlew consists of 'sub-optimal habitat', when in fact the opposite is true; the Scheme is offsetting the loss of any arable farmland, itself a suboptimal, if not poor, habitat for Stone-curlew, with permanent grassland and disturbed ground nesting plots; habitats accepted as optimal habitat for Stone-curlew.</p> <p>Please also see the Applicant's first response to Ecology matters in its comments on the LIR [REP3-019] which considers how the Scheme has responded to the policy expectation of NRNs. The Scheme provides the</p> |

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| | | the uncompensated losses of arable flora and farmland bird habitat, and suboptimal Stone Curlew off-setting habitat. | opportunity for an improved ecological environment compared to what currently exists, including to arable flora and ground nesting birds. |
| East Cambridgeshire Interim Nature Recovery Network | 8.41 – 8.44 and Appendix B sections 2.3.3 to 2.3.6 | <p>The Council considers that the scheme does not contribute to, and to some extent conflicts with to the East Cambridgeshire Interim Nature Network.</p> <p>Sunnica West Site A falls within the Breckland Edge Priority Area of the East Cambridgeshire Interim Nature Recovery Network¹ (Baker and Wilson, 2022). The conservation priorities for this priority area include <i>“the provision of habitats suitable for Breckland flora and invertebrates, whether grasslands of various types or arable areas suitable for assemblages of rare arable flora...”</i></p> <p>Field W06 and W09 of Sunnica West Site A are considered of district and county importance for their arable flora (respectively) [APP-079]. The Environmental Masterplan [REP3-022] shows that the arable habitat will be lost from these fields, with the exception of three very small arable flora plots within the archaeological exclusion zone located south of W09.</p> <p>In order to meet the conservation objectives of the East Cambridgeshire Interim Nature Recovery Network, as well as follow the mitigation hierarchy (avoid impact to high quality biodiversity), the Councils consider it appropriate to seek removal of solar arrays from the field considered of county importance for arable flora (W09) and management for its arable flora. Fields identified to be of district importance for arable flora (e.g. W06) should also be managed for their arable flora. This should form part of a network of habitat for arable flora across the entire Sunnica site, with each arable field margin of sufficient size and located in optimal conditions, where management is not compromised by proposed solar farm infrastructure, nor by the stone curlew, archaeology and landscape mitigation. If this is not possible, an alternative off-</p> | <p>The Applicant disagrees with the assertion that the Scheme does not contribute to, and to some extent conflicts with the East Cambridgeshire Interim Nature Recovery Network. As highlighted by CCC, conservation priorities for the area include <i>“the provision of habitats suitable for Breckland flora and invertebrates, whether grasslands of various types or arable areas suitable for assemblages of rare arable flora...”</i>. The Scheme is delivering the creation of grassland habitat, as well as areas for rare arable flora.</p> <p>With regard to W09, arable flora will not be lost from this field and so it is disproportionate to suggest it should be removed from the Scheme. Through annually disturbed plots, conditions will be maintained to allow arable flora to persist for four decades in its existing location. It should also be made clear that the distribution of arable flora is subject to annual changes due to modern agricultural practices, so any mitigation should be focussed at creating permanent suitable conditions. This is what the Applicant is committed to.</p> |

¹ Baker, M.P. & Wilson, L.A. (2022). *An Interim Nature Recovery Network for East Cambridgeshire*. Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire. Available at: <https://www.eastcamb.gov.uk/sites/default/files/East%20Cams%20NRN%20-%20Final%20-%20Aug2022%20-%20low%20res.pdf>. Appended to submission referred to as Appendix 1.

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| | | <p>site solution is required to work with farms to deliver better landscape scale management for arable flora.</p> <p>If this is not possible, an alternative off-site solution is required to work with farms to deliver better landscape scale management for arable flora.</p> | |
| Fenland SAC and Chippenham Fen Ramsar Site – peaty soils | 8.53 – 8.55 | <p>The Applicant states that <i>“The small area of fen peat soil is away from the trenching (see soil map below).”</i> However, the area identified as peaty soils on the soil map is located within the Cable Corridor and shown as <i>“works no. 4”</i> (electric cabling) on sheet 15 of the Works Plan [REP2-005]. The Councils seek clarification as to the route of the proposed cable trench through Sunnica West Site B in relation to the peaty soils and suggest it could be rerouted to avoid the small area of peaty soils.</p> | <p>The laying of the cable through what was parcel EC04 will pass through a section of Fen Peat Soils, a similar route as for the previous proposal which included the solar panel arrays. The laying of the cable and its presence within the parcel will not have a significant effect on the soils or their associated hydrology. The cable has a relatively narrow diameter, is flexible in nature and, in contrast to pipes carrying, for example water, does not have to meet grade level criteria. The laying of the cable is similar to that of laying an agricultural drain pipe including a small amount of backfill with the addition of Netlon laid on top of the cable. The small diameter of the cable has no impact on the hydrology of the soil.</p> |
| Phase 1 mapping | 8.81 to 8.83 | <p>The update should reflect the findings of the Arboricultural Impact Assessment and should also show arable field margins.</p> | <p>The Applicant has reviewed the Phase 1 mapping and undertaken any necessary updates where this influences the OLEMP.</p> |
| Arable Field Margins - locations | 8.88 | <p>It is still unclear where the arable field margins mentioned in the Preliminary Ecological Appraisal [APP-078] are located because they are not shown on the accompanying Phase 1 Habitat map [APP-187].</p> | <p>Arable field margins were recorded on the Preliminary Ecological Appraisal report (Appendix 8B of the Environmental Statement [APP-078]) as biodiversity priority habitat. Table 4-8 provides a summary of notable habitats associated with the Order limits based on the results of the Phase 1 Habitat survey and arable field margins is within this table. Depending on the arable field margin, these are either mapped as grassland (where this is considered a more permanent feature) or as arable (where it is part of an existing crop and arable flora have been noted in the margins). In the latter case, these are identified further in the flora survey report.</p> |

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| Arable Field Margins / Arable Flora | 8.89 | The Councils seek a map be provided showing (a) areas of land that were not surveyed for arable flora, and (b) areas that were surveyed for arable flora and the date they were surveyed. | <p>Refer to Appendix 8C: Terrestrial Habitats and Flora Report [APP-079] Figure 2: Flora surveys 2019 to 2021.</p> <p>Arable flora surveys were undertaken on 5, 6 and 29 May and 6 June 2019; from AF16 (Sunnica East Site B) onwards on the 14, 27 and 28 May 2020 and from AF28 onwards along the Grid Connections Areas on 20 May and 1 June 2021.</p> |
| Trees and woodland - removal | 8.100 | <p>The Council disagrees that there has not been a significant change in the EIA, given that the ecological assessment in Chapter 8 of the ES [APP-040] is based on the assumptions that: <i>“All woodland present within the Order limits will be retained and measures embedded within the Scheme design to protect retained habitats during construction” (page 8-108). “No ancient woodland or veteran trees were identified as part of the data search; therefore, these aren’t considered further in this chapter” (paragraph 8.6.8).”</i></p> <p>Chapter 8 should be updated to reflect the proposed woodland / tree removal (approximately 1ha) and presence of (and works to) veteran trees set out in the Arboricultural Impact Assessment [REP3-021].</p> | <p>Refer to Appendix 10B: Tree Constraints Report [APP-101] and the Arboricultural Impact Assessment Report submitted at Deadline 3 [REP3-021] for removal of trees within the Scheme. Although the Arboricultural Impact Assessment reports minimal loss with respect to trees, this is not significant in EIA terms. This information has been included within the biodiversity net gain (BNG) updated calculations. The Applicant maintains that this does not represent a material change to the ES and that the nature of any tree works can be managed to reduce tree loss and that there is sufficient flexibility provided in the Works Plans to design the Scheme to avoid significant loss of trees.</p> <p>At the time of submission, no veteran trees had been identified. Subsequently, the AIA has assessed any works to veteran trees.</p> |
| Hedgerows - loss | 8.102 | The Council disagrees with this statement. The AIA [REP3-021] has identified impacts to hedgerows that were not surveyed as part of the ecological assessments. A review of the Terrestrial Habitats and Flora report [APP-079] is required to confirm any additional hedgerows that will be impacted by the scheme and require additional surveys. | <p>In March 2019, a Preliminary Ecological Appraisal (PEA) survey was undertaken of the Scheme. All habitats, including all hedgerows were surveyed during the Phase 1 Habitat survey.</p> <p>This PEA identified the need for follow-up ecological surveys and assessments to help determine a baseline and potential impacts of the proposed Scheme on protected or notable species (a notable species is a species with a conservation designation, but no legal protection) species. As part of this work, Phase 2 botanical surveys (including National Vegetation Classification (NVC) survey), a hedgerow survey and an</p> |

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| | | | <p>arable flora survey were undertaken between 2019 and 2021 within the Scheme boundary.</p> <p>During the Phase 2 botanical surveys all hedgerows (all mature hedgerows within the Order limits) that will be impacted upon by the Scheme were surveyed for their 'importance' under the Hedgerow Regulations, the rest were scoped out of requiring any further assessment on the basis that they were not to be affected. As such the Phase 2 botanical survey constitutes those hedgerows that will be affected by the Scheme.</p> <p>The Arboricultural Impact Assessment [REP3-021] reports minimal loss with respect to trees, this is not significant in EIA terms.</p> |
| Veteran trees | 8.103 | The Councils await further information for missing bat survey assessments. | <p>The Arboricultural Impact Assessment (AIA) Report submitted at Deadline 5, provides updated information on potential woodland and tree loss across the Scheme with relevance to protected species, including bats. This states that a worst case scenario of woodland/loss has been assessed and it is likely that in practice tree loss and impacts could be significantly reduced through avoidance (e.g. through cable installation via horizontal directional drilling (HDD) and micro-siting of cable and access routes to avoid trees). The AIA identifies that no veteran or ancient trees are to be removed, which often have features for roosting bats.</p> <p>The details of the final tree loss will be provided in an Arboricultural Method Statement which will be provided as part of the Framework CEMP following consent. Due to the lack of detail on tree loss at this stage, it is currently unknown which woodland/trees will be impacted and therefore it is not feasible to survey all potentially impacted woodlands and trees in detail at this stage. A Preliminary Roost Appraisal has been undertaken on all woodlands and trees and it is noted that there could be potential impacts to trees and woodlands with bat roost suitability.</p> |

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| | | | <p>Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, a roost surveys for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified.</p> |
| <p>Bats – AIA impacts</p> | <p>8.111</p> | <p>The Council disagrees. The bat assessment has not taken into account the proposed tree works, including works to trees identified as supporting potential roosts within the Arboricultural Impact Assessment [REP3-021]. For example, tree 143 has not been identified or assessed within the bat report [APP-087].</p> <p>The bat survey report must be updated to consider the proposed loss of 1ha of woodland, works / removal to individual trees and additional losses of hedgerows.</p> | <p>The Arboricultural Impact Assessment (AIA) Report submitted at Deadline 5, provides information on potential woodland and tree loss across the Scheme with relevance to protected species, including bats.</p> <p>In this it is stated that a worst case scenario of woodland/loss is assessed and it is likely that in practice tree loss and impacts could be significantly reduced as avoidance is likely to be possible along some of the cable route through cable installation via horizontal directional drilling (HDD) and through micro-siting of cable and access routes to avoid trees. The AIA identifies that no veteran or ancient trees are to be removed, which often have features for roosting bats. The details of the final tree loss will be provided in an Arboricultural Method Statement will be provided as part of the Framework CEMP following consent.</p> <p>Due to the lack of detail on tree loss at this stage, it is currently unknown which woodland/trees will be impacted and it was not feasible to survey all potentially impacted woodlands and trees in detail. A Preliminary Roost Appraisal has been undertaken on all woodlands and trees and it is noted that there could be potential impacts to trees and woodlands with bat roost suitability. As per</p> |

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| | | | <p>the question, there is currently no impact to tree T143 in the updated AIA report.</p> <p>As stated in the AIA, Appendix C Precautionary Arboricultural Method Statement, section 1.3.8, following the provision of the detailed Arboricultural Method Statement, prior to the commencement of any tree works a survey for protected species (including nesting birds, bats and badgers) is to be undertaken. If evidence of any protected species is discovered the advice of the appointed Ecological Clerk of Works must be obtained. This would include further pre-commencement survey as necessary, and, again if necessary, the obtaining of a mitigation licence for the proposed works.</p> |
| Bats – lack of surveys | 8.114 – 8.115 | The Applicant has not demonstrated that adequate bat surveys have been undertaken (e.g. tree 657 and tree works associated with access routes) and therefore, it is not possible to determine the level of impact of the scheme on these protected species. | <p>All the access routes have been assessed on impacts on bats during the bat surveys undertaken within the Scheme.</p> <p>A high roost suitability woodland for bats, comprising species as blackthorn and Scots pine, is located at Sunnica East Site access B.</p> <p>Access A and C at Sunnica East Site will not be affected by trees/hedgerows with roost suitability.</p> <p>A negligible line of trees (six beech trees) is located at Sunnica West Site access B.</p> <p>A high roost suitability line of trees (woodland) is located at Sunnica West Site access D.</p> <p>Line of trees with negligible roost suitability for bats is located at cable route site access M.</p> <p>If any tree needs to be removed at these locations, bat surveys will need to be undertaken prior to commencing the works to determine if bats can be impacted by the works.</p> |

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| | | | For Sunnica West - Access C, established trees are located on both side of the access. However, no significant removal of vegetation will be required, although some cutting back and reduction in height of hedgerow and trees (removal of branches) will be undertaken. As tree 657 has been identified a high potential for roosting bats, bat roost surveys (emergence /re-entry) will be necessary at this location in the year prior to commencing the works. If a bat roost is confirmed at this location a bat mitigation licence (e.g. an EPSML) will be required to be obtained prior to the loss of this roost. |
| Badger – setts | 8.120, page 42- 43 | The Council welcomes update of Badger report and await submission at Deadline 4. | The locations of Badger setts will be updated on the basis of incidental records including from walkover surveys for other species. Sett 14 which is missing on Figure 2 Annex 8A will be added. None of this information changes the outcome of the assessment. It will be reported as part of the pre-construction Badger survey. |
| Monitoring | 8.131 – 8.133 | <p>The Council disagrees that Ecology Advisory Group “<i>will, over this decade, determine what if any further monitoring is necessary and how it will be funded.</i>”</p> <p>It is the responsibility of the Applicant to fund adequate ecological monitoring throughout the lifetime of the development to demonstrate that the scheme has successfully delivered the proposed mitigation / compensation for all key species and habitats.</p> <p>Given the size and nature of the proposed development, the Councils considers it proportionate and reasonable for the Applicant to undertake annual surveys for Stone Curlews, 5 yearly monitoring for habitats and monitoring of periodic monitoring of target species (farmland birds and invertebrates). The findings of such results will be critical to the understanding of the impact of large-scale solar farms</p> | <p>Surveys for Stone-curlew will be undertaken annually, as detailed in the Framework OEMP (latest version submitted at Deadline 5).</p> <p>The LEMP sets out how the mitigation will be monitored and managed. Compliance with this is secured by the DCO and therefore must be funded by the Applicant.</p> |

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| | | on British ecology and whether the proposed mitigation / compensation measures are appropriate and successful. | |
| Decommissioning impacts | 8.162 to 8.165 | At this stage, it is not possible to determine that there will be no adverse impacts associated with decommissioning. For example, removal of solar farm infrastructure may impact nesting birds, roosting bats or arable flora that have established on the Site. Further assessment is required at decommissioning stage to determine the level of impact and if mitigation / compensation is required. | <p>Table 3-3 in Appendix 16E: Framework Decommissioning Environmental Management Plan [APP-125] sets out the principles for decommissioning. It states that: 'A site walkover will be undertaken in advance of mobilisation/any potential advance works to re-confirm the ecological baseline conditions and to identify any new ecological risks.'</p> <p><i>Updated species surveys, including bats, great crested newt, breeding birds, otter, water vole and badger, will be completed as appropriate to re-confirm the status of protected species identified, to inform mitigation requirements and support protected species licence applications, if required by Natural England, the Council(s) and ECoW.</i></p> <p><i>Such surveys will be undertaken sufficiently far in advance of decommissioning works to account for seasonality constraints and to allow time for the implementation of any necessary mitigation, prior to decommissioning.'</i></p> <p>This is considered to provide sufficient protection for bats at decommissioning stage.</p> |
| Chapter 14 | p178 | Chapter 14 should be titled "Public Rights of Way" as per the Joint Local Impact Report [REP1-024]. | Noted. |
| Temporary PROW closures | 14.31 and 14.45 | The Applicant refers to section 6.3 of the Framework Construction Traffic Management Plan and Travel Plan [REP3-013]. This makes no reference to the Council's request for temporary PROW closures to be discussed and agreed with the LHA to enable the LHA to assess the | The Applicant acknowledges that the issues raised are important hence the consideration of temporary PROW closures in the Framework Construction Traffic Management and Travel Plan [REP3A-004]. The |

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| | | implications for users and advise the Applicant accordingly. Please see PROW comment on the CTMP (ref paragraph 6.3.10) above. | Applicant is giving further thought to the appropriate means of securing and regulating all related matters. |
| Temporary closures | 14.33 | Please see PROW comment on the CTMP and TP (ref paragraph 6.3.10) above. | Please see the Applicant's response to the PROW comment on the Framework Construction Traffic Management Plan and Travel Plan (ref paragraph 6.3.10). |
| PROW – Haul roads | 14.34 | <p>The Council welcomes the amendment to article 11(1)(b) of the dDCO [REP2-012 and REP2-013] such that it is now clear that use of PROW by motor vehicles is for the purpose of crossing them only.</p> <p>As submitted in connection with ecological concerns at 10.227-229 of the LIR [REP1-024], the LEMP [REP3-012] needs to address how any hedges that have to be removed for construction purposes will be restored, in consultation with the relevant local planning authority and local highway authority, to ensure that the features can be restored as quickly as possible in the correct location to avoid encroachment on the legal width of the routes, and to minimise adverse impact on the enjoyment of users gained from these historic boundary features and their wildlife value. Schedule 2: Detailed design approval in the dDCO should be amended 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. This should include the provision for inspection and certification by the LHA.</p> | <p>Updates have been made to the Framework Construction Environmental Management Plan at Deadline 5 in response to these comments.</p> <p>Matters relating to inspection / certification are included in emerging discussions with local highways authorities in respect of a side agreement.</p> |
| PROW temporary measures during construction | 14.35 and 14.36 | The Council welcomes the Applicant's statement that they intend to work with the LHA to agree appropriate measures. | Noted. Please see the Applicant's response to the PROW comment on the Framework Construction Traffic |

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| | | The Council reiterates its comments made in relation to the CTMP (ref paragraph 6.3.10) above. | Management Plan and Travel Plan (ref paragraph 6.3.10). |
| Access & Rights of Way Plans | 14.19. & 14.51 | <p>The Council maintains its objection to the Applicant's position that the Access and Rights of Way Plans [REP2-006] and the Traffic Regulation Measures Plans – Road Closures [REP2-007 to REP2-009] contain sufficient detail to articulate the extent and scope of the powers sought in the draft DCO.</p> <p>The Council highlights that this matter concerns all highway assets, including PROW, and therefore should not be captured only under the Public Rights of Way heading.</p> <p>These issues need to be resolved to avoid the potential for significantly delays to delivery of the scheme. The Council would welcome further discussion with the applicant with the aim of reaching agreement.</p> | The Applicant does not agree on this point. However it does acknowledge the concerns in relation to works in the highways (to include PROWs) and these matters are being discussed in more detail in the context of a side agreement |
| All proposed permissive paths must be added to the plans | 14.21 and 14.52 | Whilst, as the Applicant states, permissive paths are not public highways, they can only be accessed from a public highway. Consequently, their connectivity and position within the wider routes network is important to potential users, and thus should be shown on the Access plans for clarity. | <p>The Applicant has submitted relevant updated sheets of the Access and Rights of Way Plans at Deadline 5 for the purpose of the Changes Application submitted at the same time. To the extent that any permissive paths are on those relevant sheets, they are presented on the plans.</p> <p>The Applicant intends to produce and submit in due course a consolidated set of Access and Rights of Way Plans, pending acceptance of the application and further discussion with the LPAs regarding the detail of the permissive paths. For the avoidance of doubt, the Applicant confirms that it will be adding permissive paths to these plans.</p> |

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| Impact on NMUs | 14.41 and 14.48 | <p>The Council welcomes the proposed engagement with the equestrian groups regarding the scheduling of construction activities. This needs to include the British Horse Society, which is the statutory user group for public rights of way, and any local riding groups that use the public bridleways. The Council recommends that all the local parish councils, statutory user groups and the Fordham (Cams) Walking Group are also kept informed, as this will be a key way for local residents who use the network to hear about planned works and help engage effectively with the community, so that the public can make informed decisions regarding their use of the network during these times.</p> | <p>Noted. The Applicant welcomes this advice, and intends that a future communications strategy incorporates a wide geography and range of groups, as suggested. This will be developed and approved through the Final CTMP/TP, which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development.</p> |
| Impact on NMUs – Saturdays | 14.49 | <p>The Council does not accept the exclusion of NMUs as sensitive receptors in the Environmental Assessment. It is commonly accepted within local authority health and wellbeing strategies that there is a strong link between behaviours and health and wellbeing. Guidance published by NICE² identifies the importance of providing infrastructure to capture and retain positive behaviours, and the Government's A Green Future: Our 25 Year Plan to Improve the Environment³ has identified, within Chapter 3, the Covid pandemic as underlining the important role of nature for our health and wellbeing, particularly for those living in disadvantaged areas. The pandemic has provided a wealth of evidence that many people changed their behaviours as a result of prolonged conditions.</p> <p>As cited at 10.161 below, evidence given at the Open Floor Hearing on 6th December and at ISH3 is that local residents enjoy walking, cycling and riding through the existing</p> | <p>The Landscape and Visual Impact Assessment (LVIA) summarised in Chapter 10 of the Environmental Statement [APP-042] includes a detailed assessment of the likely effects on the views and visual amenity of people using existing public rights of way. The assessment concludes that there will be a range of significant visual effects on people's views from PRow during construction but that these will be short term and reversible. These effects relate mostly to where PRow intersect the cables routes. A section of the U6006 unclassified road passes through Sunnica East Site B. There are also some sections of existing PRow which are parallel to parts of the Scheme. The Scheme has avoided or minimised effects on users of these routes by making use of existing vegetation and additional proposed planting, such that by year 15 of operation</p> |

² National Institute for Health and Care Excellence (2018) NG90: Physical Activity and the Environment. Available at: [REDACTED]. Appended to submission referred to as Appendix 2..

³ Defra (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf. Appended to submission referred to as Appendix 3..

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| | | <p>landscape because of its intrinsic historic and open rural character. They particularly appreciate the very quiet, peaceful character and it is the reason that some people moved to the area. Users fear that the solar farm will vastly change their enjoyment of the landscape. The Council considers that the construction works could have a significant adverse impact on the behaviour of NMUs, because it will create a less pleasant environment to walk, ride or cycle through. This may or may not be users' perceptions, but the works still have the potential to create a negative impact on behaviours, affecting physical and mental health and wellbeing. The Council therefore submits that the Applicant needs to appropriately mitigate the adverse impact of the scheme on local communities through a more comprehensive public access strategy, suggestions for which are expanded upon at 10.161 below. Such a strategy should include mitigation during the construction phase. This would help address the requirements of the Council's statutory Rights of Way Improvement Plan Statements of Action 2 A safer and health-enhancing activity, SoA3: New development should not damage the countryside provision and should contribute to the provision of new links and improvement of the existing PROW network; and SoA5 Filling the gaps: countryside provision should build on the platform of the historical network to meet the needs of today's users.</p> | <p>visual effects on users of the PRow network will be not significant.</p> |
| <p>Glint and Glare</p> | <p>Table 11.1y</p> | <p>The Council is content that the measures proposed to protect NMUs from glint and glare and shielding during construction are adequate, taking into consideration wider landscape and visual considerations.</p> <p>However, the LEMP [REP3-011] currently does not consider what may happen to existing mature vegetative belts that would currently screen existing public rights of way from glint and glare. The LEMP [REP3-011] must include the requirement for the Applicant or the operator to monitor</p> | <p>The updated OLEMP issued at D5 commits the Applicant and/or the Appointed Contractor(s) to appoint a suitably qualified ecologist, landscape architect and arboriculturist to monitor the creation, establishment and long-term management of planting and existing habitats. The OLEMP also sets out principles for the long term management of existing woodland and hedgerows within the Scheme, including in response to changes in</p> |

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| | | existing and proposed screening vegetation of PROW during the operational phase of the development to identify any changes that may occur, for example as a result of from wind damage and disease (such as ash dieback). The operator must be required to address any changes that result in the solar panels becoming visible from rights of way, particularly bridledways, through appropriate measures such as re-planting in gaps created. | existing vegetation which could affect its effectiveness in screening glint and glare effects. |
| Noise affecting equestrians | Table 11.1bb | The Applicant's response is noted. The Council would recommend that noise levels in the vicinity of bridledways are monitored as part of the CEMP [REP3-015] so that any issues that arise can be addressed. Please see comments at 14.48. | The Applicant does not consider this is necessary given its commitment to engage with equestrian groups committed to in the CEMP. |
| Landscaping | Chapter 10 10.91 – 10.94 – PROW viewpoints | Please see comments at Chapter 14 Table 11.1y | The Applicant notes this comment, but requires more context in order to respond. In summary, however, it considers that it has sufficiently mitigated impacts to PROW users from glint and glare. Please also see the Applicant's response to SWQ 1.9.15. |
| Landscaping | 10.161 and 10.176 | <p>The Applicant has not adequately addressed the negative impact of the scheme on users in the community of the public rights of way network. Please see response under 14.40-14.47.</p> <p>Evidence given at the Open Floor Hearing on 6th December and at ISH3 is that local residents enjoy walking, cycling and riding through the existing landscape because of its intrinsic historic and open rural character. Users fear that the solar farm will vastly change their enjoyment of the landscape, resulting in an urbanised and closed-in feel, such that they do not wish to continue using the existing rights of way. This is a direct adverse impact of the scheme, which will affect the health and wellbeing of the local population. For many people, the 40-year life of the scheme will mean that this</p> | <p>The updated OLEMP issued at D5 provides further detail on the proposed mitigation and improvements to the public access network in the vicinity of the Scheme. This includes the following objectives:</p> <ul style="list-style-type: none"> • Restore the character and condition of existing PROW affected by construction. • Retain and enhance existing vegetation to screen built elements of the Scheme, including from glint and glare effects. • Retain longer distance views which contribute to sense of place and wayfinding. • Provide new permissive routes which connect with the existing PROW network and enhance access to the countryside with a choice of longer and shorter routes. |

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| | <p>negative impact is for the rest of their lifetime. For others it would be impact all of their childhood, when good and healthy lifestyle habits are first learned.</p> <p>Those with the ability to do so may use the car to drive elsewhere to achieve the same high-quality experience they currently have, which would have negative impacts in respect of increased carbon emissions. Unless the Sunnica West Site A E05 is removed from the scheme, it is unlikely to be possible to completely remove this negative impact. It could, however, be offset by the provision of a significantly more extensive and imaginative scheme of public access around the principal sites that encourages people to explore the area by foot, bicycle or on horseback, with commitment secured for long term permanent additional access. This could include educational and heritage elements. Safe, direct off-road NMU links between villages are also much needed. These measures would help create a much more positive outreach to the local communities who currently have very little being offered to them in mitigation for the negative impacts of the scheme. This would address the requirements of the Council's statutory Rights of Way Improvement Plan Statements of Action 2 A safer and health-enhancing activity, SoA3: New development should not damage the countryside provision and should contribute to the provision of new links and improvement of the existing PROW network; and SoA5 Filling the gaps: countryside provision should build on the platform of the historical network to meet the needs of today's users.</p> <p>Further, the Council considers that a more extensive public access strategy is integral to the Stone Curlew mitigation because it has the potential to help manage the recreational pressure by diverting people away from Beck Road, providing an alternative to the existing PROW (that goes along ECO2). Chapter 3 of the government's Green Future:</p> | <ul style="list-style-type: none"> • Encourage use of existing PROW and new permissive routes and discourage incursions into ECO areas through signage and fencing. • Contribute to enhancement of the wider PROW beyond the Scheme through s106 contributions. <p>The Scheme will implement new permissive routes during the lifetime of the Scheme as described in the OLEMP and illustrated on the Environmental Masterplan. This includes:</p> <ul style="list-style-type: none"> • Around the solar panels in parcel E05 and running parallel with Beck Road within Sunnica East Site A. This will provide a connection between Isleham to the west and Freckenham to the south via bridleway W-257. It will also provide opportunities for shorter circular routes and will connect with a new space to the west of E05 where a memorial to the B50 crash site will be constructed. • Along the southern edge of Sunnica East Site B and adjacent to Elms Road; to connect existing routes from Red Lodge with U6006; and • Along the north part of Sunnica East Site B, between U6006 and Golf Links Road. <p>The Applicant will also provide a technical note on the interaction of the Scheme with the experience of the users of public rights of way in the area at Deadline 6.</p> |
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| | | 25 year Environment Plan emphasises the importance of enabling opportunities enhance landscapes, to support native species and to protect biodiversity. Increasing walking opportunities from Isleham, rather than people having to park by the existing PROW because it is unsafe to walk along the road, would further support this objective. | |
| Landscaping – PROW hedgerows features | 10.207 – 10.219 10.227 – 10.229 | <p>There are few PROW in the area and therefore they are particularly important features in the landscape. They are often bounded by ditches or hedgerows.</p> <p>The LEMP [REP3-011] needs to address how any hedges that have to be removed for construction purposes will be restored, in consultation with the relevant local authorities, to ensure that the features can be restored as quickly as possible in the correct location to avoid encroachment on the legal width of the routes, and to minimise adverse impact on the enjoyment of users gained from these historic boundary features and their wildlife value.</p> | <p>The updated OLEMP issued at D5 provides objectives and design principles for hedgerows, including for the reinstatement of sections of hedgerow required to be removed to facilitate construction.</p> <p>Updates have also been made to the CEMP on this issue.</p> |
| Landscape – PROW as historic and living features | 14.40 and 14.47 | <p>It is noted that the Applicant considers that the integration of existing PROW and new permissive routes to enhance public access to the countryside have been key considerations through the Design and Access Statement [REP3A-032]. The Council does not agree with this assessment. The permissive access offered in Cambridgeshire at the E05 site does not connect to any existing PROW, or to Isleham. It leaves users on a fast rural road with little safe verge to walk back to Isleham. Further, the D&AS [REP3A-032] does not make the cross reference to PROW as green infrastructure in the ES, or with health and wellbeing of local communities. It takes no obvious account of the Council's statutory Rights of Way Improvement Plan⁴; of</p> | <p>The permissive routes around E05 have been reviewed as part of the update of the OLEMP and Environmental Masterplans at Deadline 5. The revised routes will provide a connection between Isleham to the west and Freckenham to the south via bridleway W-257. It will also provide opportunities for shorter circular routes and will connect with a new space to the west of E05 where a memorial to the B50 crash site will be constructed. The permissive routes will be set back from Beck Road.</p> <p>The Applicant confirms that there are ongoing discussions regarding an agreement under section 106 of the Town and Country Planning Act 1990 which</p> |

⁴ Cambridgeshire County Council (2006) *Cambridgeshire Rights of Way Improvement Plan (ROWIP)*. Available at: [https://www.cambridgeshire.gov.uk/asset-library/imported-assets/Rights of Way Improvement Plan%20\(1\).pdf](https://www.cambridgeshire.gov.uk/asset-library/imported-assets/Rights of Way Improvement Plan%20(1).pdf). Appendix 16 of the LIR [REP1-024h]

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| | | <p>NPPF paragraph 100; or of Defra's 25 year Environment Plan⁵, or the Cambridgeshire & Peterborough Joint Health and Wellbeing Strategy⁶.</p> <p>Also see comments to the CTMP and TP (10.161 and 10.176) above.</p> <p>Further, the Council considers that a more extensive public access strategy is integral to the Stone Curlew mitigation because it has the potential to help manage the recreational pressure by diverting people away from Beck Road and give an alternative to the existing PRoW (that goes along ECO2). Increasing walking opportunities from Isleham, rather than people having to park by the existing PRoW because it is unsafe to walk along the road, would further support this objective.</p> <p>An integrated, more extensive public access strategy would enable the development to help address the generally low socio-economic deprivation of the area through providing increased health and active travel opportunities.</p> <p>The Council would welcome further discussions with the Applicant to address these issues, and to agree more appropriate mitigation for those impacts that will be experienced by local communities.</p> | <p>would see the Applicant make a contribution to Cambridgeshire County Council (and Suffolk County Council) for the purpose of them making improvements to existing PRoWs, and/or creating new PRoWs, to be delivered by the local authorities and has sent Heads of Terms to the LPA on this matter.</p> |
| Chapter 13, Transport | 1g, 1h | The Applicant's responses do not acknowledge that there is a requirement to obtain highway extent information in order to demonstrate that safe junction layouts and visibility can | The Applicant has requested highway extent information from the Councils and committed to incorporate it into relevant drawings when received (although this does not |

⁵ Defra (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf. Appended to submission referred to as Appendix 3.

⁶ Cambridgeshire & Peterborough Integrated Care System (2022) *Joint Health and Wellbeing Integrated Care Strategy*. Available at: <https://www.cambridgeshire.gov.uk/residents/adults/adults-services-strategies-and-policies/joint-health-and-wellbeing-integrated-care-strategy>. Appended to submission referred to as Appendix 4.

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| | | be achieved within the highway. It is recommended that the Applicant seeks to obtain highway extent information from the local highway authority. | necessarily extend to plans). This was agreed with the LHAs at a meeting on 24 November 2022. |
| Chapter 13, Transport | 1m | The Applicant's response does not make reference to any new highway drainage systems that are proposed or installed will, if not positioned within the bounds of the existing highway, require adoption by the local highway authority under the Highways Act 1980 —unless provision for such adoption is made within the dDCO. | This is noted. |
| Chapter 13, Transport | 1p | Ditches alongside highways are typically not considered to be part of the highway, unless there is evidence to suggest they have been adopted or constructed by the local highway authority. Therefore, any alterations to ditches are likely (pending further information) to be in privately owned land, and so it should not be assumed that they will be maintained by the local highway authority upon completion of works. | This is noted and is not an assumption made by the Applicant. |
| Chapter 13, Transport | 13.60 | The Applicant should be aware that neither the features shown on Ordnance Survey (OS) maps, nor land ownership boundaries, can be considered entirely representative of highway boundaries. Therefore, the Applicant's understanding of the land ownership boundaries and mapped features within the DCO limits may not have completely identify and accurately defined the extent of the public highway. | This is noted. The Applicant has requested highway extent information from the Councils and committed to incorporate it into relevant drawings when received (although this does not necessarily extend to plans). This was agreed with the LHAs at a meeting on 24 November 2022. The Applicant has ensured that all highways works required are within the Order limits. |
| Chapter 13, Transport | 14.19 and 14.51 | The Council notes the Applicant's response and disagrees that it is unnecessary to show public highway extents on the A&ROW Plans, for the reasons explained above in this document. | The Applicant has requested highway extent information from the Councils and committed to incorporate it into relevant drawings when received (although this does not necessarily extend to plans). This was agreed with the LHAs at a meeting on 24 November 2022. |



Suffolk County Council

Table 3

| Topic | Paragraph/ Page Number | Council's Comment | Applicant Response |
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| Transport | 1g | As the Applicant has only recently approached the LHA for information regarding the highway boundary we consider our comment remains valid. | This is noted. |
| | 1h and 1r | The LHA have responded to the Applicant with a number of questions and requests for additional details with regard to the temporary traffic measures proposed. | A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| | 1i | The applicant has provided additional information during the examination although some deficiencies remain. Specifically, only spot road widths are shown on plans which do not enable the LHA to assess whether the widths are suitable for the access design and / or temporary traffic management. A number of drawings have been provided stating that they are based on topographic surveys rather than ordnance surveys and SCC has asked the Applicant to confirm that is the case and that the topographical information is made available. An example is the layout for access F where the Applicant has shown a width of 6m for the internal track based on a line which from google maps is clearly another feature and not the edge of the existing track. | A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| | 1k, 1l, 1m and 1u | The LHA's seek a written commitment on certified documents such drawings or management plans that accesses will have a bound surface adjacent to the public highway with suitable drainage to prevent water or debris flowing onto the highway and any gates are located an appropriate distance from the highway to avoid the vehicle being held or stopped on the public highway awaiting access. These commitments are considered necessary at this stage | The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes the relevant written commitments. Commitments on hard standing surface at the site accesses are included at 7.2.18. Commitment on gates being located a sufficient distance into the site, and other measures to avoid vehicles being held on the public highway, is included at 7.2.19. At 7.2.20, there is |

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| | | to prevent disagreement on some key safety matters when the Applicant seeks to discharge requirements. | <p>a commitment for wheel washing facilities to be provided at the site access to prevent mud being trafficked onto the public highway.</p> <p>Agreement of highways drainage will be through the approval of the detailed plans for site accesses prior to implementation, under the detailed design Requirement in the draft DCO.</p> |
| 1s | | The LHA does not consider that the Applicant has provided sufficient evidence that there will not be an intensification of use at the accesses retained during the operational phase, particularly those used for entry to the substation sites. Please see our general comments regarding the definition and scope of 'maintenance'. | <p>The Application seeks authorisation to construct, operate and maintain the Scheme. Article 2 of the draft DCO [REP4-005] 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 DCO [REP4-005] 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. This establishes that there would not be an intensification of use at the accesses retained during the operational phase.</p> <p>Furthermore, the cable route site accesses would only be used during the operational phase if a fault was identified on the cable. If this were to be the case, the same Temporary Traffic Measures would be introduced as in the construction phase if access is needed.</p> |
| 1t | | While SCC is close to agreement on mitigation for HGV movements during the construction phase on Elms Road, concerns remain about HGVs using the C603 Freckenham Road and C608 Isleham Road, notwithstanding the lack of clarity regarding which road is being used. Not all junctions (e.g. B1102 The Street / C608 Isleham Road) have been assessed by swept path analysis. | <p>The Applicant notes SCC's position on Elms Road.</p> <p>Swept path analysis has been undertaken for the HGV route along Freckenham Road, including the B1102 The Street / C608 Isleham Road. The Applicant has previously informed the local highway authorities that the swept path analysis has been undertaken for HGVs using all of the construction routes, including this route, and that no issues were identified. This specific swept path analysis has not been presented within the CTMP as the use of public highway by a 16.5m articulated HGV is not considered to be an abnormal occurrence. Notwithstanding this, the Applicant will provide this plan to the LHA separately to the examination process.</p> |

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| 1n | SCC continues to have concerns that the access tracks will only be wide enough for single large vehicle movements and if conflicts occur there will not be space to manoeuvre incoming vehicles past outgoing. Whilst the applicant has stated that measures will be put in place to prevent this it is unclear what these will be and whether they will be effective. | <p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at Deadline 3A includes a site access review that outlines the highways works that are proposed on Elms Road and La Hogue Road to allow two HGVs to pass each other safely. Also, the temporary traffic measures are detailed in Chapter 6 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] to improve road safety for vehicles.</p> <p>A DMS will be implemented to control bookings of HGV deliveries from the start of the construction period. This will be used to effectively plan all HGV deliveries in accordance with the construction programme, regulate the flow of HGVs via timed delivery slots and monitor compliance of HGV routing. The purpose of this is to avoid movements occurring simultaneously.</p> <p>In practice, in the highly unlikely event that two vehicles reach the access at the same time, the outbound vehicle will wait in the site for the inbound vehicle to pass. This means that the inbound vehicle will not need to wait in the highway. The internal layout of the site will be designed to ensure that there is sufficient space for the exiting vehicle to wait within the site and allow the entering vehicle to pass without obstruction. Sufficient forward visibility will be provided to enable this to take place safely. This is set out in paragraph 7.2.19 of the F-CTMP/TP.</p> <p>A Traffic Management and Monitoring System (TMMS) will be developed. The TMMS will provide details of the technologies and other means employed to monitor HGVs to/from the development site (e.g. Global Positioning System (GPS), Automatic Number Plate Recognition (ANPR)).</p> |
| 1w | SCC usually requires a stage 1 road safety audit where there is likely to be an impact on road safety to be undertaken once an outline design is available. In SCC's opinion, this should include all accesses that are to be retained for use within the operational phase and anywhere the authority has raised concerns about safety (e.g. Access I). This is common practice for other developments including EA1(N), EA2 and Sizewell C. | A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |

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| 13.46 | | <p>SCC notes that the modelling assessing capacity relies on the traffic distribution assumed by the Applicant, notably the workers' shift pattern, and that no evidence has been provided regarding the actual distributions from sites that have been or are in the process of construction. Therefore, it is essential that the shift timings are secured within the certified documents with robust monitoring, reporting and enforcement. SCC remains concerned that the workers will not arrive over the periods of 0600-0700 and 1800-1900 but will be concentrated in a short duration before and after the shift.</p> | <p>These working hours are provided for in the Framework Construction Environmental Management Plan [REP2-026]. Requirement 14 in Schedule 2 to the draft DCO [REP4-005] requires that no phase of the authorised development can commence until a CEMP has been approved by the relevant authority (or authorities), and the CEMP must be substantially in accordance with the Framework version. These timings are also referred to in the Framework Construction Traffic Management Plan [REP3A-004] and that document includes robust monitoring measures.</p> <p>To clarify, workers will arrive between 0600-0700 hours, and depart between 1900-2000 hours.</p> |
| 13.50 | | <p>The information provided in the application is not of sufficient detail to allow the authority to examine the estimated HGV movements. Presumably, more information was made available to the contractor.</p> | <p>The information on HGV movements has been provided by Solaer. Solaer is part of the Applicant's team, with the role of designing the Scheme. The HGV forecasts are based on knowledge and experience of this Scheme and designing energy farms in general.</p> <p>The Applicant has listened to the LHAs concerns regarding HGV movements and controls. In response, the Applicant can accept in principle the introduction of a cap in HGV numbers within the CTMP to address concerns that the level of HGVs which occur will not exceed the level assessed within the Environmental Statement. The details of such a cap will be drafted by the Applicant and will take account of the LHAs recommendation set out in the Joint Local Impact Report, for discussion and agreement with the LHAs. This will be introduced into the F-CTMP/TP at a future deadline when agreed.</p> |
| 13.55 to 13.59 | | <p>The Applicant appears to rely solely on the past movement of a transformer from Ipswich to Burwell (noting this is no longer an option for a substation site). The Applicant has not confirmed the maximum weight of AIL, only that it complies with the STGO3 classification. Thus, it is uncertain if the AILs can be moved wholly on the SRN or need to divert onto the local highway network, for example, to avoid the restrictions on A14 Hillhouse Viaduct, Stowmarket. The public highway, including structures, is subject to change and deterioration. A route used in the past may have restrictions placed on it since then. An example is the A1088 where the rapid deterioration of a bridge has necessitated an emergency weight limit of 7.5 tonnes to be applied. SCC</p> | <p>It is not the case that the Applicant relies solely on the past movement of the transformer from Ipswich to Burwell. The AIL routes were developed and assessed independently of that event. Thus the assumption underpinning this statement is incorrect.</p> <p>The LHA refers to a small sample of NSIPs local to its geography. The Applicant has engaged the necessary expertise to establish a feasible route to each access. As is common and proportionate to the stage of the Application, this has been through swept path analysis of the worst case vehicles which may be required by the</p> |

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| | | considers it reasonable for the Applicant to engage with a competent haulier to identify a feasible AIL route and provide this information during the examination. Recent DCOs (SZC, EA1(N)) have included such information. | <p>Scheme. This has not solely been a 2D desk based exercise, as site visits have also been undertaken to identify local constraints on routes used by Sunnica vehicles. This is discussed in the Applicant's response to the Examining Authorities questions (ExQ2) question Q2.10.13.</p> <p>The LHA refers to a small sample of NSIPs local to its geography, and where it has had involvement. Based on national level experience, it would be uncommon for a haulier to be engaged at this stage in the Scheme. Notwithstanding this, in order to progress the matter, the Applicant agrees to engage the services of a haulier in order to inform ongoing discussions with the LHAs.</p> |
| | 13.60 | SCC understands that the Applicant is seeking highway boundary information from the highway authorities. | This is correct. It has been requested and will be incorporated into relevant drawings (although this does not necessarily extend to plans) once received. |
| | 13.61 to 13.63 | SCC maintains its position that the information provided within the original application was insufficient and lacking in key details. We welcome the efforts made by the Applicant to work with the LHA to resolve the matter and to provide enough detail to enable the authorities to assess if the accesses are safe, feasible and deliverable. SCC has requested additional information and raised a number of concerns regarding the temporary traffic management proposed by the Applicant. | A productive meeting was held between the Applicant and the LHAs on the subject of the site access plans on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| | 13.64 | SCC disagrees that stage 1 road safety audits are not necessary. As a minimum, the authority would expect the permanent layout and any temporary layout where there are significant road safety concerns (e.g. departures from design standards) to be audited. This is no more onerous than what is expected for most development. | <p>A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 2 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG).</p> <p>The location where a "departure from standards" is required that is referred to in SCC's response to the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at Deadline 3A [REP4-141] is Site Access I on Newmarket Road. A Stage 1 RSA has been undertaken by the Applicant at the request of SCC, and included within the F-CTMP/TP at Annex E [REP03A-026]. Requests for RSA in other locations are noted and the</p> |

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| | | | Applicant is working with the LHAs on wider points relating to the accesses, as referenced above. The Applicant's national level experience is that providing a Stage 1 RSA for proposals where junction layouts are non-complex, and safe and suitable access is demonstrated through standard means, i.e. swept path analysis, appropriate visibility or traffic management, is onerous due to the low risk that any issues which arise could not be addressed through a combined Stage 1/2 RSA at technical approval stage. Further comments have been raised on the visibility at this junction in this document below which the Applicant has responded to. Notwithstanding this, we appreciate the points raised by the LHA and continue to work towards addressing their concerns. |
| | 13.72 | The Applicant's proposals for a departure from the standard for the visibility at Sunnica East access I are discussed separately in this response. | Noted. |
| | 13.74 to 13.79 | SCC is considering the Applicant's proposal to provide passing bays on Elms Road. In principle, this would be acceptable subject to agreement of a number of details | Noted. |
| | 13.105 | SCC remains unconvinced that the measures proposed will prevent two vehicles meeting at the site access on some occasions. | Further to the measures set out in 13.105 of the Applicant's response to the JLIR, paragraph 7.2.19 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at Deadline 3A, provides the relevant commitments. In short, the Applicant is confident that the management measures are sufficiently robust to avoid two vehicles meeting at the site access. However, the Applicant recognises the concern of the LHAs and has introduced the measures in paragraph 7.2.19 of the CTMP to ensure that such an occurrence would not result in vehicles obstructing the public highway. |
| | 13.112 to 13.113 | SCC does not consider that the applicant has demonstrated there will not be an intensification of the use of some accesses during the operational phase. Of particular concern are accesses C and E which serve the substation sites. | The Application seeks authorisation to construct, operate and maintain the Scheme. Article 2 of the draft DCO [REP4-005] defines the meaning of "maintain" in the draft DCO [REP4-005] . 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 DCO [REP4-005] also sets out that the carrying out of any maintenance works which are likely |

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| | | | <p>to give rise to any materially new or materially different effects that have not been assessed in the Environmental Statement would not be authorised. This establishes that there would not be an intensification of use at the accesses retained during the operational phase.</p> <p>Furthermore, the cable route site accesses would only be used during the operational phase if a fault was identified on the cable. If this were to be the case, the same Temporary Traffic Measures would be introduced as in the construction phase if access is needed.</p> |
| | 13.117 to 13.118 | SCC welcomes the Applicant's commitment to collect and assess collision data during the construction phase. | Noted. |
| | 13.139 to 13.143 | SCC still considers it necessary for the applicant to review AIL routes from the point of origin to the destination, not just from the nearest strategic road. See also 13.55 to 13.59. | The LHA refers to a small sample of NSIPs local to its geography, and where it has had involvement. Based on national level experience, it would be uncommon for a haulier to be engaged at this stage in the Scheme. Notwithstanding this, in order to progress the matter, the Applicant agrees to engage the services of a haulier in order to inform ongoing discussions with the LHAs. |
| Appendix D (p214 to 239) | 1.3 to 1.4 | SCC thanks the Applicant for undertaking additional surveys. However, concerns remain that suitable safe diversion routes must be provided for NMUs displaced from closed PRow, particularly as many of the local roads will be used for construction traffic and have little if any pedestrian or cycling facilities. | Paragraph 6.3.10 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] sets out that the preference is to avoid PRow closures with the preferred method being to use marshals to enable users of the PRow to cross. However, this will need to be assessed on a case-by-case basis to ensure the health and safety of workers and users of the PRow. As such, the ES assesses temporary closures, rather than managed crossings, for the purpose of a robust assessment, i.e. a worst-case scenario. More generally, the position in respect of diversions remains under discussion. |
| | 1.5 | Part of the point being made by the authorities is that workers from outside the area may use locally rented accommodation in areas such as Mildenhall, Newmarket and Red Lodge. | If workers that reside outside of the 30km study area use locally rented accommodation they will follow the trip distribution based pro-rata on population centres, in line with the assessment within the Traffic and Transport Chapter of the Environmental Statement [APP-045] . This is because it is logical to assume that the availability of locally rented accommodation will be in line with |

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| | | | population centres. Furthermore, this would result in greater potential for staff to car share or opportunity to provide a mini-bus service for staff living in close proximity to each other. This benefit has not been relied upon by the Applicant for the purpose of a robust assessment. |
| | 1.6 | The Applicant's clarification of the Saturday shift patterns and hence peak development traffic has, subject to suitable controls being in place to ensure this is the case, removed SCC's concerns on this matter | Noted. |
| | 1.7 | The existence of a warranty is not the same as quantifying the likely requirement for replacement or major maintenance of either batteries or PV modules. SCC would seek an explanation from the Applicant of what they consider the threshold between material and nonmaterial new or different effects would be. For site accesses would it be the maximum daily number of vehicles assumed for the construction phase? | The reference to the warranty is supporting information, and clarifies that the lifespan of the PVs is not limited to 25 years, that is just the warranty period, i.e. the period for which it is guaranteed by the manufacturer. This has been discussed in the Applicant's response to the Joint Local Impact Report [REP3-019] paragraph 13.92. |
| | 1.8 to 1.9 | <p>The external mini-bus trips are discussed in Section 6 of the Transportation Technical Note [REP2-041] submitted at Deadline 2. The external mini-bus trips represent a separate effect, in a separate time period, which will be substantially lower than the impact assessed with the Transport and Access chapter of the ES [APP-045]. The volume of trips, i.e. a maximum of 59 trips spread across multiple routes, remains substantially lower than the peak hour construction flows. Furthermore, these movements will occur at an off-peak time, when traffic volumes are significantly lower than network peaks. Therefore, the forecast external mini-bus movements are not expected to have a significant impact on the operation of local junctions given the low number of forecast vehicles, the multiple locations travelling to/from and the time the mini-buses will be on the local highway network.</p> <p>SCC notes that the majority of the minibus trips occur at the beginning of the shifts i.e. 0700 and 1900. These movements are likely to be concentrated at these times which are proximal to the network and development peaks. Nor has the applicant evidenced that the forecast number of movements is a realistic maximum based on real life data, for example, that the vehicles are occupied at or close to capacity</p> | <p>The volume of minibus trips is based on a worst case scenario of small capacity mini-bus. It is not in the Applicant's interest to run minibuses under capacity. The numbers of workers at each site requiring mini-bus transport is high enough that the majority of mini-buses will be full, potentially with the exception of the final bus where worker numbers do not divide exactly by capacity. The forecast mini-bus numbers are set out in the Applicant's response to East Cambridgeshire District Council, Cambridgeshire County Council, Suffolk County Council and West Suffolk Council Deadline 2, 3 and 3A Submissions [REP4-034] paragraph 6.1.4 on page 58.</p> <p>The external mini-bus trips are forecast to occur in the morning once construction staff have arrived on site and are ready to be transported to the construction zones. This means that they will occur from 07:00. The external mini-bus trips will occur before the AM network peak hour (08:00-09:00) based on the construction staff start time of 07:00. The external mini-bus trips are forecast to occur in the evening as a result of transporting the construction staff from the construction zones back to the two centralised car parks. These mini-bus trips will occur prior to 19:00 to collect the</p> |

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| | | | <p>construction staff. All the external mini-bus trips will occur after the PM network peak hour (17:00-18:00).</p> <p>The external mini-bus trips represent a separate effect, which will be substantially lower than the impact assessed with the Transport and Access chapter of the ES [APP-045]. The LHAs noted that the minibus trips will occur from 07:00 and prior to 19:00, and asked whether this will mean that there will be a high volume of minibuses in a short period of time. It is appreciated that the trips are unlikely to occur across the full hour, and are therefore not considered to be an hourly flow. However, the volume of trips, i.e. a maximum of 59 trips spread across multiple routes, remains substantially lower than the peak hour construction flows. Furthermore, these movements will occur at an off-peak time, when traffic volumes are significantly lower than network peaks. Therefore, the forecast external mini-bus movements are not expected to have a significant impact on the operation of local junctions given the low number of forecast vehicles, the multiple locations travelling to/from and the time the mini-buses will be on the local highway network.</p> <p>Thus there can be confidence in the conclusion that they will therefore not result in any significant environmental effects. The impact of mini-buses is discussed in Chapter 6 of the Transportation Technical Note submitted at Deadline 2 [REP2-041].</p> |
| 1.15 | <p>Whilst SCC is content that subject to acceptable caps, monitoring, reporting and enforcement that a car share ratio of 1.5 is acceptable it does not consider that one of 1.3 is. The latter does not show a willingness or aspiration to maximise sustainable transport options for this project nor reflect comments made in 2.4.6 CEMP (REP3A-005). Whilst a 1.3 car share occupancy has been tested through junction modelling at selected junctions it is not clear if the ES has been updated in this respect.</p> | | <p>The Applicant's position throughout has been that a 1.5 car occupancy is both achievable and robust, and the Applicant has extensively evidenced this through the Transportation Technical Note [REP2-041] submitted at Deadline 2. The Applicant is therefore prepared to amend the vehicle cap proposed as requested. This has been incorporated in an updated Framework Construction Traffic Management Plan and Travel Plan submitted at Deadline 5. The vehicle cap proposed, set at a level equivalent to a 1.5 car occupancy, will therefore be the same level as the maximum vehicle numbers assessed within the Traffic and Transport Chapter of the Environmental Statement [APP-045]. Therefore, the actual vehicle movements and percentage</p> |

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| | | | comparisons with baseline traffic flows, will be as presented in the ES, and therefore there would be no update to consider. |
| | 1.24 | In Whilst SCC is content that subject to acceptable caps, monitoring, reporting and enforcement that a car share ratio of 1.5 is acceptable it does not consider that one of 1.3 is. The latter does not show a willingness or aspiration to maximise sustainable transport options for this project nor reflect comments made in 2.4.6 CEMP (REP3A-005). Whilst a 1.3 car share occupancy has been tested through junction modelling at selected junctions it is not clear if the ES has been updated in this respect. | Please see response to 1.15 above. |
| | 1.54 | SCC would request that the definition of HGVs as >7.5 tonnes be included in the management plans | Noted. This has been included in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] at Deadline 5. |
| | 1.61 – 1.62 | SCC would expect that the commitment to no worker or LGV trips outside 0600-0700 and 1900-200 is included as a control with suitable monitoring and reporting undertaken during the construction phase. The Applicant has indicated in 1.86 to 1.87 that there will be trips outside the peak development (shift change) hours. | <p>Our response to 1.86 to 1.87 in the Applicant's Response to the JLIR [REP3-019] sets this out comprehensively. These working hours are provided for in the Framework Construction Environmental Management Plan [REP2-026]. Requirement 14 in Schedule 2 to the draft DCO requires that no phase of the authorised development can commence until a CEMP has been approved by the relevant authority (or authorities), and the CEMP must be substantially in accordance with the Framework version. These timings are also referred to in the Framework Construction Traffic Management Plan [REP3A-004] and that document includes robust monitoring measures.</p> <p>Any visits to the site by car between 0700-1900 hours will be small scale, occasional and infrequent, and would have a negligible impact on the highway network. This will not be a standard working practice, but there will be instances where it is unavoidable. This could include requests to visit the site by representatives of the Councils. It is not realistic to expect there to be zero car arrivals or departures in the time period 0700-1900 hours, for the reasons set out in 1.86 to 1.87.</p> |

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| | 1.76 to 1.77 | <p>SCC considers that the monitoring shall be provided at mutually agreed regular intervals and not on request. This appears to be the Applicant's view and we look forward to changes to the FCTMP&TP to confirm this. Breaches should be reported to the LHA and LPA after an initial investigation. This is no more onerous than accepted in the EA1(N) OCTMP.</p> | <p>This is agreed and has been included in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] at Deadline 3A.</p> |
| | 1.83 – 1.84 | <p>'The Applicant defines a Light Goods Vehicle (LGV) as a vehicle that are less than 7.5 tonnes. The only LGVs that are anticipated to travel to / from the site will be the construction staff vehicles'.</p> <p>For clarity could the Applicant confirm that this means that LGVs will only travel to and from the car parks at the main site accesses (i.e. Sunnica East access C) and only between 0600-0700 and 1900- 2000.</p> | <p>This is correct.</p> |
| | 1.86 – 1.87 | <p>There may be a small number of worker trips to the site outside of these hours, for example, visits by management personnel to observe progress. However, any such visits will be small scale, occasional and infrequent, and all staff employed on the site will be subject to the working hours set out in the approved CEMP'.</p> <p>How will these trips be monitored and disaggregated from workers' trips? What provision has been made for parking for these visitors? Will any of these trips occur in the network peaks?</p> <p>The corrective action proposed does not appear to the authority as robust when compared to recent examples (e.g. EA1(N)) https://infrastructure.planninginspectorate.gov.uk/wpcontent/ipc/uploads/projects/EN010077/EN010077-005234-8.9%20EA1N%20Outline%20Construction%20Traffic%20Management%20Plan.pdf</p> <p>154 If the breach is found to be material the following three stage process will be followed:</p> <ul style="list-style-type: none"> • Stage One – the highway authority confirms a breach and requests TCo to review the data and concerns. The highway authority and the TCo would then agree the extent of the breach of controls and agree action. This is likely to be a contractor warning at this stage; | <p>Trips will be monitored through a specific need to sign in at site access as a visitor, which will be separate to worker trips. This is standard practice for construction sites. The level of parking required for visitors will be de minimus. The car park layouts, when the compounds are designed in detail, will incorporate spaces available for visitors, which will be pre-booked and managed. The trips may occur in the network peaks, but are more likely to occur off-peak. Levels of trips at any time of day will be so low that the impact will be negligible.</p> <p>The Applicant considers that its corrective action proposed is reasonable at this stage of the project and allows for a more detailed process to be agreed when a contractor is appointed. As stated in 8.2.6 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], further details on sanctions will be included in the final CTMP. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development, and the Final CTMP/TP must be substantially in accordance with the Framework version.</p> |

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| | | <ul style="list-style-type: none"> • Stage Two – If a further material breach is identified the contractor would be given a further warning and required to produce an action plan to outline how the issue would be rectified and any additional mitigation measures proposed; and • Stage Three – Should further breaches still occur the contractor would be required to remove the offender from the site and the contractor/ supplier would receive a formal warning. Any continued breaches by individuals of the supplier/ contractor may be dealt with by the formal dispute procedures of the contract. | |
| | 1.92 | <p>The point SCC is making is that limited weight can be given to the aspiration to provide mini-bus transport as an alternative to car travel and hence the sustainability credentials of the travel plan. This is also the case with the Applicant's weakening of the car share ratio. While we appreciate the remote location makes alternatives to car travel difficult this does not remove the obligation of the Applicant to maximise any opportunities for more sustainable travel options (as EN-1 5.13.4).</p> | <p>In response to point 1.15 above, the Applicant has committed to revise the proposed cap to being equivalent to 1.5 vehicle occupancy. This is further evidence of the Applicant's commitment to maximising opportunities for sustainable travel. The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes a toolkit of measures which are considered appropriate for further investigation and inclusion in the Final CTMP/TP, which must be substantially in accordance with the Framework version. At this point, more detail will be known on worker origins to progress assessment of the potential mini-bus service.</p> <p>The establishment of the cap at a level equivalent to 1.5 vehicle occupancy provides the control measure to ensure that the Applicant maximises sustainable transport opportunities.</p> <p>It should be noted that the Applicant has maintained a position throughout the examination process that a car share occupancy of 1.5 vehicles is robust and achievable. The proposal of a cap at 1.3 vehicle occupancy was proposed in response to the sensitivity test of vehicles at that level demonstrating that it would not result in significant transport effects, as reported in the Transportation Technical Note [REP2-041] submitted at Deadline 2.</p> |
| Appendix A Technical Note | Introductory Paragraphs | Appendix A of [REP3-019] 'Applicant's Response to the Joint Local Impact Report' forms a Technical Note responding to comments made on link sensitivity within the Transport and Access Chapter of the Environmental Statement. The technical note focuses on the Councils' comments on link | A wider version of Table 3.1 containing the proportional and numerical changes that inform the magnitude of effects has been produced and is appended to this document. |

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| <p>Transport and Access</p> | | <p>sensitivity within our Local Impact Report [REP1-024], and the Applicant's position. In response to paragraph 3.1.2 of the appendix, for posterity, the Council does not fully agree with the overall methodology; however, in order to be helpful and move the assessment forward, have tried to specify our issues at a local level i.e. specific to each link and whether our concerns are material to the overall conclusions of the assessment or not.</p> <p>With regards to paragraph 3.1.3 of the appendix, it is considered that the level of operation of the on-slips has not been evidenced within the report, nor is it considered the method for classification a reasonable approach; however, it is recognised that assuming relevant controls, reporting and enforcement is agreed that the impacts at this location on highway capacity are unlikely to be significant as they are 'off-peak'. We have made separate comments on the CTMP&TP in our Deadline 4 response, which require addressing for this to be determined. It would have been helpful had Table 3.1 contained the proportional and numerical changes that inform the magnitude of effects, so that any locations where a change that is near to a threshold could be readily identified. This is particularly important given some confusion of the reported numbers within the Environmental Statement [APP-045], as per our comments within our LIR [REP1- 024]</p> <p>In section 4 of the Appendix, the Applicant undertakes a review of the development impacts based on the recommended sensitivities from Suffolk County Council. The Council recognises that the Applicant is not agreeing to these sensitivities; however, we appreciate the effort made in trying to address some of our concerns. It is, however, worth bearing in mind that the impacts are a result of a number of elements that are not currently agreed by the Council:</p> <ul style="list-style-type: none"> • Workforce origins. • The very specific short-term impacts of large numbers of workforce vehicles arriving in 15- minute periods. • Shift patterns and vehicle numbers; however, the Council welcomes recent commitments from the Applicant on this issue, which, begin to address some concerns, but are subject to agreement of the processes in the CTMP&TP, as above. | |
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| | | <ul style="list-style-type: none"> The absence of a daily assessment of the change in HGV movements. <p>However, in order to be helpful to the examiner, the below provides comments on the specific locations identified within the technical note based on the Applicant's assessment method. Therefore, are subject to the assessed travel patterns.</p> | |
| Red Lodge Dumbbell Roundabout North | <p>Elms Road – given the very low surveyed figures of vulnerable road users, the Council does not disagree with the Applicant's conclusions. A11 NB On-Slip Red Lodge – The Council does not agree with the Applicant's conclusion on link sensitivity. However, we also recognise that assuming travel patterns reflect those assessed, the impacts are off peak and therefore unlikely to have a material impact on the operation of the highway network.</p> <p>Newmarket Road South – The Council welcomes the Applicant's attempt to address our concerns; however, disagrees that Elms Road can be used in isolation to estimate the level of NMU movements at this location; at best it may provide an indication, but movement between Red Lodge and Worlington, and subsequently Mildenhall would not form part of the figures provided. As a result, the Council do not currently agree with this conclusion.</p> | <p>The Applicant notes the comments on Elms Road. No further response required.</p> <p>The Applicant notes the concerns of using the Elms Road NMU survey data as a proxy for NMU movements on Newmarket Road South. The data for Elms Road, shows a total of ten NMU movements throughout an entire day. This is exceptionally low. Whilst it is appreciated that the Elms Road data does not include trips between Red Lodge and Worlington or Mildenhall, which are c.2.5km and 5km from the Red Lodge Dumbbell Roundabout respectively, it remains reasonable to conclude that NMU flows on this link would be low. Furthermore, it is not disputed that the road is a rural link with no pedestrian/cycle facilities, meeting the definition of very low sensitivity.</p> | |
| Red Lodge Dumbbell Roundabout South | <p>Newmarket Road North – The conclusion is the same as for Newmarket Road South above.</p> <p>A11 SB Off-Slip Red lodge – The Council disagrees with the reasoning here that the off-slip's sensitivity is not high as it connects to the local road network. Any disruption to the operation of the off-slip could potentially have significant consequences on the operation of the strategic road network. However, we also recognise that assuming travel patterns reflect those assessed, the impacts are off peak and therefore unlikely to have a material impact on the operation of the highway network, albeit remain concerned about very peaky arrival and departure patterns. Warren Road – No direct response is made regarding Warren Road, the Council remains concerned around the impacts through the town. Clarification is sought as it appears that classification of this link as high sensitivity would result in a change in the magnitude of effect on this corridor.</p> | <p>Please refer to the response regarding Newmarket Road South above.</p> <p>The Applicant notes the comments on A11 SB Off-Slip Red Lodge. No further response required.</p> <p>In terms of Warren Road, SCC suggested that the NMU classification for this link should be medium or high sensitivity. In the ES assessment, the Applicant classified Warren Road as having a medium NMU sensitivity as it is considered to be a main vehicular route with pedestrian / cycle facilities provided in built up area, in line with the definition. This is in line with SCC's comments.</p> <p>The Applicant has provided the reasoning that "<i>Turnpike Road directly fits the criteria for a medium sensitivity link, as it is a main vehicular route with pedestrian/cycle facilities provided in built up areas. The existence of local facilities has been considered, but it</i></p> | |

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| | | <p>B1085 Turnpike Road – No new evidence or reasoning has been provided here, and so the Council maintains its position.</p> <p>A11 SB On-Slip – The Council does not disagree with the conclusions. However, we also recognise that assuming travel patterns reflect those assessed, the impacts are off peak and therefore unlikely to have a material impact on the operation of the highway network, albeit remain concerned about very peaky arrival and departure patterns.</p> | <p><i>would not be classed as a town/village centre setting, and therefore is not a high sensitivity route.</i>” Therefore, the Applicant does not consider this link to have a high NMU sensitivity.</p> <p>The Applicant notes the comments on A11 SB On-Slip. The staff traffic associated with the Scheme will arrive / depart the site outside of the traditional network peak hours in order to reduce the impact on the local highway network.</p> |
| <p>B1056 Bury Road / Herringswell Road / Gazeley Road</p> | | <p>B1506 Bury Road (East) – It is believed that the Applicant is misrepresenting the Council’s position here as we understand sensitivity is not a product of impact. The Council is concerned about the increase in right turning vehicles, but these have not determined our suggested sensitivity. The Applicant has indicated that junction modelling has been undertaken and provided the results. However, in order to confirm that the Council accepts any assessment, we would need the origin of the turning movements, the full model outputs and a drawing of the junction including geometries to determine the acceptability of the model. That being said, the Council would agree with the conclusions drawn from those results, albeit based on the caveat around the assessment hour being subject to the assessed shift patterns, which needs to be repeated.</p> <p>Gazeley Road – No new evidence or reasoning has been provided here, and so the Council maintains its position regarding the sensitivity of the location for NMUs. However, it is recognised that the change in traffic flows appears to be very low, albeit there is some confusion between Chapter 13 of the Environmental Statement [APP-045] and the new technical note, and so the Council considers that there is unlikely to be a material impact.</p> <p>B1506 Bury Road (West) – The Applicant has indicated that junction modelling has been undertaken and provided the results. However, in order to confirm that the Council accepts any assessment, we would need the origin of the turning movements, the full model outputs and a drawing of the junction including geometries to determine the acceptability of the model. That being said, the Council would agree with the conclusions drawn from those results, albeit based on the caveat around the assessment hour being subject to the assessed shift patterns, which needs to be repeated.</p> | <p>The Applicant has not deliberately sought to misrepresent SCC’s position. The only justification SCC has provided for a change in highway sensitivity, rather than NMU sensitivity, is a concern regarding right-turning vehicles, and therefore the Applicant assumed that this was the justification for SCC’s proposed change.</p> <p>As stated in the Appendix A Technical Note [REP2-041], Junctions 9 modelling has been undertaken to assess the impact of the increase in right turning traffic on the operation of the B1056 Bury Road / Herringswell Road / Gazeley Road junction. The turning movements are a combination of the 2023 baseline traffic flows from Annex C and the forecast construction staff vehicles presented in Annex F of the Transport Assessment [APP-117]. The Applicant will provide a copy of the Junctions 9 outputs for the Local Highway Authorities. The geometries used reflect the existing layout of the junction.</p> <p>Gazeley Road is forecast to have 11 staff vehicles travelling northbound in the AM development peak hour and 11 staff vehicles travelling southbound in the PM development peak hour. There is a typo in Table 13-29 of the Transport and Access Chapter of the ES [APP-045] for the forecast staff vehicles using Gazeley Road in the AM development peak hour, this should state 11 vehicles instead of 71 vehicles. It is noted that the Council considers that there is unlikely to be a material impact on Gazeley Road.</p> <p>For the Bury Road (West) response please refer to the paragraph above for the Bury Road (East) response.</p> <p>Herringswell Road is forecast to have an additional 85 vehicles travelling northbound in the AM development peak hour and 85</p> |

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| | | <p>With regards to the assessment of impacts on NMUs, no new evidence or reasoning has been provided here, and so the Council maintains its position, but recognises that this will not materially impact conclusions at this location.</p> <p>Herringswell Road – No new evidence or reasoning has been provided here, and so the Council maintains its position. As above, it would have been beneficial to have the numerical change in traffic flows included for comparison. This is particularly important given the concerns we raised within Annex F of our Local Impact Report [REP1024] regarding the traffic flows being reported at certain locations including Herringswell Road and Gazeley Road, as it makes undertaking reasonable comments more difficult.</p> | <p>additional vehicles travelling southbound in the PM development peak hour.</p> <p>The Applicant has provided clear reasoning as to why Herringswell Road should be denoted as low sensitivity rather than medium sensitivity. This reasoning directly links back to the criteria for classification of link sensitivity in setting out a clear rationale. It states: <i>“Herringswell Road is not a main vehicular route through a built up area. Herringswell Road does have pedestrian/cycle facilities for approximately 330m which provide access to the small collection of houses along Herringswell Road. To the north of the houses on Herringswell Road, no pedestrian/cycle facilities are provided. Therefore, a low NMU sensitivity is considered to be a robust classification.”</i></p> <p>Table 3.1 in the technical note indicates that if the NMU sensitivity was increased from a low sensitivity classification to a medium sensitivity classification it would not result in a significant effect in terms of severance and fear and intimidation.</p> |
| A14 Junction 37 | | <p>A142 Fordham Road North – No new evidence or reasoning has been provided here, and so the Council maintains its position, but recognises that this will not materially impact conclusions at this location.</p> <p>A14 WB Off-Slip East – The Council does not agree with the conclusion on link sensitivity. However, we also recognise that assuming travel patterns reflect those assessed, the impacts are off-peak and therefore unlikely to have a material impact on the operation of the highway network.</p> <p>In summary, there remain matters within the assessment that SCC does not agree with but that these are not of such significance that they would materially change the assessed impacts and further discussion would not be of benefit to the examination. Therefore, subject to the application of robust controls, monitoring, reporting and enforcement to secure the assumed construction movements and prevent journeys outside the assessed development peaks SCC would propose to the examiner that this matter is concluded as far as the authority is concerned.</p> | <p>SCC have suggested that the NMU sensitivity for the A142 Fordham Road should be classified as low sensitivity instead of very low sensitivity. Table 3.1 in the technical note indicates that if the NMU sensitivity was increased to low sensitivity the conclusions of the Transport and Access assessment would remain unchanged and would not trigger a significant effect in terms of severance or fear and intimidation. It is noted that the Council agrees that a change in sensitivity would not materially impact conclusions at this location.</p> <p>The Applicant notes the comments on A14 WB Off-Slip East.</p> <p>The Applicant welcomes SCC's position on the conclusion of this matter, and has committed to monitoring, reporting and enforcement measures as set out in Sections 7 and 8 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004].</p> |

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| <p>Additional comments on Sunnica East Access I</p> | <p>The applicant has proposed that the visibility should be based on a departure (one step down) from the desirable stopping sight distance as shown in table 2.1 of CD109. Whilst SCC is prepared to accept the use of the measured 85th percentile traffic speeds for this location it has not accepted the principle of reducing visibility one step below the desirable minimum.</p> <p>For a design speed of 70kph (40mph), table 2.10 indicates a desirable minimum of 120m with one step below the desirable minimum of 90m. CD109 is a document issued by National Highways for Highway Link Design and in SCC views an acceptable document for assessing forward visibility on links, ie away from junctions. CD123 is the document that relates to junction design. Appendix F of Suffolk Design Street Guide sets out SCC's position on visibility, based on DMRB and Manual for Streets guidance. For a 40mph design speed, this would be a y distance of 120m.</p> <p>https://www.suffolk.gov.uk/assets/Roads-and-transport/maintaining-roads-pavements-and-verges/5647</p> <p>CD123 section 3.4 and table 3.4 address the visibility at minor junctions and direct accesses. The y distance is stated as corresponding to the desired minimum SSD for the speed of the minor road (ie 120m in CD109). CD123 also states in 3.8 and 3.8.2 that the minimum X distance should be either a) 9.0m or b) 2.4m and that Where it is not feasible to locate point X fully in accordance with a), the minimum distance used to locate point X should be as close to a) as practicable, but no less than b). In this case, SCC would accept an X distance of 2.4m.</p> <p>The stage 1 road safety audit has concluded that additional signing is required. As yet the applicant has not indicated what these signs could be and therefore</p> <p>SCC cannot comment on their appropriateness or acceptability. SCC's position remains that y=120m and x = 2.4m is the minimum acceptable for access I and reserves its position on a requirement for supporting signage.</p> | <p>For the benefit of the Examining Authority, the Applicant and SCC are in agreement that the desirable minimum visibility is 2.4m x 120m, and that the available visibility is one step below the desirable minimum of 2.4m x 90m.</p> <p>The Stage 1 Road Safety Audit was undertaken in line with DMRB GG119. The issue identified with the Stage 1 Road Safety Audit relates to slow moving HGVs turning from the site access and vehicles travelling northbound on Newmarket Road. The recommendation was to provide warning signs along Newmarket Road to warn motorists of the site access and HGVs turning. It was recommended at the detailed design stage a suitable clear warning signage strategy is designed to ensure that drivers joining Newmarket Road from the A11 are aware of the construction access and potential for slow turning vehicles. It is also advised that the signage is provided as a 'gateway' on entry to Newmarket Road so that it is clearly seen by both right turning and left turning traffic from the A11. The Applicant is committed to complying with the recommendation at detailed design stage.</p> <p>The speed survey which determines visibility requirements was undertaken at the access location, to provide a robust assessment as surveyed vehicle speeds would not be affected by having slowed down to turn from the A11. The Applicant contends that vehicle speeds at the extent of the splay, i.e. the turn from the A11, will be significantly lower as vehicles slow to make the turn. Thus a survey undertaken at the extent of the splay is likely to show a lower 85th percentile speed, and therefore a lower visibility requirement.</p> <p>A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' position and requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG).</p> |
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5 LPA Comments on Application Documents

Habitats Regulation Assessment

Table 4

| Topic | Paragraph number | Council's Comment | Applicant's Response |
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| 3.5 Water Environment | 3.5.5 | We welcome the explanation as to why there will be no significant impediment to groundwater flow as a result of Grid Connection Route B (and all cables). This addresses the Council's previous concerns. | This comment is noted. |

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| Fenland SAC | Table 4-1 Pages 8M-40, 8M-41, 8M-45 & 8M-46 | We welcome confirmation that all structures in Sunnica West Site B (adjacent to Chippenham Fen) are anticipated to be above the chalk aquifer water table and therefore will not affect groundwater flow to Chippenham Fen. The nearest piling location at 12m depth will be approximately 500m from Chippenham Fen and will not interfere with the chalk aquifer that feeds the Fen. | This comment is noted. |
| Chippenham Fen Ramsar | Table 4-1 Pages 8M-45, 8M-46, 8M-51 & 8M-52 | We welcome confirmation that all structures in Sunnica West Site B (adjacent to Chippenham Fen) are anticipated to be above the chalk aquifer water table and therefore will not affect groundwater flow to Chippenham Fen. The nearest piling location at 12m depth will be approximately 500m from Chippenham Fen and will not interfere with the chalk aquifer that feeds the Fen. This addresses the Councils' previous concerns. | This comment is noted. |
| Impact Pathway: Degradation to Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) (Purple moor-grass meadows) | Mitigation 5.2.11(b) Page 8M-78 & 8M-79 | The Councils welcome the proposed dust mitigation measures that are proposed. However, the Councils seek clarification as to the locations for the proposed off-site daily inspections, and further information is required on this matter. | Locations for proposed off-site daily inspections will be confirmed post-consent in the Dust Management Plan that will form part of the CEMP – this has been made clearer in the FCEMP submitted at Deadline 5. |
| | | The Councils are aware that the Applicant is going to be changing the proposals for Sunnica West Site B. It is understood this will result in the removal of the solar arrays. However, we are unclear as to how it will affect the alignment / construction of the proposed cable route. The HRA will need to be updated to reflect any changes and how it will impact Chippenham Fen Ramsar / Fenland SAC. | The HRA, submitted at Deadline 5, has been updated to reflect the proposed changes to the Scheme, including the removal of Sunnica West Site B and associated changes to the cable route. |

Construction Traffic Management Plan and Travel Plan

Table 5

| Party | Topic | Paragraph Number | Council's Comment | Applicant's Response |
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| Suffolk County Council | Introduction | 1.2.1 | It is proposed in 1.2.1 that the FCTMP&TP is discharged by the highway authorities. This is welcomed by SCC, although the Council would also be content if references were made to consultation with the local planning authority. The Council would be content to accept the CTMP and TP as a single or two separate documents. | Noted. |
| Suffolk County Council | Construction Movements | | With respect to AILs, the length is stated but not the weight / maximum axle weight nor the width. The Council would find this information helpful when responding to the adequacy of the AIL route. In previous responses to the ExA written questions (5.1.1 in [REP3A-049]) the Council has requested that the term HGV is added as a definition in the FCTMP&TP, so the Applicant's use of 'HGV' refers to all vehicles exceeding 7.5 tonnes in weight. Table 2-1 indicates that the peak number of HGV movements is in month two with 57 deliveries (114 movements). This appears to contradict 2.3.6 which states that 'the peak HGV deliveries are forecast to occur in month three and four with 43 HGV deliveries per day (86 movements)'. Table 3-1 'SCC Lorry Routes' incorrectly includes the B1085 as a local access route. This road is in Cambridgeshire. However, the C610 Newmarket Road from Red Lodge to Worlington is a local access route. Further information on the Suffolk County Council Recommended Lorry Route Network is available on the SCC website: https://www.suffolk.gov.uk/roads-and- | The vehicle profiles and dimensions are included in Figures 14 to 20 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. For the AIL the vehicle will have a transport weight of approximately 200 tonnes, this has been included in the Framework Construction Traffic Management Plan and Travel Plan submitted at Deadline 5. The Applicant has confirmed that the term HGV has been added into the F-CTMP/TP submitted at Deadline 5 as a definition to refer to all vehicles exceeding 7.5 tonnes in weight, The Applicant confirms that Table 2-1 is correct. For Sunnica East Sites A and B the peak number of daily HGVs is forecast to occur in month two with 57 HGV deliveries per day (114 movements). This text will be updated in the next iteration of the Framework Construction Traffic Management Plan and Travel Plan. |
| Suffolk County Council | Local Authority Freight Management Plans | | Table 3-1 'SCC Lorry Routes' incorrectly includes the B1085 as a local access route. This road is in Cambridgeshire. However, the C610 Newmarket Road from Red Lodge to Worlington is a local access route. Further information on the Suffolk County Council Recommended Lorry Route Network is available on the SCC website: https://www.suffolk.gov.uk/roads-and- | Noted. The Applicant has removed the B1085 from Table 3-1 in the next iteration of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], submitted at Deadline 5. |

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| | | | transport/lorry-management/lorry-route-plan-review-in-suffolk/recommended-lorry-route-network-map/ | |
| Cambridgeshire County Council | Site accesses | 4.1.9 | The applicant should quantify what they considered to be infrequent use of the site access for maintenance during to operational phase, including by what class of vehicle. It should be noted that any additional use would be considered an intensification requiring improvement to access visibility and geometry, as necessary to prevent that use having a detrimental impact to highway safety. | The Application seeks authorisation to construct, operate and maintain the Scheme. Article 2 of the draft DCO [REP4-005] 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 [REP4-005] 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. This establishes that there would not be an intensification of use at the accesses retained during the operational phase. |
| Suffolk County Council | Site Access, Crane and AIL Routes | 4.1.9 and 5.3.11 | The site accesses referred to in paragraph 4.1.9 includes access C and E, which will be the main entrance to the substation sites in Sunnica East. The Applicant, in the Council's view, has not provided sufficient evidence that there will be no intensification of use at these locations during the operational phase. SCC has also raised questions as to the meaning of ‘maintenance’ and hence the implications in terms of vehicle movements generated. The Council understands that the applicant will propose a mechanism for monitoring maintenance operations and awaits these proposals with interest. This also applies to paragraph 5.3.11 regarding access to the Grid Connections. | Please refer to the Applicant's response to CCC's comment on point 4.1.9 above. |
| Cambridgeshire County Council | Site Access | 4.1.10 | The Design Principles of preserving the ability to use the grid connection site accesses during operation phase. Suitable improvements must be considered to appropriate standards for visibility, junction radii and access width suitable to accommodate the passage of opposing traffic flow, especially at those sites where | Grid connection accesses would only be used during the operational period in the event that a fault is identified, in which case the use of the access will be discussed with the LHA and, if considered necessary, temporary traffic management introduced. The temporary traffic management would be of the form which is introduced during the construction phase, and would therefore be appropriate for safe and suitable access. |

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| | | <p>traffic management has already been identified as being necessary to provide safe access.</p> <p>It is not appropriate to assume that existing agricultural access are suitable for infrequent yet undefined additional use, irrespective of their suitability for the existing use. Where an existing access is already deficient in terms of achieving suitable visibility, access geometry for turning and passing of vehicles, or construction appropriate to its use, than that access is not suitable for any further intensification of use, however small.</p> <p>Where an access is to be used it should meet appropriate standards for visibility relative to the speed of traffic traveling on the highway. Junctions should be of a suitable radii to accommodate the size and speed of vehicles entering the site (and from any direction that may reasonably be anticipated) so as to avoid unnecessary late braking on the highway.</p> <p>The access width must also be of sufficient to accommodate the passage of vehicles that likely encounter one another at the junction, so that access does not become obstructed, and result in vehicles dwelling in the highway</p> | <p>The use of accesses for occasional maintenance would not represent an intensification of use. If a situation arises where it was necessary the Applicant would introduce the construction phase temporary traffic management.</p> <p>The use of accesses during the operational phase, other than the staff car parks on La Hogue Road and Elms Road, will be infrequent and only for occasional maintenance purposes. It would not be appropriate to increase the size of accesses or create additional visibility splays, both with potential landscape and ecological impacts, for infrequent usage just in case there are times where that use increases. This is not least because temporary management measures can be introduced, at the Applicant's cost, to deliver safe and suitable access.</p> <p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes measures to prevent vehicles meeting at access points. A DMS will be implemented to control bookings of HGV deliveries from the start of the construction period. This will be used to effectively plan all HGV deliveries in accordance with the construction programme, regulate the flow of HGVs via timed delivery slots and monitor compliance of HGV routing. The purpose of this is to avoid movements occurring simultaneously.</p> <p>In practice, in the highly unlikely event that two vehicles reach the access at the same time, the outbound vehicle will wait in the site for the inbound vehicle to pass. This means that the inbound vehicle will not need to wait in the highway. The internal layout of the site will be designed to ensure that there is sufficient space for the exiting vehicle to wait within the site and allow the entering vehicle to pass without obstruction. Sufficient forward visibility will be provided to enable this to take place safely. This is set out in paragraph 7.2.19 of the F-CTMP/TP [REP3A-004].</p> <p>A Traffic Management and Monitoring System (TMMS) will be developed. The TMMS will provide details of the technologies and other means employed to monitor HGVs to/from the development site (e.g. Global Positioning System (GPS), Automatic Number Plate Recognition (ANPR)).</p> |
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| Suffolk County Council | Site Access, Crane and AIL Routes. | 4.1.11 | In 4.1.11 the Applicant states that for Sunnica East site accesses E and F 'HGV vehicles routes are proposed to use Isleham Road to/from the A11 with the inbound and outbound routes shown in Figure 6 and Figure 7 respectively'. Figures 6 and 7 show the route using the B1102 Freckenham Road Mildenhall Road and C603 Freckenham Road, not the C608 Isleham Road. | The routes shown in Figure 6 and Figure 7 are correct. This text will be updated in the next iteration of the Framework Construction Traffic Management Plan and Travel Plan at a future deadline. |
| Suffolk County Council | Response to the updated FCTMP&TP | 4.11 | 4.11 SCC wishes to understand whether the rights to use grid connection access points includes reinstatement of any temporary traffic management. | This is correct. |
| Cambridgeshire County Council | Site Access | 5.1.1 | <p>The safe use of these accesses have not been satisfactorily demonstrated, with the information requested. This includes details such as the highway extent and legible DCO boundary which is required to determine whether appropriate visibility and access geometry can be achieved within land in the applicants control. Until the suitability of the access arrangement with respect to visibility splays, access width and junction radii have been established, and included on plan with the appropriate boundary information as requested, it is not possible to confirm whether appropriate safe accesses would be deliverable within the DCO boundary.</p> <p>Discussions continue to agree the details to be included in the access plans. The site accesses plans should be to a level where the LHAs can assess whether they are safe, feasible and deliverable.</p> | A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| Cambridgeshire County Council | Site Access | 5.2.4 | It is noted that this section indicates that the applicant considers the removal of vegetation to achieve full visibility splay inappropriate and disproportionate to the timescale of construction use. This however does not recognise the ongoing use of the majority of access during the operation phase when traffic | <p>Please refer to the response to 5.1.9 above with regards to the usage of accesses in the operational phase.</p> <p>Paragraph 7.2.19 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] states that deliveries will be managed to avoid entering and exiting vehicles</p> |

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| | | | <p>management will not be in place. It must be demonstrated that safe access to the sites will be preserved throughout the operational use of the site/accesses. The applicant should demonstrate that suitable visibility splays and access geometry for entry into the site and passage of two way movement of vehicles as may reasonably be anticipated to use any junction that is not to be used exclusively under traffic management.</p> <p>During discussions with the applicant, it has been suggested that two way movement of traffic at Sunnica West site A, Access A, can be controlled to prevent the junction being obstructed when larger vehicles are required to enter the site within the currently proposed junction arrangements. Details of how all vehicles attending site can be adequately managed, including those that the applicant may not have full control over their movements are needed.</p> | <p>meeting at an access point. In the unlikely event that this occurs, the entering vehicle will have priority, and the internal site layout will be designed to ensure that there is sufficient space for the exiting vehicle to wait within the site and allow the entering vehicle to pass without obstruction. Sufficient forward visibility will be provided to enable this to take place safely.</p> |
| Suffolk County Council | Site Access, Crane and AIL Routes | 5.2.4 and 6.1.1 | <p>SCC has responded to the Applicant with a number of questions regarding the traffic management proposed in paragraphs 5.2.4 and 6.1.1. The main areas of concern are:</p> <ul style="list-style-type: none"> • Lack of details for the temporary traffic signals i.e. 2, 3 or 4-way signals • Proximity of multiple sets of traffic signals in use at the same time not complying with guidance • Narrow carriageway widths for vehicles to pass and queue at signal heads. <p>While the Applicant is correct that Sunnica site access A on Elms Road is 400m from the A11 off-slip most construction traffic uses site access C, which is around 1,150m from the A11 slip road. SCC has</p> | <p>A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 25 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG).</p> <p>The reference to a 4.8m carriageway width is outdated and has been superseded since the Transportation Technical Note [REP2-041], submitted at Deadline 2, by the Applicant's proposals for widening of Elms Road to accommodate passing places for two-way HGV movements. In response to 13.74 to 13.79 SCC states that in terms of the Applicant's proposed widening of Elms Road that "SCC is considering the Applicant's proposal to provide passing bays on Elms Road. In principle, this would be acceptable subject to agreement of a number of detail "</p> |

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| | | | already commented on the appropriateness of assuming a 4.8m carriageway width is suitable for passing vehicles in our LIR (REP1-024) 13.75. | |
| Suffolk County Council | Site Access, Crane and AIL Routes. | | <p>The Council notes that the Applicant has used an experienced contractor that has identified the maximum size of AIL vehicles accessing the site, but no similar experienced contractor appears to have been engaged to review the routes to the site. In other DCOs, notably EA1(N) this information was provided to the examination (LINK)</p> <p>We have referred to concerns raised about the movement of AILs and suitable routes in our LIR 13.55 to 13.58 (REP1-024). Also as noted in the LIR (REP1-024) the AIL wheel track (blue for AILs) passes over the central island at the junction of the B1102 The Street / Mildenhall Road (Plate 27) so more than trimming of branches (5.6.11) may be required at this location.</p> | <p>The Applicant has engaged the necessary expertise to establish a feasible route to each access. As is common and proportionate to the stage of the Application, this has been through swept path analysis of the worst case vehicles which may be required by the Scheme. This has not solely been a 2D desk based exercise, as site visits have also been undertaken to identify local constraints on routes used by construction vehicles. It would be uncommon for a haulier to be engaged at this stage in the Scheme. Notwithstanding this, in order to progress the matter, the Applicant agrees to engage the services of a haulier in order to inform ongoing discussions with the LHAs.</p> |
| Cambridgeshire County Council | Site Access | 5.2.7 | <p>Guidance on passing width in Manual for Streets is not considered by CCC appropriate for setting safe width on high-speed non-residential roads. While the issue is to be discussed separately with the applicant, the suitability of providing passing places along La Hogue Road in locations where widths are wide enough for the passage of some vehicles may result in drivers of larger vehicles following other smaller vehicles through narrow sections of road without utilise passing places; this risks conflict and overrun. It is recommended that La Hogue Road be suitably widened along the route into the main site access.</p> | <p>The Applicant proposes La Hogue Road to be suitably widened by providing regular passing places with forward visibility. This has been discussed with the LHAs in multiple meetings and was understood to be an acceptable approach.</p> <p>The data has shown that there are relatively few existing HGV movements on La Hogue Road. Thus the majority of HGVs on La Hogue Road will be driven by Sunnica contractors, who will be made aware of the constraints of the carriageway width. Furthermore, HGVs on La Hogue Road are likely to be travelling to or from local destinations, and therefore the majority of drivers will be familiar with the road.</p> <p>All HGV drivers are required to hold specific licences for the size of their vehicles, with Sunnica HGV drivers being professional drivers, and therefore it can be expected that they will drive</p> |

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| | | | | <p>appropriate to the conditions, and will be suitably experienced in the operation of their vehicles not to drive inappropriately.</p> <p>Paragraph 5.2.11 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes a commitment that the Applicant will undertake condition surveys of the local highway (including PRowS) network in which on HGV routes are committed to be undertaken prior, during and after construction to identify, and subsequently make good, any damage caused.</p> |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.2.9 | 5.2.9 SCC agrees in principle to the applicant providing passing bays on Elms Road subject to the resolution of some matters of detail, for example, layout of the passing area closest to the A11 slip road | This is noted. The Applicant will seek to discuss and agree any remaining points of detail with the LHAs. |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.2.11 | SCC anticipates that in time the Applicant will make the surveys available for inspection, for example in an updated Transport Assessment although the authority recognises that when requested the Applicant has shared specific survey data with SCC. | The Applicant is prepared to share any and all survey data with the LHAs, and has done so to date on request. |
| Cambridgeshire County Council | Site Access | 5.3.11 | If as indicated in this section that the accesses on the Grid Connection Route are to be retained for infrequent access during the operational phase, then these must be constructed to appropriate standards for visibility, junction radii and access width suitable to accommodate the passage of opposing traffic flow. | Grid connection accesses would only be used in the event that a fault is identified, in which case the use of the access will be discussed with the LHA and, if considered necessary, temporary traffic management introduced. The temporary traffic management would be of the form which is introduced during the construction phase, and would therefore be appropriate for safe and suitable access. |
| Cambridgeshire County Council | Site Access | 5.4.3 | <p>It is noted that the plans have not been updated to include the highway extent as previously requested; It is not therefore possible to determine whether vehicle movement can be accommodated fully within the highway or DCO boundary.</p> <p>The DCO boundary appears to be indicated by a wide red line, but it is unclear whether the boundary is indicated by its centre or either edge. The red line</p> | <p>The inclusion of highway extent has been discussed with CCC. At the meeting on 24 November 2022, the Applicant stated its intent to include this data in relevant drawings (although this does not necessarily extend to plans). This data has been requested but has not been received from the LHAs at the time of writing.</p> <p>At the same meeting, the Applicant re-iterated from previous discussions that the boundary is indicated by the outer edge of the red line. Within the pack of site access drawings presented at</p> |

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| | | | <p>obscures underlying lines making it difficult to determine suitability of the proposals. Could additional plans be provided that more clearly defined the boundary without obscuration of other required elements.</p> | <p>Annex C of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at Deadline 3A, the Order limits were shown on plans demonstrating that all proposed works are within the Order limit. In the majority of cases, the package of plans for each access also included plans without the Order limits shown.</p> <p>The thickness of the red line denoting the Order limit replicates the scale that it has been submitted to the DCO examination, which ensured legibility at the scale to which it is read. This necessarily made the line itself 3m in width. As has been confirmed to the LHAs, aware, the outer edge of the line represents the outer edge of the Order limits, i.e. on the line is within the Order limits.</p> <p>To aid interpretation, the Applicant can update the package of plans such that the Order limit is represented solely as a thin line showing the outer edge of the Order limit, rather than the full extent of the line. This can be submitted as an update to Annex C of the Framework Construction Traffic Management Plan and Travel Plan at a future deadline.</p> |
| Suffolk County Council | Site Access, Crane and AIL Routes | 5.8.1 | <p>Comments have also been made regarding movements of AILs on the B1103 Swan Lane specifically the oversailing loads being very close to the White Swan Public House. It is noted that in paragraph 5.8.1, the Applicant acknowledges that a 1000 tonne crane will have to traverse parts of the footway. This is a concern to the LHA as it is not known what services are beneath the footway or how quickly any damage to these or the footway will be rectified. That this occurs raises questions about the suitability of this route.</p> | <p>The Applicant's Proposed Changes Application [EN010106/APP/8.74] removes the requirement for AILs to access the Burwell National Grid Substation. This means that AILs would not be required to travel on the B1103 Swan Lane. The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at Deadline 5 reflects this change.</p> |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.9.4 | <p>The level of data should reflect what is necessary to confirm that the proposals are safe, feasible and deliverable, not the currently available data.</p> | <p>The Applicant's position is that the level of data does reflect what is necessary to confirm that proposals are safe, feasible and deliverable.</p> <p>A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November</p> |

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| | | | | 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.9.5 | SCC still has a number of matters to resolve with the applicant. | A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.9.6f | SCC is slightly mystified by the comments made that access SE-G will only be used by LGVs as unless these are solely mini-buses this contradicts the commitment made by the Applicant that all LGVs have to use the site car parks. SCC is also seeking evidence from the applicant that demonstrates here will not be an intensification of use of SE-J | The LGVs referred to using access SE-G will not be Sunnica construction vehicles. These will be associated with the retained ecological and heritage areas on the site, as set out in 5.9.6f of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] . The Applicant refers to the points made on intensification of access throughout this response. Please refer to the Applicant's response to CCC's comment on point 4.1.9 above. |
| Suffolk County Council | Response to the updated FCTMP&TP | 5.9.6g | SCC is not convinced that the vegetation for the site accesses is wholly correct for the construction phase, specifically for forward visibility exiting the site and during the operational phase when the temporary traffic management will have been removed. | The vegetation shown is from the topographical survey and is therefore robust. |
| Cambridgeshire County Council | Site Access | 5.10.1 | Staff car parks will reduce in size and capacity as the construction progresses and the demand for staff and staff vehicles decreases. This should be detailed in the CTMP and show the internal arrangements (including such elements as local compounds for parking, turning areas, storage etc) for the operational stage of the scheme. | The Applicant considers that this type of level of detail can be provided in the final CTMP/TP, and is not necessary at this stage of the project. The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] enshrines the principles under which this detail would be developed. |
| Suffolk County Council | Site Access, Crane and AIL Routes | 5.11.3 to 5.11.8 | With regards to the road safety audit undertaken at access I (C576 Newmarket Road) described in paragraphs 5.11.3 to 5.11.8, SCC does not accept that | The Applicant has confirmed to SCC, and it is stated in the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] , that it accepts the recommendations of the |

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| | | | <p>the recommendation for additional temporary signing alone is sufficient to address the Council's concerns regarding the safety of this access, as notably the visibility towards the A11 is only 90m. The Applicant has not yet shared the designer's response to the safety audit with SCC nor updated the transport assessment with the speed data for this location (although it has provided this data to SCC)</p> | <p>RSA and will implement it. As SCC notes, the Applicant has provided speed survey data to the LHA and the use of this survey data has been accepted.</p> <p>The Applicant notes SCC's concern and discussions continue on resolving outstanding matters with regards to site access proposals.</p> |
| Cambridgeshire County Council | Site Access | 6.1.1 | <p>The provision of the temporary traffic signals and speed limit reductions are in-lieu of providing the full visibility splays will be acceptable in principle during the operational and decommissioning phases but is not appropriate at those sites that will be in ongoing use associated with the site during the operational phase.</p> | <p>The Applicant assumes that CCC intends to refer to the construction and decommissioning phases when saying that measures will be appropriate in principle.</p> <p>As has been set out in response to 5.2.4, the Applicant re-iterates that it would not be appropriate to increase the size of junctions and clear vegetation for visibility splays, where accesses are existing and there will not be an intensification of use. The dDCO includes provisions to ensure that usage will not be intensified. However, where necessary the Applicant would be required to reintroduce the traffic management implemented during the construction phase. Thus, the Examining Authority can have confidence that safe and suitable access will be achieved throughout construction, operational and decommissioning phases.</p> |
| Suffolk County Council | Traffic Management Proposals | 6.1.1 | <p>SCC notes the implementation of temporary traffic management in paragraph 6.1.1 to reduce the removal of vegetation to provide safe visibility at accesses. Concerns remain regarding the provision of safe access during the operational phase after the removal of the temporary traffic management measures, especially as limited information has been provided on use during the operational phase and it is not possible for the authority to understand what intensification of use will occur.</p> | <p>Please refer to response to CCC point 6.1.1 above.</p> |
| Suffolk County Council | Traffic Management Proposals | | <p>SCC is not aware that speed enforcement follows any 'tradition', only that the powers of enforcement lie with Suffolk Constabulary (for Suffolk). The authority notes the high demands on police resources and the likelihood that enforcement of temporary speed limits is</p> | <p>The Applicant agrees that the use of temporary traffic signals would reduce most vehicle speeds, except if drivers attempt to pass through on amber.</p> |

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| | | | unlikely to be a high priority. We would also question whether shorter lengths of temporary speed limits would be a benefit in terms of compliance. The use of temporary traffic signals would reduce most vehicle's speeds except on occasion when drivers attempt to pass through before the signals change. | <p>The Applicant has demonstrated that the temporary speed limits are appropriate to the 85th percentile measured traffic speeds, and therefore that compliance is likely to be high.</p> <p>Paragraph 6.4.2 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004], includes provision for the LHA to approve temporary traffic management measures.</p> |
| Suffolk County Council | Traffic Management Proposals | 6.3.2 | If it is not possible (6.3.2) for emergency vehicles, pedestrians, cyclists or equestrians to pass through road closures, the Applicant must provide safe diversion routes. | This is noted and agreed – see paragraph 6.3.3 of the Framework Construction Traffic Management and Travel Plan [REP3A-004] . |
| Cambridgeshire County Council | PROW | 6.3.10 | <p>The Council welcomes the amendment to the CTMP that temporary closure of PROW is a worst-case scenario and that the Applicant will seek to ensure that PROW remain open through the use of banksmen. The Council reiterates that the PROW network is sparse in this area and there are few, if any, alternatives. Therefore, it is vitally important that the paths do remain open for reasons cited in the Council's WR [REP2-112] and LIR [REP1-024]. The Council appreciates the concern around health and safety, but objects to the contractor having the final say in the decision as this should be the responsibility of the LHA. This will ensure that the contractor will abide by the terms of the CTMP and will ensure paths are not closed simply because it is the easiest option.</p> <p>If the contractor considers that the only option is to close a route, then they must liaise with the LHA to agree an alternative route, such as one that can be delivered by the developer within the redline</p> | <p>The Applicant acknowledges that the issues raised are important hence the consideration of temporary PROW closures in the Framework Construction Traffic Management and Travel Plan [REP3A-004].</p> <p>The Contractor will be best placed to fully identify the risks and health and safety implications of proposed activities, and whether they can be adequately mitigated by the use of marshals or other such measures. As such, the principle of utilising methods that avoid the need for closure is accepted and that reasonable alternatives to closure should be explored. The Applicant will work with CCC to agree some appropriate wording for inclusion in an updated version of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004]. The Applicant has committed to a Communications Strategy, and agrees that it is important to ensure that communication is wide. As part of the Communication Strategy local interested parties such as local parish councils, statutory user groups and the Fordham (Cambs) Walking Group will be kept informed regarding the scheduling of construction activities. The Communication Strategy will form part of the final CTMP/TP, which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development. A</p> |

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| | | <p>boundary. The Council requires that the CTMP states that the contractor may only close a PROW as a last resort after thorough discussion with the LHA and once it has been agreed that there is no other alternative.</p> <p>The CTMP should include the requirement that, should it be agreed that any temporary closures are appropriate, the contractor must agree the signage of any such closures and alternative routes with the local highway authority. This is to ensure that appropriate alternatives are put in place, and that the signage is placed in locations where users can make informed decisions. The Council agrees with Suffolk County Council's position on this matter, which was stated to the Examination at ISH2.</p> <p>Proposed closures should be in a clear communications strategy. The Strategy should recognise that people walk between villages and other routes that do not take into account county boundaries. Therefore, it is important to ensure the communication is wide. include all parish councils in the area, all PROW statutory user groups, and the Fordham (Cams) Walking Group.</p> <p>It would be helpful within the CTMP for cross reference to be made to the CEMP [REP3-015] to ensure that contractors are aware of the environmental reasons for minimising temporary closures of PROW.</p> | <p>competent contractor will be fully aware of the requirements of all Construction Management Plans, including CTMP and CEMP, without the need to cross reference the two.</p> |
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| Suffolk County Council | Traffic Management Proposals | 6.4.2 | SCC welcomes the Applicant committing to agree the layout and signage of temporary traffic management with the LHA (6.4.2) | This is noted. |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.2 to 7.2.4 | Will details of the DMS, as outlined in paragraphs 7.2.2 to 7.2.4, be provided in the final CTMP submitted to the LHA for approval? The proposals in paragraph 7.2.3 refer to limits on HGV deliveries, but do not state what these are, and so have limited value. The LHA considers that details of these controls on the number of HGV movements on the local highway network are necessary to ensure that these do not exceed those assessed in the Environmental Statement and Transport Assessment. | <p>Details of the DMS will be provided in the final CTMP submitted to the LHA for approval.</p> <p>The Applicant has listened to the LHAs concerns regarding HGV movements and controls. In response, the Applicant can accept in principle the introduction of a cap in HGV numbers within the CTMP to address concerns that the level of HGVs which occur will not exceed the level assessed within the ES. The details of such a cap will be drafted by the Applicant will take account of the LHAs recommendation set out in the Joint Local Impact Report, for discussion and agreement with the LHAs. This will be introduced into the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] at a future deadline when agreed.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.6 | Paragraph 7.2.6 states that HGV vehicles exiting the sites in the evening peak (1700-1800) will be restricted, not arrivals. This is not consistent with paragraph 7.2.8 which states that this includes departures. It would be helpful if these two paragraphs could be consistent. | For the avoidance of doubt, the timing restrictions as set out in 7.2.8 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] represents the comprehensive list of timing restrictions. Paragraph 7.2.6 describes the purpose of these restrictions and will be amended in an updated F-CTMP/TP to be submitted at a future deadline, to ensure full clarity. |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.7 | While not accepting that the impacts of HGV movements are minimal, as argued by the Applicant in paragraph 7.2.7, as disruptive traffic management is needed for large vehicles to negotiate the C610 Newmarket Road / B1102 The Street junction, SCC would accept that with suitable temporary traffic management these impacts would not be severe. | This is noted. |
| Suffolk County Council | Management (Controls, Monitoring, | 7.2.12 | It is unclear in paragraph 7.2.12 whether control of HGV emissions will be defined, enforced and reported to the | The Applicant agrees that control of HGV emissions should be monitored, reported and enforced through the Framework Construction Traffic Management Plan and Travel Plan [REP3A- |

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| | Reporting and Enforcement) | | local authorities. SCC's view is that this should be monitored, reported and enforced through the CTMP. | <p>004]. For clarity, the relevant paragraphs where this is set out are as follows.</p> <p>Paragraph 7.2.12 defines the emission standard as EURO VI or greater. Paragraphs 7.3.2, 7.4.2 and 7.4.7 each include the commitment to monitor freight compliance with emissions standards. Paragraph 7.4.7 explicitly states that freight compliance with appropriate emissions standards (EURO VI) will be reported to the LHAs.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.13 | The communications strategy (paragraph 7.2.13) should also include the measures taken to inform relevant local authorities and local communities of the project and activities. | <p>Paragraph 7.3.2 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] states that the Transport/Travel Co-ordinator will, "<i>Liaise proactively as appropriate with local transport and traffic groups, local planning authorities, local highway authorities, National Highways, the police, Parish Councils, the public, and the East of England Ambulance Service NHS Trust (EEAST). To include recording and collating any complaints relating to transport aspects of construction activities</i>"</p> <p>Further detail on mechanisms and communication channels will be included within the Final CTMP/TP which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | | <p>The methodology for and thresholds applied to the condition surveys must be agreed with the LHA before they are undertaken.</p> <p>In SCC's opinion, the indicative layout of the site accesses should be to a level where the LHAs can assess whether they are safe, feasible and deliverable.</p> | <p>The Applicant agrees that the methodology for and thresholds applied to the condition surveys must be agreed with the LHA before they are undertaken. This can be provided for in the final Construction Traffic Management Plan and Travel Plan, which is required to be produced in accordance with the Framework Construction Traffic Management Plan and Travel Plan. Requirement 16 contained in Schedule 2 to the draft DCO requires the relevant county authority's approval of the CTMP before the commencement of the development.</p> <p>A productive meeting was held between the Applicant and the LHAs on the subject of the site access drawings on 24 November</p> |

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| | | | | 2022. The LHAs' requests are noted and the Applicant is working to address them. The outcomes of the work and discussions will be documented in the examination process through the Statement of Common Ground (SoCG). |
| Cambridgeshire County Council | Highways Condition Surveys | 7.2.15 and 7.2.16 | <p>These should be termed "condition surveys", not "conditional surveys".</p> <p>The method of these surveys needs to be defined and included in the Plan. This will need to be agreed with the Local Highway Authorities and then explicitly defined in the Plan. CCC would require visual surveys and mechanical surveys, via SCANNER and SCRIM or similar.</p> <p>Within this section, paragraph 7.2.16 needs to include a specific commitment from the Applicant to undertake and/or fund such preventative treatments as are reasonably required by the Highway Authority.</p> <p>There is no mention of the Applicant defraying the Highway Authorities' costs in respect of damage caused to the network by construction traffic. Such a commitment is required. This might be via the agreement of an appropriate commuted sum prior to the commencement of works.</p> | <p>CCC's comments on the terminology and methodology for the surveys are noted. The Applicant has committed to agree the methodology of the surveys with the LHAs prior to undertaking them. The specific methodology does not need to be defined in the Framework CTMP.</p> <p>Paragraph 7.2.16 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes a commitment to discuss preventative treatments with the LHAs. This will be discussed further with the local highway authorities.</p> <p>The Applicant has agreed to the principle of a commuted sum and discussions on a side agreement remain ongoing.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.24 | For movement of AILs (7.2.24), the Applicant is reminded of the necessity for early liaison with the relevant highway authority's structures team to ensure that all necessary surveys, assessments and where relevant strengthening of structures can be completed before movement of such loads are required. | This is noted. |
| Suffolk County Council | Management (Controls, Monitoring, | 7.2.25 | SCC welcomes the commitment to include a cap on staff vehicle numbers in paragraph 7.2.25. However, for clarity we would expect these numbers, presumably based on those assessed in the Environmental | The Applicant's position throughout has been that a 1.5 car occupancy is both achievable and robust, and the Applicant has extensively evidenced this through the Transportation Technical Note [REP2-041] . The Applicant is therefore prepared to amend |

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| | Reporting and Enforcement) | | Statement and Transport Assessment, to be included in the FCTMP&TP that will form a certified document in schedule 10. There is an inconsistency between paragraph 7.2.27 which states a car share of greater than 1.5 and paragraph 7.2.38 which indicates a car share of 1.3 which is the cap proposed by the Applicant. SCC would prefer the cap to remain at 1.5 to incentivise good travel behaviour noting that the Elms Road car park appears to have 600 spaces, less than the 640 staff vehicles generated for Sunnica East with a car occupancy of 1.3 (7.2.38). It is unclear if the Elms Road car park would need to be expanded and if so whether this is factored into the calculated construction traffic figures. The council also wishes to understand why the caps are for the development peak hour only and not all day (i.e. no movements), given the previous assurances around shift patterns removing the need for worker movements during the interpeak (0700 to 1900) period. | <p>the vehicle cap proposed as requested. This has been incorporated in an updated Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] submitted at a Deadline 5. The vehicle cap proposed, set at a level equivalent to a 1.5 car occupancy, will therefore be the same level as the maximum vehicle numbers assessed within the Traffic and Transport Chapter of the Environmental Statement [APP-045].</p> <p>Construction staff traffic will be restricted and only able to travel to the site between 06:00-07:00 and depart the site between 19:00-20:00. Any staff arrivals and departures outside of peak hour will be immaterial, and be monitored, recorded and reported through the CTMP. The vehicle cap refers to the development peak hour which has been assessed in the Transport Assessment [APP-117] and Traffic and Transport Chapter of the Environmental Statement [APP-045].</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.26 | While the Applicant's desire in paragraph 7.2.26 to reduce the potential transport impacts is welcome, SCC has reservations that the development will 'maximise' the number of staff who lift share or find alternative ways of traveling to the site. For example, in paragraph 7.2.36 there remains no commitment to provide a minibus service, only to 'investigate' the potential. The concern is, as reflected in our comments on the origin of the workforce, that the assumptions made in the assessments maybe incorrect with concentrations of workers in rental accommodation located in communities such as Newmarket, Red Lodge and Mildenhall. SCC would welcome the Applicant reviewing the reduction measures (in 7.2.25) prior to submitting the final CTMP&TP for approval. SCC notes that in 7.2.30 there is no control on the routeing of staff movements beyond a general 'direction', and in any | <p>The Applicant's position throughout has been that a 1.5 car occupancy is both achievable and robust, and the Applicant has extensively evidenced this through the Transportation Technical Note. The Applicant is therefore prepared to amend the vehicle cap proposed as requested. This has been incorporated in an updated Framework Construction Traffic Management Plan and Travel Plan F-CTMP/TP submitted at Deadline 5.</p> <p>As stated, the Applicant has committed to revise the proposed cap to being equivalent to 1.5 vehicle occupancy. This is further evidence of the Applicant's commitment to maximising opportunities for sustainable travel. The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] includes a toolkit of measures which are considered appropriate for further investigation and inclusion in the Final CTMP/TP, which must be substantially in accordance with the Framework version. At this</p> |

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| | | | <p>case, this is unlikely to be effective so that workers may travel through local communities. Strengthening of sustainable travel behaviour would also support the best practices listed in Table 30-1 of the Construction Environmental Management Plan (REP3-016) to reduce carbon.</p> | <p>point, more detail will be known on worker origins to progress assessment of the potential mini-bus service.</p> <p>The establishment of the cap at a level equivalent to 1.5 vehicle occupancy provides the control measure to ensure that the Applicant maximises sustainable transport opportunities.</p> <p>SCC is concerned that there may be clusters of workers in rental accommodation. Paragraph 7.2.36 indicates that once staff origin locations are known investigation will be made into providing a mini-bus service to local residential areas to pick up/drop off staff who live locally. Detailed measures provided for in the final CTMP/TP will be reviewed and more targeted with better knowledge of the contractor and workforce than is possible at this stage of the Scheme.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.2.31 | <p>The Applicant's mitigation to avoid worker trip impacts in network peak hours relies entirely on the timing of the shift patterns for all workers and visitors as stated in paragraph 7.2.31. The Council remains concerned as to how these working patterns are controlled, monitored, reported and enforced to ensure that this mitigation is delivered</p> | <p>These working hours are provided for in the Framework Construction Environmental Management Plan [APP-123] and the updated version [REP2-026]. Requirement 14 in Schedule 2 to the draft DCO requires that no phase of the authorised development can commence until a CEMP has been approved by the relevant authority (or authorities), and the CEMP must be substantially in accordance with the Framework version.</p> <p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] secures the commitment of the Applicant to monitor, report and enforce to ensure this control measure is delivered and complied with.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.4.7 | <p>In paragraph 7.4.7, the Applicant commits to reporting data obtained from monitoring HGVs, LGVs and workers. The monitoring system together with the reporting of this information should be outlined in this document and the full details included in the final management plan submitted for approval. With respect to road safety incidents, SCC welcomes the commitment by the Applicant in paragraph 7.2.11 to raise and discuss these with the relevant LHA; but again would expect this process to be detailed in the</p> | <p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] sets out what information will be collected and reported, and enshrines the Applicant's commitment to do so. Full details will be included in the final management plan. The Applicant agrees that monitoring and reporting processes, including with regards to road safety incidents, will be detailed in the final management plan submitted for approval prior to commencement.</p> |

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| | | | <p>management plans submitted for approval prior to the commencement of the project. The roles of the Transport / Travel Plan co-ordinator listed in paragraphs 7.3.2 do not include reporting of the monitoring data to interested parties nor enforcement, as would be required by paragraph 7.4.7.</p> | <p>The F-CTMP/TP secures the commitment of the Applicant to monitor, report and enforce. Paragraph 7.3.2 sets out a list of elements of the TPC role, including comprehensive elements of monitoring. It also included liaison with a wide range of parties. It is noted that the commitment to reporting and enforcement is not specifically listed in paragraph 7.3.2. However, this does not preclude that from being allocated as part of the TP, indeed the clear intention is that reporting is part of the role as set out in paragraph 7.3.2. Notwithstanding this, the commitment is clearly made to reporting and enforcement in Chapter 8 of the F-CTMP/TP, and it will be incumbent on the Applicant to ensure that responsibility for this is allocated to a named role in the final CTMP/TP.</p> |
| Suffolk County Council | Management (Controls, Monitoring, Reporting and Enforcement) | 7.4.7 | <p>The Applicant sets out in paragraph 7.4.7 a commitment to report the following information. Additional information considered necessary by SCC, generally as included in our LIR (REP1-024) 13.120, 13.122, 13.123 and 13.128 to be reported is added in italics.</p> <p>Common to freight and worker movements</p> <ul style="list-style-type: none"> • Progress of the project against specific gateways; • Details of non-compliance with routing or speed limits; • Near misses or safety related incidents; • <i>The relevant authority should be made aware of any breaches of the CTMP or TP, as soon as reasonably possible, this should be via a standard reporting mechanism (8.2.5).</i> <p>Freight management</p> <ul style="list-style-type: none"> • Freight movement to/from the site (<i>routeing, timing and total daily numbers on specific roads or routes</i>); | <p>The Applicant's list in paragraph 7.4.7 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] summarises the reporting of monitoring information which is detailed within Chapter 7. It therefore inherently includes the majority of the information included within SCC's list in italics. For additional clarity, the Applicant will consider in detail, and where appropriate, incorporate the relevant additional wording requested by SCC in an update to the F-CTMP at a later deadline.</p> <p>The introduction of vehicle cap numbers based on a car occupancy of 1.5 ensures that the level of traffic assessed in the Traffic and Transport Chapter of the Environmental Statement [APP-045] is not exceeded. The cap requires the Applicant to achieve that level or lower, but does not commit the Applicant to a specific car share ratio, as, for example, it could be achieved through use of minibuses. It is therefore not a requirement to monitor car share ratios.</p> <p>For clarity, car park occupancy will be calculated through In/Out counts, which will be monitored as part of the vehicle cap.</p> |

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| | | | <ul style="list-style-type: none"> • Freight compliance with appropriate exhaust emissions (Euro VI); • Transport of AILs to/from the site (<i>routing, timing, classification</i>); <p>Travel Plan</p> <ul style="list-style-type: none"> • LGV* movements to/from the site (<i>clarity is required whether LGVs will be included within the car share ratios, mini-buses included in 'LGV numbers'</i>). • Staff movement to/from the site, based on total numbers of vehicles and compliance with shift patterns (<i>including movements outside shift times and car share ratio</i>); • Information on complaints received on transport related issues including parking • <i>commitment to report the car park survey outputs to the relevant authorities.</i> | |
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Construction Environmental Management Plan

Table 6

| Topic | Page Number | Council's Comment | Applicant's Response |
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| Mammal access — perimeter fence | Page 16C-14 | The Councils seek clarification as to how regularly the gaps in the security fence line will be checked by the Ecological Clerk of Works. This should align with paragraph 8.123 of the Applicants' response to the Councils' LIR [REP3-019] — <i>"periodic inspection of the mammal gaps should be recorded daily within the ecologists EIP"</i> . | As the security fencing for the Scheme will be established at an early stage during construction and remain throughout operation the gaps for mammals will be permanent and only subject to periodic checks, e.g., monthly. This will ensure that they remain passable, but daily inspections are not necessary. |
| Impact Avoidance — Invasive Species | 1.6.15.f page 16C- 20 | The LEMP refers to <i>"Schedule 9 and Schedule 2 species"</i> in relation to invasive species. The Councils seek clarification as to what legislation these refer to, as it is unclear whether this references the Wildlife and Countryside Act 1981 | This is referring to Schedule 9 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Invasive Alien Species (Enforcement and Permitting) Order 2019. |

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| Management plan | | schedules 2 and 9, or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019. | |
| Tree works — veteran trees | Page 16C-33 | <p>It is noted that one veteran tree (T143) is proposed to be lightly pruned to facilitate access to Sunnica West Site B. Given the proposed changes of works to Sunnica West Site B, we query whether will this be required as part of the scheme.</p> <p>The Councils are concerned about the proposed severing of ivy from veteran trees identified in the Arboricultural Impact Assessment [REP3-021]. This should be incorporated within the LEMP and part of long-term management of veteran trees, rather than wholesale clearance as part of construction.</p> | <p>The referenced works to veteran tree (T143) are no longer required and the paragraph on Page 16C-33 which stated: <i>“One surveyed veteran tree (T143) is proposed to be lightly pruned to facilitate access to Sunnica West Site B. This tree also requires remedial safety works in the interests of highway safety regardless of the Scheme.”</i> has been removed from the latest revision of the Framework CEMP which is submitted at Deadline 5.</p> <p>Ivy severance is proposed where it would allow more detailed assessment of tree structural condition which would ultimately help to promote the long term viability of the trees (e.g. giving the opportunity to undertake remedial works to preserve trees at risk of complete structural failure/death). Ivy severance isn't proposed to facilitate the development but rather as a preliminary management recommendation which is considered appropriate regardless of the Scheme. Ivy severance wouldn't equate to stripping or removing of ivy but rather severance near ground level so any defoliation of ivy would be gradual to reduce/manage impacts on the tree (risk of sun scorch to bark) and biodiversity.</p> <p>Concerns over severing of ivy from veteran trees is noted and the latest revision of the OLEMP submitted at Deadline 5 includes reference to this as part of long-term management of veteran trees. Where ivy severance would on balance represent an unacceptable risk to biodiversity it could be retained, the wording in the preliminary management recommendations in the Tree Survey Schedule (Appendix B of the AIA) has been amended to <i>‘consider’</i> severance of ivy and other proactive remedial management.</p> |
| Bats — tree 657 | | The Applicants' response to paragraph 8.115 of the Councils' LIR [REP3-019] states that <i>“tree 657 has been identified a high potential for roosting bats, bat roost surveys (emergence /re-entry) will be necessary at this location in the year prior commencing the works. If a bat roost is confirmed at</i> | Table 3-3 of the Framework CEMP includes the following commitment, <i>‘Updated species surveys, including bats, great crested newt, breeding birds, otter, water vole and badger, will be completed as appropriate to re-confirm the status of protected species identified, to inform mitigation requirements and support</i> |

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| | | <p><i>this location a bat mitigation licence (e.g. an EPSML) will be required to be obtained prior to the loss of this roost".</i></p> <p>The CEMP should be updated to include these pre-commencement surveys and what will be required if a bat licence is needed.</p> | <p><i>protected species licence applications, if required by Natural England.'</i></p> |
| PROW — noise receptors | p42 | <p>The Council welcomes the proposed engagement with the equestrian groups regarding the scheduling of construction activities. This needs to include the British Horse Society, which is the statutory user group for public rights of way, and any local riding groups that use the public bridleways. The Council recommends that all the local parish councils, statutory user groups and the Fordham (Cambs) Walking Group are also kept informed, as this will be a key way for local residents who use the network to hear about planned works and help engage effectively with the community, so that the public can make informed decisions regarding their use of the network during these times.</p> | <p>Noted. Text in Table 3-6 of the Framework CEMP has been updated to include reference to the British Horse Society and local stakeholders.</p> <p>As part of the Communication Strategy (see paragraph 2.11.1) local interested parties such as local parish councils, statutory user groups and the Fordham (Cambs) Walking Group will be kept informed regarding the scheduling of construction activities.</p> |
| PROW – disruption to users of PROW | Pg 47 | <p>Please see comment above in this table relating to non-motorised users of PROW as noise receptors in the landscape.</p> <p>We repeat our submission made in response to the updated CTMP [REP3-013 and REP3-14] regarding temporary closures. Cross reference must be made in the CEMP [REP3-0] to the measures concerning temporary closures of PROW in the CTMP [REP3-013 and REP3-014].</p> <p>The Council welcomes the amendments to require condition surveys of PROW before works commence to enable restoration to at least the same standard upon completion of works. The Council requires that the CTMP [REP3-013 and REP3-014] and CEMP [REP3-015] (given that disruption and damage to the PROW may occur with or without temporary closures) include the requirement for reinstatement works to be agreed with the LHA and for the LHA to inspect and certify that they are satisfied with the restoration.</p> <p>PROW are important landscape features, and so reinstatement must include appropriate restoration of any boundary features, the process for which must be agreed with the affected Council's Ecologist, ROW Officer and the LPA.</p> <p>The above measures must be included as an appropriate requirement in the draft DCO.</p> | <p>The comment regarding non-motorised users of PROW as noise receptors is noted.</p> <p>A cross reference has been included in Table 3-8 (Transport and Access) of the Framework CEMP to mitigation measures outlined in the CTMP.</p> <p>Table 3-7 of the Framework CEMP has been updated to include the requirement for reinstatement works to be agreed with the LHA and for the LHA to inspect and certify that they are satisfied with the restoration.</p> <p>Text has also been added in Table 3-7 of the Framework CEMP to state that reinstatement must include appropriate restoration of any boundary features, the process for which must be agreed with the affected Council's Ecologist, ROW Officer and the LPA.</p> <p>Restoration of boundary features has been included in the Framework CEMP Table 3-7.</p> <p>As these above measures are secured via the appropriate management plan, a DCO requirement is not necessary.</p> |

Joint Comments on the Environmental Masterplan and LEMP

Table 7&8

| Council's Comment | Applicant's Response |
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| <p>The Joint Councils submitted a number of detailed comments on the LEMP and Environmental Masterplan</p> | <p>The Applicant has considered these comments in producing the updated versions of the OLEMP, Environmental Masterplan and the AIA that have been submitted at Deadline 5.</p> <p>The Applicant intends to hold a workshop with the Councils to discuss these updated documents and to explain how and where it has taken account of the comments made in their Deadline 4 submissions.</p> <p>In summary however, the Applicant can confirm that the following additional measures and details have been added to the OLEMP and the Environmental Masterplan:</p> <ul style="list-style-type: none"> • OLEMP – adjusted the structure with clearer section numbering and to more clearly set out the objectives, design principles and outline specification for the design, implementation, establishment maintenance and long-term management of proposed planting and existing vegetation. • OLEMP – clearer links with existing strategies, including the East Cambridgeshire Nature Recovery Strategy, and how the Scheme will integrate with the wider green infrastructure network. • OLEMP – Clarity on where natural regeneration will be encouraged, for example along woodland edges and scrub patches and how Elm will be managed. • OLEMP – further detail has been provided to explain the integration of new and existing rights of way, including permissive paths and their character within the Scheme • OLEMP – differentiation between the function and specification of different type of woodland has been added. • Environmental Masterplan – The masterplan has been reproduced at a scale of 1:2,500 at A1 to provide further detail and clarity on how the proposed and existing habitats will integrate with the Scheme. • Environmental Masterplan – existing trees and woodland to be retained and removed have been added with reference to the Arboricultural Impact Assessment. • Environmental Masterplan – The types of proposed grassland have been reviewed and differentiated in the legend. |

- Environmental Masterplan – areas of proposed arable flora have been combined and extended.
- Environmental Masterplan – permissive paths have been reviewed. An additional permissive path has been added around E05 within Sunnica East Site A to provide a circular route. This will connect with an enhanced route to the south of E05, which will include a new public space at a gap in the proposed woodland with views towards the B50 crash site.
- Environmental Masterplan – stock proof fencing has been added around ECO1, ECO2 and ECO3 to protect stone curlew habitat. The OLEMP explains how this will be supplemented by signage to deter access.
- Environmental Masterplan – temporary screening fencing and a wider belt of trees and shrubs added along the eastern edge of E20 to screen views from residents of the travellers site off of Elms Road.
- Environmental Masterplan – new areas of wet grassland have been added within Sunnica East Site A and Sunnica West Site B to enhance biodiversity.
- Environmental Masterplan – Proposed woodland blocks have been reviewed to increase width where concerns have been raised. This includes the belt of woodland along the southern edge of E18 adjacent to Elms Road. Additional hedgerows have been added, including along the western edge of W10 and the eastern edge of E12.

The following matters will be resolved in a future update of the OLEMP and Environmental Masterplan after a workshop with the Councils in January 2023:

- OLEMP – Further clarification of any operational management of CWS within the Order limits.
- OLEMP – Further detail to be provided on grazing management.
- OLEMP - Habitat Table will be developed to provide a summary of creation and management for each of the plots/fields.
- Environmental Masterplan – Differentiate between different woodland functions (woodland habitat, linear belts of trees and shrubs and pine lines) in the legend
- Environmental Masterplan – Add proposed drainage features.
- Environmental Masterplans – Add Public Rights of Way

Joint Councils Comments on the Arboricultural Impact Assessment

Table 9

| Council's Comments | Applicant's Response |
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| <p>The Councils (East Cambridgeshire District Council, Cambridgeshire County Council, West Suffolk Council and Suffolk County Council) would like confirmation on the status of the AIA. The applicant's response to the LIR (p112) [REP3-019] is of particular concern in relation to the AIA. It states that any tree works (including pruning and removal) which are identified as part of the AIA submitted at Deadline 03 would be consented as part of the wider DCO consent. The AIA shows measures including felling of TPO trees, trees within the Registered Park and Garden of Chippenham and pine-line trees which the Council consider could and should be avoided. Some actions such as the felling of dead/dying pine trees which contribute to pine-lines could be avoided by ensuring that there is no increase in use of the land within falling distance of the trees.</p> | <p>The AIA submitted at Deadline 3 [REP-3-021] has been superseded by a revised AIA submitted at Deadline 5 and this identifies the likely arboricultural impacts of the Scheme. These impacts will be reduced where possible as part of the detailed design and a final Arboricultural Report will be submitted for approval (secured via the FCEMP) pre-construction.</p> <p>The updated AIA clarifies that no impacts to trees will be avoided to trees located in the Registered Park and Garden of Chippenham however some trees subject to TPO and potential pine-line trees are shown to be removed as a reasonable worst case. This will be further reviewed as part of the detailed design and where feasible tree loss or impacts will be avoided or reduced, as is secured through the Framework CEMP.</p> |
| <p>If the ExA accept that the tree works within the AIA would be consented, it is the Councils view that bat roost assessments of any trees to be removed or pruned should be completed prior to consent of the DCO, noting that some trees identified for tree works are considered to have high bat roost potential.</p> | <p>The Arboricultural Impact Assessment (AIA) Report submitted at Deadline 5, provides information on potential woodland and tree loss across the Scheme with relevance to protected species, including bats.</p> <p>In this it is stated that a worst case scenario of woodland/loss is assessed and it is likely that in practice tree loss and impacts could be significantly reduced as avoidance is likely to be possible along some of the cable route through cable installation via horizontal directional drilling (HDD) and through micro-siting of cable and access routes to avoid trees. The AIA identifies that no veteran or ancient trees are to be removed, which often have features for roosting bats. The details of the final tree loss will be provided in an Arboricultural Method Statement will be provided as part of the Framework CEMP following consent.</p> |

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| | <p>Due to the lack of detail on tree loss at this stage, it is currently unknown which woodland/trees will be impacted and it was not feasible to survey all potentially impacted woodlands and trees in detail. A Preliminary Roost Appraisal has been undertaken on all woodlands and trees and it is noted that there could be potential impacts to trees and woodlands with bat roost suitability. As per the question, there is currently no impact to tree T143 in the updated AIA report.</p> <p>As stated in the AIA, Appendix C Precautionary Arboricultural Method Statement, section 1.3.8, following the provision of the detailed Arboricultural Method Statement, prior to the commencement of any tree works a survey for protected species (including nesting birds, bats and badgers) is to be undertaken. If evidence of any protected species is discovered the advice of the appointed Ecological Clerk of Works must be obtained. This would include further pre-commencement survey as necessary, and, again if necessary, the obtaining of a mitigation licence for the proposed works.</p> |
| <p>It is the Councils' view that the AIA should be for information purposes only.</p> | <p>The Applicant agrees with this. The AIA provides additional information on tree impacts further to comments from the Joint Councils. As secured by the FCEMP, it will inform the Arboricultural Report that is required to be produced prior to the commencement of construction of the Scheme.</p> |
| <p>The OLEMP [REP3-012], at section 1.6.32, suggests that pre-construction tree surveys will be undertaken and submitted in advance of commencement. It is the Councils' view that the findings and recommendations of the pre-construction tree survey, together with detailed Arboricultural Method Statements, which will need to be location-specific, will need to be submitted prior to or along with the detailed design of the scheme. Tree surveys must inform the detailed design rather than simply document trees to be lost. The detailed design of the scheme should be based on the pre-construction tree surveys and should minimise and justify any tree loss by micro-siting the various elements of the development. The DCO should secure this. The Council believe that reference to baseline information/evidence is the</p> | <p>The Applicant has taken this comment on board and will be updating the DCO at Deadline 6 to provide that the detailed design for a phase, that is required to be submitted pursuant to Requirement 6, must include details of how the design has taken account of the AIA or updated tree surveys for locations within that phase where arboricultural impacts are likely and where no detailed survey information has already been captured within the AIA.</p> |

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| <p>basis of good design; see also the Councils response on Q1.0.5 [REP2-078] in relation to how the scheme should deliver good design.</p> | |
| <p>The Councils are concerned about how the measures in the Preliminary Arboricultural Method Statement (or any update to this), including the Construction Exclusion Zones are secured and implemented. The CEMP[REP3-0XX] states on page 16C-34, in relation to the pre-construction survey, subsequent Arboricultural report and detailed AMS, that the findings and recommendations of these will be taken into account by the appointed contractor. It is the Councils' view that the recommendations of the detailed AIA, AMS and Arboricultural Reports must be carried out and implemented in full by the appointed contractor.</p> | <p>The CEMP has been updated at Deadline 5 to deal with this concern.</p> |
| <p>The applicant's response to the LIR (p113) sets out the procedure for agreeing tree losses as a consequence of the scheme through the detailed design process having regard to full arboricultural surveys. The Councils would welcome this approach and therefore query why there is a need for the measures in requirements to disapply this principle.</p> | <p>The proposal to disapply the provisions of the TPO regime, is to ensure that one regime will apply to trees affected by this Scheme through the DCO and its accompanying certified documents. As such, with the drafting of the CEMP as at Deadline 5 and the proposed amendments to the DCO discussed above at Deadline 6, that regime is created and the Councils have the protections they have been seeking.</p> |
| <p>The Councils have the following additional comments on the AIA:</p> <ul style="list-style-type: none"> It is not clear from the report, how the 'key' areas were selected and what criteria were used in this selection process, beyond areas of the Scheme where the potential for significant arboricultural impacts is greatest. | <p>Tree constraints have been considered from the outset and have informed the design process, with the Tree Constraints Report being a key part of that process [APP-101].</p> <p>Key areas for detailed survey were selected following liaison with the project team to identify those sections where the potential for significant arboricultural impacts is greatest (e.g. known areas of mature trees near significant areas of new infrastructure) and where there would be the greatest scope for design amendments to avoid trees.</p> |
| <ul style="list-style-type: none"> The revised AIA still does not include all the trees likely to be impacted by the proposals. For example, the Chippenham Road TPO trees are only mentioned in the report text 7.3.9 (not surveyed) despite two of these trees shown as requiring removal to facilitate an access. This creates the question as to whether other trees that will be affected by the works have also been omitted | <p>The AIA [REP3-021] clearly identified that the two Chippenham Road trees are to be removed (in both the tree removal section at 7.3 and in the conclusion in section 8) and this was also shown on the Tree Protection and Removal Plans which are submitted as Appendix D of the AIA Report (to be re-submitted at Deadline 5) but was partially hidden due to the overlaid TPO designation</p> |

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| | <p>hatching. These trees have now been subject to detailed survey and the updated AIA Report and Plans have been submitted at Deadline 5.</p> |
| <ul style="list-style-type: none"> For the majority of the trees, no assessment has been undertaken beyond the use of overhead imagery. | <p>This is incorrect, over 300 trees have been subject to detailed tree survey and the vast majority of the remaining trees have been subject to assessment via aerial imagery and LiDAR based data (which also gives information on tree height and canopy spread), this has allowed a buffer to be applied and a walkover review has also been undertaken to identify the likely quality category.</p> <p>Of tree canopy cover to be removed to facilitate the Scheme more than 50% has been subject to detailed tree survey.</p> |
| <ul style="list-style-type: none"> There is no information within the report to evidence the estimated dimensions that have been used for the trees surveyed by satellite | <p>The updated AIA report submitted at Deadline 5 includes the methodology for assigning buffer zones to tree features. Height and canopy spread dimensions are based on the National Tree Map dataset as identified in the AIA report which used LiDAR and aerial imagery to capture data on tree features.</p> |
| <ul style="list-style-type: none"> There is no key for the terms and symbols used in the tree schedule. | <p>The updated AIA report submitted at Deadline 5 includes a key to the survey schedule.</p> |
| <ul style="list-style-type: none"> There are symbols included on the plans that have no explanation as to their meaning (large green blobs and thick green dashed lines). | <p>The Tree Protection and Removal Plans, submitted as Appendix D of the AIA Report, have been updated and submitted at Deadline 5 to make the plans clearer and to ensure the imagery on the plans aligns with the key.</p> |

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| <ul style="list-style-type: none"> There are trees indicated on plans as black circles with no indication as to what this colour means. | <p>The Tree Protection and Removal Plans, submitted as Appendix D of the AIA Report, have been updated and submitted at Deadline 5 to make the plans clearer and to ensure the imagery on the plans aligns with the key.</p> |
| <ul style="list-style-type: none"> The existing shade patterns are illustrated in the same colour as the roads and so become indistinguishable. | <p>The Tree Protection and Removal Plans, submitted as Appendix D of the AIA Report, have been updated and submitted at Deadline 5 to make the plans clearer and to ensure the imagery on the plans aligns with the key.</p> |
| <ul style="list-style-type: none"> The plans are generally difficult to read and make the areas of vegetation loss cumbersome to identify. A clearer presentation would be welcomed. | <p>The Tree Protection and Removal Plans, submitted as Appendix D of the AIA Report, have been updated and submitted at Deadline 5 to make the plans clearer and to ensure the imagery on the plans aligns with the key.</p> |
| <ul style="list-style-type: none"> The shading indicated is a current estimated only. The proximity of panels is shown to be right to the edge of the shading arcs without any space for future growth and no information as to what will happen to these landscape features once they grow sufficiently to reduce the efficiency of the panels. The Applicant's response to the LIR (p113) notes that 'The majority of trees are relatively mature and are unlikely to significantly increase in height to the extent where shading impacts on solar array operation will result in pressure to fell or prune trees'. This sentence contains four ambiguities. The Councils' view is that the Applicant has not demonstrated that future growth of the trees will not result in pressure for their removal. Therefore, the Councils seek further investigation, clarification and, if required amendments to the proposals (i.e. greater distance of solar panels from trees; alternatively, an agreement that a reduction in productivity over time because of increased shading is an accepted trade-off for the benefit in the early years.). | <p>The updated AIA Report submitted at Deadline 5 addresses future tree growth and the updated Tree Protection and Removal Plan (also submitted as Appendix D of the AIA Report at Deadline 5) will show mature tree shading arcs. The design team have confirmed that there is a minimum requirement for shade free operation of three hours per day for each panel. Where mature shade could impact on trees it will be partial (as the sun moves across the sky) and should allow at least three hours of unshaded operation by panels. The detailed design will also adjust panel positions where appropriate to improve efficiency and reduce any issues associated with shading.</p> |
| <ul style="list-style-type: none"> Construction exclusion zones are also shown as grey (along with shading arcs and roads) and it is not clear why these do not extend across groups of trees such as at Chippenham Avenue. | <p>Construction exclusion zones will be removed from the updated Tree Protection and Removal Plan have been submitted at Deadline 5 as Appendix D of the AIA Report, to make the plans clearer and to ensure the imagery on the plans aligns with the key. Where trees are to be retained they will be protected either as a fenced exclusion zone or as a managed working area</p> |

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| | <p>adhering to the principles set out in the Precautionary Arboricultural Method Statement included as an Appendix to the submitted AIA Report.</p> |
| <ul style="list-style-type: none"> • A number of veteran trees have been identified but there is no assessment of the impact on these trees. Veteran trees are an irreplaceable resource and should be retained and protected. The NPPF and current standing advice from Natural England and the Forestry Commission states that development affecting veteran trees should be refused unless justification is wholly exceptional. Veteran trees require a buffer equivalent to 15 x stem diameter (at 1.5m) or the canopy spread +5m (whichever is greatest). The ECDC Natural Environment Supplementary Planning Document 2020 policy SPD.NE8: Trees and Woodland states 'Where the proposal will result in the loss or deterioration of these irreplaceable assets (as defined by the NPPF): <ul style="list-style-type: none"> ○ (c) ancient woodland; and/or ○ (d) the loss of aged or veteran trees found outside ancient woodland. <p>permission will be refused, unless, and on a wholly exceptional basis, the need for and benefits of the development in that location clearly outweigh the loss and a suitable compensation strategy exists.'</p> | <p>The AIA [REP3-021] identifies impacts to veteran trees at Sunnica West Site B in section 7.4 and 7.5 where the existing access route would be adapted and used for access. This would require minor pruning for access (notwithstanding more substantial pruning for health and safety reasons which is arguably required for these trees regardless of any proposed development and would prevent the structural failure of the tree) and would be achieved using a no dig construction to avoid excavation and soil compaction. There would therefore be no deterioration or loss to the trees. The other veteran trees identified will not be impacted by the Scheme and this is a commitment in the FCEMP.</p> <p>In any event, if the Applicant's second change application is successful the reported impacts to veteran trees at Sunnica West Site B would be avoided. The updated AIA has been submitted at Deadline 5 with changes on the assumption that this change application is successful.</p> |
| <ul style="list-style-type: none"> • All TPO trees and all veteran trees within and adjacent to the DCO area should be shown and clearly identified to inform the further design and management of these trees. | <p>All trees subject to TPO and all veteran trees are clearly identified. Further survey work at Chippenham Road is included in the updated AIA Report and Plans submitted at Deadline 5) and show more detailed data for key trees subject to TPO in this area.</p> |
| <ul style="list-style-type: none"> • The tree specifications are unclear. For example, T143 is stated as requiring pruning of the lower small diameter branches to allow access but is also stated as requiring pollarding (removal of all branches back to the trunk) 7.4.2 | <p>The lesser pruning for T143 is required to facilitate access and prevent damage to the tree. The pollarding is recommended on health and safety grounds to address significant structural defects and manage the risk of the tree collapsing (regardless of any proposed development as this is an existing access route and adjacent to the highway). This is clearly listed in the Preliminary</p> |

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| | <p>Management Recommendations column rather than the Tree Works to Facilitate Development column of the schedule.</p> |
| <ul style="list-style-type: none"> There is contradictory information in the report. For example, 7.4.8 states that 'should the requirement for additional tree works be identified this will be discussed with an appointed arboriculturalist and no works will be undertaken without the consent of the relevant LPA' yet the draft DCO overrides all LPA authority in relation to trees including TPO's, which the Councils consider unacceptable | <p>As noted above, the draft DCO includes articles 36 and 37 to ensure only one regime exists for managing tree impacts from the Scheme – that created by the draft DCO and the FCEMP. The matters referred to in the AIA are secured by the processes set out in the FCEMP and the updates proposed to the DCO at Deadline 6.</p> |
| <ul style="list-style-type: none"> The design does not appear to use existing accesses in preference to removal of existing features – and where this occurs justification is not given, for example at the end of the Chippenham tree avenue. | <p>The proposed access at Chippenham Road is required in that location to facilitate construction activities and allow the cable to be installed at that location. This will be further reviewed at the detailed design stage to avoid or minimise impacts and a worst case is assumed for the purposes of the assessment.</p> |
| <p>It is the Councils view that an Arboricultural Report that includes all the trees affected by the proposals must be provided before determination to ensure that the removal of high value trees can be avoided. The Councils' view is that the current AIA is not sufficient to justify the tree removal proposed including of high-quality trees, TPO trees and trees of high landscape amenity value.</p> | <p>The AIA [REP3-021] does include all trees affected by the proposals including a consideration of tree quality and spatial constraints. Tree constraints have been taken into account from the outset and higher value trees have been avoided where possible. For a scheme of this scale and as a concept design it is not possible to completely avoid all trees of quality however the detailed design will further seek to reduce or avoid arboricultural impacts where feasible. As reported in the updated AIA to be submitted at Deadline 5 all trees subject to TPO to be removed or pruned have now been subject to detailed tree survey and all but 150m² of high quality trees to be removed have been subject to detailed tree survey (for context a single tree with a crown diameter of circa 14m would have a canopy area of 150m²).</p> <p>This unsurveyed likely high quality tree loss is a worst case and relates to an area of proposed cable route due east of the A142 roundabout north west of Snailwell where the cable must cross a</p> |

line of trees and the alignment makes use of an existing access point (the path of least resistance) that (as a worst case) may require widening and some tree clearance.

This means only a tiny fraction of the high quality trees to be removed to facilitate the Scheme have not been subject to a detailed survey and this outstanding survey is secured as a commitment in the FCEMP to inform the detailed design where the potential to avoid or reduce impacts will be fully considered. A summary table has been appended at Appendix B of this document summarising the impacts to trees and why this is necessary for the Scheme. As the Applicant has stated, this is based on the approach in the AIA which has assumed a worst case of loss at this stage of construction planning; and that the Applicant will be seeking to minimise tree loss as much as possible. This will be secured through the amendments to the CEMP submitted at Deadline 5 and the changes that will be made to Requirement 6 at Deadline 6.

Equality Impact Assessment

Table 10

| Topic | Paragraph | Council's Comment | Applicant's Response |
|-------------------------------------|-------------------------------------|--|---|
| <p>Assessment of Impacts</p> | <p>Page 7, (4) and 6.3.1</p> | <p>The protected characteristics for an Equality Impact Assessment relevant to NMUs are:</p> <ul style="list-style-type: none"> • Age — people of different ages generally have different abilities and needs. • Disability — disabilities affect people very differently. Someone may be blind but physically able with excellent hearing and enjoys countryside sounds. Someone with a heart condition may only be able to walk a short distance but that is critical to their recovery and wellbeing. • Maternity and Pregnancy — typically people in this category need accessible routes with interest and facilities for children, and seats. <p>Research shows that most people prefer circular routes, and this is particularly so for these protected groups.</p> <p>Socio-economic inequality also affects those able to use PROWs. The area generally suffers from poor multiple deprivation indices.</p> <p>The Applicant states that "The Scheme will result in new NMU facilities during operation connecting communities through active travel routes." However, the Council does not feel that the Applicant has addressed all the particular equality issues as summarised above, or of the Council's statutory Rights of Way Improvement Plan; of NPPF paragraph 100; or of Defra's 25 year Environment Plan', or the Cambridgeshire & Peterborough Joint Health and Wellbeing Strategy. As set out in the Council's response to the Applicant's comments on the Local Impact Report above at 14.40, in Cambridgeshire, there is only one short</p> | <p>The Equality Impact Assessment has identified a potential positive impact with regards to groups with protected characteristics as a result of new permissive routes as a whole provided during the Scheme's operational phase.</p> <p>The routes will provide new and additional facilities for walking, cycling and horse riding within and around both Sites A and B, which will result in health benefits for those who use them, including those from protected groups, in terms of providing a safe route for use by NMUs in the local area. For example, the routes will improve connectivity between the villages of Worlingham, Isleham and Snailwell, providing a safe route for NMUs to use to travel between the sites without the presence of road traffic. Those from the protected groups listed are likely to benefit from the positive health outcomes associated with walking.</p> <p>The Applicant is willing to enter into a s106 agreement with Cambridgeshire County Council and Suffolk County Council to create new and/or improve existing PROWs within the vicinity of the Scheme, following the Hearing in December 2022. Heads of Terms on this aspect have been issued to both councils in January 2023 for further discussion.</p> |

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| | | <p>permissive route, which is located within Sunnica East Site A and does not connect with any footway or public right of way and cannot be stated as being adequate mitigation. It leaves users on a fast rural road to walk back to Isleham.</p> | |
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Access and Rights of Way Plans

Table 11

| Topic | Paragraph Number | Council's Comment | Applicant's Response |
|---|------------------|--|---|
| Detail shown on plans | All plans | <p>The Access and Rights of Way Plans ('A&ROW Plans') do not indicate whether or not any of the roads affected by the proposed works are highways maintainable at public expense.</p> <p>This is critical to the Council and other stakeholders' understanding of the effect of the proposals on the public highway network. It is requested that the plans are updated to show the extent of publicly maintainable highways that are affected by the dDCO. This information can be obtained from the local highway authority.</p> <p>It should be noted that it is also important for the Applicant to have clarity on the extent of the public highways affected by the dDCO, not least because any street alteration works that do not take place entirely within the pre-existing highway extent will only become highway maintainable at public expense through the appropriate legal processes under the Highways Act 1980, unless provision is made for this within the text of the dDCO.</p> | <p>The relevant roads which are maintainable at the public expense are listed in column (2) of Schedule 5 to the draft DCO [REP4-005].</p> <p>The inclusion of highway extent has been discussed with CCC. At the meeting on 24/11/22, the Applicant stated its intent to include this data in relevant drawings (although this does not necessarily extend to plans). This data has been requested but has not been received from the LHAs at the time of writing.</p> <p>Meanwhile, the Applicant has submitted relevant updated sheets of the Access and Rights of Way Plans at Deadline 5 for the purpose of the Changes Application [EN010106/APP/8.74] submitted at the same time. To the extent that any permissive paths are on those relevant sheets, they are presented on the plans.</p> <p>The Applicant intends to produce and submit to the Examination in due course a consolidated set of Access and Rights of Way Plans, pending acceptance of the application and further discussion with the LPAs regarding the detail of the permissive paths. For the avoidance of doubt, the Applicant confirms that it will be adding permissive paths to these plans.</p> |
| Access & Rights of Way Plans and Land Plans | | <p>The Councils are concerned as to the intention of the Applicant with regard to acquisition of rights and/or land affecting land identified as being the responsibility of the highway authority on the Land Plans. The Council would welcome discussions with the applicant</p> | <p>The Applicant has included the acquisition of rights powers in the draft DCO [REP4-005] at certain locations on highways on the cable route corridor. More details are provided at section 3.6 of the Statement of Reasons [REP2-018]. Discussions remain ongoing with the Councils on this matter.</p> |

Appendix A Phase 1 Habitat and Arable Flora Update

Introduction

A walkover survey of Sunnica East and West was undertaken between 5th and 7th September 2022 to determine any changes in habitat composition since the 2020/21 baseline surveys.

Method

Notes were made on any changes to the baseline Phase 1 habitat types and land-use changes. This include notes on species composition and abundance. A search was also made of field margins for arable flora and any additional important arable flora species were noted.

Results

There were minor changes to the habitats within the Order Limits as listed in Table 1, none of which change the impact assessment. Information from this survey has been used in the updated Biodiversity Net Gain (BNG) report to be issued at Deadline 5. An updated Phase 1 Habitat map is provided at Deadline 5 as part of the BNG report.

An arable field located north of a grassland strip (Note 3), previously found to have no scoring arable flora species, contained two low value scoring species and is assessed as of Local Importance. An arable field located north of the semi-improved grassland (Note 4) had changed from a pig field to maize crop. Two scoring arable flora species were present here and assessed as of Local Importance. An arable field located at Note 9 had two scoring arable flora species and is also assessed as of Local Importance.

There were no other habitat changes or new constraints identified in relation to flora. These minor changes do not change the baseline or the assessment of impacts.

Table 1 – Flora Update Survey Results (September 2022)

| Location (see annotated Phase 1 Figure 1) | Flora site | 2020/21 baseline | Current habitat type September - 2022 | Notes (species abundance uses DAFOR scale*) |
|---|----------------------------|--|---------------------------------------|--|
| Note 1 | T10c | Arable, and in flora report as set-aside | Species poor semi-improved grassland | Mapped as poor SI grassland as a permanent area of established grassland. Dominated by grasses including Red Fescue <i>Festuca rubra</i> agg (F), Common Couch <i>Elymus repens</i> (A), Creeping Bent <i>Agrostis stolonifera</i> (A), Yorkshire Fog <i>Holcus lanatus</i> (F) with scattered tall herbs including Bristly Ox-tongue <i>Helminthotheca echioides</i> (F), Mugwort <i>Artemisia vulgaris</i> (F), Perennial Sow-thistle <i>Sonchus arvensis</i> (O), Broad-leaved Dock <i>Rumex obtusifolius</i> (O) and Canadian Fleabane <i>Erigeron canadensis</i> (O). |
| Note 2 | Field south of T10c | Ephemeral/short perennial and bare ground | Bare ground | Changed to bare ground from areas of ephemeral/short perennial and is currently a pig field |
| Note 3 | T12 | Phase 1 arable, flora report included a recently established margin of grassland between the woodland and arable field | Semi-improved neutral grassland | Mapped as 20m wide strip of SI neutral grassland. Species include Creeping Bent (A), Cock's-foot <i>Dactylis glomerata</i> (F), Hogweed <i>Heracleum sphondylium</i> (F), Mugwort (F), False Oat-grass <i>Arrhenatherum elatius</i> (O), Wild Mignonette <i>Reseda lutea</i> (O), Perennial Sow-thistle (O), Ribwort Plantain <i>Plantago lanceolata</i> (O), Creeping Buttercup <i>Ranunculus repens</i> (O), Creeping Thistle <i>Cirsium arvense</i> (O), Common Nettle <i>Urtica dioica</i> (R), White Champion <i>Silene latifolia</i> (R). |
| Field north of Note 3 | | Arable | Arable | Arable field margin, previously with no scoring species with important arable flora comprising Treacle Mustard <i>Erysimum cheiranthoides</i> and Wild Mignonette. Scores 3 and is assessed as of Local Importance based on method in the flora appendix. |
| Note 4 | T13 | Semi-improved acid grassland | Semi-improved acid grassland | No change, some additional notes on species and current condition provided for BNG. Some new areas of bare ground within this habitat up to 30 x 10m that was used for storing manure. Similar species composition to previous baseline, with a diverse range of low growing species including Creeping Bent (A), Viper's Bugloss <i>Echium vulgare</i> (F), Smooth Hawk's-beard <i>Crepis capillaris</i> (F), Lady's Bedstraw <i>Galium verum</i> (F), Wild Mignonette (O), Hare's-foot Clover <i>Trifolium arvensis</i> (O), Early Hair-grass <i>Aira praecox</i> (O), |

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| | | | | Bur-medick <i>Medicago minima</i> (R) (Nationally Scarce), Lesser Hawkbit <i>Leontodon saxatile</i> (R), Mouse-ear Hawkweed <i>Pilosella officinarum</i> (R), Biting Stonecrop <i>Sedum acre</i> (R), Bugloss <i>Lycopsis arvensis</i> (R), Common Stork's-bill <i>Erodium cicutarium</i> (R). |
| Field north of Note 4 | | Arable | Arable | Arable field margin, previously a pig field with no scoring species, a now maize crop with important arable flora comprising Common Stork's-bill and Wild Mignonette. Scores 2 and is assessed as of Local Importance based on method in the flora appendix. |
| Note 5 | T25 | In flora report and Phase 1 it was semi-improved species-poor neutral grassland with tall ruderal herbs. | Arable | Field changed from grassland to arable (maize crop). (No arable flora scoring species) |
| Note 6 | T14 | Semi-improved calcareous grassland and open water | No change | Reduction in water levels exposing bare plastic liner. Similar species composition to baseline. A diverse calcareous grassland developing on exposed chalk from creation of the reservoir. Mostly tall unmanaged grassland with some limited deer and rabbit grazing. Species include the Nationally Scarce Sickle Medick <i>Medicago sativa</i> subsp. <i>Falcata</i> |
| Note 7 | AF11 | Wheat field of county importance for arable flora | Beet crop with arable field margins and permanent conservation margin grassland. | Added conservation margin and mapped as poor SI with notes for BNG condition. Similar arable flora species composition to the baseline and therefore no change to assessment of conservation importance. |
| Note 8 | T3, T4, T5 | Various including marshy grassland and semi-improved neutral grassland | Marshy grassland, semi-improved neutral grassland and tall ruderal herb | Some reduction in extent of marshy grassland and increase in tall grassland and tall ruderal herb. Habitats were drier than in previous year (due to the drought on summer 2022) with larger areas of tall ruderal herbs. The more diverse area of shorter grassland at T4 was still present alongside the River Snail. No overall change in the assessment of conservation importance. |
| Note 9 | n/a | Arable | Arable | Arable field margin with an onion crop, previously with no scoring species with important arable flora comprising Common Stork's-bill and Small-flowered Crane's-bill <i>Geranium pusillum</i> . Scores 3 and is assessed as of Local Importance based on method in the flora appendix. |

*DAFOR Scale: D = Dominant, A = Abundant, F= Frequent, O=Occasional, R=Rare

Appendix B - Tree Removal Review with Justification

| Site Location | Type of Data | Tree ID | Category | Area Removed (m ²) | Justification | Scope to Amend design |
|---|---------------|----------------------------|------------------|--------------------------------|---|---|
| Burwell. Start of Cable route, SW of plan | Surveyed Data | G9* | C2 | 18.468 | Removal due to proximity to access route | HGV access still required but due to change Application no AIL required so could avoid loss. This route makes use of existing access. Worst case assumed. |
| Burwell. Start of Cable route, SW of plan | Surveyed Data | G10*, G21* | B2 | 292.046 | Removal due to cable route | At this stage connection to grid is unknown, Option 1 connection shown as worst case. |
| Tree's surrounding E28 | Surveyed Data | W112*, H251* | A1,2, B2,3 | 851.387 (Category A: 779m2) | Removal due to access routes | Tree loss makes use of existing access routes/gaps to minimise impacts, no scope to improve due to extent of tree cover surrounding this parcel. |
| Tree group between E26 & E27 | Surveyed Data | H249* | B1,2,3 | 87.853 | Removal due to access route | Design utilises existing access route to minimise impact, no scope to improve in the vicinity at this stage due to extent of tree cover along boundary. |
| Tree's Bordering E21 | Surveyed Data | G102*, G247*, G248*, T228* | B1,2, C2,3, U2,3 | 769.274 | Removal due to access route & cable route | Existing gaps generally taken into account already as per spot notes. Scope to review further at detailed design. Worst case shown. |
| Line of tree's bordering E13 & E14 | Surveyed Data | T219*, G243* | B1,2, C2 | 945.134 | Removal due to cable route and access point | Tree loss unavoidable in this linear group, worst case shown. Potential to review using existing small gap to be considered in detailed design. |
| Tree Group East of W03 | Surveyed Data | W256* | A1,2,3 | 1218.313 | Removal due to cable route | Woodland group extends to west, no material benefit in repositioning. |
| NE corner of W02 | Surveyed Data | G196*, H197*, G206* | C1,2, B2 | 1062.759 | Removal due to access routes & cable route | No space to avoid tree loss as tree belt runs east to west |
| Area North of E12 | Surveyed Data | T44* | C1 | 28.297 | Removal due to crossing point No.2 | Small tree removed but alignment utilises existing gap to avoid loss or impacts to adjacent TPO trees. |
| Tree's bordering E12 & E13 | Surveyed Data | G81*, G82q* | B2, C1,2 | 451.83 | Removal due to cable route | At this stage considered unavoidable due to requirement for both access and multiple cable routes in this location. Adjusting north or south would still impact TPO trees. |
| Tree's between E24 & E25 | Surveyed Data | G118*, G119* | B1,2, C2 | 295.767 | Removal due to access route | Limited scope to amend at this stage due to requirement for offset from site entrance. |
| NW of E24 | Surveyed Data | W94* | A1,2 | 409.33 | Removal due to crossing point No.1 | Currently considered unavoidable due to requirement for both access route and multiple cable routes. TPO trees on either side. |
| Groups between E30 & E31 | Surveyed Data | G111q* | B2 | 521.234 | Removal due to access route | Limited scope to avoid tree line which runs north to south. Small existing field access gap to north to be reviewed at detailed design, in area constrained by mitigation planting. Worst case shown. |

| | | | | | | |
|---|---------------------|---------------------|---------|-----------------------------------|--|---|
| Tree's along Chippenham road | Surveyed Data | T335*, T336*, T337* | B2, C2 | 161.029 | Removal due to access route | Access required for construction and cable route. Cable engineers and transport team consider unavoidable at this stage. |
| Start of Cable route, SW of plan | NTM/Desk Study Data | Null | C | 13.988 | Removed due to cable route | Equivalent hedgerow to north, indicative cable showing worst case. |
| Between Landwade Rd & Ness Rd | NTM/Desk Study Data | Null | C | 148.936 | Removed due to cable route | Captures worst case. Scope to microsite but restricted to south by solar development, |
| East side of Newmarket Rd | NTM/Desk Study Data | Null | B | 221.592 | Removed due to access track | Works micrositied to avoid more important trees to the south of existing access point. Makes use of existing access. |
| Newmarket rd & Fordham bypass roundabout | NTM/Desk Study Data | Null | B, C | 941.443 | Removed due to cable route | Trees north and south of cable alignment, no benefit in adjustment. |
| Area East of Newmarket rd & Fordham bypass roundabout | NTM/Desk Study Data | Null | A, B, C | 215.581 (Category A: 150m2 only). | Removed due to cable route | Alignment uses existing access route, in practice widening could be micrositied to minimise impacts at detailed design. Trees to north and south. Worst case shown. |
| Tree group North of Area W01 | NTM/Desk Study Data | Null | C | 507.356 | Removed due to cable route | May be scope to extend HDD to avoid trees, worst case is shown. Area to south is restricted by drains. |
| Tree's between W06 & W07 | NTM/Desk Study Data | Null | B | 1811.085 | Removed due to access route | Scope to reposition access to avoid group, worst case shown, to be adjusted in detailed design, potential to move access route south to avoid more of group. Individual tree in hedgeline to north is shown as lost in preference to the more mature tree further north (as per spot note). Final alignment to be micrositied to avoid most significant trees in hedgeline. |
| Tree's surrounding W08 | NTM/Desk Study Data | Null | B | 2333.725 | Removal due to access routes & cable route | Worst case shown, scope to avoid trees will depend on final design of BESS and Sub Station. Access routes use existing access points to minimise impact, very limited scope to adjust |
| Single Tree NE of W11 & W12 | NTM/Desk Study Data | Null | C | 17.679 | Removed due to access Track | Worst case shown, may be avoided in practice. Small tree in hedgeline. |
| Tree's SE of E22 | NTM/Desk Study Data | Null | C | 151.674 | Removal due to cable route | Worst case shown, gap in tree line could be utilised (to be reviewed at detailed design). |
| Tree/s east side of E20 & E21 | NTM/Desk Study Data | Null | C | 34.09 | Removal due to cable route | Loss of small tree or scrub preferred to loss/impact of larger tree to east and more substantial hedgerow group to west. |

| | | | | | | |
|--|---------------------|------|------|---------|---|---|
| Single tree NE of E20 | NTM/Desk Study Data | Null | B | 19.02 | Removal due to cable route | This is likely a small hawthorn and arguably low quality. Alignment avoids more substantial trees to north and south. Potential to be microsituated at detailed design. |
| Tree NE of E14 & E17 | NTM/Desk Study Data | Null | B | 52.739 | Removal due to cable route | Cable could potentially be adjusted south slightly to avoid tree (but restricted by solar panels). Detailed survey and detailed design will confirm if sufficient space to north. Worst case shown. |
| Group of tree's east of E32 | NTM/Desk Study Data | Null | B | 336.132 | Removal due to access track | Unavoidable due to access point. No benefit in microsituated access north or south due to extent of tree line. |
| Group of trees north west of E12 | NTM/Desk Study Data | Null | C | 134.965 | Removal due to cable route and access point | No scope to avoid hedgerow tree loss which is continuous from east to west. Cable route noted (see spot note) to be repositioned to avoid trees to south. Worst case shown |
| Tree's SW of Willows Bottom (Cable corridor between E12 and E10) | NTM/Desk Study Data | Null | B, C | 42.945 | Removal due to cable route | Utilises existing gap in hedgerow, trees on either side, no benefit in repositioning at this stage. |
| Tree's NW of Willows Bottom (Cable corridor between E12 and E10) | NTM/Desk Study Data | Null | B | 45.534 | Removal due to cable route | Uniform hedgerow runs east to west across cable corridor, no significant benefit in repositioning at this stage. |
| Group SE of E10 | NTM/Desk Study Data | Null | C | 829.633 | Removal due to access routes & cable route | No scope to avoid trees in this area due to tree cover to north and south |
| Single tree SE corner of E09 | NTM/Desk Study Data | Null | C | 14.234 | Removal due to access track | Access point uses existing access point to minimise impact on linear hedgeline to east and west. |
| Two tree's West of E09 | NTM/Desk Study Data | Null | B | 38.367 | Removal due to access track (not yet confirmed) | Insufficient gap for 10m cable corridor between trees which run from north to south across corridor extent. Worst case assumed. |
| Two tree's NE corner of E08 | NTM/Desk Study Data | Null | B | 95.765 | Removal due to access track | Trees removed due to vehicular swept path, proposed access uses existing access but requires widening. To be further reviewed at detailed design. Worst case shown. |
| Tree between E01 & E02 | NTM/Desk Study Data | Null | C | 66.82 | Removal due to access track | Worst case shown, potential to adjust access as part of detailed design although constrained by existing drain. |
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Appendix C - Transport – Link Sensitivity Table 3 - 1

Table 3-1: Significance of Effect for Severance, Fear and Intimidation and Driver Delay – 2023 Construction of Entire Scheme

| County | Location | Severance | | | | Fear and Intimidation | | Driver Delay | | | |
|---|---------------------------|---------------|---------------|------------------|------------------|-----------------------|---------------|------------------|---------------|------------------|------------------|
| | | Applicant | | SCC | | Applicant | SCC | Applicant | | SCC | |
| | | AM | PM | AM | PM | AAWT | AAWT | AM | PM | AM | PM |
| Red Lodge Dumbbell Roundabout North | | | | | | | | | | | |
| Suffolk | Elms Road | Minor Adverse | Minor Adverse | Moderate Adverse | Moderate Adverse | Negligible | Minor Adverse | Minor Adverse | Minor Adverse | Moderate Adverse | Moderate Adverse |
| | Newmarket Road | | | | | | | | | | |
| | A11 NB On-Slip Red Lodge | | Negligible | | Negligible | Negligible | Negligible | | Negligible | | Major Adverse |
| | Newmarket Road (South) | Negligible | Minor Adverse | Minor Adverse | Major Adverse | Negligible | Minor Adverse | Negligible | Minor Adverse | Moderate Adverse | Major Adverse |
| Red Lodge Dumbbell Roundabout South | | | | | | | | | | | |
| Suffolk | Newmarket Road (North) | Negligible | Minor Adverse | Negligible | Moderate Adverse | Negligible | Negligible | Minor Adverse | Minor Adverse | Major Adverse | Major Adverse |
| | A11 SB Off-Slip Red Lodge | Minor Adverse | Negligible | Minor Adverse | Negligible | Negligible | Negligible | Moderate Adverse | | Major Adverse | |
| | Warren Road | Minor Adverse | Negligible | Minor Adverse | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible |
| | B1085 Turnpike Road | Minor Adverse | | Moderate Adverse | | Negligible | Minor Adverse | Moderate Adverse | | Moderate Adverse | |
| | A11 SB On-Slip | | Minor Adverse | | Minor Adverse | Negligible | Negligible | | Minor Adverse | | Major Adverse |
| B1056 Bury Road / Herringswell Road / Gazeley Road | | | | | | | | | | | |
| Suffolk | B1506 Bury Road (East) | Minor Adverse | Minor Adverse | Minor Adverse | Minor Adverse | Negligible | Negligible | Minor Adverse | Minor Adverse | Moderate Adverse | Moderate Adverse |
| | Gazeley Road (South) | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible |
| | B1506 Bury Road (West) | Negligible | Negligible | Minor Adverse | Minor Adverse | Negligible | Minor Adverse | Negligible | Negligible | Minor Adverse | Minor Adverse |
| | Herringswell Road (North) | Negligible | Negligible | Minor Adverse | Minor Adverse | Negligible | Negligible | Minor Adverse | Minor Adverse | Minor Adverse | Minor Adverse |
| A14 J37 | | | | | | | | | | | |
| Suffolk | A142 Fordham Road (North) | Negligible | Negligible | Negligible | Negligible | Negligible | Negligible | Minor Adverse | Negligible | Minor Adverse | Negligible |
| | A14 WB Off-Slip (East) | | Negligible | | Negligible | Negligible | Negligible | | Minor Adverse | | Major Adverse |
| | Fordham Road (South) | | | | | | | | | | |
| | A14 EB Off-Slip (West) | | | | | | | | | | |

Table 3-1a: 2023 Development AM and PM Peak Hour Traffic Flows and Percentage Impact

| County | Location | AM | | | | | | | | | PM | | | | | | | | |
|---|---------------------------|-----------|-------|-------|----------------|-------|-------|---------------|-------|-------|-----------|-------|-------|----------------|-------|-------|---------------|-------|-------|
| | | 2023 Base | | | Staff Vehicles | | | 2023 % Impact | | | 2023 Base | | | Staff Vehicles | | | 2023 % Impact | | |
| | | NB/EB | SB/WB | 2-Way | NB/EB | SB/WB | 2-Way | NB/EB | SB/WB | 2-Way | NB/EB | SB/WB | 2-Way | NB/EB | SB/WB | 2-Way | NB/EB | SB/WB | 2-Way |
| Red Lodge Dumbbell Roundabout North | | | | | | | | | | | | | | | | | | | |
| Suffolk | Elms Road | 79 | 32 | 111 | 0 | 160 | 160 | 0% | 497% | 144% | 148 | 29 | 177 | 474 | 0 | 474 | 320% | 0% | 267% |
| | Newmarket Road | 96 | 153 | 249 | 0 | 0 | 0 | 0% | 0% | 0% | 95 | 157 | 252 | 0 | 0 | 0 | 0% | 0% | 0% |
| | A11 NB On-Slip Red Lodge | 108 | | 108 | 0 | | 0 | 0% | 0% | 0% | 109 | | 109 | 76 | | 76 | 70% | | 70% |
| | Newmarket Road (South) | 180 | 175 | 355 | 160 | 0 | 160 | 89% | 0% | 45% | 163 | 236 | 399 | 0 | 399 | 399 | 0% | 169% | 100% |
| Red Lodge Dumbbell Roundabout South | | | | | | | | | | | | | | | | | | | |
| Suffolk | Newmarket Road (North) | 177 | 176 | 353 | 160 | 0 | 160 | 91% | 0% | 45% | 161 | 235 | 396 | 0 | 399 | 399 | 0% | 170% | 101% |
| | A11 SB Off-Slip Red Lodge | | 76 | 76 | | 134 | 134 | | 176% | 176% | | 99 | 99 | | 0 | 0 | | 0% | 0% |
| | Warren Road | 185 | 90 | 274 | 85 | 0 | 85 | 46% | 0% | 31% | 108 | 202 | 310 | 0 | 85 | 85 | 0% | 42% | 27% |
| | B1085 Turnpike Road | 61 | 54 | 115 | 0 | 58 | 58 | 0% | 109% | 51% | 67 | 77 | 144 | 0 | 0 | 0 | 0% | 0% | 0% |
| | A11 SB On-Slip | | 178 | 178 | | 0 | 0 | | 0% | 0% | | 89 | 89 | | 314 | 314 | | 353% | 353% |
| B1056 Bury Road / Herringswell Road / Gazeley Road | | | | | | | | | | | | | | | | | | | |
| Suffolk | B1506 Bury Road (East) | 244 | 182 | 425 | 0 | 144 | 144 | 0% | 79% | 34% | 185 | 201 | 386 | 144 | 0 | 144 | 78% | 0% | 37% |
| | Gazeley Road (South) | 24 | 31 | 55 | 11 | 0 | 11 | 48% | 0% | 21% | 39 | 17 | 56 | 0 | 11 | 11 | 0% | 67% | 20% |
| | B1506 Bury Road (West) | 193 | 187 | 381 | 0 | 71 | 71 | 0% | 38% | 19% | 158 | 172 | 330 | 71 | 0 | 71 | 45% | 0% | 21% |
| | Herringswell Road (North) | 47 | 111 | 158 | 85 | 0 | 85 | 179% | 0% | 54% | 87 | 63 | 149 | 0 | 85 | 85 | 0% | 136% | 57% |
| A14 J37 | | | | | | | | | | | | | | | | | | | |
| Suffolk | A142 Fordham Road (North) | 390 | 468 | 858 | 0 | 143 | 143 | 0% | 31% | 17% | 521 | 474 | 995 | 143 | 0 | 143 | 27% | 0% | 14% |
| | A14 WB Off-Slip (East) | 223 | | 223 | 0 | | 0 | 0% | | 0% | 221 | | 221 | 0 | | 0 | 0% | | 0% |
| | Fordham Road (South) | 312 | 443 | 755 | 0 | 0 | 0 | 0% | 0% | 0% | 514 | 378 | 892 | 0 | 0 | 0 | 0% | 0% | 0% |
| | A14 EB Off-Slip (West) | | 232 | 232 | | 0 | 0 | | 0% | 0% | | 225 | 225 | | 143 | 143 | | 64% | 64% |

