



SUNNICA ENERGY FARM

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Volume 8

8.73 Applicant's Response to Other Parties' Deadline 4

Submissions

Planning Act 2008

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



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Planning Act 2008

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

Sunnica Energy Farm
Development Consent Order 202[x]

8.73 Applicant's Response to Other Parties' Deadline 4 Submissions

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1 Introduction

1.1 Purpose of this document

1.1.1 This report responds to other parties' Deadline 4 submissions. The Applicant has responded to these submissions thematically in section 2, under the following themes:

- Soils
- Ecology
- Landscape and Visual
- Cultural Heritage

1.2 List of parties whose Deadline 4 submissions are responded to via thematic responses in Section 2:

Reference	Party
REP4-045 to REP4-063	AG Wright & Sons
REP4-121 and REP4-140	Say No To Sunnica Action Group
REP4-154	HPUT A Limited and HPUT B Limited
REP4-106	John Leitch
REP4-139	Natural England
REP4-150	Worlington Parish Council
REP4-101	Isleham Parish Council

2 Interested parties' Deadline 4 submissions and the Applicant's themed responses

Party name	Theme	Summary of issue raised	Applicant's response
AG Wright & Sons	Soils	<p>Sets out "failings" of the Daniel Baird ("DB") soil assessment under the following headings (related to the requirements of the validation process from the British Society of Soil Science Guidance Document 1: Working with Soil Guidance Note on Assessing Agricultural Land Classification Surveys in England and Wales):</p> <p>1/ DB has excluded irrigation contrary to the 1988 Guidelines (see p 27 appendix 5)</p> <p>3/ Six pits is an insufficient number on a site of this size to give the required level of evidence of soil changes. No maps or photographs of the soil pits were provided. See appendix 4.</p> <p>4/ DB finds only 37ha of BMV – ALC predictive plans and Magic maps suggest at least 50% of the site is BMV.</p> <p>5/ ALC grading is at odds with the background checks. DB's own report describes varied flexible cropping throughout the site which is entirely consistent with BMV land. DB has only found 37ha of BMV over the whole site. Please also see (appendix 3a 3b & 3c) an email to Natural England dated 8/12/2022 to John Torlesse setting out the inconsistencies of DB's report set against the ALC plan, and Natural England's Predictive BMV Land Assessment.</p> <p>6/ The number of auger borings that have not gone below 40cms is 314. Auger sampling should go to 120cms (see B below). No lab samples have been provided for auger borings.</p> <p>15/ A map of the soil pits has not been included.</p>	<p>1/ With regard to irrigation, Natural England have restated in [REP4-139] that irrigation is no longer a factor in assessing ALC Grade and that historic ALC grading that upgrades drought limited land for the presence of irrigation, should be reviewed without irrigation.</p> <p>3/ 15/ & 23/ The six soil inspection pits represent the significant soil types present within the Sites. Each has a location given by a grid reference (to one metre), recorded on site using a GPS. The soil pits are sufficiently deep to investigate the structural characteristics of subsoil and nature of the parent material for shallow soils, as required to determine ALC Grades. Photos of the archaeological trenches were provided to illustrate variation in the chalk found below soils over much of the site. These photos are presented in addition to the soil inspection pits, not in place of any soil inspection pits.</p> <p>4/ & 5/ The Natural England Predictive BMV and the Provisional ALC plans are strategic in scale and Natural England state that these are not suitable for a site-specific assessment.</p> <p>6/ & 18/ The assessment depth for soils in ALC is up to 120cm for winter wheat and up to 70cm for main crop potato. For shallow soils, such as found over the majority of the Sites, a lower depth of soil is found before the maximum assessment depth.</p>

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		<p>18/ A number of auger borings were not deep enough see 6 above.</p> <p>23/ Pit locations are not representative of the site. Number of pits are inadequate. Archaeological trenches have been photographed not the pits</p>	
AG Wright & Sons	Soils	<p>Sets out why it is considered guidance to Government (5 February 2021, Guide to assessing development proposals on agricultural land) has not been followed:</p> <p>p.8- Section 6.3 – states for a detailed ALC assessment, a soil specialist should normally make boreholes up to 1.2m deep.</p> <p>p.8 – section 6.3 - No evidence is presented in DB's report of digging small inspection pits to support evidence of the borehole data</p> <p>p.8 – section 6.3 - Pits should be dug where there's a change in main soil type- there is no evidence in DB's report that this has happened. See (appendix 4) which shows the DB pits marked and numbered in red. There is no evidence these pits have been dug in conjunction to soil changes and pits 1, 4, and 5 are too close to field boundaries to be meaningful</p>	<p>Where there is less than 1.2m depth of soil, soil investigation for ALC does not require auger boring below the soil present.</p> <p>A description of six separate pits is provided in Annex F of Appendix 12B of the Environmental Statement [APP-115]. Grid references for each pit are given to one metre recorded by GPS at the site. A Laboratory report sheet is also provided for each pit, giving analysis of soil characteristics relevant to ALC assessment. These pits cover the range of soil types present within the Sites.</p>
AG Wright & Sons	Soils	<p>Suggests MAFF 1988 Revised guidelines not complied with:</p> <p>1/ P.9 – the cropping rotation described by DB for the Sunnica site fits the descriptions of grades 2 and 3a land</p> <p>2/ DB has discounted irrigation. This is not in accordance with section 3.4 p.27 of the current guidelines. Natural England are unable to point to a policy decision to discount irrigation. A freedom of information report (attached appendix 6) confirms no policy decision has ever been taken to remove irrigation. Opinion has only been given at Officer level. Natural England technical information note TIN049 attached (appendix 7) states on p.4 under</p>	<p>ALC grade cannot be assessed by looking at crop type or yield. The ALC guidelines are clear that ALC grade is determined by reference to physical characteristics of the site.</p> <p>Natural England have reiterated in [REP4-139] that access to irrigation should not be used to lessen an ALC grade limitation due to droughtiness, and where this has occurred in the past, a review of ALC grade without an allowance for irrigation is appropriate. Annex B of PPG 7 placed irrigation among other factors that may influence how land is farmed but do not impact on ALC Grade. These include urban fringe effects such as flytipping and dog worrying of livestock.</p>

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		<p>Further information and I quote: 'Details of the system of grading can be found in: Agricultural Land Classification of England and Wales : revised guidelines and criteria of grading the quality of agricultural land (MAFF,1988). This document was published in January 2009 and is the latest guidance on ALC land classification' The document this quote refers to is appendix 5</p> <p>3/ DB has chosen to downgrade land with irrigation that has previously been surveyed and ignore the beneficial effects of irrigation on the remainder of the site. An email dated 29/10/2022 from Natural England quotes the 1997 version of PPG 7 B11 which states: Irrigation- When irrigation is practised and water supplies are adequate and reliable, the productive capacity of agricultural land and its importance relative to non-irrigated land of the same grade will often be significantly increased' The 6 landowners putting land into the Sunnica scheme have in excess of 2.4million m3 of irrigation water available to them across their combined holdings. This is enough water to grow 1,204 hectares of potatoes generating an income over £18 million per annum. (See appendix 14) for details.</p>	<p>Irrigation for each of the six farm businesses holding land within the sites has been covered in the ES under the topic of Farming Circumstances. See Chapter 12 and Appendix 12B of the Environmental Statement [APP-044 and APP-155].</p>
AG Wright & Sons	Soils	<p>Comments on the survey undertaken by Daniel Baird:</p> <p>1/ It is not possible to find only 37ha of BMV on the 981ha surveyed site. As detailed above.</p> <p>2/ This survey excluded over 30ha of the cable route much of which will be BMV. See Bidwells plan (appendix 8). Also see Bidwells report for the Mitcham family (appendix 9) and note p.2 - 1.2 -1.2.1 which identifies the land as BMV.</p> <p>3/ DB's report misses 304,576 cubic meters of abstraction licences on Farmer A – Chippenham Park Farm.</p> <p>4/ DB's report fails to identify Farm Business B on AECOM plan 60589004</p>	<p>Point 1/ - Site assessment of ALC grade across the Sites has found predominantly Grade 3b and 4 land limited to grade by droughtiness. Three separate survey providers concur on soil characteristics and the drought limitation to ALC Grade.</p> <p>Point 2/ - The Bidwells report purporting to identify land outside of the Sites as ALC Grades 2 and 3a, simply states that this is this grade. The Bidwells report does not describe what the limitations to ALC Grade are and what field survey work was undertaken to make such an assessment. It appears to be another instance of attempting to infer ALC grade from cropping which the ALC Guidelines do not permit. The Applicant would be happy to engage with the Bidwells ALC assessment if a description of how the assessment has been undertaken can be provided.</p> <p>Point 3/ - The farming circumstances assessment notes that Farm Business A has an abstraction licence for water that it uses for irrigation. The precise volume of that abstraction licence does not</p>

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		<p>4/ Appendix 4 shows the soil pits dug by DB in red and by the Say No To Sunnica Action Group Ltd (SNTS) in blue . As clearly demonstrated DB does not dig an adequate number of pits and those that are dug are not representative of the site.</p> <p>5/ Pit 6 blue dug by SNTS is on the north western boundary of Sunnica East A (shown on appendix 4). Please see at (appendix 10) photograph of the pit and at (appendix 11) the lab sample analysis. SNTS soil experts confirm the pit site as BMV. On the DB prepared plan AECOM 60589004 (appendix 12) DB has graded land opposite this pit as grade 4</p> <p>6/ The auger boring closest to SNTS pit 6 is LF164 shown on the plan (appendix 13 shaded orange) the auger details from DB's report for LF164 state this area to be stoney grade 4. You will see from the photo at appendix 10 and lab sample at appendix 11 this is not accurate for the area.</p> <p>7/ This same misleading process happens with other readings on Sunnica East A. LF69/70/71/72 (highlighted in orange on appendix 13) are all graded 3a or 3b and on DBs ALC map they are shown to be in an area of grade 4. See (appendix 15) for further details.</p>	<p>impact on the farming circumstances assessment and has no influence on ALC Grade.</p> <p>Point 4/ - Farm business B is clearly identified on this plan, see Figure 1 in Annex E of Appendix 12B of the Environmental Statement [APP-115].</p> <p>Points 5/ 6/ and 7/ - The six soil pits the Applicant has provided cover the range of soil types found within the Sites. The pits placed by Patrick Stephenson on behalf of SNTS all lie on land outside of the Sites and as previously detailed, inadequate information was collected from this work to properly assess a drought limitation to ALC Grade (Absence of moisture deficits, insufficient detail on soil texture and incorrect recording of stone content).</p>
AG Wright & Sons	Soils	<p>F/ The way forward</p> <p>As there remain significant differences between the parties on soil quality, Mr Kean requested that ALC matters are progressed outside the examination room.</p> <p>Therefore, we propose Sunnica East Site A is resurveyed by two soil experts, one from each party who meet on site and test auger the soil, and discuss the findings. If Sunnica will not agree to this proposal, we suggest the only other reasonable proposition is to ask an independent soil expert to survey Sunnica East Site A. If as expected the results are found to differ from the DB report the remainder of the site will have to be surveyed. This suggestion is</p>	<p>Reading Agricultural Consultants (RAC) have already conducted ALC field survey work within the Order limits. The Applicant has provided a copy of this work as Annex A to Appendix 12B of the Environmental Statement [APP-115]. RAC found the land to be Grade 4. The RAC report also notes that the land is limited to grade by drought, is used for growing high value crops that are irrigated. In this previous assessment work RAC correctly do not attempt to adjust the ALC grade to account for irrigation or cropping.</p> <p>RAC documents presented on behalf of SNTS fail to note their own previous field survey work finding Grade 4 land. RAC also attempt to dispute the removal of irrigation from assessing ALC Grade (rejected by Natural England in their letter of 15 December 2022 – [REP4-</p>

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		fully supported by Peter Danks Reading Agricultural Consultants, Sam Franklin Landscape Ltd and Patrick Stephenson of Patrick Stephenson Ltd.	<p>139]). RAC's submission to the hearing also attempts to gainsay ALC grading with reference to cropping and historic place names. Strategic scale ALC mapping was presented to the hearing omitting the accompanying guidance notes that made clear that they could not be used for a site specific determination the way RAC has attempted to do. Lastly the RAC submission to the hearing attached the assessment work of Patrick Stephenson as an annex but failed to note that this assessment work fails to follow ALC guidelines for assessing drought limitation.</p> <p>There is a clear lack of objectivity in the documents RAC have submitted on behalf of SNTS. No credible deficiency in the Applicant's ALC assessment has been identified by SNTS. If consultants working on behalf of SNTS have not so far abided by the ALC guidelines when considering ALC Grading, undertaking a joint survey of the site is unlikely to assist decision makers.</p> <p>As reported in response to written question 2.9.1, an independent review of the survey work undertaken by Patrick Stephenson Limited has been undertaken and has been submitted into Examination at Deadline 5. This document concludes that there are significant data omissions in the report and in the methodological approach, and as a result supports the points made above in relation to a joint survey.</p>
Say No To Sunnica Action Group	Soils	<p>Letter from Patrick Stephenson</p> <p>Queries the emphasis on land being only capable of growing good crops with irrigation and questions the grading on yield factor.</p> <p>"2018 was the driest summer for 100 years in East Anglia and 2022 the driest for 50 years (Met Office data). Droughtiness is described in the 1988 ALC publication as having significant limitations. I would take this to mean at Grade 4 catastrophic yield impacts in 18, and 22 and significant on 3b. All our data would not support that level of impact."</p>	<p>Section 2 of the ALC Guidelines is clear that ALC Grades are assessed with reference to the physical characteristics of the land, not cropping or yield. Mr Stephenson's ALC assessment work of land outside of the Sites fails to properly follow the ALC Guidelines for assessing drought limitation on land grade, in particular, insufficient data is collected on soil texture (including the specific laboratory analysis requested) and stone content (all material retained by a 2mm sieve), and no moisture deficits are given for the ALC drought calculation.</p> <p>Given the lack of agreement over how the ALC guidelines are to be applied, the Applicant's view is that there is little to be gained by undertaking a joint survey. As reported in response to written</p>

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		<p>Cereals, sugar beet, maize are all grown without irrigation, and all yielded well in the area despite one of the driest summers.</p> <p>PS's own augers show 78% of the land in the area can be classified as BMV. Would welcome the opportunity to survey Sunnica East A with a soil expert representative from Sunnica.</p>	<p>question 2.9.1, an independent review of the survey work undertaken by Patrick Stephenson Limited has been undertaken and has been submitted into Examination at Deadline 5. This document concludes that there are significant data omissions in the report and in the methodological approach, and as a result supports the points made above in relation to a joint survey.</p>
HPUT A Limited and HPUT B Limited	Cable route	<p>HPUT has prepared draft protective provisions that have been shared with the Applicant and a response to those protective provisions is awaited.</p>	<p>The Applicant notes this comment. Since this Deadline 4 submission the Applicant has responded to the draft protective provisions. Negotiations are ongoing but the Applicant expects to agree a form of protective provisions before the end of the examination.</p>
John Leitch	U6006	<p>The DCO under Temporary Road Closures says U6006 will be 'closed to all traffic save under the direction of the undertaker' 450m from the Worlington end for 70m, and 700m from the Freckenham end for 400m to enable cabling and other road works [1]. The small section in the middle of the lane can't be accessed, so effectively the lane will be closed completely as it will not be a through route. I therefore struggle to accept temporary works of three weeks will apply, it seems more likely to be closed for the entire 24 months of construction.</p>	<p>Mr Leitch's concerns are noted but the Applicant confirms that it will not close the U6006 for the entire period of construction.</p> <p>Construction works in this location are for the installation of medium voltage cables that will connect between the inverters in field E12 to E18 and from E24 to 32. There is also a requirement to construct and access road perpendicular to the U6006 to give access to fields E12.</p> <p>The construction schedule for the construction works (all working days) is:</p> <ol style="list-style-type: none"> 1- Break open asphalt (2 days); 2- Trench opening by excavator. (2 days); 3- Installation of cables. (2 days); 4- Backfill of trench and resurface asphalt. (2 days); 5- Public right of way opened for traffic (5 days) 6- Inspection of asphalt for defect and repair and make good if need be. (1 day)

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			On the basis of the above the U6006 will not be closed for any longer than 21 days.
Ecology			
Natural England	Environmental Masterplan	<p>Environmental Masterplan</p> <p>Natural England welcomes the Environmental Masterplan submitted at deadline 3 [REP3-022] and the clarification this provides for habitat proposals in the scheme. However, it appears that the only area being specifically created and managed for stone curlew are plots ECO1 and ECO2 in Sunnica East Site A. This does not seem to make up the whole 108ha discussed in other documents.</p> <p>Additionally, there are four nesting plots proposed for ECO3 in Sunnica East Site B, but the area itself has not been marked as habitat created and managed for foraging stone curlew</p> <p>Natural England requests clarification on the area of habitat that will be specifically created and managed for stone curlew, including whether this will include ECO3.</p> <p>Natural England advises that, in addition to those characteristics shown on the masterplan, it would be useful to show any public rights of way in order to determine what impact, if any, these will have on the stone curlew offsetting habitat.</p>	<p>The Environmental Masterplan submitted at Deadline 5 has been updated to reflect that ECO1, ECO2 and ECO3 provide offsetting habitat for Stone Curlew. Public rights of way are also included on these figures.</p> <p>The detail of the Stone Curlew offsetting provision is provided in the updated Offsetting Habitat Provision for Stone Curlew Specification document, submitted at Deadline 5.</p>
Natural England	HRA	As discussed in our previous submissions, Natural England maintains that physical displacement of stone curlew should be identified as an impact pathway during operation. It should be noted that additional mitigation above what is already being proposed is not required. This has been verbally agreed with the applicant and it is Natural England's understanding that the wording will be updated to reflect this.	<p>As agreed with Natural England, the updated HRA submitted at Deadline 5 includes an assessment of physical displacement during operation as well as construction.</p> <p>The Applicant welcomes that Natural England are satisfied with the number of nesting plots provided.</p>

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		Natural England....is satisfied with the number of nest plots to be provided.	
Natural England	CEMP	Table 3-3 on page 16C-15 states that monitoring for stone curlew should be carried out of the offsetting areas and areas within 500m of these. Natural England welcomes this but advises that there may be stone curlews present in other parts of the sites or within 500m of the order limits. Presence of these should also be monitored, or works phased appropriately to avoid impacts.	The Framework CEMP includes the provision for monitoring Stone Curlew across the Order limits and a 500m zone around them, not just the offsetting areas.
Natural England	LEMP	Paragraph 1.7.38 continues to discuss the mixing of topsoil with chalk. As discussed in our previous submission at deadline 3 [REP3-028] this is inconsistent with other documents such as the Construction Environmental Management Plan, which state there will be no mixing of topsoil with other substances. Should mixing still be proposed, Natural England has concerns over how this will affect the ability of the applicant to restore the site to it's baseline ALC grade at the end of the development	The Environmental Masterplan submitted at Deadline 5 has been updated to reflect that there will be no mixing of topsoil with other materials.
Worlington Parish Council Sandie Geddes	Bats	The Parish Council comment on the results of their own bat surveys and consider that the Scheme will cause adverse impacts in light of them, particularly in light of the lack of information generally on the impacts of solar panels to bats generally.	<p>The scale and types of impacts on bats are summarised in Table 8-10 within Chapter 8: Ecology and Nature Conservation of the Environmental Statement [APP-040]. These include potential impacts to roosting, foraging and commuting bats from habitat loss and change, disturbance, lighting during construction and operation. This was assessed as not significant.</p> <p>The research around the general impacts on solar panels to bats, such as the collision fatalities due to bats mistaking solar panels for water, concluded that bats have an innate ability to echolocate water by recognising the echo from smooth surfaces and did not record collisions with panels. This therefore confirms that bats will not be negatively affected by the solar panels (Greif, S., and Siemers, B. M. (2010) Innate recognition of water bodies in echolocating bats. Nat. Commun. 2(1):107; Russo, D., Cistrone, L., and Jones, G. (2012)</p>

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			Sensory ecology of water detection by bats: a field experiment. PLoS ONE. 7(10): e48144).
Say No to Sunnica Appendix C	Overarching Points	<p>Bioscan/Say No to Sunnica wish to make an overarching comment on the discussions around biodiversity during ISH2. At the end of the session, Richard Turney, counsel for the applicant, made something of a plea for perspective. We don't quote directly, but in essence 'the scale of what we are proposing', he said, 'in terms of taking arable land out of cultivation' is 'why we are going to deliver significant net gain'. 'It is not contestable that this will deliver net gain' he concluded.</p> <p>But it is. The supposition that merely taking arable land out of cultivation delivers net gain is fallacious as it assumes arable land is always the lowest value form of habitat. That is simply not correct.</p> <p>In the first instance, it is not correct where arable land is of importance for individual species or groups of species of fauna that are themselves of conservation importance – something which it is important to remember the BNG system does not and cannot take into account. But it is doubly incorrect here, at the edge of the Brecks, on locally thin, sandy and free-draining acid soils or heavier calcareous soils with a known elevated value for scarce and rare arable flora associated with depauperate soils and regular disturbance. The elevated value of these arable habitats would apply even if there was not the additional layers of interest in the form of breeding stone curlew and a suite of other rapidly declining bird species associated with arable land.</p> <p>So the premise that simply because land is arable, it is ecologically rubbish, is not only false, but dangerous for sound, sensible and policy-compliant decision making. Bioscan recognises that such false premises risk being encouraged by the technical limitations of the biodiversity metric – indeed the approach of the applicant in</p>	<p>The Applicant agrees that arable fields have an important ecological value. However, the Scheme will ensure a natural environment with a demonstrable net gain in biodiversity coupled with the cessation in the application of agrichemicals and use of irrigation along with other such aspects of arable and pig farming husbandry that have been recognised for a long time in terms of environmental degradation.</p> <p>The realisation of the Scheme's ambition will have benefits to the soils and biodiversity within the Scheme and for the biodiversity, water quality and hydrology of the watercourses into which it drains, all of which would make a significant and meaningful contribution to the creation of a Nature Recovery Network in East Cambridgeshire and West Suffolk.</p> <p>The Scheme facilitates the implementation of green infrastructure initiatives and plans at the landscape scale. To this end, habitat creation recognises the natural soil types as part of the nature recovery envisaged post-intensive agri-husbandry. This includes enabling the restoration of the Breckland Edge priority area with appropriate grassland and associated habitat. The position and role of the Scheme as a natural landscape connection between the Brecks and the Fens is recognised in the sympathetic repair to habitats, i.e. recognising soil types underpinning grassland types, cessation of fertilising and pest control and the recovery of the hydrology including no irrigation, which given the scale of the development and its decadal timescale will achieve a connected nature recovery network which would otherwise be hard to achieve. Through the vehicle of biodiversity assessment, it is reassuring that the calculations using metric 3.1 show a significant net gain.</p>

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		<p>this case represents a clear example of the openness of that system to abuse.</p> <p>We appreciate that this could trip up the unwary – after all, the lexicon of ecological literature does generally rate arable land as of lower value than other forms of habitat. But the sheer fact that certain types of arable land are also recognised as critical to the survival of a suite of specialist taxa, many of which being largely or wholly confined to this part of East Anglia (and especially points north and east), should be enough to expose that this is a dangerously simplistic approach to evaluation, especially with this particular scheme. The reasons that arable land at the edges of Breckland cannot be dismissed so readily are complex and to do with its similarity to semi-natural conditions that foster sparse vegetation and related ecological niches, such as the distinctive Breck heath habitats local to the Sunnica site. It is forgivable that for non-specialists, confusion can arise out of the concept of arable land being demonstrably important for biodiversity. But it is the job of the applicant's ecologists to present a fair and representative picture of the baseline conditions, not adopt convenient flaws in systems that attempt to distil complex ecological interactions into a series of simple sums. That is not forgivable.</p> <p>At the end of the day, the applicant's own surveys, as incomplete as they are, show that the land within the order limits is of higher biodiversity value than they have hitherto sought to convey. In this context it was alarming to hear the applicant's ecologist's oral submissions at ISH2, which seek to perpetuate the myth that the applicant's own data and evidence disabuses. Bioscan and Say No to Sunnica will be looking to the applicant to present a much more sober and accurate picture of the baseline ecological value of the order limits at Deadline 5, including within their BNG calculations.</p>	<p>It is also the case that the habitats containing rare/scarce arable flora (i.e. notably within and along the boundary of the retained grassland south of W09) have been avoided and will be managed positively for arable flora that will include an annual winter bird cover crop and will also provide suitable habitat for arable flora under suitable management. Additional strips will also be provided around the solar array specifically managed for arable flora. Details of this management are provided in the OLEMP at Deadline 5.</p> <p>In conclusion, the Applicant considers that when all taxa and impacts of the Scheme are considered, there is a clear improvement in the biodiversity baseline which arises from the Scheme, whether considering the biodiversity metric, or in considering the various improvements that are proposed in the OLEMP and shown in the Environmental Masterplan.</p>
Say No to Sunnica	ISH2 Item 2A Birds other	SNTS/Bioscan consider that Professor Max Wade's response to the question, on behalf of the applicant, was both illuminating and concerning. There seemed to be an inordinate degree of focus in his comments on the large scale of the site and the challenges this	The survey methods for breeding birds are clearly set out in Appendix 8I: Report on surveys for breeding birds of the Environmental Statement [APP-085] . In summary, territory mapping surveys were undertaken across the entirety of the Order limits in

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	than Stone Curlews	<p>presented to achieving thorough survey (e.g. <i>"the methods that we use in terms of assessing bird populations and movements are obviously limited to the times that we are there"</i>). He also expressed a related lack of surprise that the survey results were subject to omissions (<i>"within a landscape such as this, it [being the omission of marsh harrier and the low numbers of house sparrow recorded] is not surprising"</i>). There was also a preconception (a running theme in the ISH) that because the dominant land-use is arable agriculture, the bird assemblage will automatically be poor (<i>"to start off with we just need to remind ourself of the environment that we have been undertaking surveys in — this is a sort of intensive arable agriculture environment and the diversity and numbers of birds not surprisingly is relatively low"</i>). This last remark is not a statement supported by the applicant's own evidence which indicates that the land within the proposed Order Limits in fact supports higher than average populations (by land- use type) of several declining species of conservation concern, such as lapwing and skylark (see document reference to right).</p> <p>The attempt to explain the extremely low data returns from the bird surveys for the Red Listed house sparrow via Professor Wade's comment that <i>"house sparrow populations will vary through the year and time of day"</i> suggests a poor understanding of the readily anticipated position.</p> <p>The Order Limits include edges of settlements and numerous complexes of farm buildings where this species would be expected to be present and potentially locally abundant, year-round. The far more plausible explanation is that survey coverage was thin (notwithstanding Professor Wade's assurances that the 'spatial extent' was covered) because of the sheer size of the site, and indeed this logistical challenge does appear to be alluded to in Professor Wade's remarks. The key point here is that this has implications for the veracity of the surveys more generally. Professor Wade also mentioned additional habitat surveys in the context of Ms Taylor's questions about marsh harrier— presumably habitat suitability surveys for this species?</p>	<p>2019, with surveys of additional land parcels not surveyed in 2019, subject to full survey in 2020. The surveys were repeated in 2021. As set out in Appendix 8I: Report on surveys for breeding birds of the Environmental Statement, these followed recognised survey techniques. To be clear, there was no 'lower standard of thoroughness and coverage in the bird surveys'.</p> <p>The ornithological survey data gathered in support of the Environmental Statement is suitably robust to provide confidence in the assessments presented and no further ornithological surveys have been undertaken, nor are required to inform the examination.</p> <p>In respect to the two species specifically mentioned, firstly, and as explained by Richard Turney at ISH2, Marsh Harrier was recorded during surveys, but was not considered to be breeding on the site. The Marsh Harrier population in Cambridgeshire and Suffolk is increasing and it is not unusual to encounter the species away from its breeding sites. Secondly, it is important to remember that territory mapping identifies likely breeding territories or colonies for given individuals and the absence of House Sparrow or low incidences of territories or colonies across the majority of the Scheme does, unfortunately for the species, reflect the general absence of the species from the modern agricultural landscape. There is no doubt breeding populations of House Sparrow are present in settlements surrounding the Scheme, but these are beyond the scope of the survey boundaries. Irrespective of this, any House Sparrow habitat present within the Order limits would not be significantly affected.</p>

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		<p>Bioscan/SNTS are not clear whether these will be submitted at Deadline 5 along with the other additional survey work that has been done in 2022. Confirmation on this point is requested.</p> <p>When taken together, the underlying implication of Professor Wade's comments is that the applicant considers that a lower standard of thoroughness and coverage in the bird surveys should be acceptable simply because of the large size of the project and the preponderance of arable agriculture.</p> <p>This is nonsensical. There should be no diminution of resource allocation to properly documenting the baseline solely due to the magnitude of the task' (Similar comments were made by Professor Wade in response to concerns expressed by West Suffolk Council about the survey effort and coverage for stone curlew. Professor Wade drew the ExAs attention to the "significant challenges" of finding a bird present only at low densities across a large landscape. This is very close to seeking to excuse deficiencies, shortfalls or gaps in the survey data because attaining a robust standard is a challenge at this scale. It is a concerning approach that was returned to in many of the applicant's answers during ISH2).</p> <p>It cannot be a correct approach to EIA to suggest lower baseline data collection standards apply with increasing landtake of a project, and yet that appears to be the position being advanced by the applicant.</p> <p>Bioscan/SNTS say that the result is that the Examining Authority can have reduced confidence in the thoroughness of the assessment on declining farmland birds, including species with attendant statutory</p>	

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		obligations. This has relevance to the points about mitigation and compensation in the rows below.	
Say No to Sunnica	ISH2 Item 2A Stone Curlews	<p>Professor Wade's comments that surveys undertaken beyond the order limits relied upon experience of previous nesting records is not a statement that provides confidence that the ground was covered. He also stated that there was reliance placed on the Phase 1 habitat surveys (which the applicant now appears to accept are incorrect in numerous places- see Appendix 2 to SNTS's Written Representation). It should be noted that the Phase 1 deficiencies are particularly acute in the 500m buffer. He opined that there was no need to cover the whole of the 500m zone and stressed that <i>"We're talking about 4-5 pairs of birds that use this particular area -1 pair per 2.5 km'. I think you'll appreciate that this poses significant challenges"</i>. This suggests a lack of confidence that the survey coverage is comprehensive.</p> <p>Richard Turney for the applicant confirmed that additional post-consent surveys of stone curlew would be carried out but the results of these will naturally not be available to inform the Examination and decision-making process, nor commitments on the appropriate quantum of mitigation and compensation for this iconic and sensitive species. He stressed that Natural England appeared to be satisfied, but (as discussed further below), Bioscan/SNTS ask the ExA to note that the focus of NE's concern will be stone curlew pairs believed to be functionally linked to the populations and integrity of the Breckland SPA.</p>	<p>The survey methods for Stone Curlew are clearly set out in Appendix 8I: Report on surveys for breeding birds of the Environmental Statement [APP-085]. To be clear, surveys in 2019 included areas outside the Order limits up to 500m, following standard RSPB survey methods, and the results of these surveys, along with an understanding of the historic distribution and land use beyond the Order limits was used to inform the extent of surveys undertaken in 2020 and 2021, which as a minimum, included land within the Order limits and what was viewable of adjacent areas. The evidence presented supports a maximum of five pairs being the upward limit of the Stone Curlew breeding population (acknowledging that it is functionally linked to the SPA) being present within the Order limits and 500m surrounding and the Applicant has used this figure to determine the quantum of offsetting land to be delivered.</p> <p>To clarify, the Applicant does not believe that further surveys are required to inform the decision-making process nor the quantum of offsetting to be provided. However, as secured through the Framework CEMP, pre-construction surveys for Stone Curlew will be undertaken to ensure that no disturbance occurs to the species during construction.</p> <p>The Applicant understands that Natural England's primary concern with Stone-curlew is due to species being functionally linked to the Breckland SPA population.</p>
Say No to Sunnica	ISH2 Item 2A: Flora and	Professor Wade stated in response to Ms Taylor's question that <i>"here probably the point is more a spatial one than a temporal one"</i> . Bioscan/SNTS say this is not correct as temporal concerns are at the heart of the concern, at least as regards Bioscan's and	The Phase 1 Habitat survey for this Scheme was undertaken on the 5, 6, 9 and 11 November 2018 [APP-078] and updated throughout 2019 and 2020 (up to August 2020) as the Scheme evolved. A Phase 1 habitat survey is best conducted between April and October

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	Grassland surveys	<p>SNTS's position. This is because it is evident that the initial Phase 1 surveys were carried out at an inopportune time of year for assessing arable or grassland flora (particularly Breck species), and omissions at that stage (as highlighted in Bioscan's report at Annex D to SNTS's WR) appear to have been subsequently compounded by using the Phase 1 information to screen in or out areas for further Phase 2 surveys. Consequently, the coverage of Phase 2 surveys for arable flora, including the suite of scarce species for which the locality is of particular importance, was limited and Bioscan's submissions indicate how this has resulted in fields measurable at District levels of importance being omitted as a consequence.</p> <p>The claim that the surveys covered the full extent of field margins and associated grassland strips is patently not correct in respect of the crucial Phase 2 element, as again evidenced by the maps contained within APP-079. It also conflicts with the statement that all 'accessible' arable fields were surveyed a point picked up by the LPAs in the LIR. Professor Wade also implied rare arable flora are only found in field margins — again this is plainly wrong.</p> <p>Professor Wade stated that <i>"as with stone curlew and the birds we're talking about a dynamic landscape in terms of the arable agriculture that occurs there. The arable flora is very much tied to that — in one year you may find a particular suite in one field margin, they could be gone for 4- years. That could explain some of the discrepancies"</i> Bioscan/SNTS say that this is an argument for caution when valuing the arable land resource within the order limits as a whole and yet (as per the discussion on BNG below) that is not the approach the applicant has taken.</p> <p>Richard Turney for the applicant confirmed that the applicant will be submitting further survey work to the examination (later confirmed this would be at Deadline 5 — see below).</p>	<p>when deciduous and annual plant species are identifiable but a Phase 1 Habitat survey can be carried out at any time of the year, so this does not imply any limitation for the results obtained.</p> <p>Please also refer to Appendix A of the Applicant's response to Local Planning Authorities' Deadline 4 Submissions [EN010106/APP/8.72] which confirms the results of the walkover survey recently conducted to help inform the updates to the BNG Assessment also submitted at Deadline 5.</p>

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Say No to Sunnica	ISH2 Item 2B	<p>The applicant, via Professor Wade, sought to emphasise the uncertainty of future habitat availability for stone curlew without the development in light of cropping rotations and crop types, but this ignores the historical record which is of habitual use of land within the proposed order limits for some time. The suggestion is that a reduced quantum of more stable habitat will compensate for impacts and benefit the species, but by the same token Professor Wade acknowledged that <i>"it doesn't work like clockwork"</i> which appears to accept the point about delivery risk raised by Mr Woodfield for SNTS.</p> <p>In response to Ms Taylor's supplementary question, Professor Wade suggested that there will be an improvement on the habitat currently available to stone curlew in the area, but caveated his response by drawing attention to factors affecting the species on migration, which rather suggests that confidence in the success of the mitigation is not absolute.</p> <p>The applicant, via comments from its counsel Richard Turney, sought to emphasise to the ExA the weight to be attached to Natural England's position, as set out in their position statement in lieu of attendance at ISH2 (reference to the right). Mr Turney portrayed NE's position as one of satisfaction. In the first instance, that is a slightly premature reading of the written submissions to ISH2 from the statutory authority which, while expressing a position of relative comfort, do so subject to some expected further detail. We would remark in any event that the ExA should similarly note the limits to NE's interest and remit with regard to stone curlew. NE's concerns are primarily focussed on protecting the Breckland SPA from indirect effects arising from impacts on stone curlew within the Order Limits affecting the SPA via functional linkages to that site. They do not appear to comment on stone curlew matters generally beyond this threshold. This is made plain by their reference to 'other European Sites' in their position statement and by their lack of comment on any matters not squarely within their 'protection of statutory designated sites' remit. Bioscan/SNTS ask the ExA to note, in the absence of further clarity</p>	<p>The Applicant recognises that the small Stone Curlew population present centres around the Order limits and is why the Applicant has sought to deliver sufficient land within the Order limits to ensure that there is no net loss in nesting opportunities as a result of the Scheme, instead of seeking off-site solutions. The fact that the provision of Stone Curlew offsetting habitat is included within the Order limits reflects the historic occurrence and adds weight to the suitability of its positioning and greater confidence in its success.</p> <p>Any remedial action required if the offsetting habitat is not meeting its objectives will ultimately be the responsibility of the Applicant (Sunnica), 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, and this is set out in the updated Stone-curlew Specification submitted at Deadline 5.</p> <p>The Applicant will leave it to Natural England to comment on its remit, but specifically in relation to Stone Curlew, by virtue of being assessed as being functionally linked to the Breckland SPA, the Applicant has to demonstrate to the SNCB, in this case Natural England, that there will be no adverse effect on integrity, i.e. maintenance of the species population, in this case the linked population and their supporting habitat outside the SPA. Therefore, the Applicant is working with Natural England to resolve any outstanding matters related to Stone Curlew.</p> <p>As noted in its Deadline 4 submissions, the Applicant is not able to share the data referred to.</p>

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		<p>at this stage, that their comments on stone curlew are made specifically within the framework of considering the potential for likely significant functional linkage effects on the European Site.</p> <p>Bioscan/SNTS would also like the ExA to note that the applicant has not provided unredacted stone curlew data to them. Given Bioscan have expertise with this species we would suggest that it will assist the Examination for that situation to be remedied.</p>	
Say No to Sunnica	ISH2 Item 2C (badgers)	<p>The Examining Authority may wish to consider the security implications of this type of fencing design. In the event that there are implications for security of the solar facility, in the near or more distant future, it may wish to consider whether there is a likelihood of a future attempt to improve security actively or inadvertently exclude badgers and whether that impact scenario has been adequately assessed and/or is adequately controlled by the provisions of the DCO, Professor Wade in response to DWs comment said that there's considerable resource within the scheme where deer will have access, and stated that this would, to a degree, but couldn't say to what extent, provide alternative grazing for the deer.</p>	<p>Details of fencing and ensuring adequate permeability for wildlife will be provided in the detailed LEMP, which then must be complied with unless a variation is approved.</p>
Say No to Sunnica	ISH2 Item 2C (bats)	<p>Responding to the ExA's question, Professor Wade stated that there isn't anything within the AIA that's a surprise and that they could reassured that detailed extensive surveys have been undertaken, including a certain amount of trapping. This does not however accord with the discrepancies between the AIA and the ES, as commented upon by SNTS at Deadline 3A.</p> <p>As set out in Bioscan's Rep3A submission for SNTS (see reference to right), the assessment does not consider the scope for functional linkage to Eversden and Wimpole Woods SAC.</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 CEMP</p>

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			<p>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>There is no functional link between the site and Eversden and Wimpole SAC, based on the distance from the nearest solar arrays within the Scheme, >30km, and therefore well outside the Core Sustenance Zone of Barbastelle (approximately 6km from the site) and evidence provided by numerous radio-tracking surveys undertaken for other Schemes in 2020 and 2021 (ref A428 and East West Rail Schemes) and other previous surveys. Barbastelle from the SAC has not been recorded east of Cambridge.</p>
Say No to Sunnica	ISH2 Item 2C (arable flora)	<p>Richard Turney for the applicant stated that the detailed specification of environmental mitigation measures is for post-consent. And that there is a further stage of analysis to do on this matter. He confirmed that the further baseline survey work on arable flora that's been carried out in 2022 is going to be produced at Deadline 5 along with a further updated BNG calculation.</p> <p>Professor Wade recognised the need to work towards detail, covering arable flora as well as other aspects. He mentioned that</p>	<p>To confirm, further surveys undertaken in 2022 were to re-affirm current conditions in respect to habitats including arable flora. They were not to determine baseline conditions. This is detailed in Appendix A to the Applicant's response to the LPA's Deadline 5 submissions also submitted at Deadline 5. Further extensions to the arable flora plots have been provided and these are shown on the updated Environmental Masterplans submitted at Deadline 5.</p>

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		<p>the applicant had had a recent workshop with the LPAs from which it had taken <i>"a number of aspects which will help to overcome the concerns"</i>. He further stated that there is scope to mimic disturbance around the edges of the solar sites — it was unclear of this was a commitment to more plots than the 12no 3x20m ones committed to in the ES. He also alluded to arable seed sources being 'moved around', but Bioscan/SNTS are not aware of any such commitment in the LEMP.</p> <p>Bioscan/SNTS look forward to seeing the applicant's improved offer regarding compensation for impacts on arable flora and expects that it will be significantly improved on the 12no 3x20m plots previously mooted as adequate.</p>	<p>The Scheme will ensure a natural environment with a demonstrable net gain in biodiversity coupled with the cessation in the application of agrichemicals and use of irrigation along with other such aspects of arable and pig farming husbandry that have been recognised for a long time in terms of environmental degradation.</p>
Say No to Sunnica	ISH Item 2C Impacts on other ecological receptors and adequacy of proposed mitigation measures (birds other than stone curlew)	<p>It is noted that the applicant committed to picking up more precise calculations of figures for declining farmland bird species (population estimates by reference to county) outside the hearing and further information on this is awaited at Deadline 4, as per Richard Turney's comment.</p> <p>Richard Turney stated that it needed to be clear that the applicant is proposing substantial loss of land in arable cultivation which will deliver substantial Biodiversity Net Gain. The arable is predominantly very poor and what will be delivered would be better. To merely observe change in particular species, risks detracting from the overall position which is net gain. Arable crop rotation has not been good for nature in East Anglia. Professor Wade referred to agro-chemical and abstraction impacts being lessened with the development. SNTS are providing evidence to the Examination separately on the latter. On the former, Bioscan/SNTS's understanding is that weedkillers and other chemicals are used to clean PVs and control growth in front of inclined panels. If the applicant is committing to no use of weedkillers or other chemicals whatsoever in managing and maintaining the</p>	<p>The Applicant does not believe further calculations of figures for declining farmland birds are required and believes that the values presented in the Environmental Statement are accurate.</p> <p>The Applicant's position on the value of the Order limits for biodiversity is clearly set out in the Environmental Statement, where important ecological features are identified and assessed against the likely impacts of the Scheme. The baseline ecological conditions have been established through comprehensive field surveys and desk-based studies, using industry standard guidance. There has been no attempt to 'dumb down' the baseline value of the Order limits, but equally it should not be taken that just because there are important ecological features present, that the Scheme cannot greatly improve opportunities for many of these species by providing more natural permanent habitats. For example, a number of lowland farmland bird species which have declined in numbers and extent in recent decades have a preference for grassland habitats, their decline being due to displacement of grassland by arable fields, the latter being sub-optimal for these species.</p>

Party name	Theme	Summary of issue raised	Applicant's response
		<p>solar arrays, this would be useful to understand.</p> <p>Please also see Bioscan's/SNTS's covering comments on his matter at the head of this document. The supposition that all arable is bad, and that within the Order Limits is no better than the lowest common denominator, ran through very many of the applicant's oral submission's to ISH2. Yet their own evidence, as incomplete as we would argue that it is, runs counter to that proposition. If the presence of stone curlew and good populations of declining farmland birds is not enough to demonstrate that this is not 'ordinary' arable land, the applicant's own recognition that many of the limited number of fields it looked at in its Phase 2 surveys are of District or higher level importance for arable flora should be. The applicant's case rests on 'dumbing down' the baseline value of the land within the order limits while 'bigging up' the future value with the scheme, despite the significant practical and logistical challenges to its proposed compensation and mitigation delivery, and despite close scrutiny showing it to be barely above the minimum possible to make such a case, let alone aligned with 'bigger, better, more joined up' principles advocated by Lawton.</p> <p>We will return to this matter when the applicant finally releases the additional survey information and revised BNG calculation promised at Deadline 1 but now, we are told, to be expected at Deadline 5</p>	<p>To confirm, further surveys undertaken in 2022 were not to determine the baseline, but rather to re-affirm current conditions.</p>
Say No to Sunnica	ISH2 Item 2D	<p>SNTS welcome the proposed withdrawal of Sunnica West Site B as this substantially reduces the scope for significant impacts on the important designated site complex at Chippenham Fen.</p> <p>Bioscan/SNTS would observe, however, and especially in the light of Ms Taylor's question to the applicant at the close of the ecology and biodiversity session (see agenda item 2f below) about application of the Lawton principles, that the applicant's withdrawal of any habitat creation or enhancement from the land it presumably can still retain control over at Sunnica West Site B, is not consistent with its portrayal of going above and</p>	<p>Ecological mitigation and enhancements previously presented in West Site B, were specific to offsetting any impacts associated with the Scheme in this location and as such were specific to the ecological receptors present here. Given other sensitivities in this area, e.g., archaeology or a change in the baseline landscape, the land take purely for ecological enhancement cannot be justified, nor is it required by the Scheme to deliver Biodiversity Net Gain.</p>

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		<p>beyond as regards mitigating and compensating for ecological impacts.</p> <p>If ISH2 has revealed anything, it is that the applicant's mitigation and compensation proposals may well fall short of the mark in terms of simple quantum, and in that context it seems at best premature to withdraw measures that, were they to be kept in to the scheme, might put it into a more healthy position in terms of its case.</p>	
Say No to Sunnica	ISH2 Item 2F	<p>Professor Wade (in answer to the ExAs question about application of the Lawton principles) said "absolutely yes". He said the application affects a farmed landscape at industrial level which has left a legacy from a biodiversity point of view of significant damage. It presents an opportunity to substantially enhance biodiversity and wildlife. The applicant's BNG calculations he stated (although needing to be updated) "<i>will demonstrate a significant calculated net gain</i>".</p> <p>Bioscan/SNTS would make the following comments on this.</p> <ol style="list-style-type: none"> 1. The applicant's driver for stone [curlew] compensation is to attempt to cater for no more than, and perhaps less than, the number of pairs that use the land within the order limits at present. No multiplier for failure risk is built in and consequently any failure of the plots to be successful will result in net displacement of breeding pairs This is not 'bigger, better or more joined up' 2. The applicant's current proposals for mitigation and compensation for impacts arable flora is a mere 12no 3x20m strips of cultivated land managed for flora out of a current expanse and habitat opportunity for such species in excess of 1000 ha. This is <i>de minimis</i> on any analysis and certainly not bigger, better or more joined up' 3. The applicant's proposals for mitigating and compensation for displacement of open country species such as skylark, lapwing and yellow wagtail, are largely limited to a supposition that these species will pack themselves into the stone curlew compensation areas (alongside the stone curlews), be accommodated 	<p>The updated BNG assessment has been submitted at Deadline 5.</p> <p>In response to the specific points:</p> <ol style="list-style-type: none"> 1. The objective of the Stone-curlew offsetting is no net loss in the breeding population, through ensuring that there is no reduction in the availability of nesting sites. This is being achieved by providing two nesting plots per pair. This allows ample provision for the existing population, as well as the opportunity for population expansion. 2. Whilst there is a large area of arable farmland within the Order limits, to suggest that this expanse presents an opportunity for arable flora is not correct. The distribution of arable flora is greatly inhibited by annual crop type and management and where able to persist is restricted to marginal areas, some of which are not included in herbicide treatment. However, the Applicant has taken on board comments from stakeholders and significantly increased the areas set aside for arable flora, as set out in its Deadline 5 documents. These locations are still in areas where notable arable flora has been recorded. 3. It is not correct to suggest that ground-nesting birds will be 'packed' into the Stone-curlew compensation areas. Yes, the creation of these areas will also support and benefit other ground-nesting birds, as they do on nature reserves across the country. However, and with reference to the Environmental Masterplan, it is clear that the Scheme has embedded significant areas of undeveloped land and there are marginal buffers throughout the Scheme. These will

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		<p>somewhere else, or learn to live with the solar arrays. This is not 'bigger, better or more joined up'</p> <p>The applicant's withdrawal of any habitat creation or enhancement proposals from the land it presumably will retain control over at Sunnica West Site B, is similarly not consistent with its portrayal of going above and beyond as regards mitigating and compensating for ecological impacts. If ISH2 has revealed anything, it is that the applicant's mitigation and compensation proposals may well fall short of the mark in terms of quantum, and in that context it seems at best premature to withdraw measures that, were they to be kept in to the scheme, might put it into a more comfortable position.</p>	<p>contribute to offsetting the potential loss of nesting opportunities for species such as Skylark, Lapwing and Yellow Wagtail.</p>
Say No to Sunnica	ISH2 Item 4d: Trees	<p>Richard Turney for the applicant responded to the ExA by saying that the AIA has been produced in light of representations from the LPAs. He said it is work that would have taken place in any event as secured by the management plans. Despite it portraying a different picture to the ES, he stated there's no intention from the applicant to revise the ES as the collective material submitted to the Examination meets the EIA requirements. Bioscan/SNTS merely remark that this is symptomatic of the applicant's approach of designing the scheme 'on the hoof' and would contend that it is a less than satisfactory approach to national infrastructure projects.</p>	<p>The design has been informed by high level tree constraint information from an early stage (early 2019) including the information detailed in the submitted Tree Constraints Report and High Level Tree Constraints Plan [APP-101]. This allowed the Scheme to avoid the majority of tree features and this is supported by the fact that the Scheme (as shown on the Parameter Plans [APP-135 and APP-136]) generally avoids significant areas of tree cover and that where impacts are unavoidable they generally only affect small sections or the outer edges of tree features. The cable route corridors have been visibly narrowed near woodland groups and the Tree Protection and Removal Plans which are submitted as Appendix D of the AIA Report (to be re-submitted at Deadline 5) includes a number of spot notes committing to design adjustments and micro-siting of features to further reduce or avoid arboricultural impacts.</p>
Landscape and Visual			
Worlington Parish Council	PRoW	<p>Baddlingham Lane is a historical footpath linked to the Icknield way. It is used daily by our residents and those further afield. WPC are unable to see how the path will be fully accessible for the whole construction phase of the area. When it is reopened it will</p>	<p>Chapter 12: Socio-economics and Land Use of the Environmental Statement [APP-044] assesses the impact on PRoW, including U6006 Badlingham Lane. The assessment identifies that users would experience temporary disruption during construction via</p>

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		<p>not be the same, solar arrays, high security fencing, flood lights and CCTV. The change of vista will be dramatic and WPC feel this route will be less frequented by its residents and in turn force them into driving to another area for their walks.</p>	<p>temporary severance and subsequent diversion. The effect arising from this is assessed to be minor adverse at the Sunnica East Site B, which is not significant. The route would be reopened after construction and during operation.</p> <p>The Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] identifies eight PRoWs which are required to be temporarily closed during the construction period. A short section of the route is required to be temporarily closed during the construction of the cable corridor for the cable to cross U6006. The closure is expected to be for a maximum of one week. Appropriate signage and warning will be provided regarding the temporary closure. Aside from the closure, the route will remain open for public use with no management required.</p> <p>Paragraph 6.3.10 of the Framework Construction Traffic Management Plan and Travel Plan [REP3A-004] sets out the Applicant's will seek 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.</p> <p>The intention is that temporary closures will be discussed and agreed with the LHA. Heads of Terms for a side agreement for highway matters were issued on 26 August 2022 by the Applicant to the local highway authorities. This relates to a proposed agreement which would set out the practicalities of the processes to be followed where the Applicant seeks to exercise the powers contained in the DCO, if granted, in respect of highways. The Applicant looks forward to discussing the Heads of Terms with the local highway authorities in the coming weeks. Furthermore, a note on how PRoW closures will be dealt with has also been submitted at Deadline 5.</p>

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			<p>Badlingham Lane passes between two rows of mature trees and dense vegetation, which enclose much of its length and screen views out to the wider landscape. Visual impacts on users of Badlingham Lane have been assessed in detail in Chapter 10: Landscape and Visual Impact Assessment of the Environmental Statement [APP-042]. Impacts were assessed with reference to four viewpoints (15, 15A, 15B and 16) representing sequential views along the route. Significant effects are predicted in construction and year 1 of operation, reducing to not significant by year 15 of operation, when proposed planting and existing deciduous vegetation would be in leaf.</p> <p>Mitigation of effects on users includes provision of substantial offsets and additional planting, proposed in places along the route to reinforce habitat connectivity and visual screening of solar panels in adjacent fields. Two new permissive routes around Sunnica East Site B are also proposed which will enable enhanced public access for recreation across the landscape. These include a new permissive route adjacent to Elms Road and around the perimeter of E19 and E22 which would link to PRoW U6006 and routes between Red Lodge; and a new permissive path across Sunnica East Site B, to provide access from U6006 across the north of Sunnica East Site B to connect with Golf Links Road.</p> <p>The Outline Landscape and Ecology Management Plan (OLEMP) [latest version submitted at Deadline 5] provides information on the proposed mitigation, including the Landscape Masterplan illustrated in Figure 3 and the Illustrated Cross Section in Figures 8 to 13 which show how fencing and other elements of the Scheme would be located in the context of retained vegetation, proposed planting and fencing. Figure 10 shows that the proposed solar farm boundary fence adjacent to Badlingham Lane would be located at least 13m from either side of the lane, with existing woodland separating the fence from the lane. The effectiveness of the mitigation can be seen on the photomontage from viewpoint 15A in Figure 10.95 [APP-225].</p>

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			<p>The Environmental Masterplan (latest version submitted at Deadline 5) also shows additional planting proposed by the Applicant along the eastern side of E12, in addition to new permissive paths being created which will connect with U6006 and provide alternative routes, including shorter circular routes to the south of the village in areas with currently no public access.</p> <p>At Deadline 6 the Applicant will be submitting a note focussing on the experience of PRow users in and around the Scheme and how that experience will be impacted by the Scheme.</p>

<p>Say No to Sunnica</p> <p>Front End of Report</p>	<p>LVIA and Design</p>	<p>It is not being suggested that landscape designations 'in themselves' mean the scheme should not get consent. The point is that harm to landscape and visual amenity is one of the many in-combination harms that (for example) will impact on the Limekilns. It is incorrect to hive off all of the harms in this case separately; the ExA must guard against deciding what weight to give a harm until the totality of the harms has been assessed. In any event, in our view the landscape of the Limekilns is 'valued landscape' as defined and protected in NPPF para 174(a).</p> <p>The suggestion that a harm which cannot in itself lead to refusal should be set aside or offered little weight is problematic in the context of the requirement for good design in NPS EN-1.</p> <p>Para 5.9.17 provides: The IPC should 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> <p>For the reasons advanced by SNTS and Mr Jeffcock, SNTS is of the view that the scheme was poorly designed from the perspective of its placement and appearance in the landscape. Indeed, the location does not appear to have been selected in accordance with a proper sites assessment, and primarily seems to have been built around land ownership. The Applicant cannot ignore these policy considerations by merely averting that this is all harm to assets valued at a local level and thus be given little weight individually; such failures of scheme design are clearly crucial in understanding the collective totality of the harms. Put another way, this is not a case where it was ever being suggested that local landscape designations (or less) were 'in themselves' sufficient to refuse the scheme; this is one of a number of matters which way against the scheme in the planning balance.</p> <p>The crucial point, however, is that the ExA must not pigeon hole harms and consider them independently. The particular problem with this scheme is the in-combination effects which are spread across a wide area. The ExA must be careful to properly assess the weight to be given to harms even if a singular harm on its own</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. Further information is also available in the Alternative Sites Assessment [APP-054].</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) (latest version 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.</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. 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</p>
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		<p>would not be sufficient to cause the scheme proposal to be rejected.</p> <p>Finally, it is also worth noting why landscape and heritage are important in planning terms. One reason is the value that receptors benefit from in their way of life and enjoyment of the setting. Thus, when we talk about harm to locals or harm to the horse racing industry, it is important to recognise the some of that harm is derived from the landscape and heritage impacts that they experience. For example, a harm consequential on the degrading of the heritage and landscape value of the Limekilns might be the fall in interest of investors to choose Newmarket as their location for horseracing. It is important to recognise these links; again, the ExA must have regard to the totality of the case here.</p>	<p>low. The significance of effect on LLCA 26 has been assessed as minor adverse by year 15 of operation.</p> <p>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, this will not have grown sufficiently by year 15 of operation to screen views of the solar panel arrays and associated infrastructure within Sunnica West Site A.</p> <p>Paragraph 174 of the NPPF states that:</p> <p><i>“Planning policies and decisions should contribute to and enhance the natural and local environment by...(a) protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan).”</i></p> <p>Further guidance on the interpretation of this policy is provided within section 4 of Landscape Institute Technical Guidance Note (TGN) 02/21: <i>Assessing landscape value outside national designations</i>. This guidance has been referred to by the Applicant in making judgements on the value attached to the landscape. The Limekilns is not a designated landscape and does not have any statutory status in landscape terms. In the absence of a local landscape designation, it is necessary to consider whether the landscape is identified as a landscape or feature of interest, quality or as a site in need of preservation in the relevant development plan (East Cambridgeshire Local Plan 2015 or Second Review 2020), published landscape character assessments or other local policy. There is no reference to the Limekilns within these documents, which could indicate that it is a valued landscape.</p> <p>The acceptability of any visual impacts on the Limekilns must be assessed in terms of the relevant planning policy. Neither the Local Authorities nor SNTS has provided an answer to the issue of visual impacts from the Scheme as assessed against policy considerations.</p>
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Party name	Theme	Summary of issue raised	Applicant's response
			<p>For example, the draft National Policy Statement EN-1 expressly sets out that effects on local landscapes cannot be a reason to decline an NSIP (paragraph 5.9.14). 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, and it falls below the threshold of NPS EN-1 in terms of being a relevant impact on local landscape. When considered through this lens, it is clear that the level of impact, on a non-designated landscape and non-designated asset, at a distance of 1km, with intervening major roads and a railway line, is well below the threshold required to justify removal of this part of the Scheme.</p> <p>The key characteristics of the Gallops will also not be altered by the Scheme – fundamentally a view of a solar farm is not going to diminish enjoyment of the Limekilns as a landscape and neither the Local Authority nor SNTS have demonstrated to the contrary.</p>

Say No to Sunnica Appendix E	Assessment of Value	<p>The applicant's failure to properly consider and apply best practice factors for assessing landscape value, as set out in Table 1 (page 7 onwards) in Technical Guidance Note 02/21 (TGN 02/21) on Assessing landscape value outside national designations prepared by the Landscape Institute. For example, the applicant's description of the value of LLCA 26: The Limekilns and Gallops, fails to consider all of the factors in Table 1 of TGN 02/21. In particular there is no consideration of cultural heritage factors or functional factors. Other factors are referenced in the LVIA but are not adequately addressed. For example, the LVIA states that the Gallops have cultural associations but doesn't explain what the associations are or their significance. In not considering certain factors and failing to adequately consider others, the applicant has underestimated the value of the landscape, and this has led to their underestimation of the impacts of the development, notably in relation to the Limekilns Gallops. A comprehensive assessment of value is provided in my report [submitted at Deadline 2].</p>	<p>The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] presents a thorough and robust assessment of the likely significant effects of the Scheme during construction, year 1 and year 15 of operation, and decommissioning. It was prepared by Chartered Landscape Architects over a period of three years and was informed by detailed desk study, fieldwork and stakeholder engagement and was carried out alongside the iterative design process.</p> <p>The assessment of landscape value is in accordance with best practice, including the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) as set out in the LVIA methodology [APP-102] which provides the criteria which have informed the assessment. Landscape value criteria were developed in response to the publication of Technical Guidance Note (TGN) 02/21 by the Landscape Institute on Assessing landscape value outside national designations. TGN 02/21 provides a new framework, which in combination with Box 5.1 of GLVIA3, assisted in defining a new set of criteria which are refined to the qualities of the landscape within the study area. Comments were made by host LPAs at a meeting with the Applicant held on 25 February 2021, relating to the value attached to specific parts of the landscape within the study area. The geographical scale at which the value of the landscape is recognised and was absorbed within these new criteria. These criteria are purposefully not formulaic and are rooted in an understanding of the landscape and are sufficiently broad to account for how it varies across of the study area.</p> <p>Para 2.4.4 of TGN 02/21 states that "as with Box 5.1 in GLVIA3, Table 1 is not intended to be an exhaustive list of factors to be considered when determining the value of landscapes, but to provide a range of factors and indicators that could be considered. This TGN is intended to be complementary to GLVIA3." Appendix 10E does make reference to cultural associations when judging the value attached to the landscape, including noting the association with Newmarket and the Newmarket races at paragraph 3.27.2(e). Regarding landscape function, TGN 02/21 refers to aspects which contribute to the healthy functioning of the landscape, such as floodplains, healthy soils, carbon sinks and diverse landcover that form part of a multifunctional green infrastructure network or are strong physical or functional links</p>
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			<p>with adjacent national landscape designations. Whilst the Limekilns are recognised as having some biodiversity interest, they are severed from the landscape to the north by the busy A14, A11 and railway line, limiting their value in contributing to functional links.</p> <p>The value of Local Landscape Character Area (LLCA) 26: The Limekilns and Gallops is explained and evidenced to an appropriate level of detail in Appendix 10E: Local Landscape Character Areas, of the Environmental Statement [APP-104]. In summary, this states that LLCA 26 is already influenced by major infrastructure, beyond which the Scheme lies. It is not a designated landscape, but is well maintained, and its value 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>
Say No to Sunnica Appendix E	Treatment of the Limekilns	In response to the applicant's assertion at the hearing, that there would be no direct effects on the Gallops, I explained that whilst there would not be a physical change to the fabric of the Gallops, changes within the setting of the Gallops would result in a direct effect on the character of the Gallops. A 'direct effect' is defined in the glossary of the Guidelines for Landscape and Visual Assessment, 2013 (GLVIA3) as 'An effect that is directly attributable to the proposed development'. Therefore, an effect on the landscape character of the Gallops, caused by development within its setting, should be considered as a direct effect of the proposals on the Gallops for the purposes of assessing the proposed development. 12. I disagreed with the applicant's assertion that the order limits and the Gallops are in different landscapes and referred the ExA to the fact that Sunnica West A and the Gallops are located in the same chalkland landscape type at a national, regional, and county level (referring to my Figures 6-89). Emphasising the fact that these areas are in reality part of the same landscape, I highlighted that historically the Limekilns and	<p>The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] acknowledges that there will be effects on the character of LLCA 26: The Limekilns and Gallops, of a minor adverse significance.</p> <p>The Applicant does not consider that at the local scale that the Limekilns is part of the same landscape as the land within Sunnica West Site A to the north of the A14. Even if they may historically have been part of a wider estate landscape, with the exception of the Avenue, the character of the Limekilns, by virtue of its modern intensive management and use for training race horses is different from the extensive arable use and field patterns defined by hedgerows and woodland within the Site. The Applicant has taken account of the impacts of the Scheme on the setting of the Limekilns</p>

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		Sunnica West were once both part of the same Estate (Chippenham Park).	in the assessment of magnitude, but acknowledging that there will be no physical changes to the landscape of the Limekilns itself.

Say No to Sunnica Appendix E	Policy	<p>Overarching National Policy Statement for Energy (EN-1) stresses the importance of minimising landscape harm through careful siting decisions¹⁰. In many cases it is possible for the landscape and visual harm of PV and BESS development to be minimised when located carefully, taking into account the relative sensitivity of different landscape and visual receptors. However, in the case of the Sunnica Energy Farm, the landscape and visual harm has been exacerbated by the applicant's decisions on location, as their decisions ignored particularly sensitive landscape and visual receptors such as the Limekilns.</p> <p>Furthermore, because of the location of the development, the landscape and visual harm of the scheme cannot be minimised. In particular, it is not possible to mitigate effects in those parts of the order limits that are inherently open in character (e.g., Sunnica East B), or are overlooked due to changes in landform and where there are also historically important views (e.g., Sunnica West Site A). Attempting to mitigate the impact on the open landscape, especially south and east of Isleham (Sunnica East B) with woodland or other types of screen planting, would itself harm the openness of this landscape, which is an intrinsic characteristic and fundamental to local identity. In this regard the proposals conflict with the general objective in EN-1 for infrastructure to be 'sensitive to place'¹¹ and also with NPPF Para 174(b), as they fail to recognize the intrinsic character and beauty of the countryside.</p> <p>When considered against the range of factors that help to identify landscape value outside of national designations (i.e., the aforementioned factors in TGN 02/21), the landscape in which Sunnica West A is located must be considered to be a valued landscape for the purposes of NPPF Paragraph 174(a). Development in Sunnica West A would harm factors within the landscape that are valued, including the scenic qualities of the Limekilns and the coherent landscape setting to Chippenham Park. Because of the impacts on this valued landscape, the proposals also conflict with NPPF Para 174(a).</p>	<p>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.</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) (latest version submitted at Deadline 5). In doing, so the Scheme has been designed to be sensitive to the location to which it sits; and the intrinsic character of the countryside, for example in the selection of plant species and grassland habitats.</p> <p>The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] concludes that whilst there will be some residual adverse landscape effects which are considered significant, the proposed mitigation will be successful in reducing the magnitude of impact. Furthermore, there will be number of proposed landscape interventions which will add to the local green infrastructure network including new permissive paths, habitat creation and archaeological mitigation as illustrated on the Environmental Masterplan and described in the OLEMP.</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>
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Party name	Theme	Summary of issue raised	Applicant's response
			<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>Paragraph 174 of the NPPF states that:</p> <p><i>"Planning policies and decisions should contribute to and enhance the natural and local environment by...(a) protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan)."</i></p> <p>Further guidance on the interpretation of this policy is provided within section 4 of Landscape Institute Technical Guidance Note (TGN) 02/21: <i>Assessing landscape value outside national designations</i>. This guidance has been referred to by the Applicant in making judgements on the value attached to the landscape.</p> <p>The Limekilns is not a designated landscape and does not have any statutory status in landscape terms. In the absence of a local landscape designation, it is necessary to consider whether the landscape is identified as a landscape or feature of interest, quality or as a site in need of preservation in the relevant development plan (East Cambridgeshire Local Plan 2015 or Second Review 2020), published landscape character assessments or other local policy. There is no reference to the Limekilns within these documents which could indicate that it is a valued landscape.</p>
Say No to Sunnica Appendix E	General Impacts and Mitigation	At 652.1 hectares (629.1ha minus West B), the combined development footprint of the solar PV developments and the BESS developments would dwarf surrounding rural villages whose identities are intrinsically linked to the productive countryside. This will be compounded by the speed of the changes which would not be gradual or incremental, but would be perceived to happen all at once, with construction over a single 24-month period. The impacts	The size and shape of the Scheme is necessary in order to deliver the scale of renewable energy generation benefit that the Scheme will provide, maximising the opportunity of the 500MW connection that the Applicant has secured. The design of the Scheme has been shaped by detailed studies of the character of the landscape and settlements, and incorporates existing landscape features as a fundamental framework. The design of the Scheme conserves field

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		<p>of the proposals on sense of place relate to the scale, location, and speed of change, and these impacts cannot be mitigated by detailed design measures or planting</p> <p>As a consequence of [the Scheme's] dispersal, the proposals will themselves generate significant adverse cumulative impacts. There will be a repeated awareness of electrical development for people travelling between different settlements and visiting different locations in the landscape. The impression of a landscape transformed by electrical development would be experienced on single journeys and visits within the landscape (e.g., driving between settlements), but would also build up across multiple visits over time (e.g., visiting different parts of the landscape on different days).</p> <p>Unlike the solar PV modules, which are height limited to 2.5m, infrastructure within the BESS compounds would be up to 10m in height and would therefore be more visually prominent in the landscape. Mitigation planting intended to screen PV development will be less effective in screening the BESS development, particularly during the initial 15 years of operation. The BESS developments would exacerbate the industrial characteristics of the solar PVD development and add further clutter to parts of the landscape that are currently free from urbanising features, and which have a prevailing rural character.</p> <p>It is not possible to adequately mitigate the adverse landscape and visual impacts and in places the mitigation itself exacerbates the impacts. This all stems from the poor location of the proposed developments. In particular, it is not possible to mitigate effects in those parts of the order limits that are inherently open in character (e.g., Sunnica East B), or are overlooked due to changes in landform and where there are also historically important views (e.g., Sunnica West Site A). As aforementioned, attempting to mitigate the impact on the open landscape, especially south and east of Isleham (Sunnica East B) with woodland or other types of screen planting, would harm the openness of this landscape, which</p>	<p>patterns, ecology and historical features 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>Whilst it has not been possible to avoid all impacts these have been minimised, where possible, through careful design and detailed mitigation strategies.</p> <p>The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] has assessed impacts on views and visual amenity through assessment of representative viewpoints and has considered the likelihood of intra-project cumulative effects and sequential views. There are some visual receptors, for example users of public rights of way and roads, who would experience sequential views of the Scheme along a route. These effects have been assessed separately for each part of the Scheme with reference to the representative viewpoints. The combined intra-project effects of the Scheme on people's views of the landscape have also been considered in the LVIA. Such effects would arise where different parts of the Scheme would be visible in the same view. The Applicant does not agree that the accumulation of these effects is significant. The worst-case has been considered with respect to each effect. A further note on the experience of the users of public rights of way will be submitted at Deadline 6.</p> <p>The openness of the landscape, particularly in the location of Sunnica East Site A is a product of its agricultural land use, which has substantially increased in intensity in the post-war period. The LVIA acknowledges that there will be some changes to the sense of openness, but this is weighed against the substantial additional native habitats that will be created as part of the Scheme which will enhance the condition and function of the landscape.</p>

Party name	Theme	Summary of issue raised	Applicant's response
		<p>is an intrinsic characteristic and fundamental to local identity. Rather than mitigating the effects of the development, the measures themselves would be incongruous features. The mitigation proposals to plant woodland along the outer edge of the PV development in E05, in an attempt to hide it, would exacerbate the harm to the openness of this landscape, and therefore one of its intrinsic characteristics.</p> <p>Additionally, in relation to Sunnica East A, the applicant claims in their reply to Rep2-240 (page 178) [REP3A-035] that siting the BESS next to Lee Farm will mean its massing and land uses are perceived in the context of existing infrastructure. Lee Farm is not 'infrastructure'. It is an isolated farm in the countryside. Its buildings are typical of a rural farm, in both scale and number. The presence of these buildings does not justify or mitigate the scale of development that is proposed. The farm buildings would be lost in the expanse and clutter of the neighbouring development. The BESS development would not be seen as a logical extension of the farm, but an incongruous development in the open countryside.</p>	<p>The BESS will be consolidated in three sites. Whilst these facilities have industrial characteristics, they will be set within a landscape of extensive agriculture, which includes other uses such as pig farming and quarrying. Their scale has been minimised through the design and use of existing vegetation and proposed planting to provide enclosure and visual screening.</p> <p>Lee Farm is an extensive farm complex and historic maps and aerial photographs demonstrate that it has expanded substantially in the past 50 years. The siting of the BESS means it will be consolidated within the existing farm complex and perceived in the context of existing built features in the landscape, including tall silos, and the existing bunds and vegetation associated with the reservoirs on the eastern side. Together with proposed woodland planting that is proposed to enclose the BESS, this will assist in integrating and screening the facility.</p>
Say No to Sunnica Appendix E	Impacts to Elms Road Travellers Site	The impact of the proposals on the visual amenity of residents within the Elms Rd caravan site will be major adverse and this impact would not be mitigated.	<p>The Applicant disagrees that the visual impact for residents within the Elms Road travellers site will be major adverse. The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] has assessed impacts on views and visual amenity through assessment of two representative viewpoints on Elms Road near Red Lodge: VP18 and VP19 and VP27 which represents the community of Red Lodge.</p> <p>The Applicant has reviewed and increased the width of planting proposed along the eastern edge of parcel E20 as shown on the revised Environmental Masterplan (submitted at Deadline 5) and has committed in the revised OLEMP to providing a temporary screening fence along the length of this boundary which will be maintained until the proposed planting reaches 2.5m in height.</p>

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Isleham Parish Council		<p>Site EO1 visible from Sheldricks Road will not be screened. Sunnica's mitigation set out in their Environmental Statement - Chapter 10 - Landscape and Visual Amenity is "Parcel E01 – the solar panels are offset from the Fen woodland to the north and by 8m from the Lee Brook to the west. The proximity to the woodland aids in screening views from the wider landscape to the north."</p> <p>There is also no mention of the view for Sheldricks Road to the west. This means we lose the lose stunning views to gain a long range view of panels in one part and newly planted trees and hedges close to the village. This fails to reflect and in fact destroys Isleham's place in the landscape. It raises the question as to whether this whole area been properly assessed for its landscape value?</p>	<p>The Applicant disagrees that the Scheme will destroy Isleham's place in the landscape. The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] provides a thorough assessment of impacts on landscape, views and visual amenity, including landscape value and sensitivity. This assessment of visual effects was undertaken with reference to representative viewpoints. In the vicinity of Sheldrick's Road, this includes viewpoints 4, 4a and 5. Viewpoint 4a considers the effects on people's views south-east from Sheldrick's Road. The assessment concludes a moderate adverse effect, reducing to minor adverse at year 15 due to the effectiveness of planting around the edges of E05 as it matures.</p> <p>The latest Environmental Masterplan submitted at Deadline 5 illustrates the enhanced buffer to the Lee Brook with proposed tree planting and the set back of the panels to retain the setting of the Lee Brook. It also shows the proposed permissive paths and woodland planting around E05 to reinforce existing vegetation patterns, and the set back of the panels around parcel E05 to preserve the openness of views along Beck Road and the southern part of Sheldrick's Road.</p> <p>Solar panels in parcels E01 and E03 would be located approximately 1.2km from the eastern edge of Isleham, beyond Lee Brook. The lower height of the land within Sunnica East Site A means that views across the site from the eastern edges of Isleham towards existing landmarks and the wooded skyline to the east will be retained.</p>
Cultural Heritage			
Say No to Sunnica Appendix D	Methodology	<p>No aerial photographic assessment of the proposed development area was undertaken as part of the application process, with Covid restrictions cited as the main reason for this (ES para. 7.2.4). However, as is discussed further below, it was possible for a parallel aerial photographic assessment of the area to be</p>	<p>The methodology used for the assessment of heritage impacts was set out in Chapter 7: cultural Heritage of the Environmental Statement [APP-039], This methodology was generated following</p>

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		<p>undertaken on behalf of Historic England during the same period, which resulted in the identification and recording of the Isleham crash site amongst other features.</p> <p>Other shortcomings of the submitted Heritage Assessment include the fact that there is no consideration of the heritage of the Newmarket horse-racing industry on the landscape surrounding the development area, that the full extent of the geophysical survey was not complete at the time of submission of the application, and that the full extent of the archaeological trial trenching was not complete at the time of submission of the application. Given these omissions, it is difficult to conclude that the submitted documents provide a comprehensive assessment of the baseline heritage of the proposed development area. Likewise, it is difficult to be confident of the identified</p>	<p>current policy and guidance and was approved by the LPA and Historic England during the scoping exercise.</p> <p>The Applicant will discuss and agree any requirement for inclusion of aerial photography with the County Councils. The geophysical survey has confirmed the location of the crash site with greater accuracy than the location identified by the Historic England Photographic Assessment. More generally, geophysical surveys were carried out where access to land was able to be gained.</p> <p>The horse racing industry within Newmarket represents a non-designated heritage asset. In accordance with the approved assessment methodology, non-designated assets were assessed within a 1km study area. Newmarket falls outside this area. Nevertheless, the horse racing industry did have an important influence over the development of Newmarket town centre and this was considered as part of the Conservation Area. Please also see discussion below in respect of the Limekilns.</p>
Say No to Sunnica Appendix D	Chippenham Park RPG	<p>The significance of the asset is derived from the park itself and the listed buildings within it, but is also derived from the surrounding landscape within which it is situated. As discussed at ISH2, it is important to consider that, although the park itself is an enclosed space, the exterior view of the park wall and the symbolic message which it conveys to those outside the park is an important part of its significance. The avenue, which apparently formed the original entrance to the park, was constructed in order to facilitate long views of the park in its surrounding landscape as those entering or leaving the park traversed its length. The avenue survives as a legible landscape feature, is part of the Registered Park and Garden and makes a strong contribution to the significance of the park.</p> <p>The proposed development will have a significant impact upon the character of the agricultural landscape which forms the setting of the Registered Park and Garden. The Applicant concludes that, even after the implementation of mitigation, the construction of the</p>	<p>The Applicant acknowledges that the Chippenham Hall RPG will be impacted by the proposals. This includes the importance of the Scheme area as part of the setting of the RPG. The conclusion of a moderate (significant) effect is considered valid, taking into consideration the fact that the impact is limited to the setting of the asset. There will be no appreciation of the Scheme from within the park walls which form the core of the designation. The assessment accepts that the setting will be changed within the area of the Scheme and in views from the avenue and longer distance views towards the RPG. The Applicant does not consider that these changes will result in a serious loss in our ability to understand and appreciate the asset, in accordance with the EIA methodology as presented in Chapter 7: Cultural Heritage [APP-039] and as discussed in its Harm Assessment [APP-261].</p> <p>The Applicant agrees with Say No To Sunnica and Historic England that less than substantial harm will be caused. The Applicant has not quantified the level of this harm further as there is no requirement to</p>

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		<p>Sunnica West Site A will have a moderate adverse effect on this heritage asset. This is a significant effect, but I consider that the impact is understated. I conclude that the change of landscape character caused by the development will result in a 'major adverse' significance of effect. In planning terms, this constitutes 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance.</p> <p>The Applicant concludes that the development will have a very low impact on the setting of the Grade II* listed southern entrance lodges and triumphal arch, resulting in a minor adverse effect. The significance of these buildings is derived from their history and architecture, but also from their setting, which incorporates the avenue and the surrounding landscape. Given the significant change which development will bring to the character of this landscape, I consider that the scheme will result in a 'major adverse' significance of effect. In planning terms, the identified harm to the Grade II* listed lodges and triumphal arch represents 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance</p> <p>SNTS also noted that clarity is needed on the position of tree impacts within the RPG, especially when they could form part of the original planting of the RPG.</p>	<p>do so. In accordance with the NPPF, the less than substantial harm should be weighed against the appropriate public benefits test.</p> <p>The Applicant has identified a minor adverse effect on the Grade II* listed southern entrance lodges and triumphal arch. This is considered appropriate and is based on their location as part of the walled enclosure and the Scheme's impacts to setting of the RPG with which the assets are linked. The Applicant does not consider that the changes will result in a serious loss in our ability to understand and appreciate the asset, in accordance with the EIA methodology as presented in Chapter 7: Cultural Heritage [APP-039].</p> <p>At Deadline 5, the Applicant has submitted a note setting out further detail on the historic landscape associated with Chippenham Park, the contribution that landscape makes to the significance of the asset, and how the Scheme has responded to and interacts with this landscape.</p>
Say No to Sunnica Appendix D	Isleham Plane Crash Site	<p>During ISH2, the Applicant's archaeological team stated that they have consulted the original MoD report into the crash, which identifies the location of the crash and states that the aircraft and crew were recovered. A copy of this report has not been shared with the Examination, and we would request that its content is submitted at an appropriate deadline. 5.4 We would caution against taking the conclusions of this report at face value, and consider that there is a very high potential for parts of the aircraft and, indeed, human remains to still be present on the site, despite the 1949 recovery effort. The facts that the point of impact of the</p>	<p>The official report on the crash will be submitted to the Examination at an appropriate deadline.</p> <p>The approach to dealing with remains will be dealt with pursuant to the JCCC licence that the Applicant is seeking to obtain; or where necessary pursuant to the provisions of article 15 of the draft DCO.</p> <p>The Applicant has developed a methodology for the protection of the crash site in consultation with the Joint Casualty and Compassionate Centre and in accordance with licencing requirements under the</p>

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		<p>crash was identified as a large magnetic anomaly and that the surrounding area was identified as a ferrous debris scatter are both strongly suggestive that considerably more of the airframe survives on the site than official reports suggest. Similarly, aerial photographs taken during the aftermath of the crash clearly show a row of nine stretchers covered with white sheets, and other excavations undertaken on similar sites have indicated that it was not always possible to fully recover the bodies of the crew. Locally, the recent excavation of a spitfire which crashed at Holme Fen in Cambridgeshire in 1940 revealed that the body of the pilot had not been able to be fully retrieved during the initial recovery effort. It should be presumed that human remains are present on the site of the crash.</p> <p>We consider that the applicant's proposed 50m x 50m exclusion area is inadequate. It barely covers the dimensions of the plane (which had a wingspan of 46m) and certainly does not cover the large scatter of crash-related debris located (but not identified) during the geophysical survey. The dimensions of the impact crater on the geophysical survey measure 15m x 10m, but the wider scatter which surrounds the crater measures at least 85m x 55m, well beyond the limits of the small exclusion area. We consider that the Applicant's proposed 'Expanded Exclusion Area', comprising a 100m-radius circle around the crash site, would be more appropriate irrespective of the outcome of the licence application on heritage-related grounds, but also for moral and ethical reasons, given the loss of life and the significance of the site to the local community.</p>	<p>Protection of Military Remains Act 1986. The Holme Fen Spitfire crash was in a fenland environment with the depth of the remains at several metres below ground being the main reason for the inability to retrieve the body of the pilot. The B50 crashed into shallow soils with a hard chalk geology as is shown by the photographs of the incident. The B50 crash also involved a massive explosion which completely destroyed the aircraft. The photographic evidence suggests that the remains of at least nine of the aircrew were immediately retrieved. Remains of the other three aircrew may have taken longer to retrieve but this would have been largely possible, however fragmentary, because the aircraft was not buried as was the case with the spitfire at Holme Fen.</p> <p>The Applicant's proposed 50m x 50m exclusion area is centred on and fully encompasses the crash crater identified by the geophysical survey. Eye witness accounts of the crash suggest that the aircraft partially broke up in the air as a result of the bombs that it was carrying exploding. There is a report of the wings being partly detached in the air. The aircraft was not intact as it hit the ground and the crash crater is where the largest parts of the fuselage struck the ground at a steep angle. The multiple explosions of armament and a full payload of fuel both in the air and on impact were more than sufficient to completely destroy the aircraft as recorded in the official report. Small pieces of debris were scattered on the surface of the fields for several hundred metres. Remains of the aircraft in the crater and on the surface of the wider field were immediately retrieved by the recovery team for incident investigation purposes but also to prevent future compensation claims against damage to farming equipment. The geophysical survey may indicate survival of very small pieces of wreckage but given that the site has been subject to ploughing for over seventy years any larger fragments would have certainly been picked up. Any that remain are likely to be very small and not be in their original location. The Applicant's proposed 50m x 50m area is considered sufficient to protect the only in situ physical evidence of the crash and prevent further disturbance in this location as a result of plough damage. With the inclusion of a memorial and information board, the Applicant's</p>

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			proposal does recognise the significance of the site, preserves it for the local community and will also facilitate a wider awareness of the tragedy.
Say No to Sunnica Appendix D	Limekilns	<p>Discussion of the Limekilns is almost entirely absent from the Applicant's cultural heritage assessment, as is an appreciation of the extent and historical significance of the wider racing landscape which surrounds Newmarket. The Limekilns have been actively used as gallops since at least the early 19th century and probably longer. Their heritage significance is derived from the deliberate creation and management of the Limekiln Gallops, the longevity of their use and the fact that generations of horses have continued to be trained in much the same fashion and same location for centuries. Significance is also derived from the open and undeveloped landscape setting of the Limekilns Gallops.</p> <p>The Limekilns Gallops constitute significant features of the historic environment and should be considered to be a non-designated heritage asset. The close proximity of the southern boundary of the Sunnica West Site A to the Limekilns Gallops will have a detrimental impact upon their setting by transforming what is currently an open agricultural landscape to its north into the semi-industrialised landscape of the solar farm. This will in turn cause harm to the significance of the non-designated heritage asset. This is a significant impact, and is one which by the Applicant's own admission cannot be mitigated by the proposed landscape management strategy. In planning terms, the identified harm constitutes 'less than substantial harm', which given the contribution setting makes to the significance of the Limekilns lies at the upper end of the scale.</p>	<p>The Applicant acknowledges that the Limekilns have heritage interest as part of the horse racing industry. They represent an important feature in the historic development of the racing landscape. However, their heritage interest cannot be seen in isolation and their significance lies in their contribution to the understanding and appreciation of the wider context.</p> <p>The impact on Newmarket has been assessed in Chapter 7: Cultural Heritage of the Environmental Statement [APP-039] in relation to the conservation area which takes into consideration the importance of the horse racing industry. Visual impacts more generally to the Limekilns were assessed in the LVIA chapter of the Environmental Statement. 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 (in conjunction with Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042]).</p> <p>The alterations to the view from the Limekilns will not erode the ability to understand the significance of the Limekilns within their context of the horse racing industry. Changes to the view from the asset do not in isolation constitute an impact on heritage significance. The understanding and appreciation of the heritage significance of the asset will not be affected. While the Applicant acknowledges that there will be a change in the character of the view from one part of the Limekilns, the openness of the landscape will be maintained.</p> <p>It is also noted that, as a non-designated asset, there is no requirement under the NPPF or the revised NPS to categorise the harm as 'substantial' or 'less than substantial'. Instead, a balanced judgement should be made 'having regard to the scale of any harm or loss and the significance of the heritage asset'. The Applicant</p>

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			considers that the understanding of the Limekilns' interest as part of the horse racing heritage will not be affected by the Scheme. Any harm caused by a change to the view from the Limekilns is considered to be low and there will be no loss of significance caused.
Say No to Sunnica Appendix D	Scheduled Barrows	The development of the scheme will result in a dramatic change in the landscape character of these barrows, which will result in harm to their significance. The Applicant acknowledges that this is a significant detrimental effect, although I consider that the Applicant understates the impact which the development of the scheme will have. In planning terms, this represents 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance.	<p>The current context of the scheduled barrows does not reflect its historic setting. The landscape around the barrows has been significantly changed, particularly through the increasing intensity of the agricultural industry which has already eroded the contribution setting makes to the assets. In addition, the degradation of the barrows means that they are no longer appreciable in the landscape over long distances which was a key characteristic of their function.</p> <p>The Scheme will again change the character of the context of the barrows. The Applicant acknowledges that due to the proximity and nature of the proposals, there will be an impact on the ability to understand the significance of the barrows and their setting. This is considered to constitute less than substantial harm. There will be no physical loss to the assets and they will continue to be read within a flat landscape. The scale of harm is therefore not considered to fall within the upper end of the scale.</p> <p>In any event, the Applicant notes that there is no test of 'great weight' that applies to harm which constitutes less than substantial harm (and which the Applicant would argue is not on the higher end of the scale in any event). The NPPF (and the draft but not the current NPS) refers to 'great weight' being applied to an asset's conservation, however, the Scheme does not impact upon the barrows' conservation.</p> <p>It is considered that, specifically in respect of the barrows, the impacts, which can be considered as less than substantial, are vastly outweighed by the Scheme benefits as outlined in the Statement of Need and the Planning Statement.</p>

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Say No to Sunnica Appendix D	Overall Balance	Under existing planning legislation and policy it is required that this 'less than substantial harm' be weighed against the wider benefits of the DCO application. In doing so, 'great weight' should be given to the conservation of the heritage assets concerned, and the more important the assets, the greater that weight should be. Both the Applicant's own assessment and that undertaken for Say No To Sunnica conclude that the development will result in multiple instances of adverse heritage impact, which cannot be mitigated. As such, considerable benefits will need to be demonstrated in order to justify the approval of a DCO Application which will result in such high levels of harm to so many designated and nondesignated heritage asset	<p>The Applicant notes this comment.</p> <p>The policy requirement within the NPPF and draft NPS requires that for harm caused to designated assets great weight should be given to the conservation of the asset concerned, stressing that the more important the asset, the greater the weight should be. The Applicant would stress that no physical impacts will be caused to any designated asset as a result of the proposals and all impacts are caused to changes within their setting.</p> <p>Chapter 7: Cultural Heritage of the Environmental Statement [APP-039] identifies three significant effects caused by the Scheme, namely Chippenham Registered Park and Garden and the Scheduled Barrows forming part of the Chippenham Bowl Barrow Cemetery.</p> <p>All of these impacts are considered to constitute less than substantial harm. In accordance with policy requirement, less than substantial harm should be balanced against the public benefits of the proposals. The Applicant considers that the substantial public benefits brought by the Scheme outweigh the less than substantial harm caused to the three assets.</p>

