



# SUNNICA ENERGY FARM

EN010106

Volume 8

8.96 Applicant's Response to Other Parties' Deadline 6

Submissions

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

## **Sunnica Energy Farm**

### **Development Consent Order 202[x]**

#### **8.96 Applicant's Response to Other Parties' Deadline 6 Submissions**

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# 1 Introduction

## 1.1 Purpose of this document

1.1.1 This report responds to other parties' Deadline 6 submissions. The Applicant has responded to these submissions thematically in Section 2, under the following themes:

- General
- Design
- Air Quality
- Archaeology
- BESS
- Climate Change
- Consultation
- Ecology
- Funding
- Landscape and Visual
- Planning
- PRow
- Soils

## 1.2 List of parties whose Deadline 6 submissions are responded to via thematic response in Section 2:

Reference	Party
REP6-074	Say No To Sunnica
REP6-060	Dr Edmund Fordham
REP6-058	Catherine Judkins
REP6-067 and REP6-068	Isleham Parish Council and Isleham Society joint response
REP6-059	Claire Mills
REP6-070	Natural England
REP-073 and REP6-082	Sandie Geddes and Worlington Parish Council joint response
REP6-052	Alan B Smith
REP6-053	Andrew Munro
REP6-072	Robin Upton
REP6-063, REP6-064 and REP6-065	Peter Goodyear on behalf of Fordham (Cambs) Walking Group

REP6-069	John Leitch
REP6-051	A G Wright & Sons
REP6-054	Anne Noble
REP6-071	Parish and Town Council Alliance

## 2 Comments on Other Parties' deadline 6 submissions

### 2.1 Other Parties

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
General	REP6-074 Say No To Sunnica – Temporary vs Permanent	Whether the effects of the scheme will be temporary or permanent.	<p>SNTS makes the point at paragraph 10 of [REP6-074] that in its view temporariness should be considered in the context of the lifetimes of residents that live near to the Scheme. The Applicant disagrees with this for the reasons set out in its response to ExA Q2.0.2 [REP5-056]. The fact that something may persist beyond the remaining lifetime of an individual person before it ceases has no bearing on whether or not it is temporary in planning terms.</p> <p>At paragraph 11, SNTS suggests that only “limited” weight should be given to the Scheme's removal after 40 years. The Applicant refers the ExA to its response to ExA Q2.0.2 [REP5-056] in which it explains that it is not a case of giving weight ‘to’ temporariness and reversibility, but a matter of deciding the application that is before the SoS. To consider the Scheme as if it was permanent would be to consider a different scheme to that for which development consent is sought. The Applicant explains in its response to ExA Q2.0.2 [REP5-056] that whether and how the temporary nature of the Scheme should affect the weight given to impacts in the planning balance depends on the type and nature of the impact. The Applicant cites and discusses how temporariness and reversibility are relevant to the consideration of impacts on landscape, heritage, minerals, and agricultural land resource with reference to relevant policy and decisions.</p> <p>At paragraphs 12 to 14 SNTS makes assertions about permanent harms that it says will result from the Scheme.</p> <p>Paragraph 13 refers to permanent harm to relationships and enmeshed nature of the communities if people as a result of the Scheme avoid or cease to travel between the villages and maintain relationships between them to the same extent as now. SNTS has not provided any evidence to support its assertion that people would behave in such a way or that such an effect would result from the Scheme. The Applicant notes that the Scheme will not sever any</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p>routes between settlements (it will not sever any routes at all). In addition, the Scheme will provide new permissive routes for the life of the Scheme and funding through a Section 106 agreement for new enhancements to the existing public right of way network. The Applicant considers that there is no reason to suppose that the Scheme will prevent people in nearby villages maintaining and building relationships in the same way that they do currently.</p> <p>In paragraph 14, SNTS again asserts that the Scheme will result in permanent harm to the Horseracing Industry. The impact on the horseracing industry has been assessed and the Applicant has responded to comments on alleged impacts on the horseracing industry, including in the following documents:</p> <ul style="list-style-type: none"> <li>• Horseracing Industry Impact Assessment <b>[REP2-039]</b></li> <li>• Applicant's response to comments on 8.10 Horse Racing Industry Impact Assessment <b>[REP4-039]</b></li> <li>• Applicant's Response to other parties Deadline 5 Submissions <b>[REP6-036]</b></li> </ul> <p>The above conclude that there are no compelling reasons to show that the Scheme will detrimentally impact the horseracing industry in its operations or longer term viability.</p>
Design	REP6-074 Say No to Sunnica – Site Selection	The Applicant's selection of the site and the alternative sites assessment.	<p>Paragraphs 15 - 28 of <b>[REP6-074]</b> comprises repetition of assertions previously made by SNTS. The Applicant has explained the reasons for selection of the sites and provided clarification in response to questions and comments about its site selection and its alternative sites assessment, including in the following documents:</p> <ul style="list-style-type: none"> <li>-Planning Statement Part 1 <b>[APP-261]</b></li> <li>-Environmental Statement - Chapter 4 - Alternatives and Design Evolution <b>[APP-036]</b></li> <li>-Environmental Statement - Appendix 4A - Alternative Sites Assessment <b>[APP-054]</b></li> <li>-Pages 138 to 150 of the Applicant's Response to Written Representations <b>[REP3A-035]</b></li> </ul>

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			-Appendix B, 'LVIA and the Site Selection Process', of Written Summary of Applicant's Oral Submission at ISH2 <b>[REP4-030]</b>
Air Quality	REP6-060 Dr Edmund Fordham – COMAH/P(HSC) Regs and Appendix 16D		<p>The points now made by Dr Fordham were primarily answered in the Applicant's response to <b>[REP5-093]</b> in its response to the other parties' deadline 5 submissions <b>[REP6-036]</b>. The contents of that document are not repeated here.</p> <p>Dr Fordham suggests that the Applicant, in its response to ExQ2.1.2 has avoided answering the ExA's question. It has not. The ExA's question is whether there is legal authority supporting the exclusion of BESS from the COMAH and P(HS) Regulations 2015. This appears to be based on an incorrect premise – that the Applicant is somehow seeking to exclude the ambit of those regulations when it is not so doing. The Applicant's answer makes that clear.</p>
Archaeology	REP6-058 Catherine Judkins – Paragraphs 1.10 and 1.15	Importance of Plane Crash site	<p>The Applicant recognises the importance of the plane crash site. The baseline assessment undertaken for the DCO application has been completed in accordance with national standards and guidelines which, as a starting point, requires assessment of heritage assets recorded in the Cambridgeshire Historic Environment Records (HER). Unfortunately, the plane crash was not recorded on the HER as a Heritage Asset point within the field and the location has never been formerly recorded such that it would have been noted in the collation of baseline data by the Applicant under the requirements of the DCO. This has resulted in the assessment of the crash site being undertaken at a later stage than would have been the case if it had been included as a heritage asset on the HER.</p> <p>All military plane crash sites are protected under the Protection of Military Remains Act 1986 (POMRA). Excavation or construction works within such crash sites are subject to the granting of a POMRA licence by the Secretary of State. The licencing process is administered by the Joint Casualty and Compassionate Centre (JCCC) whom the Applicant has contacted for advice. The Applicant has applied for a licence under the POMRA which if granted, will allow works to proceed within the crash site. If the Licence is not granted</p>

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			<p>there is a standard requirement for an exclusion area within the licence schedule of 100m radius from the central point of the crash. If the crash site were to be considered as a heritage asset it has to be based on the physical evidence which in this case is the crash crater located through the Geophysical Survey for the Scheme. The official report on the crash states that the aircraft started to break up while in flight as a result of bombs and fuel igniting. The crash crater represents the point where the bulk of the fuselage hit the ground at a steep angle. Other parts of the aircraft wreckage were spread over several hundred metres as a result of the multiple explosions. The Applicant appreciates that it is therefore difficult to determine the formal extent of what can be regarded as the crash site other than by the physical evidence of the crash crater. Since the tragedy in 1949, the site has been subject to constant agricultural use, including deep ploughing, for the production of root crops. For this reason, the distribution of any remaining small pieces of aircraft as suggested by the geophysical survey does not indicate the in-situ debris field of significance to the interpretation of the crash site as a heritage asset. The Applicant has therefore aimed to acknowledge the importance of the site as a heritage asset by establishing an Archaeological Protection Area (APA) around the crater itself, although it must be said that this is not required under a POMRA licence, if granted.</p> <p>In terms of the historic setting of the crash site; if the crash is regarded as a heritage asset, under the criteria of the Historic England Standard and guidance (<a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets</a>) the wider field does not contribute to significance of the interpretation of the event. The important element is the crash site itself (the crash crater) which is the only in situ direct evidence of the tragic event.</p> <p>The Applicant has therefore followed legislative requirements under POMRA, sought expert advice and considered relevant guidance to establish the significance of the site. The Applicant does acknowledge the importance of the site to the local community by proposing removal of the crash site from development and protecting the crash site crater from further disturbance as a result of potential ongoing agricultural</p>

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			disturbance. The Applicant has also offered to create a new, permanent, memorial and interpretation plaque close to the crash site which is currently not present. This will create an opportunity for a much wider public understanding and appreciation of this tragic event.
Archaeology	REP6-067 and REP6-068 Isleham Parish Council and Isleham Society joint response	Importance of Plane Crash site	Please see Applicant's response to REP6-058.
Archaeology	REP6-074 Say No To Sunnica – Appendix C, paragraphs 3.5.6 and 3.6.7 to 3.6.8	Importance of Plane Crash site	Please see Applicant's response to REP6-05.
BESS	REP6-059 Claire Mills – ESQCR	Compliance with Electricity Safety, Quality and Continuity Regulations 2002	<p>The Interested Party makes reference to a written representation made by Cleve Hill Solar Park on Electrical Safety Regulations and Standards. It is noted that this document was submitted at Deadline 3 of that examination, prior to the submission of any type of Battery Fire Safety Management Plan. Such a plan was subsequently submitted at Deadline 4. Therefore, it is submitted that it is likely that the written representation was submitted in response to battery safety concerns raised by interested parties which subsequently led to the submission of a Battery Fire Safety Management Plan. Sunnica, in preparing its application, considered the lessons learnt during the Cleve Hill examination and decided to submit a Battery Fire Safety Management Plan from the outset. It has subsequently developed that plan further and it is now the most developed plan we have seen as part of a DCO application. It covers relevant building regulations, safety standard and guidelines at section 2.7-2.10.</p> <p>The Interested Party refers specifically to the Electricity Safety, Quality and Continuity Regulations 2002. These regulations impose requirements regarding the installation and use of electrical networks and equipment owned or operated by, amongst others generators. Sunnica will be required to comply with these regulations as a</p>

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			generator, but it will need to do this as the stage of detailed design, construction and then operation. There is no requirement to demonstrate how Sunnica will comply with these regulations at this stage and indeed it would be premature to do so as they relate to matters of detailed design which is not the stage which the Scheme is at.
BESS	REP6-074 Say No To Sunnica – Appendix J	Variety of points concerning emissions modelling (9, 10, 11, 20, 21, 31, 32, Christensen report)	<p>Please see the Applicant's response <b>REP6-036</b> (p63) and note that the Interested Party has not presented any further comments on the topics in their most recent submissions. The suite of pollutants that may be released from a fire is highly dependent on the components of the batteries, and it is not helpful or informative to speculate on the potential emissions when the battery is not yet known.</p> <p>Current BESS cell and module data is confidential and cannot be accessed to produce consequence modelling. No battery manufacturer will release emission data unless they are engaged on the project and actual consequence modelling is required.</p>
		BESS ingress protection point 33	<p>Ingress protection testing / validation of BESS enclosures is conducted under UL 9540 and / or IEC62933-5-2 certification of any BESS system. The OBFSMP commits to these test certifications. Typical BESS enclosure ingress protection levels are IP 55 / NEMA 3R or IP 66 / NEMA 4. IEC Factory Acceptance Testing or a 3rd party manufacturing audit which must be obtained by the BESS integrator assures that supplied BESS enclosures will comply with the requisite certified ingress protection levels.</p> <p>Firefighting strategies developed at the detailed design stage and implemented into the Sunnica ERP will consider BESS IP rating consequences for boundary cooling tactics (cooling of adjacent equipment).</p>
		Points covering COMAH and HSC requirements (8, 22, 23, 24, 25, 26).	Please see the Applicant's response <b>REP5-093</b> (P66 – 73).

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		Points covering Emergency Response Planning (18, 19, 29, 30, Christensen report)	<p>The Applicant has committed to producing a required ERP content framework, which is secured through the OBFSMP, this will be agreed with the FRS and relevant authorities before the detailed design stage. The Applicant has committed to publishing annual BESS fire and explosion safety end of year updates (2023 &amp; 2024) to highlight new standards and codes which will be included in the Battery Fire Safety Management Plan for interested parties to review. A key part of the ERP framework will be based upon the UK NFCC guidelines which will not be published until Q2 or Q3 2023. Once required core UK content is established then additional international content will be considered together with any additional local provisions requested by the FRS and Suffolk Resilience Forum (SRF) who will have significant input into the drafting of the ERP framework content.</p> <p>Firefighting requirements and strategies should be determined at the detailed design stage because emergency response requirements will be formulated based upon independent risk analysis and evaluation of BESS system test data and in full consultation with the FRS etc.</p>
		HSE involvement in the DCO process	The Applicant has regularly communicated (Correspondence within Appendix HSE, Appendix B to this document) with the HSE regarding the Sunnica project and they declined to participate in the DCO process. The HSE confirmed that they will become involved at the detailed design stage to review all relevant safety issues for BESS system and site design.
		Comments on OBFSM Plan covering updates, "reasonable worst-case scenarios", scope and purpose, explosion prevention, etc (1, 4, 5, 12, 15, 16, 17, 29, 31, Christensen report)	The Applicant produced the Applicant's Response to BESS Safety Issues Raised During ISH 3 [REP4-044] as a position statement following the December hearings and submissions made to that date. The further submission made by SNTS here does not make new points, rather it restates its previous views which the Applicant does not agree with for the reasons set out in document REP4-044. It is not a sensible use of examination time to make a detailed rebuttal to each point made. Instead the Applicant has sought to respond to the principal issues raised below.

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			<p>SNTS have made reference to the OBFSMP adopted in Cleve Hill, Little Crow and Longfield. The Applicant is aware of these plans and considers that the approach taken by Sunnica is consistent with the approach taken on those plans and indeed the OBFSMP is more detailed than the plans prepared at the same stage for those projects.</p> <p>The Applicant has committed to publishing annual end of year updates (2023 &amp; 2024) to include new BESS codes, standards and guidelines (NFCC, UL, FM, EPRI, IEC, and IEEE) which will be included in the Battery Fire Safety Management Plan produced at the design stage. The Applicant will be consulting with all relevant parties during this process and has committed to all requisite codes and standards applicable at the time of the DCO process. New codes and standards referenced in the Applicant's response to ISH3 <b>[REP4-044 – Annex 2]</b> are likely to have been reviewed and implemented into the Battery Fire Safety Management Plan. Codes under development typically overrun provisional timelines for drafting and publication.</p> <p>No credible detailed fire risk analysis, explosion risk analysis and hazard mitigation analysis for the Sunnica project could be produced without directly relating to a relevant BESS battery system and container design. The Applicant has submitted a variety of materials at ExQ3 and <b>REP4-044</b> which showcase how BESS system testing, validation and consequence modelling will be employed at the detailed design stage.</p> <p>The revised OBFSMP establishes red flags for the detailed design stage taken from previous BESS thermal runaway incidents. The OBFSMP commits to explosion prevention and control measures as stipulated in NFPA 855 and NFPA 69, smoke and fire detection products are also required to be installed in BESS enclosures. The table below illustrates NFPA 855 (2023) requirements:</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response			
			Requirement	NFPA 855	Best Practice	>600 kWh BESS
			Hazard Mitigation Analysis	Yes	Yes	The Hazard Mitigation Analysis (HMA) aids in identifying and mitigating hazards created with the specific BESS technology.
			Smoke and fire detection	Yes	Yes	Smoke and fire detection equipment is required to be installed in the BESS enclosure.
			Fire control and suppression	Yes/No	Yes	Fire control and suppression is prescriptively required by NFPA 855 but may be omitted if approved by both the authority and the owner if BESS design safety is validated following full scale free burn testing. Water is the preferred agent for suppressing lithium-ion battery fires. Sprinklers are capable of controlling fire spread and reducing the hazard of a lithium-ion battery fire and must be capable to operate in conjunction with a gas exhaust system.
			Other automatic fire control and suppression (e.g., clean agent, aerosols)	No	No	NFPA 855 allows for other automatic fire control and suppression systems based on large-scale fire test data, but these systems are not prescriptively required and usually not effective.
			Explosion control	Yes	Yes	NFPA 855 requires explosion control measures in the form of deflagration venting (NFPA 68, 2018) or explosion prevention (NFPA 69, 2019) including cabinet-style BESS enclosures.
			Gas detection	Yes	Yes	Gas detection should be used as part of an NFPA 69 explosion control solution.

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			Thermal runaway protection	Yes	Yes	Thermal runaway protection is required and can generally be achieved by using a battery management system that is UL 1973 certified.
			Size and separation requirements	Yes	Yes	Separation distances shall be maintained to reduce fire spread. There are prescriptive distances (10 feet NFPA 855 / 6 metres UK NFCC) which can be shortened under the consideration of full-scale fire test data, performance-based methods, or by using fire barriers.
			Water supply	Yes	Yes	A permanent source of water for suppression and first responders is required per NFPA 855.
			<p>The OBFSMP provides a safety framework, commitments to BESS codes, standards and testing requirements, engagement with FRS and all relevant organisations and identifies key considerations that are required to be taken into account for the BESS design. The Sunnica indicative design plans integrate all key requirements stipulated by the National Fire Chiefs Council (NFCC) for safe design principles and FRS emergency response requirements. It also establishes a framework for the development of an emergency response plan.</p> <p>The Applicant has submitted the NFCC BESS grid scale consultation document (Appendix 6) at ExQ 3.1.1 to demonstrate that Sunnica will conform to all the stipulated FRS safety guidelines together with the EPRI BESS Owners and Operators first responder engagement recommendations (Appendix 5) which will be used as best practice for engagement with the FRS. The EPRI technical brief focuses on pre-incident planning and covers safety practices which should be conducted before BESS installation and operation.</p> <p>The Applicant has also submitted two reports (Appendix 7 Powin &amp; 8 SAFT) which cover explosion prevention and protection systems for current BESS designs. These reports showcase how UL 9540A and /</p>			

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			<p>or 3<sup>rd</sup> party test data is utilised to validate BESS protection features and contain examples of consequence modelling which will be conducted at the Sunnica detailed design stage.</p> <p>The Applicant has committed to only consider BESS systems at the detailed design stage with the highest levels of test validation, certification, and integration of thermal runaway and explosion prevention systems. The Applicant has confirmed in responses at ExQ 3.1.9 that if detailed data analytics are not automatically provided as part of the electronic controls systems, then the Sunnica BESS owner / operator has a right to be able to fully access and review battery system data. At the detailed design stage, the Applicant will therefore ensure that BESS systems under consideration fully integrate additional data analytics to offer higher levels of Thermal Runaway protection to EMS / BMS controls.</p>
		<p>Firefighting water requirements and firefighting tactics (6, 19, Christensen report)</p>	<p>The OBFMS Plan stipulates the minimum level of firefighting water requested by the FRS for Sunnica.</p> <p>A specialist BESS independent Fire Protection Engineer will review all BESS fire &amp; explosion test data and approve water supply volume together with the FRS and SRF. Firefighting water supplies will be appropriate to ensure that the FRS can efficiently cool surrounding equipment (boundary cooling), if required. The final water tank capacity will be designed to hold enough water to deal with an incident based upon a comprehensive range of fire and explosion risk analysis and test data conducted at the detailed design stage. The location and design of the water tanks will allow for refilling by first responders, if needed. This approach is recommended by the National Fire Chiefs Council, the Applicant has submitted a copy of their draft guidelines as part of its response to Q3.1.1 at Deadline 7.</p> <p>The Applicant submitted the latest guidelines on BESS first responder tactics at ISH 3 <b>[REP4-044 – Annex 4]</b> to emphasise that first responder safety is a top priority for Sunnica. Specific firefighting</p>

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			<p>tactics will only be formulated and agreed at the detailed design stage and will be included in the Emergency Response Plan.</p> <p>The Applicant's clearly stated position is that internal BESS fire protection systems will deal with thermal runaway incidents and the FRS should not be required to fully or partially engage directly with a BESS fire. The function for the FRS and other first responders / second responders should primarily be to observe and monitor an incident, priorities are to ensure any fire is safely contained to a single BESS container and monitor the impact radius of any toxic gas emissions in conjunction with Subject Matter Experts who are involved with incident response.</p>
		ISH 3 submissions by Applicant (13, 14, 19)	<p>The materials submitted are a clear and comprehensive illustration of how safety assessments and modelling employed at detailed design stage will be conducted. The US Navy materials illustrate how a "<i>maximum credible event</i>" for any battery system can only be defined through specific testing from cell to system level. Methodologies for capturing comprehensive fire &amp; explosion test data together with toxic gas emission data are defined.</p> <p>Whilst the battery cells and packs from Annex 13 were not integrated into BESS systems, they analyse a far broader range of batteries than the Larsson study (2017) referenced by Dr Fordham. A range of energy densities, chemistries and cell designs are tested with virtually all cells emitting less than 20 mg / Wh of HF. The outlier in the testing program is 27.18 mg / Wh.</p> <p>Annex 12 showcases results from Tesla's testing of NCA BESS systems and demonstrates how free burn testing captures real time fire &amp; deflagration data and toxic gas data which must be used as inputs to produce accurate consequence modelling.</p> <p>The UL materials were submitted to highlight how all BESS design safety issues are able to be quantified, rigorously tested, validated and</p>

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			certified at the detailed design stage. The Applicant has committed to ensure that the Battery Fire Safety Management Plan is fully relevant and inclusive of the latest safety codes, standards and regulations before the detailed design stage commences.
Climate Change	REP6-074 Say No To Sunnica – Cranfield Report	Source of calculations to quantify the carbon benefits of BESS.	<p>Appendix A to the Applicant's Response to Say No To Sunnica Action Group Ltd Deadline 2, 3 and 3A Submissions <b>[REP4-036]</b> provides a substantial level of detail and data used to quantify the overall carbon benefits of using the BESS in a grid balancing capacity.</p> <p>The Appendix describes a number of scenarios for sensitivity testing purposes, along with a detailed methodology and information relating to the robust assumptions made in each case.</p> <p>Furthermore, the results of the analysis carried out for each scenario have been clearly set out. When viewed in combination with the methodology, limitations and assumptions also provided in the previous response, it should be possible to replicate these analyses and come to the same overall conclusions.</p> <p>Given the volume and the level of detail of the information already provided, it is not clear what further information can be provided to add value at the present time. It is considered that sufficient information has been provided to enable a full consideration of this matter by the ExA.</p>
		Assumptions underpinning estimate of 0.3 gCO <sub>2</sub> e/kWh value for operational carbon intensity.	<p>The figure for operational carbon intensity presented in Appendix A to the Applicant's Response to Say No To Sunnica Action Group Ltd Deadline 2, 3 and 3A Submissions <b>[REP4-036]</b> was developed in order to provide an appropriate comparator with future grid carbon intensity projections, and also to inform the estimates of the carbon benefit of a BESS charged from the Scheme (see below).</p> <p>The 0.3 gCO<sub>2</sub>e/kWh value is derived from the overnight consumption of grid electricity by the Scheme, based on there being an assumption</p>

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			<p>that there will be a constant electricity demand of 1,753 kW during the period when the Scheme is not anticipated to be generating power.</p> <p>Applying projections of future grid carbon intensity published by the UK Government<sup>1</sup> provides total lifetime operational emissions from the Scheme of 6,905 tCO<sub>2</sub>e, and this figure, combined with the estimated lifetime generation of 22,853 GWh of electricity, gives an overall lifetime carbon intensity of 0.3 gCO<sub>2</sub>e/kWh.</p> <p>The “<i>inferred</i>” lifetime operational emissions value of 33,409 tCO<sub>2</sub>e, and the consequent value of 1.4 gCO<sub>2</sub>e/kWh, appears to assume that the electricity grid will not decarbonise over the design life of the Scheme.</p> <p>It is important to recognise that there may be different approaches to estimating average lifetime carbon intensity for a development of this nature, given that different practitioners may set a different scope and boundaries, or apply marginally different emissions factors to the relevant activity data.</p> <p>But whether the average lifetime operational carbon intensity of the Scheme is 0.3 or 1.4 gCO<sub>2</sub>e/kWh, in any event either figure is substantially lower than the projected grid average carbon intensity figure of 2.28 gCO<sub>2</sub>e/kWh provided by the UK Government<sup>1</sup> for each year from 2050 onwards. This indicates that the Scheme will continue to contribute to ongoing grid decarbonisation throughout its operational lifetime in either scenario.</p>

<sup>1</sup> BEIS (2023). *Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal; Data tables 1 to 19: supporting the toolkit and the guidance*

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		<p>Justification for selection of OCGT &amp; CCGT as comparators for the carbon intensity of electricity fed into the national grid from the Battery Energy Storage System (BESS).</p>	<p>The Applicant is aware that the electricity grid operates as an energy mix and, as noted in the Climate Chapter of the ES [APP-038], there is a benefit to be gained from having a range of different sources of generation.</p> <p>But it is also important to acknowledge that not all generation sources have the same characteristics in terms of marginal cost, carbon intensity, security of supply and speed of dispatch.</p> <p>For example, nuclear power, which operates most effectively as baseload, is not particularly comparable with pumped storage hydro, which provides high value as dispatchable capacity.</p> <p>BESS, having an extremely low dispatch time, can reasonably be compared with other highly dispatchable generation sources, such as pumped storage hydro or open cycle gas turbines (OCGTs).</p> <p>In terms of the use of new battery storage capacity that can be used for grid balancing at times of peak demand, they are much more likely to displace higher carbon OCGTs than they are to displace lower carbon pumped storage hydro schemes.</p> <p>For this reason, the Applicant considers that it is reasonable to contrast the operational carbon intensity of battery storage with that of an OCGT when the battery is used for grid balancing.</p> <p>This is assumed to be the case for one charge-discharge cycle each day, with the battery being charged from the output of the Scheme during the day and then discharged into the grid during the regular period of peak demand during the evening.</p>

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			<p>Within this scenario, it is assumed that the battery charges with the operational carbon intensity of the Scheme, and offsets the use of an OCGT with a typical carbon intensity of c. 460gCO<sub>2</sub>e/kWh.</p> <p>An additional daily charge-discharge scenario is also considered, in which the battery is charged overnight from the grid and discharged once more into the grid during the morning.</p> <p>In this scenario, the battery charges with the average carbon intensity of the grid as projected by the UK Government, and on discharge offsets the use of a marginal generator, which has been identified as a combined cycle gas turbine with a typical carbon intensity of c. 360 gCO<sub>2</sub>e/kWh.</p> <p>It is fully recognised that over time, the use of gas turbines, particularly unabated, will be increasingly phased out as part of the ongoing decarbonisation of the grid.</p> <p>But rather than negating the use of gas turbines as a suitable comparator to illustrate the operational carbon benefits of BESS, this reinforces and supports the selection of gas turbines as suitable comparators to quantify the carbon savings that can be achieved from the use of BESS as a grid balancing technology: it is the development of lower-carbon generating capacity and associated battery storage systems that will enable higher-carbon gas turbines to be replaced over the coming years.</p>
		Determination of significance of the GHG impact of the Proposed Development	<p>The Climate Chapter of the ES [APP-038] submitted as part of the DCO application included an evaluation of significance of the GHG impact on the climate from the Scheme.</p> <p>This evaluation was carried out according to the first version of the guidance, published by the Institute of Environmental Management</p>

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			<p>and Assessment (IEMA), that was available at the time the chapter was prepared.</p> <p>Since then, this guidance has been updated by IEMA<sup>2</sup>. A brief summary of an evaluation of significance of GHG impacts carried out according to the updated guidance document is provided below.</p> <p>IEMA highlights the following statement in their current guidance document:</p> <p><i>"The crux of significance ... is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050"</i><sup>3</sup>.</p> <p>The GHG impacts, and associated levels of significance, that can be applied are as follows:</p> <ul style="list-style-type: none"> <li>• Major Adverse (Significant)</li> <li>• Moderate Adverse (Significant)</li> <li>• Minor Adverse (Not Significant)</li> <li>• Negligible (Not Significant)</li> <li>• Beneficial (Significant)</li> </ul> <p>The guidance provides examples of how a project's significance may be evaluated, with regard to consistency with a comparable trajectory to net zero and to compliance with existing and emerging policy and best practice.</p>

<sup>2</sup> IEMA (2022). *Assessing Greenhouse Gas Emissions and Evaluating their Significance*.

<sup>3</sup> IEMA (2022). Op cit

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			<p>When evaluating significance, the practitioner can take a narrow view, focussing only on the GHG impact that directly results from the Scheme.</p> <p>In this instance, a narrow view would likely evaluate the impact of the Scheme as Minor Adverse, and Not Significant.</p> <p>This is on the basis that the Proposed Development's GHG impacts: <i>"Would be fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type. A project with minor adverse effects is fully in line with measures necessary to achieve the UK's trajectory towards net zero<sup>3</sup>".</i></p> <p>The practitioner should also evaluate significance in a broader context, taking account of the so-called <i>without-project baseline</i>, or the counterfactual scenario in which the Scheme does not go ahead.</p> <p>In this instance, in the without-project baseline, all the power that would be generated by the Scheme over its design life would have to be sourced from an alternative generator, and it is reasonable to assume that this would be a generator with a higher carbon intensity, given the ongoing role of renewables in decarbonising the UK power grid.</p> <p>Therefore, it is reasonable to evaluate that the Scheme's <b>net</b> GHG impacts: <i>"Are below zero and it causes a reduction in atmospheric GHG concentration, whether directly or indirectly, compared to the without-project baseline<sup>3</sup>".</i></p> <p>On this basis, the overall GHG impact of the Scheme is evaluated as Beneficial, and Significant.</p>

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Consultation	REP6-074 Say No to Sunnica Appendix H	SNTS also notes under this "Theme" that letters sent to those identified as consultees for compulsory purchase/ acquisition were sent to some residents several months after the statutory consultation. In at least one case requests by the recipients for clarification as to what exactly was intended went unanswered causing anxiety (see example in Appendix 2). The recipient resorted to contacting their local MP for assistance since none was initially forthcoming from the Applicant (further explained in section 3.3.10 of REP2-240h).	The Applicant carried out further targeted consultation following the end of the main statutory consultation in December 2020. This included writing to parties who may have a subsoil interest in additional land comprising parts of local highways to facilitate crane access to the Scheme during construction. This is summarised in Section 5.1 of the Consultation Report [APP-026]. The Applicant apologises for any delay in responding to the initial enquiry outlined in Appendix 2 of Appendix H [REP6-074] and notes from Appendix 2 that the interest was able to obtain additional information from the Applicant.
Consultation	REP6-074 Say No to Sunnica Appendix H	Section 3.4.5 - 3.4.7 of REP2-240h describes the lack of consultation with the travelling community on Elms Road who only became aware of the scheme around 10 months after the statutory consultation had closed. A copy of a letter they sent to the councils and MPs at the time is attached as Appendix 3. SNTS maintains the view that it is the responsibility of the Applicant to carry out due diligence to identify those residents who are affected by the scheme and to contact them directly. The Applicant failed in this regard.	The Applicant's consultation was found to be adequate when the application was accepted for Examination. The action undertaken by the Applicant in respect of contacting the travelling community living at Elms Road is set out in section 4.9 of the Consultation Report [APP-026].
Consultation	REP6-074 Say No to Sunnica Appendix H	Regarding the comment about accessibility of the material for those with no or limited computer access (as described in REP2-240h sections 3.4.12	The Applicant has published details of the ages of those who provided such detail in their consultation responses in Table 6-8 of the Consultation Report [APP-026]. Detail of the type of responses received to the Section 47 consultation are supplied in Figure 6-1 of

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		– 3.4.13) and the limited awareness of online materials (51% of people surveyed indicating that they were unaware of/ unable to access online material), please could the Applicant provide a full breakdown of the number of responses and ages, etc. of the consultation feedback and whether their responses were online or using the questionnaire or other means of response in order that SNTS may comment more fully on this?	the same document. Further detail including the number of responses received to section 42 consultation are set out in chapter 6 of the Consultation Report.
Consultation	REP6-074 Say No to Sunnica Appendix H	SNTS has outlined its position on the availability of the important Preliminary Environmental Impact Report (PEIR) in Sections 3.4.27 - 3.4.35 of REP2-240h and we stand by the concerns raised. The Applicant did not 'identify the opportunity' to provide hard copies of the PEI report to the parishes but were requested to do so on several occasions by members of the public and the parish councils. After initial hesitation the Applicant eventually offered hard copies of the PEI Report to the parish councils. This involved several stages of requests from the parish councils before a copy was eventually dispatched, all of which ate into the consultation time. See Appendix 4 for typical correspondence. Chippenham Parish Council received their PEIR on 29th October (over 5 weeks into the consultation period), Fordham PC received their copy in December as the consultation period	The Applicant reiterates its position as set out in <b>REP4-036</b> , page 12. The Applicant identified the opportunity in light of requests that it received and through discussion with the parish councils involved.

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		was drawing to a close, despite them having sent reminders to the Applicant. The hard copies of the PEIR that were eventually provided did not include technical appendices, so were incomplete.	
Consultation	REP6-074 Say No to Sunnica Appendix H	Overall, there was considerable feedback from residents on misleading / missing / conflicting information. This is not only outlined in SNTS's REP-240h (Section 3.6) but also similar observations were made by the 4 host local authorities as outlined in their 79-page joint response to the statutory consultation submitted to Sunnica in December 2020 (Appendix 5). This report is a catalogue of many missing details, confusing points, including what they refer to as "a lack of any information regarding the decommissioning phase and how this will impact on newly created habitats and their long-term survival (i.e. beyond 40 years)."	The Applicant disagrees. The consultation materials were prepared to inform and to enable consultees to give feedback on the scheme. Copies of the Applicant's consultation materials are available in the Consultation Report appendices [APP-026] to [APP-031]. The Applicant responded to the comments submitted by the host local authorities in their joint response in Appendix J-2 [APP-030] of the Consultation Report.
Consultation	REP6-074 Say No to Sunnica Appendix H	As outlined in section 3.6.14 – 3.6.22 of REP2-240h information regarding the BESS was particularly inadequate and the booklet omitted the proposed 'energy trading' use for the BESS. Furthermore, responses were consistently provided throughout the consultation process (and indeed the examination) that the BESS need to be located well away from people's properties and ideally in an industrial	The Applicant considers that the information provided during the consultation was adequate to make informed consultation responses relating to the BESS element of the application. The Applicant has taken local concerns regarding the siting of the proposed BESS and has had regard to them in developing an Outline Battery Fire Safety Management Plan [REP5-050], which has been updated twice during the Examination in response to the submissions of third parties.

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		setting. This has not been taken into account, with the location of the BESS being in the countryside, very close to people's homes and businesses (particularly on Elms road) and is a contradiction to a statement by the Applicant during the Grid Connection webinar on the 10th October 2020 in which they state that, "The location of the battery storage has also been chosen in particular such that it is located well away from any potential hazard receptors." (Recording available on . Luke Murray, Sunnica director, speaking at approx. 43 minutes)	
Consultation	REP6-074 Say No to Sunnica Appendix H	Regarding the statement about agricultural land, the ExA is aware that there is disagreement between the Applicant and a number of registered parties including SNTS regarding the soil quality assessments. This will not be reiterated here. What is important is that correct assessments must be presented to communities during the consultation so that they can assess the impact of the scheme on agricultural land and food production. The local communities and all consultees have been misinformed on this point.	The Applicant's assessment of soil quality is robust and so it strongly disagrees with the statement made. Interested parties have had extensive opportunity to comment on the Applicant's soil surveys through the Examination process and have taken that opportunity as evidenced by the submissions from various parties on this issue during Examination.
Consultation	REP6-074 Say No to Sunnica Appendix H	Regarding traceability, the software used for the online consultation submissions offered no option to request confirmation of receipt. Normal practice with online forms is that an automatic acknowledgement is generated when a	The Applicant acknowledged receipt of consultation responses when asked to do so. The Applicant is unable to provide the details requested and, in any event, does not consider it to be relevant to the Examination of the Application.

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		<p>form has been successfully submitted. Sometimes a reference number is received. This was not the case with the software used in this instance. There was also no provision to opt to request a receipt for the consultation questionnaires submitted by post. Please can the Applicant provide details about the consultation questionnaires submitted to which they provided an acknowledgement of receipt (including the number of these acknowledgements and how these were sent)?</p>	
Ecology	REP6-070 Natural England - Paragraphs 1.2 and 1.4	<p>Offsetting Habitat Provision for Stone-curlew Specification.</p> <p>Natural England is satisfied that five pairs of stone curlew is an accurate estimate of the number of birds found in and around the order limits, and therefore, the amount of offsetting habitat proposed is sufficient. We are also happy with the clarification on areas proposed as stone curlew mitigation, and agree that approximately 108ha is being provided.</p> <p>Natural England is satisfied with the proposed methods for creating and managing the offsetting habitat.</p> <p>However, we would wish to reiterate that any mowing conducted during the growing season must be preceded by surveys for stone curlew and should not be carried out if there are nesting stone curlew within the area to be mown, and that this point should be made clear in</p>	<p>These comments are noted. The Framework OEMP includes the requirement for Stone-curlew surveys prior to any mowing being undertaken.</p>

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		the relevant environmental management plan.	
Ecology	REP6-070 Natural England - Paragraph 2.1 and 2.2	Habitats Regulations Assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination. Natural England is now satisfied that all relevant impact pathways have been considered and suitably mitigated.	These comments are noted.
Ecology	REP6-070 Natural England - Paragraph 4.3	Outline Landscape and Ecology Management Plan. Section 5.8 outlines the establishment and maintenance of stone curlew offsetting habitat. Natural England advises that the wording in this section is tightened to make it clear that any mowing must be determined by the presence of stone curlew	These comments are noted. The Outline LEMP includes the requirement for Stone-curlew surveys prior to any mowing being undertaken.
Ecology	REP6-070 Natural England – Paragraph 7.2	Biodiversity Net Gain. We are still waiting on advice on 'additionality' and 'stacking' to understand how habitat provided for mitigation and compensation aspects can be considered alongside BNG. However, it is currently our advice that there should be a clear distinction between which habitats are being created for mitigation and/or compensation purposes and which are being delivered as BNG uplift. We	This comment is noted and is reflected in the Biodiversity Net Gain report to be submitted at Deadline 7.

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		advise that such clarity is needed to avoid double counting.	
Ecology	REP6-073 and REP6-082 Sandie Geddes and Worlington Parish Council joint response	Concerns regarding the removal of trees along U6006 and impacts on bats.	<p>Based on the Tree Constraints Report submitted at Deadline 5 [APP-101] the habitats temporarily impacted along U6006 comprise a 25 m section of hedge (G82*q) to the south, one tree (T44*) at crossing point no.2 and a 20 m section of woodland (W94*) at crossing point no.1.</p> <p>As per the Arboricultural Impact Assessment Report [APP-052] submitted at Deadline 7 the northern crossing point at U6006 is no longer required and this results in the avoidance of any loss of W94 which can now be retained in full (with cabling to be installed from either side using trenchless techniques). Furthermore, the extent of loss of G81 and G82 to the south is reduced as the cable will be installed via trenchless techniques and only an access route (circa 5.5m width) will be installed in this location. This will be achieved using a three-dimensional cellular confinement system or equivalent, installed using 'no dig' techniques to avoid or reduce impacts on adjacent trees.</p> <p>G82, a group of trees including young/semi-mature Common Oak (<i>Quercus robur</i>), Hawthorn (<i>Crataegus monogyna</i>), Blackthorn (<i>Prunus spinosa</i>), Elm (a species of <i>Ulmus</i>) with Low Bat Roost Suitability.</p> <p>T44 is a single semi-mature Hawthorn with Low Bat Roost Suitability.</p> <p>W94 is woodland including mature Common Oak, with Sycamore (<i>Acer pseudoplatanus</i>), Elder (<i>Sambucus nigra</i>), Hawthorn with up to High Bat Roost Suitability.</p> <p>As per the CEMP, prior to construction, detailed bat roost surveys will be undertaken at all trees requiring removal with potential bat roost features. Based on current guidance (REF1) this would be a precautionary check only at G82 and T44 (low bat roost suitability) and more detailed survey (e.g. tree climbing, dusk emergence survey) at W94 (high bat roost suitability). Where any roosts are found and cannot be avoided, appropriate mitigation would be implemented under a bat</p>

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			<p>mitigation licence. This would include appropriate timing of work, exclusion of bat/s from the roost where required and replacement roosting provision.</p> <p>The loss of these small sections of hedges/woodland is unlikely to significantly impact foraging bats. Whilst many species of bats use woodland edges and hedges to help navigate, they are able to cross open spaces at varying heights (depending on the species) (REF2). There will be no lighting or obstructions to discourage bats crossing these open areas during construction or operation of the Scheme. The tree and hedge loss at the cable routes is a temporary impact during construction and tree/hedge planting will be undertaken to replace the habitat lost. Based on this, it was concluded that bat populations are unlikely to be significantly adversely impacted by the Scheme as stated in the Environmental Statement - Chapter 8 - Ecology and Nature Conservation [APP-040]. The habitat changes from pig fields and intensively managed arable land to species rich grassland with a potentially a higher insect population (without pesticide use) may benefit foraging bats. To monitor this, surveys of the bat population are committed to in the Outline Landscape and Ecology Management Plan [REP5-011] during years 1, 3, 5 and 10 post-construction.</p> <p>The Applicant has acknowledged that Lapwing breed within the Order limits and habitats provided in ECO1, ECO2 and ECO3, as well as undeveloped areas elsewhere throughout the Scheme, will provide suitable nesting opportunities for the species.</p> <p>REF1 - Collins, J. (editor) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust.</p> <p>REF2 - Elmeros, M. (2016) Bat mitigation measures on roads - a guideline. Technical Report · December 2016.</p>

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Ecology	REP6-074 Say No To Sunnica – Appendix D, paragraphs 2.2 and 2.3	6.6 Offsetting Habitat Provision for Stone-Curlew Specification (Clean) - Rev: 01. -2.2- Commercially available seed would be used for habitat creation. Emorsgate will be the source of suitably native and geographically provenanced seed but SNTS is worried that this single company will be in no position to service the seed demands of this project. -2.3- Concern about the role of ECoWs in post completion monitoring, as well as how this will be secured and funded. For example, are the plot management actions going to be delegated to the landowner? What sanctions will there be if they are not done and how are these regulated/enforced/monitored?	2.2- The Applicant has referred to Emorsgate as a supplier of suitable seed mixes, not the sole supplier of seed. There are many commercially available seed suppliers and these would be approached to procure that right quantities and confirmed in the detailed LEMP. 2.3- Operational monitoring for Stone-curlew and other ecological features is set out in, and secured through, the OLEMP. As such, it will be a legal commitment of the DCO to ensure that the monitoring is undertaken as specified in the relevant management document. The Applicant will be responsible for operational monitoring and will procure the services of relevant experts to undertake specific monitoring tasks. Compliance will also be monitored by the Ecology Advisory Group. Further information on the EAG is set out in the OLEMP submitted at Deadline 7.
Ecology	REP6-074 Say No To Sunnica – Appendix D, Section 3	Biodiversity Net Gain Bioscan's August 2022 report highlighted habitat mapping and classification errors and omissions that have not been integrated into the habitat surveys and for SNTS the BNG calculations remain flawed, unrepresentative and unreliable.	The BNG report has been updated following discussions with stakeholders and also accounts for changes made to the Scheme, including the proposed changes submitted at Deadline 5 of the Examination.
Ecology	REP6-074 Say No To Sunnica – Appendix D, Sections 6-7	8.72 Applicant's response to LPA Deadline 4 Submissions 8.73 Applicant's response to other parties Deadline 4 Submissions	Please refer to the Applicant's Ecology Position Statement submitted at Deadline 6.5 <b>[AS-320]</b> . The Applicant notes the following underlined text in section 6.4 that states: <i>'We note that the applicant has simply refused to undertake a further evaluation of the county/regional importance of local populations of bird species such as lapwing, yellow wagtail and corn bunting, despite a verbal undertaking at ISH2 that it would do so.'</i> This is again repeated in 7.7 <i>'...it has reneged on the commitment it made</i>

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			<p><i>verbally at ISH2 that it would furnish the examination with a better understanding of the relative value of the populations of species on the site, as measured against county and regional estimates.'</i></p> <p>In specific response to the underlined text, the Applicant reiterates their response at Deadline 4, that the assessment presented in the ES and Report on Breeding Bird Surveys sets out the sources used to determine the relative geographical value of the breeding bird assemblage, as well as individual species' populations. These are considered appropriate and therefore, it is not necessary to undertake any further evaluation.</p>
Ecology	REP6-074 Say No To Sunnica – Appendix E, Robustness of ecological assessments	<p>The baseline ecological surveys remain deficient in scope, coverage and timing. SNTS says that NE requested further information on stone curlew.</p> <p>Departure from CIEEM point.</p> <p>Adequacy of the high-level framework approach to CEMP, LEMP and OLEMP.</p>	Please refer to the Applicant's Ecology Position Statement submitted at Deadline 6.5 <b>[AS-320]</b> .
Ecology	REP6-074 Say No To Sunnica – Appendix E, Study Areas	Concerns remain in respect of the distances beyond the proposed Order Limits covered for species such as stone curlew, great crested newts and barbastelle bats	Please refer to the Applicant's Ecology Position Statement submitted at Deadline 6.5 <b>[AS-320]</b> .
Ecology	REP6-074 Say No To Sunnica – Appendix E, Bats	The ES' and HRA's failure to consider barbastelle and scope for functional linkage to Eversden and Wimpole Woods SAC	The scoping exercise undertaken with respect to international sites designated for bat interest within 30km of the Scheme was undertaken at the outset and was based on the location of the solar arrays which were and still are beyond the 30km. Only the cabling and Burwell substation bring the Scheme to within 26.7km. Eversden and Wimpole Woods SAC is designated for its population of Barbastelle. There are no records from the work done by South Cambridgeshire District Council and the Cambridgeshire Bat Group of this species having been observed to fly as far as Burwell and as such there is no functional link between the Scheme and the SAC.

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Ecology	REP6-074 Say No To Sunnica – Appendix E, Stone Curlew	SNTS remain concerned that the quantum of compensatory provision for stone curlew nesting opportunities takes insufficient account of delivery risk. SNTS does not accept that providing alternative nesting plots for displaced stone curlew is 'mitigation' not 'compensation'.	Please refer to the Applicant's Ecology Position Statement submitted at Deadline 6.5 <b>[AS-320]</b> , as well as the HRA, which sets out the Applicant's position on mitigation and compensation.
Ecology	REP6-074 Say No To Sunnica – Appendix E, Other declining farmland birds	Declining farmland birds, including Skylark.	The Applicant maintains that declining farmland birds will benefit from the enhancements delivered by the Scheme and that there will be no significant impact to the Skylark population. Further details on mitigation and enhancements for farmland birds are provided in the OLEMP.
Ecology	REP6-074 Say No To Sunnica – Appendix E, Revised BNG Calculation	The revised BNG assessment submitted at Deadline 5 remains unreliable due to continuation of the omissions, bias and error and not a robust basis for considering whether net biodiversity loss can or will be avoided.	Following consultation with stakeholders, additional clarification is provided in the updated report submitted at Deadline 7. The calculation complies with the trading rules that try to prevent the trading down of habitat distinctiveness.
Ecology	REP6-074 Say No To Sunnica – Appendix E, Habitats Regulations Assessment	SNTS maintain that the HRA needs to be revised to present an evidential screening out the possibility of likely significant effects on this site.	The Applicant has agreed with Natural England (see <b>REP6-070</b> ), that the Applicant's HRA has screened in the appropriate sites.
Funding	REP6-052 Alan B Smith	Comments on the adequacy of the funding statement	Mr Alan Smith attended the Compulsory Acquisition Hearing 2 on 14 February 2023 and set out the points made in this submission at the hearing. The Applicant's response to those submissions was made in the hearing and are summarised in its Written Summary of oral representations made at the compulsory acquisition hearing submitted at Deadline 7.  The Applicant is satisfied that the Funding Statement it submitted with the Application is sufficiently detailed for the purposes of the DCO examination and accords with relevant guidance. However, in

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			<p>response to some of the points raised at the hearing and in Mr Smith's submission the Applicant has submitted a revised Funding Statement at this Deadline.</p> <p>Two of the points raised by Mr Smith are responded to below:</p> <ol style="list-style-type: none"> <li>1) The accounts submitted for the Spanish companies are not audited as there is no requirement to do this in Spain. The confirmation of accounts presented is an extract of the document that is required to be submitted in Spain.</li> <li>2) Reference has been made to Solarpack's acquisition of Solaer Holdings. This was to enable the acquisition of assets held by Solaer Holdings in Spain and Italy. The other assets held by Solaer Holdings were transferred to LDP, a company held by the same entities (Bafi Genki S.L., CECU Solar S.L. and Los Leandros Solares S.L.) that owned Solaer Holdings. These entities are actually in a better financial position than they were prior to the asset sale and remain just as committed to the Sunnica Scheme.</li> </ol>
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, Mitigation around Isleham	Mitigation planting would obscure features currently visible on the horizon.	<p>Paragraph 5.9.8 of NPS EN-1 states that "<i>Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</i>" In response to this and the impacts of the Scheme, mitigation has been designed to perform multiple functions as part of the green infrastructure network, including providing habitat connectivity, visual screening and amenity.</p> <p>The Applicant has acknowledged in the LVIA summarised in Chapter 10 of the ES [APP-042] where the introduction of mitigation planting will introduce effects, such as reducing openness in LLCA 13: Estate Sandlands Mosaic.</p>
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, National	Landscape and visual harm has been exacerbated by the applicant's decision to locate the development in visually	Paragraph 5.9.8 of NPS EN-1 states that " <i>Virtually all nationally significant energy infrastructure projects will have effects on the landscape.</i> " The site does not fall within a landscape with statutory

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	Policy Statement for Energy	exposed locations such as East A and West A.	<p>status or local landscape designation and it is not noted for its high value as a landscape in local plan policy or published landscape character assessments.</p> <p>Paragraph 5.9.18 also acknowledges that <i>"all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites."</i> Paragraph 5.9.15 also states that <i>"the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure"</i>, although the LVIA summarised in Chapter 10 [APP-042] of the ES demonstrates that this is not the case for the Scheme.</p> <p>With regards to mitigation, it states in paragraph 5.9.21 that <i>"reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, the electricity generation output"</i>.</p> <p>The Scheme has been designed to minimise landscape effects by selecting generally flat or gently rising land, making use of existing vegetation to enclose and screen development and enhancing this screening through additional planting. This means that the area within which the Scheme will be visible is generally localised, with the exception of views from the Limekilns gallops where the land is higher. Assessment of alternatives is presented in Appendix 4A - Alternative Site Assessment [APP-054].</p>
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, Limekilns Gallops	Elevated and long-distance views should be a key characteristic of the Limekilns Gallops. SNTS consider the gallops are a valued landscape.	<p>The Applicant has considered the effects of the Scheme on the landscape as a resource in its own right and the effects on people's views of the landscape separately in accordance with the Guidelines for Landscape and Visual Impact Assessment.</p> <p>A high bar is set by NPPF 174a for a landscape to be considered a <i>"valued landscape"</i>. There should be a weight of evidence to support</p>

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			<p>such judgements. It states that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).</p> <p>No part of the Scheme falls within a landscape with statutory status, such as an AONB. This was a key factor in the original site selection process. Neither does it have a local landscape designation, which nevertheless in the context of NPS EN-1 paragraph 5.9.14 should not be used in themselves to refuse consent.</p> <p>In the case of the Limekilns, there is also no reference in the local plan or evidence base to this area or its identified quality, which might otherwise support it being considered a valued landscape in the context of NPPF paragraph 174a. TGN 02/21 states that <i>"where the development plan is silent, evidence should be provided in the form of professional analysis."</i></p> <p>The Applicant assessed the value attached to the landscape at different scales with reference to landscape designations and the criteria set out in Box 5.1 of GLV13, which were reviewed against the factors that can be considered when identifying landscape value in Table 1 of TGN 02/21. This was then combined with an assessment of the susceptibility of the landscape to the change proposed to judge its sensitivity to the Scheme, as described in Appendix 10C of the ES.</p> <p>Just because a landscape has value, it does not mean it can always be considered "valued landscape" in the context of the NPPF. But also in line with the ELC's approach (Paragraph 5.26 of GLVIA3), landscapes that are not judged to be 'valued landscapes' may still have value. The Applicant accepts this and has attributed medium value to the landscape of the Limekilns in the LVIA.</p>

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			<p>Many of the factors relied upon by interested parties in forming their judgements on the value attached to the Limekilns relate to its views and associations with Newmarket and the horse racing industry. Even if the ExA was inclined to give additional weight to this evidence, only those which relate to views would be affected.</p> <p>The LVIA draws clear distinctions between the landscape as a resource in its own right, and people's views and visual amenity.</p> <p>With regards to landscape, the LVIA assessed the magnitude of impacts that could affect the key characteristics and valued attributes of the landscape. There will be no physical changes to the Limekilns, its permissive access for recreation and the historic associations with the horse racing industry.</p> <p>The LVIA does conclude that there will be adverse impacts on people's views from the Limekilns and has assessed the resulting residual effects as significant. These effects must also be considered in the context of the existing infrastructure in the view relating to the A14, A11 and railway line, as suggested in paragraph 5.9.19 of NPS EN-1.</p> <p>Paragraph 5.9.15 of NPS EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure, and it is for the ExA to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.</p> <p>Paragraph 5.9.18 of NPS EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The LVIA concludes that, with the exception of the view from the Limekilns, all visual effects of the Scheme will have reduced to not significant by year 15 of operation.</p>

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Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, Lack of winter assessment at Year 15 – page 56	No assessment of impacts at year 15 in winter.	The LVIA summarised in Chapter 10 of the ES <b>[APP-042]</b> addresses the scope set out in the Scoping Report <b>[APP-051]</b> and Scoping Opinion <b>[APP-052]</b> . This makes no reference to a requirement for a further assessment of effects at year 15 of operation in winter. The assessment of effects of year 1 represents the worst-case scenario in operation.
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, Lack of winter assessment at Year 15 – page 57	Visualisations do not show mitigation planting for Year 15 in winter.	The photomontages presented in the Application show the mitigation proposed in year 1 of operation (winter – worst case) and year 15 of operation (summer). This has informed the assessment summarised in Chapter 10 of the ES <b>[APP-042]</b> in line with paragraph 6.28 of GLV13 which states that “ <i>consideration should be given to seasonal differences in effects arising from the varying degree of screening and/or filtering of views by vegetation that will apply in summer and winter.</i> ”
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix A, Landscape value assessment	Cultural importance of the Limekilns Gallops.	It is wrong to say that there is no consideration of the cultural importance of the Limekilns. Appendix 10E of the Environmental Statement <b>[APP-104]</b> provides a detailed description of LLCA 26: The Limekilns and Gallops, its key characteristics, value, susceptibility to change and sensitivity. Strong cultural associations with Newmarket and the Newmarket races are noted as one of the key characteristics. Its relationship to Newmarket and horse racing is noted under aesthetic, perceptual and experiential value and related cultural associated are listed under other factors of landscape value.
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, OLEMP	Errors/discrepancies in the OLEMP	The Applicant notes STNT's detailed comments on the OLEMP issued at Deadline 5. The Applicant has continued to engage with local planning authorities during the Examination to refine the OLEMP, the typology and spatial extent of environmental mitigation. The areas of vegetation loss and proposed planting have been reviewed and updated in the OLEMP issued at Deadline 7.
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, Applicant's response to ExQ2.0.11	Design process for the Scheme	Paragraph 4.4.3 of NPS EN-1 sets out that the consideration of alternatives should be carried out in a proportionate manner. As explained by paragraphs 2.1.5 and 2.5.2 of the Alternative Sites Assessment <b>[APP-054]</b> , the alternative sites assessment was undertaken as a desk-based exercise using available data to inform

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			<p>professional judgement. The Alternative Sites Assessment <b>[APP-054]</b> explains the rationale for the approach it has taken, and how it has been informed by planning policy, throughout the document.</p> <p>To suggest that a landscape and visual impact assessment should have been undertaken at site selection stage would go beyond what is proportionate. In any case, this would not have changed the Scheme that is before the ExA since it is the Applicant's position that the benefits of the Scheme outweigh its impacts, including on the undesignated local landscape and views.</p> <p>Further, the Applicant has designed the Scheme in accordance with the mitigation hierarchy including through avoidance of impacts by reducing or minimising the extent of the Scheme. This is summarised by the Applicant's answer to Q2.0.11 of its Response to ExA Second Written Questions <b>[REP5-056]</b>. This provides an overview, with reference to the Applicant's Technical Note on Settlement Design Iteration (Appendix A of <b>[REP2-038]</b>), of how the design has evolved to address landscape and visual effects identified through the Landscape and Visual Impact Assessment (LVIA) process. This includes avoidance of impacts by removing large sections of proposed solar energy infrastructure from the Scheme (or by not proposing it in the first place), in order to provide substantial offsets from sensitive locations and receptors.</p> <p>The Applicant disagrees that it has not 'avoided' landscape impacts through its design of the scheme. It also disagrees that the landscape impacts of the Scheme are such that they warrant complete avoidance by removing parcels from the Scheme that would significantly reduce its electricity generation output. The Applicant maintains the position it sets out in response to ExA Q2.0.11 <b>[REP5-056]</b>.</p>
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, Applicant's response to ExQ2.7.4	Calculation of road frontage differs from SNTS calculation.	The table provided in response to ExQ 2.7.4 clearly sets out which sections of road have been included in arriving at the total length of road frontage that will pass between or alongside solar arrays.

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Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, Applicant's response to Joint LPAs D4 Submissions	Landscape value	<p>A high bar is set by NPPF 174a for a landscape to be considered a "valued landscape". There should be a weight of evidence to support such judgements. It states that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).</p> <p>No part of the Scheme falls within a landscape with statutory status, such as an AONB. This was a key factor in the original site selection process. Neither does it have a local landscape designation, which nevertheless in the context of NPS EN-1 paragraph 5.9.14 should not be used in themselves to refuse consent.</p> <p>In the case of the Limekilns, there is also no reference in the local plan or evidence base to this area or its identified quality, which might otherwise support it being considered a valued landscape in the context of NPPF paragraph 174a. TGN 02/21 states that "<i>where the development plan is silent, evidence should be provided in the form of professional analysis.</i>"</p> <p>The Applicant assessed the value attached to the landscape at different scales with reference to landscape designations and the criteria set out in Box 5.1 of GLVIA3, which were reviewed against the factors that can be considered when identifying landscape value in Table 1 of TGN 02/21. This was then combined with an assessment of the susceptibility of the landscape to the change proposed to judge its sensitivity to the Scheme, as described in Appendix 10C of the ES.</p> <p>Just because a landscape has value, it does not mean it can always be considered "valued landscape" in the context of the NPPF. But also in line with the ELC's approach (Paragraph 5.26 of GLVIA3), landscapes that are not judged to be 'valued landscapes' may still have value. The Applicant accepts this and has attributed medium value to the landscape of the Limekilns in the LVIA.</p>

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			<p>Many of the factors relied upon by interested parties in forming their judgements on the value attached to the Limekilns relate to its views and associations with Newmarket and the horse racing industry. Even if the ExA was inclined to give additional weight to this evidence, only those which relate to views would be affected.</p> <p>The LVIA draws clear distinctions between the landscape as a resource in its own right, and people's views and visual amenity.</p> <p>With regards to landscape, the LVIA assessed the magnitude of impacts that could affect the key characteristics and valued attributes of the landscape. There will be no physical changes to the Limekilns, its permissive access for recreation and the historic associations with the horse racing industry.</p> <p>The LVIA does conclude that there will be adverse impacts on people's views from the Limekilns and has assessed the resulting residual effects as significant. These effects must also be considered in the context of the existing infrastructure in the view relating to the A14, A11 and railway line, as suggested in paragraph 5.9.19 of NPS EN-1.</p> <p>Paragraph 5.9.15 of NPS EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure, and it is for the ExA to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.</p> <p>Paragraph 5.9.18 of NPS EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The LVIA concludes that, with the exception of the</p>

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			view from the Limekilns, all visual effects of the Scheme will have reduced to not significant by year 15 of operation.
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, Applicant's response to Other Parties' D4 Submissions	Effect on enjoyment of the Limekilns.	<p>The LVIA does conclude that there will be adverse impacts on people's views from the Limekilns and has assessed the resulting residual effects as significant. These effects must also be considered in the context of the existing infrastructure in the view relating to the A14, A11 and railway line, as suggested in paragraph 5.9.19 of NPS EN-1.</p> <p>Paragraph 5.9.15 of NPS EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure, and it is for the ExA to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. The Applicant's position for the Limekilns is that its impacts to the Limekilns would not be so damaging, and the impacts on this receptor need to be seen in the context of its value, and the benefits that accrue from the development proposed.</p> <p>Paragraph 5.9.18 of NPS EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The LVIA concludes that, with the exception of the view from the Limekilns, all visual effects of the Scheme will have reduced to not significant by year 15 of operation.</p>
Landscape and Visual	REP6-074 Say No To Sunnica – Appendix B, Applicant's response to Other Parties' D4 Submissions	Impact of mitigation planting.	<p>Paragraph 5.9.8 of NPS EN-1 states that "<i>Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</i>" In response to this and the impacts of the Scheme, mitigation has been designed to perform multiple functions as part of the green infrastructure network, including providing habitat connectivity, visual screening and amenity.</p>

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			The Applicant has acknowledged in the LVIA summarised in Chapter 10 of the ES [APP-042] where the introduction of mitigation planting will introduce effects, such as reducing openness in LLCA 13: Estate Sandlands Mosaic.
Planning	REP6-053 Andrew Munro Temporary vs Permanent	Some people living in the locality would not live to see the land restored and for them the loss would in effect be permanent. The fact that the Scheme is temporary should be given limited weight. There is no argument that in the case of Sunnica that the temporary use should be given greater weight than in other decisions.	<p>The fact that something may persist beyond the remaining lifetime of an individual person before it ceases has no bearing on whether or not it is temporary in planning terms.</p> <p>At Deadline 5, the ExA asked the Applicant (Q2.0.2) to comment on <i>"the treatment of solar energy proposed developments as temporary or permanent in nature"</i>, with reference to the "relevant points" raised in the D4 submission of Mr Munro [REP4-076].</p> <p>In responding, the Applicant commented within [REP5-056] that, of the cases identified by Mr Munro:</p> <ul style="list-style-type: none"> <li>-all were required to be determined under a different legislative and policy context to the Scheme;</li> <li>-many concerned the specific matter of impact on the openness of the Greenbelt, which has no relevance to the Scheme; and</li> <li>-some of the appeal decisions did give weight to the temporary nature of the solar farms that were proposed, including in relation to landscape impacts, impacts on mineral resources, and heritage impacts. In the case of the latter, it was the temporary and reversible nature of that scheme that tipped the heritage balance in favour of granting planning permission for one of the cases identified by Mr Munro.</li> </ul> <p>The Applicant also identified that:</p> <ul style="list-style-type: none"> <li>-other appeal decisions are available where the temporary nature of solar farms has been given at least moderate weight in the decision; and</li> <li>-the ExA recommendation on Cleve Hill and the SoS decision on Little Crow solar DCOs took account of the reversible nature of those solar farms when considering landscape impact and impact on best and most versatile agricultural land.</li> </ul> <p>In any case, the Applicant made the overarching point in response to ExA Q2.0.2 that the Scheme should not be treated as permanent</p>

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			when this is not the case. The Scheme is a solar farm that will be decommissioned after 40 years of operation. Therefore, to consider the Scheme as if it were a permanent solar farm would be to consider something other than the Scheme for which Development Consent is sought.
Planning	REP6-072 Robin Upton	Is the Inspectorate aware that the two solar farms at Worlington use land required for the disposal of LVD (liquid vegetable digestate) and the growing of 200 hectares of maize feed stock	<p>Paragraphs 4.1.21 to 4.1.28 of the Applicant's Written Summary of Oral Submissions at the Development Consent Order Issue Specific Hearing on 1 November 2022 <b>[REP2-036]</b> set out the following:</p> <p>The AD Facility is permitted to receive feedstock from a variety of sources. This includes, but is not limited to, sugar beet and maize from a defined geographical area. There is no limitation on the location from which feedstock other than sugar beet and maize may be sourced and there is no requirement that any minimum proportion or volume of feedstock must comprise sugar beet or maize. In any case, the owner of the land within the area that sugar beet and maize is permitted to be sourced from has confirmed that: <i>"Bay Farm currently provides the anaerobic digestion plant with an agreed volume of maize. Should the Sunnica Scheme receive consent, then we confirm that Bay Farm can still provide the agreed volume of maize from other fields within the approved geographical area."</i></p> <p>The AD Facility's planning permission also does not require that the disposal of digestate must take place on the land which Sunnica is proposing to develop.</p> <p>The operation of the Anaerobic Digestion Plant will therefore not be impacted by the Sunnica Energy Farm and the AD Facility will continue to operate within the requirements of its planning consent. A letter from the operator of the AD Facility, Material Change, confirming this position is included as Appendix A to this document.</p>
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cams) Walking Group	The Applicant has been unwilling to cooperate with Fordham Cams Walking Group (FCWG) and respond appropriately to questions asked and points made.	The Applicant has responded to FCWG's submissions at the appropriate Examination deadlines following their submission. This has included responding to FCWG's written representation in <b>REP3A-035</b> . It is therefore incorrect to say that the Applicant is unwilling to cooperate. The Applicant has not agreed to all of FCWG's requests but that is not

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	– comments on permissive paths	There has been a lack of consultation and discussion of the proposed permissive routes during the design process.	<p>the same issue. Where the Applicant does have a different view to FCWG it has sought to explain the reasons for that.</p> <p>In addition to this, the Applicant has responded to FCWG's supplementary question via email to Fordham Cambs Walking Group (FCWG) on 2<sup>nd</sup> February 2023. The response to this question was:</p> <p><i>"While we recognise that there is appetite for permissive routes on the land forming the grid connection route, we have sought to minimise impacts on landowners along the cable route and limit interference with their rights and land. We do not therefore consider it appropriate to create permanent or temporary rights of way within grid connection routes A and B."</i></p> <p>The Applicant apologises for the delay in responding to FCWG's supplementary question.</p> <p>The Applicant's pre-application consultation included proposals for permissive routes that were amended following the statutory consultation. The Applicant has set out how it has had regard to the consultation responses that it received relating to permissive routes and PRow provision in Appendix J of the Consultation Report [APP-030]. The Applicant considers that the routes it is proposing represent the best opportunities to provide such routes within the Scheme design.</p>
PRow	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cambs) Walking Group – comments on permissive paths	The permissive routes proposed are inadequate in terms of number and geographic scope. They are disproportionate to the scale of the Scheme proposed. They do not address missing links in the local network.	The Applicant respectively disagrees. The Applicant undertook an EIA with the outcomes reported in the Environmental Statement (ES). The findings of the ES determine that there are no significant residual effects related to NMU users as a result of the Scheme. Therefore, there is no justification for the Applicant to propose an extensive network of permissive paths throughout the Order limits. It is not the responsibility of the Scheme to address shortfalls in existing provision for NMUs.

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			<p>The Applicant does however recognise that the Local Councils and interested groups would value more PRoWs within the vicinity of the Scheme given the lack of current provision within the area.</p> <p>As noted by FCWG, there are three permissive routes which are incorporated into the design and illustrated on the Environmental Master Plan and outlined in Appendix 10I: OLEMP of the Environmental Statement. These permissive paths will enable increased public access across the landscape of the local area and thus respond positively to local GI strategy and local planning policies relating to rights of way. The Permissive Paths are to be provided by the Applicant for the duration of the Scheme, in accordance with the provisions of requirement 21 of the draft DCO.</p> <p>The paths proposed are:</p> <ul style="list-style-type: none"> <li>- A new permissive path adjacent to Beck Road and around E05 within Sunnica East Site A increasing the recreational value across Sunnica East Site A and providing increased connectivity between Freckenham and the southern edge of Isleham;</li> <li>- A new permissive path across Sunnica East Site B, to provide access from the existing unclassified road (U6006) across the north of Sunnica East Site B to connect with Golf Links Road; and</li> <li>- A new permissive path adjacent to Elms Road and around the perimeter of Sunnica East Site B, which will connect U6006 with PRoW W-257/003/0 which runs to Red Lodge.</li> </ul> <p>In addition to the three routes listed above, the Applicant is also in discussions with the County Councils on entering into a S106 agreement which would see the provision and or improvement of PRoWs in the vicinity of the Scheme. The Applicant has indicated that it considers that FCWG could be a consultee in determining how the funds relating to such an agreement are allocated.</p>

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PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cambs) Walking Group – comments on permissive paths	The Applicant is blocking FCWG's participation in future discussions with the Local Authorities on the provision of new permissive routes.	The Applicant is not 'blocking' FCWG's involvement in future discussions on permissive routes. The Applicant's response to ExQ2.9.18 stated that it considers that FCWG could be consulted by the Local Councils in the process of creating new and/or improving existing PRoW within the vicinity of the Scheme. The Applicant's response to ExQ2.9.18 summarised the Applicant's position that other than the changes to the permissive path around E05 in Sunnica East Site A, no other changes to permissive paths within the Scheme are feasible or practicable. Therefore, there are no further discussions for FCWG to take part in regarding this element of the Scheme.
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cambs) Walking Group – comments on permissive paths	The proposed Section 106 approach is inadequate and more permissive routes should be provided through the DCO.	The Applicant respectively disagrees. As noted in the Applicant's response to <b>REP2-137</b> (outlined on page 488 of <b>REP3A-035</b> ), the permissive routes have been determined based on operational, environmental and landowner constraints. The Applicant will not own the land within the Order limits and therefore is not in a position to compel any of the landowners to provide footpaths. The provision of funds to improve existing or develop new public footpaths within the vicinity of the Scheme offers a better approach to secure improvements in the local area.
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cambs) Walking Group – comments on permissive paths	The Applicant has failed to carry out an assessment of local provision and has not had regard to documents already in existence such as the East Cambridgeshire Cycling and Walking Routes Strategy and Sustrans' Feasibility Study - Burwell, Fordham and wider links.	The Scheme should not be expected to remedy an existing lack of provision. The Applicant is in discussions with the local authorities on a Section 106 agreement that would fund potential improvements to, and new, public rights of way. This is in response to submissions made by interested parties.
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cambs) Walking Group – comments on permissive paths	The Applicant has not responded to requests to provide a crossing of the River Kennet at Red Lodge.	Providing a bridge to address an existing local access problem is beyond the scope of the Scheme itself. The Applicant has previously responded to this comment on page 488 of the Applicant's Response to Written Representations [ <b>REP3A-035</b> ].

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PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cams) Walking Group – comments on permissive paths	The Applicant has intimated that it is unable to provide permissive paths within the DCO. This is contradicted by its existing proposals.	The Applicant respectfully disagrees. The Applicant has provided permissive routes within the DCO where discussions with landowners has meant that such provision would be acceptable and is technically feasible.
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cams) Walking Group – comments on permissive paths	The Applicant has failed to produce a single plan showing the local network for NMUs including roads.	The Applicant considers the plans detailing the local PRoW network and permissive routes that it has submitted into the Examination to date to have been sufficient to inform understanding of the proposals. However, the Applicant has updated the Environmental Master Plans, submitted at Deadline 7, to include all PRoW, Permissive Paths and roads considered to be used by NMUs in the vicinity of the Scheme.
PRoW	REP6-063, REP6-064 and REP6-065 Peter Goodyear on behalf of Fordham (Cams) Walking Group – comments on permissive paths	<p>The proposals as they stand pay insufficient regard to local and national planning policy namely:</p> <p>The proposal fails to adequately comply with paragraphs 92, 104 and 112 of The National Planning Policy Framework 2021.</p> <p>The low level of permissive paths fails to adequately satisfy the following development plan policies: Policy COM 7 of the East Cambridgeshire District Council Local Plan Adopted April 2015; Policy DM2 parts K&amp;L, DM37, DM 44 and DM45 of the Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies</p>	<p>The Applicant has provided a summary of the Scheme's compliance with relevant planning policy (including policies from the NPPF) in Appendix B of the Planning Statement Part 1 <b>[APP-261]</b>.</p> <p>In response to the specific policies identified by FCWG, NPPF paragraph 92 expects planning decisions to aim to achieve healthy, inclusive and safe places whilst NPPF paragraphs 104 and 112 require transport and access issues to be key considerations at an early stage when designing development proposals and suggest that this is required so that the potential impacts on transport networks can be assessed and opportunities to promote walking, cycling and public transport use can be identified and pursued. The Design and Access Statement explains that the Applicant, as part of its design process at an early stage, considered access in its vision for the Scheme and therefore brought forward a network of green infrastructure including new permissive paths to create new connections through the landscape to be used and enjoyed by local communities. An access strategy was also developed to address vehicular access requirements through construction, operation and decommissioning phases with the measures included as part of the Scheme design. These embedded</p>

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		Document (2015); and Policy 10 of the Fordham Neighbourhood Plan 2018.	<p>design mitigation measures are set out in section 13.7 of Chapter 13: Transport and Access of the ES and section 6 of the Appendix 13C: Framework CTMP and TP of the Environmental Statement. The Applicant prepared a Human Health and Wellbeing Assessment (HHA) as part of Chapter 15: Human Health of the ES to assess the proposed design. This concludes that during the operational phase, the Scheme will provide permissive paths for non motorised users (NMUs) which will improve safety and reduce journey times for some NMUs. The Scheme is therefore expected to lead to a positive health and wellbeing impact during its operational phase with regard to accessibility and active travel and social cohesion as a result of the creation of the three new permissive paths and has assessed its potential impacts on transport networks in accordance with these NPPF policies.</p> <p>With regard to the level of provision of permissive paths and how this complies with local planning policy, local planning policies COM7 of the East Cambridgeshire District Council Local Plan Adopted April 2015; and Policies DM2 parts K&amp;L of the Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (2015) require design to, as appropriate, provide access which encourages sustainable forms of transport through the provision of pedestrian links and maximise opportunities to increase permeability and connectivity. Policy DM37 of the Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (2015) requires developments, where appropriate and necessary for the acceptability of the proposal, to contribute to the public realm. Policy DM44 requires development to compensate for the loss of existing rights of way with alternative provision and improvements to existing rights of way are sought as appropriate. Policy DM45 expects development applications to provide a Transport Assessment and make financial contributions where it is necessary to negate the transport impacts of development. The level of provision of permissive paths that the Applicant has provided is therefore considered to accord with these local policies as the provision is appropriate given the nature of the Scheme and its location, and because there will be no operational adverse impacts on</p>

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			<p>Public Rights of Way, with only temporary impacts experienced during construction and decommissioning.</p> <p>Chapter 12 Socio Economics and Land Use of the Environmental Statement assesses the introduction of the permissive paths over the 40 year operational period and concludes that there would be minor beneficial effects resulting from the provision of three safe new routes for the use of local residents in the area and as there will be no loss of existing rights of way during the operational phase of the Scheme the policy requirement to provide alternative provision is not considered to be necessary.</p> <p>Appendix 13B of the ES presents the Transport Assessment for the Scheme and Section 13.8 of Chapter 13: Transport and Access of the ES states that there are anticipated to be no significant adverse effects on vehicle travellers, Non-Motorised Users or public transport users as a result of the construction, operation or decommissioning of the Scheme. It is not therefore considered necessary to negate the transport impacts of the Scheme with a financial contribution. The Scheme is not required to address any deficiencies in the existing provision of Public Rights of Way in the vicinity of the Scheme. However the Applicant is in discussions with the local councils regarding the provision of a S.106 agreement which would include a financial contribution to enable improvements to the PRow network in the vicinity of the development, either by providing new PRow or enhancing existing routes.</p> <p>Policy 10 of the Fordham Neighbourhood Plan states that '<i>proposals that would obstruct or would result in a significant impact upon the enjoyment of a public right of way will not normally be allowed</i>'. Whilst it is noted that a public right of way within Fordham Parish is affected by the Scheme, this will be temporarily closed during construction and the enjoyment of the public right of way is not obstructed or significantly impacted during the operation of the Scheme. Section 13.8 of Chapter 13: Transport and Access of the ES explains that the Scheme is not</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			expected to have significant adverse effects for non motorised users during construction, operation or decommissioning and therefore the Scheme is considered to accord with this policy.
PRoW	REP6-069 John Leitch	Closure of the U6006	<p>The U6006 is classified as a Road rather than a Public Right of Way and therefore as outlined in the Framework CTMP the '<i>closures are expected to be no longer than one-week</i>'. Should reference have been made to a three week closure of the U6006 previously, this was an error on the behalf of the Applicant. The Applicant confirms that the reference to Asphalt in the earlier submission relates to road closures and is an error in relation to the U6006. The Applicant also confirms that no Asphalt will be laid within the U6006. Paragraph 3.5.61 of Chapter 3 [REP2-022] of the Environmental Statement states that the internal access roads will be '<i>compacted stone tracks up to 3.5m wide with 1:2 gradient slopes on either side</i>'.</p> <p>In addition, as outlined in the Framework CEMP submitted at Deadline 7, the Applicant has committed to crossing the U6006 with the cables via trenchless methods i.e. HDD, moling or similar which will not require a trench to be dug across the U6006, thereby reducing the length of time the route will be closed. However, an access road will still be required to cross the U6006 to facilitate access to ECO3 and E12. Therefore, a temporary closure of no more than one-week will be required to facilitate construction of the access road.</p>
PRoW	REP6-074 Say No To Sunnica – Appendix I	The permissive routes proposed are inadequate in terms of number and geographic scope. They will not have operational benefits.	<p><b>Permissive Paths</b></p> <p>The Applicant respectfully disagrees. The permissive routes incorporated into the design total approximately 5km in length. All of these permissive routes tie in with existing PRoW routes and to minor roads which the Applicant has been informed by consultees are used by NMUs. This additional 5km is an extensive addition to the existing NMU offering in the vicinity of the Scheme. The Applicant undertook an EIA with the outcomes reported in the Environmental Statement (ES). The findings of the ES determine that there are no significant residual effects related to NMU users as a result of the Scheme.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			However, the Applicant acknowledges that the Local Councils and interested groups would value more PRowS within the vicinity of the Scheme given the lack of current provision within the area. Therefore, the Applicant is in detailed discussions with the Local Councils on entering into a S106 agreement which would see the payment of a significant PRow and Connectivity contribution to the Councils for enhancements to the existing PRow, creation of new PRow/permissive paths and the upgrading or providing new connectivity points.
PRow	REP6-074 Say No To Sunnica – Appendix I	Inadequate Assessment for Horse Riders	The Applicant considers that the impacts on Horse Riders have been adequately addressed within the LVIA Assessment [APP-042], Glint and Glare Assessment [APP-121] and the Issues Paper: Public Rights of Way Experience Note [REP6-035]. No significant effects on horse riders have been identified resulting from the Scheme; however, the Scheme has adopted all reasonable steps to minimise the effect of the Scheme on horse riders during construction, decommissioning and operational phases. These measures are set out in the Framework Construction Environmental Management Plan (CEMP) [REP5-043], Framework Decommissioning Environmental Management Plan [REP5-008] and the Framework OEMP [REP5-010].
PRow	REP6-074 Say No To Sunnica – Appendix I	Closure of U6006	The U6006 is classified as a Road rather than a Public Right of Way and therefore as outlined in the Framework CTMP the ' <i>closures are expected to be no longer than one-week</i> '. Should reference have been made to a three week closure of the U6006 previously, this was an error on the behalf of the Applicant. The Applicant confirms that the reference to Asphalt in the earlier submission relates to road closures and is an error in relation to the U6006. The Applicant also confirms that no Asphalt will be laid within the U6006. Paragraph 3.5.61 of Chapter 3 [REP2-022] of the Environmental Statement states that the internal access roads will be ' <i>compacted stone tracks up to 3.5m wide with 1:2 gradient slopes on either side</i> '.  In addition, as outlined in the Framework CEMP submitted at Deadline 7, the Applicant has committed to crossing the U6006 with the cables via trenchless methods i.e. HDD, moling or similar which will not require a trench to be dug across the U6006, thereby reducing the

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			length of time the route will be closed. However, an access road will still be required to cross the U6006 to facilitate access to ECO3 and E12. Therefore, a temporary closure of no more than one-week will be required to facilitate construction of the access road.
PRoW	REP6-074 Say No To Sunnica – Appendix I	NMUs as Noise Sensitive Receptors	<p>Noise is assessed based on the effect on health and quality of life. Noise affecting NMUs will be for limited periods of time when they are in close proximity to a noise source and, for the majority of the time, NMUs will be able to enjoy the countryside. NMUs may feel noise is detrimental to their experience during the period of exposure, but the overall quality of experience is unlikely to be diminished. It is not possible for us to discern user enjoyment that is 'personal to them'. The response to noise is subjective and depends on the observer.</p> <p>Given the linear nature of PRoWs, the range of noise impacts along them and the transient usage of a PRoW, a material change in the experience of using the PRoW as a whole, which could affect NMUs' health or quality of life, is not anticipated. Consequently, no significant adverse effects on PRoW have been identified.</p> <p>Planning Practice Guidance Noise identifies an adverse noise effect as <i>"Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life."</i> This is considered to describe the level of noise effect that may be perceived by NMUs.</p> <p>The Noise Policy Statement for England provides a means for noise effects to be identified. It allows for adverse effects on health and quality of life to occur given that all reasonable steps have been taken to reduce these effects whilst taking into account sustainable development.</p> <p>The Scheme has adopted all reasonable steps to minimise the effect of noise on NMUs during construction, decommissioning and operational phases. These measures are set out in the Framework Construction Environmental Management Plan (CEMP) [REP5-043],</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			Framework Decommissioning Environmental Management Plan [REP5-008] and the Framework OEMP [REP5-010].
PRoW	REP6-074 Say No To Sunnica – Appendix I	Disagreement with the Applicant's Landscape and Visual Impact on Isleham	<p>The Applicant has carried out a full and detailed assessment of the likely landscape and visual effects of the Scheme, which are summarised in Chapter 10 of the Environmental Statement [APP-042]. As noted, further explanation regarding impacts on the landscape and views around Isleham are provided in Appendix A of the Applicant's Response to the First Written Questions [REP2-038] and subsequent responses.</p> <p>No part of the Scheme falls within a landscape with statutory status, such as an AONB. This was a key factor in the original site selection process. Neither does the landscape around Isleham or elsewhere across the Scheme have a local landscape designation, which nevertheless in the context of NPS EN-1 paragraph 5.9.14 should not be used in themselves to refuse consent. Furthermore, the landscape around Isleham is not noted for its landscape value or quality by local authorities in published landscape character assessments.</p> <p>NPS EN-1 (5.9.8) accepts that virtually all nationally significant energy infrastructure projects will have effects on the landscape. The Applicant has acknowledged through the LVIA that there will be adverse effects on the character of the landscape and that in some cases these effects will be significant and residual during the operation of the Scheme. Most of these effects are confined to the sites of the immediate local landscape character area and will have reduced in significance by year 15 of operation, when the proposed green infrastructure will have established. This accords with NPS-EN1 (5.9.8) where it states that having regard to siting, operational and other relevant constraints, the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Paragraph 5.9.21 of NPS-EN1 also recognises that reducing the scale or otherwise amending the design of a proposed</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p>energy infrastructure project may result in a significant operational constraint and reduction in function – for example, the electricity generation output.</p> <p>Paragraph 5.9.15 of NPS EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure, and it is for the ExA to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. Paragraph 5.9.18 of NPS EN-1 states that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.</p>
PRoW	REP6-074 Say No To Sunnica – Appendix I	Impact on Tourists using the PRoW Network	<p>The Applicant agrees that tourists will come to the local area who are not focused on the horse racing industry. The impacts on NMUs on the Public Rights of Way network, including tourists has been assessed in the Landscape and Visual Amenity Assessment, Chapter 10 of the Environmental Assessment [APP-0422] and the Public Rights of Way Experience Note [REP6-035] which concludes there are five PRoWs for which significant effects at year 1 are predicted; however, these effects would only occur over small sections of the PRoWs and would gradually reduce over time as proposed planting matures and screens views of the Scheme. The management of existing vegetation and the establishment of proposed planting in line with the Outline Landscape and Ecology Management Plan is predicted to reduce all visual effects for users of PRoW to not significant by year 15 of operation.</p>
PRoW	REP6-082 Worlington Parish Council - PRoW	Impacts on the U6006	<p>The U6006 is classified as a Road rather than a Public Right of Way and therefore as outlined in the Framework CTMP the '<i>closures are expected to be no longer than one-week</i>'. The Applicant confirms that the reference to Asphalt in the earlier submission relates to road closures and is an error in relation to the U6006. The Applicant also confirms that no Asphalt will be laid within the U6006. Paragraph 3.5.61 of Chapter 3 [REP2-022] of the Environmental Statement states that the internal access roads will be '<i>compacted stone tracks up to 3.5m wide with 1:2 gradient slopes on either side</i>'.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			A site access is required between E13 and E12/ECO3 that will be created during construction and will be required through the operational phase of the Scheme. However, this will not restrict access for NMUs along the full length of the U6006 during construction (apart from the one week closure, if required) or operational phase. This access will be managed by the Applicant to avoid conflict with NMU users.
Soils	REP6-051 A G Wright & Sons	<ol style="list-style-type: none"> <li>1. Irrigation in ALC Assessment</li> <li>2. Pits insufficient and unrepresentative</li> <li>3. Use of Strategic scale ALC plans</li> <li>4. Soil Depth</li> <li>5. Joint Survey</li> <li>6. Abstraction licences</li> <li>7. Livestock Grazing</li> </ol>	<ol style="list-style-type: none"> <li>1. Natural England reiterated their position on Irrigation and ALC classification in their Deadline 4 Submission <b>[REP4-139]</b>, paragraph 2.4. Irrigation is no longer a factor used in ALC.</li> <li>2. 6 pits cover the soil characteristics relevant to the dominant ALC Grade Limitation present within the Sites. No pits have been placed on roadsides or on field headlands, and the presence of a headland or proximity to a roadside would not impact on the soil depth and texture of the shallow, light land.</li> <li>3. Natural England Document TIN049 describes the Provisional ALC plans as follows: <i>"These maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance."</i> Likewise the Natural England explanatory notes for their Likelihood of BMV map series notes that <i>"The map is intended for strategic planning purposes only and is not suitable for use below scale 1:250 000 or for the definitive classification of any local area or site."</i></li> <li>4. The soil depths presented by the Applicant are a record of what was observed by a detailed ALC survey within the Sites by an experienced and objective ALC surveyor.</li> <li>5. Patrick Stephenson and RAC working on behalf of SNTS have repeatedly made claims gainsaying ALC Grade based upon cropping. RAC have also made claims regarding irrigation and ALC grading, despite their prior field assessment overlapping the Sites demonstrating they understand that these claims are unsound. Natural England have commented <b>[AS-314]</b> that</li> </ol>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p><i>"The project soil specialist has provided clear justifications to their assumptions in our meetings, and have demonstrated their competence in undertaking and delivering an ALC assessment".</i> There is no need for a joint site visit on ALC grade. If a joint visit were to take place it is highly unlikely that it would result in agreement with SNTS consultants given their recent assessment work not being in accordance with ALC guidelines.</p> <p>6. Claims of adequate water availability only cover over winter surface water abstraction licences with accompanying large reservoirs for storage till the following growing season. Abstraction from aquifers using boreholes will require adequate recharge of that aquifer.</p> <p>7. Livestock have been successfully grazed below and around solar panels for many years now. Please see BRE (2014) Agricultural Good Practice Guidance for Solar Farms. Ed J Scurlock.</p>
Soils	REP6-054 Anne Noble	<ol style="list-style-type: none"> <li>1. Surveys do not concur.</li> <li>2. Moisture Balances</li> <li>3. Soil Inspection Pits</li> <li>4. Soil association maps</li> <li>5. Sugar Beet</li> <li>6. LRA review of PS assessment</li> </ol>	<ol style="list-style-type: none"> <li>1. All three ALC surveys covering land within the Sites found drought limited land with shallow and light textured soils. The MAFF survey area includes the largest single area of best and most versatile land within the Sites, a consistent area of slightly deeper land over chalk limited to Grade 3a by drought. It also found areas of shallower soil that is common across the Sites.</li> <li>2. The Baird Soil ALC assessment makes an allowance for additional soil material for the drought assessment of shallow soils. Inspection pits at shallow soils over chalk found minimal root penetration of the chalk. Therefore the calculation of drought limitation to ALC Grade is conservative, reducing the severity of this limitation to grade across the Sites.</li> <li>3. Soil inspection pits do not need to be concurrent with auger borings as the physical characteristics relevant to ALC grade do not date. Soil inspection pits were placed at previous auger</li> </ol>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p>boring locations using GPS, with pit and auger boring coordinates provided by the Applicant.</p> <p>4. Soil association maps are strategic in scale and not suited for site specific assessment. TIN049 directs that to inform planning decisions, a field assessment of ALC grade should be undertaken.</p> <p>5. British Sugar is the only UK sugar producer that uses sugar beet. It now has only 4 plants, all in the east of England, with sugar beet cultivation collapsing in areas such as Shropshire and North Yorkshire as British Sugar plants closed. The UK now has a free trade agreement with Australia that includes unlimited cane sugar imports within seven years.</p> <p>6. The LRA comments on the Patrick Stephenson assessment do not apply equally to the ALC assessment presented by the Applicant. The Applicant has presented a detailed ALC assessment of the Sites including a record of the physical characteristics required to make an assessment of drought limitation. The Patrick Stephenson assessment failed to do this.</p>
Soils	REP6-071 Parish and Town Council Alliance	Applicant's ALC assessment at odds with cropping observed by members	ALC grade is assessed with reference to specific physical characteristics of the land, and not by cropping of yield. The Natural England explanatory notes that accompany the Likelihood of BMV land plans referenced by the Parish and Town Council Alliance, direct that they are not suitable for classification of any area or site.
Soils	REP6-074 Say No To Sunnica – paragraph 26-27, Appendix F	<p>RAC Appendix F (document page 116)</p> <ol style="list-style-type: none"> <li>1. Moisture Balances</li> <li>2. Establishing a grass sward</li> <li>3. Irrigation</li> <li>4. Inspection pits</li> <li>5. Desktop assessment of ALC</li> <li>6. Joint survey</li> <li>7. Planning System</li> <li>8. Soil Health</li> </ol>	<ol style="list-style-type: none"> <li>1. All data needed to calculate an ALC Drought limitation is provided. As noted by RAC on page 2 of their Appendix F to <b>[REP6-074]</b>, Natural England 'broadly agrees' with the ALC grading presented by the Applicant. Therefore any claim by SNTS that the Sites should contain significantly more BMV land (or should be predominantly BMV land) are at odds with Natural England and the prior site survey work of RAC.</li> <li>2. Grass establishment – there is a history of cropping agricultural land within the sites with wheat and barley. We can therefore have confidence that grass will establish. Any areas</li> </ol>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
		9. Provisional ALC plans	<p>of poor establishment can easily be revisited to broadcast additional seed.</p> <ol style="list-style-type: none"> <li>3. Natural England reiterated the position on irrigation and ALC Grade in their Deadline 4 submission <b>[REP4-139]</b> paragraph 2.4.</li> <li>4. Six soil inspection pits given by the Applicant are representative of the variation of soil characteristics present within the sites that are pertinent to assessing ALC Grade.</li> <li>5. Desktop ALC assessment – TIN049 directs that to inform planning decisions, ALC grade should be assessed by site survey. This is what the Applicant has done.</li> <li>6. Joint survey. The previous RAC ALC assessment of the minerals site within the Order limits found shallow soils with a light texture limited to Grade 4 by drought. This assessment work noted high value cropping and irrigation but correctly did not attempt to modify the ALC grade for the presence of these. Subsequent claims made by RAC on behalf of SNTS and seeking a joint site assessment, run contrary to their previous ALC survey work that overlaps the Sites. As noted by RAC on page 2 of Appendix F to <b>[REP6-074]</b>, Natural England 'broadly agrees' with the ALC grading presented by the Applicant. There is no need for a joint survey and involvement of RAC and/or Patrick Stephenson in any such additional survey is likely to generate additional unsubstantiated claims made on behalf of SNTS.</li> <li>7. The Applicant does not seek to confine the context of agriculture in planning as claimed on page 4 of Appendix F. Planning guidance is clear, loss of best and most versatile agricultural land is a relevant planning issue, whereas food security claims (justified or otherwise) are not.</li> <li>8. Soil Health. Defra research project SP08016 provides convincing evidence that reverting arable land to long term fallow is a reliable means of delivering significant soil health benefits across soil types.</li> </ol>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p>9. Provisional ALC plan. The ALC plan extract presented on page 5 of Appendix F to <b>[REP6-074]</b>, is taken from the Provisional ALC plan. TIN049 advises that these are not suitable for site specific assessment. This is not just because of their strategic scale and very low density of field observation, but also because they predate the current ALC methodology published in 1988. RAC are conflating post 1988 ALC survey cover and the provisional ALC plan, entirely separate mapping layers on the Governments MAGIC geographical information service.</p>
Soils	Letter and video provided to the Applicant by Say No to Sunnica and which the Applicant understands have been submitted to the Examination, and will be accepted as Deadline 7 submissions. The letter is from N.R.W Wright dated 15 February 2023 and includes three enclosures and a video clip.	Further points on ALC classification	<p>SNTS have submitted to the Examination work by Patrick Stephenson that does not record the soils information needed to assess a drought limitation to ALC grade. Mr Stephenson has also made repeated claims on ALC Grade based upon cropping <b>[REP4-140]</b> that reveal inexperience in ALC assessment. As the Applicant has repeated many times, the ALC grade is assessed with reference to specific physical characteristics of the land, and not cropping or yield. Please see ALC Guidelines Section 2 (page 13 of the combined document <b>[REP5-067]</b>).</p> <p>RAC submission on behalf of SNTS <b>[REP2-240d]</b> has made several claims that contradict their previous site assessment of ALC Grade that overlaps the Sites – this RAC ALC survey is given as Annex A to Appendix 12B of the ES <b>[APP-115]</b>. These claims include:</p> <ul style="list-style-type: none"> <li>• That the removal of the irrigation adjustment applied by MAFF was not justified – RAC note in their survey that the land is irrigated for high value crops and limited to ALC grade 4 by drought with no adjustment made for the availability of irrigation.</li> <li>• That strategic scale mapping shows the site to contain more best and most versatile land than found by the Applicant – RAC site work found all land in Grade 4.</li> </ul>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant's response
			<p>RAC also presented the Patrick Stephenson ALC assessment as an appendix to their own document without any acknowledgement that it clearly did not follow ALC Guidelines for assessing drought limitation. RAC submissions on behalf of SNTS lack objectivity and are contrary to their own previous field assessment work in the area.</p> <p>The Applicant has rejected requests by SNTS for a joint survey because SNTS and their consultants have not, despite repeated claims, shown the Applicant's ALC assessment to be anything other than a detailed and fair assessment of ALC grade within the Sites. Any joint survey work with SNTS consultants who have demonstrated a lack of objectivity and whose approach the Applicant finds highly questionable, is unlikely to offer the Examination any resolution.</p> <p>The Applicant's position in this respect, is supported by the peer review of the SNTC ALC report undertaken by LRA [REP5-065].</p> <p>In terms of the video by Sam Franklin, the Applicant has previously noted that the shallow droughty soils over chalk common within the Sites, contain discrete pockets of deeper soil. Photos are given in Appendix 12B to illustrate this, showing open archaeological trenches at Lee Farm. One shows consistent shallow soil over chalk. The other, abrupt pockets of subsoil within the chalk. Sam Franklin is working outside of the site boundary. Mr Franklin may simply be using the auger within one of these pockets and extrapolating the drought limitation for such a pocket across an area dominated by shallower soil would not be a fair assessment of ALC Grade.</p>

# Appendix A Bay Farm AD Plant Letter

Julie Barrow  
Principal Planning Officer  
Planning Development  
West Suffolk Council  
West Suffolk House  
Western Way,  
Bury St Edmunds  
Suffolk  
IP33 3YU

13<sup>th</sup> February 2023

Dear Ms Barrow,

We have been advised that a stakeholder has been in touch with you to request details of how the operation of the Bay Farm Anaerobic Digestion Facility (the AD Facility) will be effected by the Sunnica Solar Energy Farm project should it be constructed.

As you will be aware, the AD Facility is permitted to receive feedstock from a variety of sources. This includes, but is not limited to, sugar beet and maize from a defined geographical area. There is no limitation on the location from which feedstock other than sugar beet and maize may be sourced and there is no requirement that any minimum proportion or volume of feedstock must comprise sugar beet or maize. In any case, the owner of the land within the area that sugar beet and maize is permitted to be sourced from has confirmed that: *"Bay Farm currently provides the anaerobic digestion plant with an agreed volume of maize. Should the Sunnica Scheme receive consent, then we confirm that Bay Farm can still provide the agreed volume of maize from other fields within the approved geographical area."*

You will also be aware that the AD Facility's planning permission does not require that the disposal of digestate must take place on the land which Sunnica is proposing to develop.

The operation of the Anaerobic Digestion Plant will therefore not be impacted by the Sunnica Energy Farm and the AD Facility will continue to operate within the requirements of its planning consent.

We trust that this enables you to respond to the stakeholder and confirm that there is no conflict between the operation of the AD Facility and the Sunnica scheme.

Yours sincerely,



Ed Bastow  
Managing Director

## Appendix B HSE Correspondence

CEMHD Policy - Land Use Planning,  
NSIP Consultations,  
Building 1.2,  
Redgrave Court,  
Merton Road,  
Bootle, Merseyside  
L20 7HS.

HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

Sunnica Energy Farm  
By email only

Dear Project Team,

15 October 2020

**Section 42 Planning Act 2008: Statutory Consultation  
- Sunnica Energy Farm**

Thank you for your letter of the 16 September 2020 consulting on the proposed Sunnica Energy Farm, under Section 42 of The Planning Act 2008.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there is one major accident hazard site and six major accident hazard pipelines within the proposed DCO application boundary of the Sunnica Energy Farm for this nationally significant infrastructure project.

This is based on the current configuration for the red line area as illustrated in, for example, the SCHEME BOUNDARY (Drawing number: 60589004\_COMMS\_001), of the Sunnica Energy Farm Consultation Booklet 22 September - 2 December 2020.

The major accident hazard site is:

HSE reference H3161 operated by HW Coates

The major accident hazard pipelines are:

HSE Reference No.	TRANSCO Index No.	Pipeline Operator	Pipeline/Location Name
8219	2486	Cadent Gas Ltd	Great Wilbraham / Burwell
7452	1710	National Grid Gas PLC	3 Feeder Roudham Heath / Great Wilbraham
7444	1703	Cadent Gas Ltd	Burwell / Ely
7399	1658	Cadent Gas Ltd	Mildenhall Reinforcement
7398	1657	Cadent Gas Ltd	Burwell / Wess house
7397	1656	Cadent Gas Ltd	Ness House / Freckenham

Both FIGURE 3-1 SUNNICA EAST SITE A AND B PARAMETER PLAN (drawing number 60589004\_PEIR\_SD\_001) and FIGURE 3-2 SUNNICA WEST A AND B PARAMETER PLAN (drawing number 60589004\_PEIR\_SD\_002) illustrate where populations may be present e.g. offices and warehouses. None of these are within any of the above zones; therefore, providing there are no major changes to the locations of populations HSE would not advise against this proposal.

### Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

### Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

### Electrical Safety

No comment from a planning perspective.

Please note that any further electronic communication on this project can be sent directly to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter or hard copy correspondence should be sent to:

Mr Dave Adams  
NSIP Consultations  
1.2 Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Yours sincerely,



Monica Langton  
CEMHD4 Policy

Nigel Chalmers

██████████@aecom.com

**Sent via email**

**Date:** 16 January 2023

**References:** CM9 Ref:  
4.2.1.6583. & 4.2.1.6947.

Ref: 7.6\_Outline Battery Fire Safety  
Management Plan  
(planninginspectorate.gov.uk)

Dear Mr Sir/Madam,

**7.6 Outline Battery Fire Safety Management Plan (planninginspectorate.gov.uk)**

Thank you for your email of 10/1/2023 regarding the proposed 7.6\_Outline Battery Fire Safety Management Plan (planninginspectorate.gov.uk) - Sunnica Energy Farm

**HSE's Land Use Planning Advice**

At present, there is no change to the advice provided.

The changes outlined in the Sunnica document do not intersect any additional MAHs or MAHP. They involve a new option 3 which would include upgrading cabling to facilitate connection to the Grid and provision of a new shunt reactor. This is in reaction to Option 1 for the scheme being technically unfeasible following feedback from National Grid ET. There is further work to be carried out providing detail for each option but at this stage there are no changes to our response.

The Outline Battery Fire Safety Management Plan currently does not contain details of quantities involved which are yet to be determined. We will have the opportunity to comment when the final Outline Battery Fire Safety Management Plan is published.

So in summary our response will consist of a no change to existing advice.

Explosives sites

I have reviewed the changes and can confirm that CEMHD 7's previous response has not changed – still no comment to make.

Electrical safety

No comment from a planning perspective

During this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices have limited access.

Yours faithfully,

**NSIP Consultation Team  
CEMHD4**

Chemicals, Explosives and  
Microbiological Hazards  
Division – Unit 4

NSIP Consultations  
Land Use Planning Team  
Building 1.2,  
Redgrave Court,  
Bootle L20 7HS

[NSIP.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk)

<http://www.hse.gov.uk/>