

Comments on the Applicant's D6 Submissions and Additional Submissions

This document sets out the comments by Cambridgeshire County Council (**CCC**) on the Applicant's Deadline 6 (**D6**) submissions and Additional Submissions accepted at the discretion of the Examining Authority (**ExA**). The tables below set out the document in question that the Council is commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Council reiterates and relies on its comments submitted to the ExA at previous deadlines.

2.1 Land and Crown Land Plans - Revision: 06 [REP6-004 and REP6-005]

Topic	Paragraph Number	Council's Comment
Ownership / Statutory Interests	BoR 3.02 and Land Plan sheet 2 of 24 and other locations	<p>Entry incorrectly identifies only Suffolk County Council (SCC), whereas this plot of land straddles both Cambridgeshire and Suffolk. There are a number of other similar locations identified in the Plans that are highway within the redline boundary for the acquisition of rights. The LHA is concerned to ensure that highway rights and statutory maintenance obligations must not be fettered by the proposed development.</p> <p>CCC previously raised this issue on a number of counts represented in the Land Plans in a meeting (dated 10th January 2023) with WSP working on behalf of the Applicant. CCC understands that it may be the Applicant's intention to use land other than highway land by preference to lay cables. WSP agreed to write to CCC providing a written explanation as to the Applicant's intentions for the LHA's reassurance. This was to include:</p> <ol style="list-style-type: none"> a. Sunnica's intentions regarding land and rights acquisition for principal sites b. Sunnica's intentions regarding land and rights acquisition for areas outside of principal sites, specifically those identified on the plans and in the Book of Reference as being in the Highway Authority's ownership or interest. <p>This information is still awaited, and so the Council's objection on this matter remains. The Council will require appropriate protective provisions to ensure that its rights are not affected.</p>

		<p>Further, it was pointed out that the land plans only indicate freehold ownership, not the extent of highway rights. At ISH4, Chris Carter for the Applicant acknowledged that the appropriate detailed highway boundary searches have not been undertaken with the LHAs, which is normal practice for any scheme. The Council explained that it had proactively provided its highway extent GIS data to the Applicant w/c 13th February 2023 in the interest of moving the matter after no progress had been apparent from the Applicant's side.</p> <p>Analysis by the Applicant is awaited, and the Council hopes it will then be able to make informed comment on the plans but is conscious that this will take time. However, the Examiners and the Applicant should be aware that the highway extent GIS data supplied cannot be considered completely definitive of the location of the highway boundary, and site surveys to determine exact locations of highway boundaries may be required. This may affect the ability of the Council and Applicant to provide the Examiners with a fully informed view as to how highway interests are implicated and what other consents (such as oversailing) may be required.</p>
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2.2 Works Plans - Revision: 04 [REP6-006]

Topic	Paragraph Number	Council's Comment
Sunnica West Site B	Sheet 15	<p>The remnant section of Sunnica West B retained as part of the scheme is shown as Work 4 - works to lay electrical cable and temporary construction laydown area, as described in the draft DCO [REP6-013]. It was confirmed by the Applicant during ISH4 that the 'triangle' piece of land was to be a construction laydown area and to navigate a drain.</p> <p>However, these descriptions conflict with sheet 5 of the 'zoomed out' Environmental Masterplan [REP5-054] which shows the entire areas as being "<i>retained trees and existing scrub</i>" and "<i>existing grassland</i>".</p>

2.3 Access and Rights of Way Plans - Revision: 05 [REP6-007]

Topic	Paragraph Number	Council's Comment
General		It is assumed that these plans have been recently updated, however no revision status or date is provided. The Council seeks clarification on this point.
Permissive Paths		The Council welcomes the addition of permissive paths to the Access Plans. This makes it much clearer as to what is being provided and the relationship with existing highways.

		Plan 2 does not show the agreed permissive link to Beck Road. This should be added.
Highway works		<p>The Council welcomes the addition of areas of highway works to the Plans. This makes it clearer as to what is intended to be done and where. The Council will further review the amended plans in detail ahead of Deadline 8 and will continue to engage with the Applicant directly over any issues.</p> <p>As noted in the Council's response to Land & Crown Plans, the Council has proactively provided its highway boundary data to the Applicant but would note that it advised the Applicant that this data cannot be considered completely definitive. The legal extent of the highway is often not the same as the boundary features shown on Ordnance Survey plans, and detailed highway boundary surveys are likely to be required in order to fully inform as to the implications of proposed works.</p>

3.1 Draft Development Consent Order - Revision: 04 [REP6-013] [REP6-014]

Topic	Paragraph Number	Council's Comment
Public Rights of Way – Construction and Maintenance	Article 10	<p>The Council refers to its response to ExQ3.9.1.</p> <p>The Council maintains its objection to the drafting of Article 10 relating to LHA approval of design, inspection, certification and adoption of works affecting the highway until such time as appropriate protective provisions are included in the DCO or in the side agreement under negotiation, to be completed by the close of the Examination.</p>
Public Rights of Way – Streetworks and Closures	Article 11	The Council refers to its response to ExQ3.9.1.
Public Rights of Way	Schedule 2 Requirement 16	The Council refers to its response to ExQ3.9.1.
Public Rights of Way	Schedule 6 Part 2	The Council is now satisfied with Schedule 6 Part 2 as amended concerning PROW.
Alteration of Streets	Schedule 5	At ISH4, the Applicant indicated that it would amend Schedule 5 Parts 1 and 2 to clarify which streets were public highways and which were private streets. The Council requests that these amendments ensure that the status of streets is clear.

Crash site	Schedule 2 Requirement 23	<p>At ISH4 the Council advised that, whilst it welcomes the provision of an interpretation board for the crash site, this Requirement should not require the board to be placed ‘on a highway’ as Article 23(5)(a) currently does. Beck Road has a narrow verge, and it could create a safety hazard if people were to congregate on this 60mph stretch of road. It was agreed that this was an error, and it would be amended to read ‘<i>the permissive path within E05</i>’ or words to this effect.</p> <p>The Council explained that this was its understanding as to what was to be provided, but pointed out that it highlighted the problem as to what would happen upon decommissioning. The Council would prefer to see the Applicant agreeing a restrictive covenant that requires the landowner to maintain an interpretation board in perpetuity with public access to it.</p>
Protective Provisions for the LHAs	Schedule 12	Please see the Council’s response under 8.91 Local Highway Authorities Protective Provisions – Revision: 00 [AS-319] in this document.

6.7 Biodiversity Net Gain Assessment – Revision: 03 [REP6-023] [REP6-024]

Topic	Paragraph Number	Council’s Comment
		The BNG assessment has not changed since the Deadline 5 submission, save for inclusion of missing appendix. The Councils comments at Deadline 6 still stand [REP6-057].
Conclusion	5.1.1	<p>The BNG assessment [REP6-023] does not account for additionality of protected sites / species mitigation or compensation. As a result, it cannot be determined that scheme will deliver biodiversity net gain (e.g., 10% BNG) without relying on mitigation / compensation for protected species or protected species (which should be treated separately).</p> <p>The BNG scores should be recalculated to exclude all mitigation / compensation for protected species or protected sites. This should include all Stone Curlew offsetting provision embedded within the Scheme, as set out at paragraphs 4.1.4 (10 hectares of nesting plots) and 4.1.6 (106 ha of foraging habitat) in the Offsetting Habitat Provision for Stone-Curlew Specification [REP5-046].</p>
Appendix B & C		There are discrepancies between hedgerows shown as within the baseline and post-development BNG drawings (Appendix B/C) and hedgerows shown as retained, temporarily / permanently lost within Hedgerow Creation / Retained / Loss Status [AS-326].

		The BNG assessment should be updated to reflect the Hedgerow Creation / Retained / Loss Status [AS-326].
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8.15 Draft Statement of Common Ground with Natural England - Revision: 02 [REP6-041]

Topic	Paragraph Number	Council's Comment
Mitigation – Ecology and Nature Conservation	Row 2, Page 15	<p>The following statement in the SoCG:</p> <p><i>“there are no conflicts between the management of the Stone Curlew habitat, in particular the Stone Curlew plots, and the archaeological areas, where the archaeology is proposed to be left in situ”.</i></p> <p>The Council has concerns regarding aspects of habitat creation involving sub-surface disturbance, as this could result in cumulative degradation of archaeological assets, where these have been identified and targeted for preservation in situ. Discussions with the Applicant continue to confirm an approach to the establishment and management of Stone Curlew plots that would be avoid the risk of degradation to archaeological assets. We anticipate details in the OLEMP at Deadline 7.</p> <p>Please refer to CCC and WSC responses to WQ2.2.6 [REP5-079 and REP5-085], and the CCC and WSC responses to the Offsetting Habitat Provision for Stone-Curlews at Deadline 6 [REP6-056 and REP6-080], respectively.</p>

8.85 Issues Paper: Public Rights of Way Experience Note [REP6-035]

Topic	Paragraph Number	Council's Comment
General		The Council welcomes the PROW Experience Note in principle and that it helps to explain how the adverse impact of the development on user and community experience has been analysed and addressed.
PROW- NMUs-local communities	2.1.1-2.1.2	The Note acknowledges the sparse and fragmented nature of PROW in the Application area, which is a key reason why the Council considers that the scheme will impact particularly

		<p>adversely upon PROW users and the local communities they serve. The paucity of paths means that those that do exist are particularly valued.</p> <p>Although the Note acknowledges that not all PROW meet settlement edges, it fails to consider the key role that some local roads play in connecting communities with the PROW network. The Note should be revised to reflect these points.</p>
Long distance paths	2.1.3	<p>This statement is incorrect. The Icknield Way long distance path runs from east to west through the whole site, from Red Lodge in the east, along Elms Road, Badlingham Road, through Chippenham, down Chippenham Road to Snailwell and along BR No. 5 Snailwell into Newmarket. The path is shown on Ordnance Survey Explorer Map 226. Therefore, this long-distance path is directly affected by the scheme.</p>
PROW user types	3.1.1	<p>This statement does not reflect the complete range of PROW-type users. Other users include trail bike riders (who often belong to the Trail Rider Fellowship user group¹) and carriage drivers. In areas where there are no byways or restricted byways, such as here, these users will have to use local roads. They prefer quiet, scenic routes such as the U6006 and Badlingham Road network. The Council is aware, owing to its experience from other NSIP developments, that TRF members do commute to work on their bikes, and that being able to use such pleasant routes can be important to their mental wellbeing. Further, when on outings as a group, they will often stop at cafes such as La Hogue farm shop.</p> <p>There is a carriage driving business at Snailwell that uses local roads, such as Chippenham Road, and may be impacted.</p> <p>The Note should be amended to reflect this wider user context.</p>
Effects on users	Sections 4 and 5	<p>Although no PROW are directly within the scheme, a number of local roads are, particularly the key U6006 which connects Isleham and Freckenham via Beck Road, as well as other local roads such as East Fen Road and Badlingham Road. The LVIA does not adequately account for local roads being part of the wider PROW connectivity and does not account at all for bikers or carriage drivers.</p>

¹ See [REDACTED] for details.

		<p>The Council has made the point to the Applicant at the workshop on 31 January 2023, and again at ISH4, that it takes issue with how the LVIA has been undertaken and its conclusions. The Council understands that from a purely technical point of view, the various PROW might be largely (but not entirely) screened from the solar panels and other infrastructure. The Note acknowledges that the screening proposed to be put in place for PROW will take 15 years to develop to a point where the adverse impact is deemed to reduce to 'not significant'. 15 years is a considerable part of a lifetime, including the majority of childhood and retirement years. Changes in lifestyle behaviour are known to take effect in far shorter timescales than this, as evidence most recently by research resulting from the COVID-19 pandemic² [REP4-135] [REP4-138].</p> <p>Therefore, the adverse impact of the development on the health and wellbeing of local communities is not at all transient but is long-lasting. This is why the Council considers that the s106 Public Access Mitigation Strategy Agreement should be seen as primarily in mitigation of the development, not just as a benefit of the development. The Council considers the assertion in 5.1.6 that the proposed scheme delivers primarily benefits to the existing PROW network as rather iniquitous. Whilst the proposed measures are welcome and will address relevant policy requirements, if the scheme were not to happen then the various ecological, landscape and public access mitigations would not be required.</p> <p>At 4.1.13 the Note does set out improvements that have been made to reduce the impact on views in certain directions, with some set back from roads including Beck Road being included. SCC has, with support from CCC, requested further set back from the key U6001.</p> <p>However, the technical analysis fails to acknowledge the fact that users will see the scheme from other viewpoints, including other local roads such as East Fen Road at Isleham, houses, church towers etc., and that the landscape scale of the development will therefore have an adverse psychological impact on users and those living in local communities who feel that their landscape has been industrialised to the extent that they no longer wish to access it for physical or mental wellbeing purposes.</p>
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² See <https://www.gov.uk/government/news/seven-in-10-adults-are-motivated-to-get-healthier-in-2021-due-to-covid-19> for details.

		The LVIA and the Experience note should be amended reflect these points. The Council looks forward to continuing to work with the Applicant on these matters.
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8.86 Applicant's Response to Other Parties Deadline 5 Submissions [REP6-036]

Topic	Paragraph Number	Council's Comment
Landscape and PROW Users	P.5-10 REP5-079 and REP5-084; CCC and SCC Joint Response to Q2.0.9	<p><u>U6006 road</u> The Council welcomes the Applicant's commitment to trench cabling under the U6006.</p> <p>The Council maintains its position regarding setback of the panels from the U road and treeline. The Council asks whether the loss of panels could be compensated for by the use of more powerful panels.</p> <p><u>Parcel E05</u> The Council refers to its previous submissions and to the discussion at ISH4. Although the Council now welcomes the inclusion of a memorial area, it still considers that it could be better and more sympathetically created and located.</p> <p><u>Permissive Paths</u> The Council welcomes the additional permissive spurs to Beck Road and Sheldrick Road. The Council otherwise refers to its previous comments made at D6 and still seeks the link to the northern edge of the site.</p>
Landscape, Ecology and Transport	P.10 REP5-079 and REP5-084; CCC and SCC Response to Q2.9.11	The Council refers to its response to ExQ3.9.1.
Transport	P.13-15 REP5-079 and REP5-084; CCC and SCC Response to Q2.9.10	<p>The Council refers to its response to ExQ3.9.1.</p> <p>The Council has commented on the draft protective provisions [AS-319] in a separate table below.</p>

		The Council notes the Applicant's response regarding requirement 16(3) and appreciates that PROW are also highways. However, the Council's experience is that contractors responsible for delivering schemes do not necessarily treat PROW with due statutory respect. The Council is willing to agree to alternative means that ensure that the contractor does not make the same mistake. The Council would welcome direct engagement on this matter.
Transport	P.15 REP5-079 and REP5-084; CCC and SCC Response to Q2.9.12	The Council is content with this measure and refers to its response to ExQ3.9.1.
Transport	P.15-16 REP5-079; CCC and SCC Joint Response to Q2.9.18	<p>The Council agrees that the possibilities for permissive paths within the redline boundary appear to be exhausted and is willing to accept the solution of inclusion of FCWG in the Applicant's communications strategy, to be developed through the Final CTMP/TP, noting that this will include a requirement for the local highway authorities approval.</p> <p>As noted in previous submission, the Council also requests that the local British Horse Society representative be included in this communications strategy, but appreciates that it will be subject in any case to approval of the Final CTMP/TP as noted above.</p> <p>The Council has noted FCWG's have provided submissions into the Examination and their concerns around not receiving responses to its queries and suggestions, [REP6-063, REP6-064, and REP6-065].</p>
Transport	P.18-20 REP5-084, REP5- 079, REP5-085 and REP5-080; SCC Response to 2.10.6, Supported by CCC, WSC and ECDC	The Council is content that, according to this assessment, there will be reduced HGV movements on Saturdays, which will help to reduce fear and intimidation for PROW and local road users.
Transport	P.32	The Applicant refers to the response in Annex A, Table 9; 1s, on page 22 of the same document, which itself refers to point 4.1.9 of [REP5-057].

	REP5-079; CCC response to 2.10.11 E1, E2 – E5	<p>The Council remains unconvinced that assessment undertaken, from an environmental perspective, is appropriate in determining whether the proposal would have a detrimental impact on highway safety. The Council's view on the risk associated with any increase of use of a junction which does not meet appropriate safe standards was previously raised in the response to Q2.10.11. E.14-E.126: [REP5-079].</p> <p>Where accesses at the construction phase will have traffic control measures in place, their continued use without traffic control measures at the operational phase is not sufficiently demonstrated. In discussions with the Applicant we are awaiting more information regarding the accesses to be used at the operational stage, existing and proposed use.</p>
Transport	P.32 REP5-079; CCC response to 2.10.11 E6 – E7	<p>The Council recommended a Road Safety Audit be undertaken to confirm feasibility. It is noted an Audit is now scheduled to take place and a brief has been shared with the LHAs.</p>
Transport	P.32 REP5-079; CCC response to 2.10.11 E8 – E9	<p>It is agreed that this is the same core issue, but this has not yet been resolved and the response to E1, E2 to E5 above is again applicable here.</p> <p>The response indicates that vehicles turning at the access will be in the Applicant's control. It is unclear however, whether this is the case when utilising existing agricultural accesses where land adjacent to the cable route will presumably continue to have an ongoing agricultural use.</p>
Transport	P.33 REP5-079; CCC response to 2.10.11 E14 – E126	<p>The previous observation remains applicable.</p> <p>This point relates to any site where there is to be an intensification of use that will not be controlled by traffic management. While this is perceived by the Applicant to be focused on use during the operational, this relates more to the absence of information regarding how accesses will be used during that period and specifically at sites where junction visibility is significantly below that prescribed in the Design Manual for Roads and Bridges.</p>

		Please also see the response to E1, E2 to E5 above with respect to the Applicant's response in Annex A, Table 9; 1s.
Transport	P.35 REP5-075; CCC Comments on Article 11	The Council note the Applicant's response and refers to its response to ExQ3.9.1. The Council welcomes the amendment to column 3 of Part 2, Schedule 6 to the draft DCO to align with Article 11(1)(b).
Transport	P.57-58 REP5-091; CCC Comments on Land and Crown Plans Rev 04 [REP4-003 and REP 4-004] – Proposed Use of Land	The Council notes the Applicant's response but remains concerned following a meeting with WSP on behalf of the Applicant. At that meeting, WSP stated that if the Applicant were to exercise its power as a statutory undertaker to lay cables beneath the highway, it could seek restrictive covenants concerning depth digging that could restrict future highway needs. The Council is concerned about the sweeping power set out by Article 26 in this regard and seeks assurance from the Applicant that future highway needs would not be compromised.
Transport	P.58 REP5-091; CCC Comments on REP4-003 and REP4-004 – Extent of Highway	The Council refers to that above regarding the laying of cables beneath the highway, and adds that, as pointed out in its original submission, the depth of actual highway extent will vary and is not always 'the top two spits' (as commonly referred to in case law), particularly where roads are concerned.
Transport	P.59 REP5-091; CCC Comments on REP4-035 on PROW Article 11, Page 29	The Council refers to its responses to ExQ3.9.1 and 3.9.14.

8.91 Local Highway Authorities Protective Provisions – Revision: 00 [AS-319]

Topic	Paragraph Number	Council's Comment
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General		<p>The Council welcomes the inclusion of LHA protective provisions in the event that the side agreement is not achieved by the close of the Examination. The Council's preference is the agreement to be secured by close of Examination.</p> <p>The Council has significant concerns about the protective provisions for LHAs as currently drafted. The Council is in discussion with the Applicant.</p>
Approval of Plans by LHA	5	The timescales for review of plans should align with that normally give for such matters under S278, 56 days days.
Inspection of Works	7	This needs to include provisions for the LHA to require that works be uncovered, where they have been covered without the LHA having had the opportunity to inspect.
Payment of Costs	11 to 15	These proposals are not acceptable. Payment to the LHA for time and expenses incurred should be on an actual cost basis, in accordance with an agreed schedule of rates, which needs to be part of these provisions. The fees associated with this (paragraph 11) of 2% potentially increasing to 6% of the anticipated construction costs is below that applied in Cambridgeshire of 8.5%. The LHA should provide reasonable substantiation of time spent and expenses incurred.
Damage to Highways		There are no protective provisions regarding the payment to the LHA for damage to the highway network caused by construction and/or operational traffic. Such provisions and the means of deriving such sums need to be included.
Provision of Asset Data		The provisions need to include the means by which the LHA will be provided with relevant highway asset data. This will need to include detailed specifications of what information is required, the requisite data formats and the timescales for the provision of the data.
Certification of works by the LHA	All	The provisions do not include a requirement for the undertaker to obtain certification from the LHA that any of the works delivered within the highway are to a satisfactory standard before the LHA resumes its maintenance responsibilities for the affected works. This is a key requirement in protecting the LHA from assuming responsibility for highway works without a clear audit trail that such works are deemed acceptable.
Protection for future works		The Council requires a provision that ensures that any future works that the LHA may need to undertake will not be fettered by any cables placed below the highway.

8.92 Ecology Position Statement – Revision: 00 [AS-320]

Topic	Paragraph Number	Council's Comment
Arable flora	Pages 3-4	<p>The Council fundamentally disagrees with the Applicant's position, as set out in Council's previous responses [REP1-024, REP2-078, REP4-080, REP4-137 and REP6-056].</p> <p>The scheme does not follow the mitigation hierarchy. The scheme should have been designed to avoid adverse impact on arable flora of county importance by retaining the arable field and its arable flora within W09 (rather than installing solar panels).</p> <p>The Council has no confidence that the proposed 2000m of arable field margins will be delivered as part of the scheme, given that the OLEMP [REP5-012] does not include any information about the creation or management of arable field margins / plots within the scheme, as set out in the Council's Comments on the Applicant's Deadline 5 Submissions [REP6-056].</p> <p>The Councils have previously raised concerns regarding the appropriateness of locating arable flora mitigation within solar panel fields (see paragraph 8.152-8.153 of [REP1-024]), and this is demonstrated within W09, with half of the proposed arable field margins in inappropriate locations – as set out in the Council's Comments on the Applicant's Deadline 5 Submissions [REP6-056]. The creation of an isolated small strip of arable field margin within a large solar farm will not be able to recreate the farmed arable landscape that the arable flora thrives.</p> <p>Therefore, in accordance with the precautionary principle, the Council considers the proposed scheme will result in the loss of all fields of local, district and county importance for the scheme. The Applicant has not identified the exact location or length of the arable field margins within fields that were categorised as local, district or county importance for arable flora within the Terrestrial Habitats and Flora Report [APP-079]. However, the Council estimates that the scheme will result in the loss of up to 1565m of arable field margins of county importance (W09) and up to 9045m of field margins of local importance (EC01, E05 and W06) within Cambridgeshire. These figures are based on the perimeter of fields identified in [APP-079].</p>

		<p>As set out in the Council's Comments on the Applicant's Deadline 5 Submissions [REP6-056], off-site compensation is required to address these losses of up to 10.6km of field margins habitat supporting local-county important arable flora in Cambridgeshire, given that arable field margins are a priority habitat. It is assumed that not all the field margins are likely to be of high quality and therefore the Councils seeks off-site compensation for 50% of the length of the lost arable field margins. The compensatory field margins should be at should be managed in accordance with Natural England (2021) Cultivated Margins in the Brecks:</p> <ul style="list-style-type: none"> - margins should be at least 3m wide and annually cultivated to a depth of 4-6 inches using ploughing method (rather than discing) - there should be approximately 50/50 split of margins cultivated in spring (Feb/March) and autumn (Sept/Oct), but may vary depending on target species - margins should be left to naturally regenerate, with no seed mix added - no fertilise should be applied and measures taken to prevent spray drift - management should be tailors to prevent build-up of perennial weeds (e.g., high topping to 30cm) - the margins should not be used for access
Stone-curlew	Page 4-5	<p>The Council fundamentally disagrees with the Applicant's position, as set out in the Council's LIR (8.152-8.153 [REP1-024]) and responses to Q1.3.7 [REP2-078], Q2.2.6 [REP5-079, REP4-080, REP4-137 and REP6-056]. Furthermore, the Council is in full support of detailed Stone Curlew comments provided in West Suffolk Council's response to WQ2.2.6 [REP5-079] and ISH2 article 2a / 2b [REP4-131 and REP6-080].</p> <p>The scheme has not been designed in accordance with the mitigation hierarchy. Solar panels should have been avoided from areas identified as regular / potentially regular nesting sites for Stone Curlews. For example, if E12 and ECO3 were removed from the scheme, it would remove the need to mitigate for 2.5 pairs of Stone Curlews.</p> <p>The Applicant has not provided sufficient evidence to demonstrate that adequate Stone-curlew mitigation can be delivered on-site. Concerns regarding impact to archaeology have not been settled. The Council still have significant concerns regarding aspects of habitat creation involving sub-surface disturbance as this could result in cumulative degradation of archaeological assets, where these have been identified and targeted for preservation in situ.</p>

		<p>Furthermore, concerns remain regarding the sub-optimal quality of the habitat and potential disturbance by people and dogs. Further detail is provided in previous responses [REP5-079], [REP5-085], [REP6-056] and [REP6-080].</p> <p>Given the uncertainty over the potential efficacy of the proposed Stone Curlew mitigation, the Council requires further guarantees that if the mitigation is not successful, then a contingency plan will be secured. The Applicant has not engaged with the Councils to produce a contingency plan. The Council supports the position set regarding the requirement of a Contingency Plan in West Suffolk Councils' response within their Deadline 7 submissions (Written Summary of Oral Case for ISH4 and Response to Applicant's Deadline 6 submissions).</p>
BNG	Page 7	<p>The BNG figures do not match those provided within [REP6-023].</p> <p>The Councils disagree that the BNG figures should only exclude "<i>Stone-curlew plots and other mitigation habitat</i>".</p> <p>As set out in Natural England's' response to ExQ1, "<i>land proposed as offsetting for stone curlew has been considered as mitigation through the Habitats Regulations and therefore should not be included within BNG calculations</i>" (page 11, [REP2-090]). Therefore, the BNG figures should exclude <u>all</u> the Stone Curlew offsetting provision embedded within the Scheme, including 10 hectares of nesting plots and 106 ha of foraging habitat detailed within paragraphs 4.1.4 & 4.1.6 in the Offsetting Habitat Provision for Stone-Curlew Specification [REP5-046].</p>
Ecological Advisory Group (EAG)	Pages 7-8	<p>The Council is concerned with the Applicant's reliance throughout its Deadline 5 and 6 submissions, including the OLEMP [REP5-011], on the EAG to deliver the design, mitigation and monitoring of the scheme.</p> <p>It must be made clear the EAG is an advisory group. It may provide advice on design, mitigation / monitoring and remedial works. However, the responsibility for successful delivery of the scheme lies solely with the Applicant.</p> <p>The Council is concerned that the EAG will not be successful unless it is adequately funded throughout the operational period of the development, with funding secured through a Section</p>

		106 agreement. In addition, comprehensive terms of reference are required to allow decision making. Please see the Councils' response to Question 3.2.4.
Decommissioning	Page 8-9	<p>The Council fundamentally disagrees with the Applicant's position. Habitat management should extend beyond the decommissioning period, as set out in the LIR 8.165 [REP1-024 and REP6-057].</p> <p>The Council supports the position on delivering habitat management beyond the decommissioning phase, as set out in the Response by Suffolk County Council to Action Point No. 8 Consequent Upon ISH2 on Environmental Matters [REP1-143].</p>
Farmland Birds		The Council seeks clarification as to the Applicant's position to address uncompensated adverse impacts to farmland birds.

8.93 Landscape and Visual Impact Assessment (LVIA) Position Statement – Revision: 00 [AS-321]

Topic	Paragraph Number	Council's Comment
PROW – NMUs and other users	general	The Council refers to its previous response on this subject and to its response to the Issues Paper 8.85 Public Rights of Way Experience Note, and the requested action to amend both that Note and the LVIA accordingly.

Schedule of Changes to OLEMP and Environmental Masterplans [AS-324]

Topic	Paragraph Number	Council's Comment
PROW operational screening		The Council welcomes the inclusion of monitoring of existing screening during the life of the development and a requirement to agree planting methodology, if gaps are identified.
PROW design principles		The Council welcomes the consideration of CCC and SCC's design principles for the permissive paths and screening.
PROW – local road connectivity		The Council welcomes the fact that local roads will be included as part of the PROW network for connectivity assessment purposes.
PROWs - hedges		The Council welcomes the revised wording of hedge reinstatement respecting PROW boundaries.
Permissive path - people		The Council is not clear to what this addition relates, and requests further details be provided.
Crash site		The Council awaits the further information regarding information boards.

		The Council appreciates the amendments to the treatment of the crash site but, as discussed at the workshop on 31 January and at ISH4, the Council considers that they do not go far enough to create a sufficiently sensitive landscape setting.
Environmental Masterplan	ECO1 fence	This incorrectly states that the ECO1 fence is to be within the highway boundary. This must not be done. It should state that the fence must be outside the highway boundary, in order to ensure that it does not encroach upon it and enables the full highway extent to be maintained by the LHA. Fences placed exactly on a highway boundary prevent, for example, cutting machinery tackling weeds, which bind with fencing.
Views from R Lark		The Council awaits the Applicant's consideration of screening from the R Lark path in light of the importance of this solitary, spinal path through the landscape.

Schedule of Changes to Framework CTMP and Travel Plan [AS-325]

Topic	Paragraph Number	Council's Comment
Highway boundaries		<p>The Council welcomes that the Applicant is to provide the LHA with access plans showing the highway boundary. As commented at ISH4, the Council proactively provided this data to the Applicant w/c 13 February. Site surveys may be required to identify precise boundaries.</p> <p>The Council hopes that these plans will be provided in a timely manner to allow proper time to review ahead of future deadlines, in order to provide informed comments.</p>
Land to be adopted by the LHAs		The proposed amendments are welcome, but it is not clear on which plans these are to be provided. It would be preferable for this to be done in the Access Plans.