



SUNNICA ENERGY FARM

EN010106

Volume 8

8.97 Applicant's Response to LPA Deadline 6 Submissions

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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

Sunnica Energy Farm

Development Consent Order 202[x]

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This report sets out the Applicant's response to the material submitted by Cambridgeshire County Council (CCC), West Suffolk Council (WSC and Suffolk County Council (SCC) at Deadline 6. The Applicant has responded to these submissions in section 2 of this report, as follows:
- Response to CCC's comments on the Applicant's Deadline 5 submissions.
 - Response to WSC's comments on the Applicant's Deadline 5 submissions.
 - Response to SCC's comments on the Applicant's responses to the Examining Authority's Second Written Questions (ExQ2).
 - Response to WSC's comments on the Applicant's Deadline 6 submissions.
- 1.1.2 This report does not respond to the comments received from CCC, WSC and SCC on the Outline Historic Environmental Management Plan, Outline Landscape and Ecology Management Plan and Environmental Masterplan. The Applicant has comprehensively updated these documents for submission at Deadline 7 and considers that the updated documents (alongside the Landscape Mitigation Schedule requested as an action from ISH4) best reflect the Applicant's position on the content of those plans.

2 Comments on LPA Deadline 6 submissions

2.1 Interested party – Cambridgeshire County Council – D5

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
Appendix C – Site Specific Comments			
Plan ACM-60589004 - AMR-DR-0018	Sunnica West Site A Access A. La Hogue Road, Chippenham.	<p>The proposal is to utilise an existing narrow agricultural access currently constructed in an unbound aggregate crossing the verge. Access improvements are proposed, based upon vehicle swept paths, but no specific radii or surface construction within the highway is detailed.</p> <p>The proposals appear to accommodate two way movements of cars from either direction, and between individual cars, and HGVs traveling to/from the southeast on La Hogue Road.</p> <p>While two HGVs may not pass within the junction, it is indicated elsewhere that such a conflict will be managed during construction, it is unclear whether this would be similarly managed during the operational phase should any maintenance require delivery of significant materials and/or plant safe use of this access has not therefore been established in this regard.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. From a simple assessment of visibility based upon Ordnance Survey, the requirement of 2.4m by 215m for a national speed limit road, would require significant removal of foliage on both sides of the junction. This has not been detailed on the Plan and safe use of this access has not therefore been established.</p>	<p>The construction phase layout of Sunnica West Site A Access A will be retained during the operational phase, including the elements of the internal site layout which will ensure that two-way movements are managed during construction.</p> <p>During the operational phase at Sunnica West Site A Access A on La Hogue Road there is anticipated to be limited maintenance required for the PV arrays, comprising occasional small levels of LGV movement. HGV access will only be needed in the event of an unforeseen fault, or maintenance planned and agreed via the OEMP. Therefore, it is not anticipated that there will be a high volume of HGVs using this site access during the operational phase that will require management.</p> <p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7 to include visibility splays of 2.4m x 215m at the Sunnica West Site A Access A on La Hogue Road. This can be delivered within the Order Limits. This plan has been provided to CCC by email on 13/02/23, in advance of Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. The surface construction is a matter for the detailed design stage of the project.</p>
Plan ACM-60589004-AMR-	Sunnica East Site	The Site is to utilise an unmade access and hard	The Site Access Drawings in Annex C of the

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DR-0013	A Access F. Beck Road (C144), Isleham.	<p>standing that does not benefit from any made surface crossing the verge, with no works to improve this condition proposed.</p> <p>No details of improvement to access radii or surface materials crossing the site or entering the site have been detailed and it is unclear whether vehicles entering the site can do so without disproportionate and unexpected deceleration in the highway enter. This is not considered to be a suitable form of access without appropriate improvement, including access radii suitable to the class of vehicle and speed of traffic exiting and entering onto Beck Road. The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while indication is given that HGV movements will be managed to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. It is not therefore possible to confirm that safe access can be provided.</p>	<p>Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. This includes visibility splays at Sunnica East Site A, Access F, Beck Road. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. The surface construction is a matter for the detailed design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of accesses in the operational phase.</p>
Plan ACM-60589004-AMR-DR-0029	Cable Route Access D Little Fen Drove (Factory Road), Burwell.	<p>The proposal is to utilise an existing field access that does not benefit from any made surface within the site or crossing the verge. Access width and kerb radius in the direction of predominant flow is detailed, with only a small radius on the western side accepted due to the minimal flow anticipated in this direction.</p> <p>The inductive widening on Plan 29 crosses the ditch line and supportive works/piping of the ditch are likely to be required, for which separate Ordinary</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Acceptance of access width and kerb radii is noted. The surface construction is a matter for the detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a</p>

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		<p>Watercourse Consent may be required.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while indication is given that HGV movements will be managed to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. It is not therefore possible to confirm that safe access in that regard can be provided.</p>	<p>table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.</p>
Plan ACM-60589004-AMR-DR-0030	Cable Route Access E Little Fen Drove (Factory Road), Burwell	<p>The proposal is to utilise an existing field access that does not benefit from any made surface within the site or crossing the verge. Access width and kerb radius in the direction of predominant flow and small radius are indicated on the western side, with no indication of the form of construction in the public highway. Should Access D and E be used for any ahead movements during the construction, operation or decommissioning of the site, then the northern radius of Access E must be adjusted to accommodate the swept path of the class of vehicle likely to undertake this manoeuvre.</p> <p>The inductive widening on Plan 29 crosses the ditch line and supportive works/piping of the ditch are likely to be required, for which separate Ordinary Watercourse Consent may be required.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while indication is given that HGV movements will be</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. Access D and E will not be used for ahead movements. The surface construction is a matter for the detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route</p>

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		<p>managed to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. It is not therefore possible to confirm that safe access in that regard can be provided.</p>	<p>sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.</p>
Plan ACM-60589004-AMR-DR-0031	Cable Route Access F First Drove, Burwell.	<p>The proposal is to utilise an existing field access onto a public right of way, with access along a narrow section of public highway road, which joins Broads Road with restricted visibility to the north-east.</p> <p>While it is noted on Plan 31 that movement of vehicles along First Drove are to be managed (presumably during the construction phase), this Drove would be considered unsuitable for any intensification of use during the operational phase.</p> <p>Some indications of improvement are shown with a minor radius to the north-west, but no indication of form of construction. The extent of the public highway on the right of way is not indicated, and it is unclear whether these improvements will fall within the highway. The proposed works shown on Plan 31 will be located close to an existing watercourse and supportive works may require separate consent.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while vehicle movements will be managed during the operational phase to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. The surface construction is a matter for detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the</p>

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		<p>unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of vehicles on First Drive can be achieved within the DCO or Highway boundary. It is not therefore possible to confirm that safe access can be provided.</p>	<p>construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.</p> <p>The Applicant has received highway boundary data from CCC. A set of Highways Plans will be provided with the inclusion of the CCC highway boundary directly to CCC.</p>
Plan ACM-60589004-AMR-DR-0032	Cable Route Access G Broads Road, Burwell.	<p>The proposal is to provide a new access from agricultural land across verge and what appears to be a shallow ditch or swale. The Applicant must ensure that any flow of water in this depression is not obstructed by their works and may require separate authorising from the local flood authority. Details of improvements are shown with 18m radius in the predominate direction of travel and only minor radius to the northeast, which is acceptable given the limited flow likely in that direction, all of which can be achieved within the DCO boundary. No details of the form of construction are shown.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while indication is given that HGV movements will be managed to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. The DCO boundary to the southwest is limited, with no highway extent shown</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. The Applicant notes that CCC considers this acceptable. The surface construction is a matter for the detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that</p>

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		and it is not therefore possible to confirm that safe access can be achieved.	safe and suitable access can be achieved in any eventuality.
Plan ACM-60589004-AMR-DR-0035/-0036	Cable Route Access J. A142 Fordham Bypass, Fordham.	<p>The proposal is to utilise an existing agricultural field access, designed to provide crossing of the A142. Details of improvements are shown, with no clear indication of radii or form of construction, and it is not therefore possible to fully consider whether this is suitable for exit/entry on to an A road.</p> <p>The swept path detail on Plan 35 appears to show that swept path can be achieved within the widened road, although it is unclear whether the speed of the swept path would be appropriate to the speed of the road, or whether this would require disproportionate breaking on the A14. No centre lines are shown on the turning movements plan, and it is unclear whether the left turn out crosses into the opposing lane – both of these points should be clarified.</p> <p>The detail does not demonstrate the ability for two vehicles to pass. While indication is given that HGV movements will be managed to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. While it is anticipated that this will be achievable given the access current use, this should still be demonstrated to confirm that safe access can be achieved.</p> <p>Details of the proposed traffic regulatory signing should be provided at detailed design stage, and consideration given to amendment of advanced directional signs as may be appropriate to improve</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. CCC has been advised that the turning speed used in the swept path analysis is 5mph, which is a standard speed for swept path analysis.</p> <p>The drawings have been updated to include a centreline and the swept path analysis shows that the turn does not cross into the opposing lane. The surface construction is a matter for detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant has agreed to undertake a Stage 1 Road Safety Audit for this location. The RSA Brief and Auditor CVs have been submitted to CCC for approval, and CCC has been invited to attend. The RSA1 will be provided to CCC outside of the Examination process and any agreements will be updated in the Statement of Common Ground at Deadline 8 or 9 as appropriate.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route</p>

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		safety. Given the nature of this road and proximity to the roundabout, It is suggested that this access be subject to Stage 2 Road Safety Audit and resolution of any problems identified to the satisfaction of the Highway Authority prior to any construction.	sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.
Plan ACM-60589004-AMR-DR-0038	Cable Route Access M. Chippenham Road /Snailwell Road, Chippenham	<p>The proposal is to utilise an existing unmade field access with improvements including 10m radius to the east and 6m radius to the west, although no form of construction is detailed.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while vehicle movements will be managed during the operational phase to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. Chippenham Road is planted with low trees to the west and with a dense hedge to the east, creating a significant risks obstruction of visibility. It is not therefore possible to confirm that safe access can be achieved.</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. The surface construction is a matter for detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that</p>

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			safe and suitable access can be achieved in any eventuality.
Plan ACM-60589004-AMR-DR-0038	Cable Route Access N. Snailwell Road, Chippenham.	<p>The proposal is to utilise an existing unmade field access, with improvements including 14m radius to the east but no radius to the west. This would not be considered acceptable unless it can be proven that traffic will not enter the access from the east during any phase of its use. It is also noted that any radius on the eastern side would conflict with an adjacent access and any proposal would therefore need to accommodate this.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while vehicle movements will be managed during the operational phase to avoid opposing flows, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. Chippenham Road is planted with low trees to the west and with a dense hedge to the east, creating a significant risks obstruction of visibility; this is of particular concern to the east, with this access located on the inside of the bend. It is not therefore possible to confirm that safe access can be achieved</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated. For clarity, the radius on the plan is to the west, not the east as per CCC's comment. No construction traffic will enter from the east, as is secured through the HGV routes. The surface construction is a matter for detailed design stage of the project. Other comments relating to detailed design are noted and will be addressed at the appropriate design stage of the project.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.</p>

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Plan ACM-60589004-AMR-DR-0039/-0040	Cable Route Access Q. B1085.	<p>The proposal is to utilise an existing field access, with improvements proposed, including 14m radius to the east and 6m radii to the west.</p> <p>The swept path detail shown does not demonstrate the ability for two vehicles to pass, and while movement will be managed by traffic signals during the construction phase, it is unclear how the access will be used during the operational phase, or how such conflict will then be managed. It is therefore unclear whether safe access is provided.</p> <p>No visibility splays have been detailed to demonstrate that visibility appropriate to the speed of the road can be achieved within the DCO or Highway boundary. The highway is bounded by a dense hedgerow to the west and trees to the east, both of which are close the road edge, compounded further by the road to the east bending to the south; It appears unlikely that suitable visibility can be achieved without significant removal of trees/hedge to allow safe uncontrolled access and it is not therefore possible to confirm that safe access can be achieved during the operational phase in the absence of traffic management.</p>	<p>The Site Access Drawings in Annex C of the Framework Construction Traffic Management Plan [REP5-015] will be updated at Deadline 7. Access radii are shown on the plans, which demonstrate that swept path analysis of vehicles can be accommodated.</p> <p>The Applicant's response to EXQ3.9.9 includes a table further demonstrating that there will be no intensification of use of this access in the operational phase. Thus retention of the existing field access in its current form is appropriate for the operational phase. As is set out in response to EXQ3.9.9, there will be no requirement for Sunnica LGVs or HGVs to access the cable route sites, unless a fault is identified remotely. If a fault is identified, the Applicant will be required to agree access arrangements with the LHAs to ensure safe and suitable access. If required, the DCO powers enable the Applicant to re-introduce the Temporary Traffic Management applied during the construction phase. This provides confidence that safe and suitable access can be achieved in any eventuality.</p>
6.2 Appendix 16C Framework Construction Environmental Management Plan (Tracked) - Rev: 04 [REP5-044]			
Working Methods to Avoid and Minimise Impacts on Protected / Notable Species and Existing Habitats – County Wildlife Sites	Page 16C-19 & 20	The Council welcomes additional provisions to protect Havacre Meadows and Deal Nook County Wildlife Site (installation of security fence, retention of all trees and no intrusive crossing of CWS, including River Kennett and its banks).	This comment is noted.
Working methods - bat pre-	Page 16-17	The FCEMP should be updated to include a	The following commitment, as set out in the

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commencement surveys		requirement for pre-commencement surveys for bats prior to any tree works, as discussed in the Applicant's response to LPA Deadline 4 Submissions (paragraphs 8.103 & 8.111 / 8.114 – 8.115) [REP5-056]	Applicant's response to LPA Deadline 4 Submissions [REP5-056] , has been included in the Framework CEMP submitted at Deadline 7: <i>'Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified'.</i>
PROW	Page 16c-40	The Council welcomes the addition of the BHS and local stakeholders but requests that the Fordham (Cambridge) Walking Group are explicitly included, as they effectively operate in place of the Ramblers' Association statutory consultee in this location.	The Fordham (Cambridge) Walking Group has been included as a consultee in the Framework Construction Environmental Management Plan submitted at Deadline 7.
PROW	Pages 16C-45-46, 48	The Council is content with these amendments.	Noted.
6.6 Offsetting Habitat Provision for Stone-Curlew Specification (Tracked) - Rev: 01 [REP5-047]			
10 Nest Plots – Minimum	4.4.1	The document currently states that there will be a “maximum” of 10 nest plots. This should be amended to a <i>minimum</i> of 10 nest plots, given that two nest sites are required per breeding pair and that 5 breeding pairs have been regularly recorded within the site / surrounding 500m of land. Therefore, a total of 10 nest plots (minimum) is required.	This has been amended to <i>minimum</i> , as requested.
Mowing – 0-5 Years	4.1.12	Optimal management of the site will not be delivered, due to proposed mowing within the first 5	To establish the grassland on areas of current arable farmland, there will need to be an element

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		years.	of mowing in the initial years to manage the sward, before sheep grazing can be implemented. If there is the opportunity to introduce grazing before year 5 then this will be taken up. Ensuring the successful establishment of the grassland in the early years is essential for the long-term provision of optimal grassland for foraging Stone-curlew.
6.7 Biodiversity Net Gain (Tracked) - Rev: 02 - Late Submission Accepted at the Discretion of the Examining Authority [REP5-049]			
Strategic Significance	Paragraph 3.6.1	<p>The Council is concerned that all habitat located within the priority areas of the East Cambridgeshire Nature Recovery Network have been identified as high strategic significance. For example, modified grassland is shown as 'high strategic significance at table 4-1.</p> <p>High strategic significance should only be applied to habitats that contribute to the objectives / aims of the East Cambridgeshire Nature Recovery Network. The Council seeks clarification as to the location of habitats shown as high strategic significance, along with justification for why they are classed as high significance. This should be addressed within the BNG report.</p>	Following the Landscape and Ecology Workshop on the 31 st January 2023 where strategic significance was discussed, the allocation 'high' strategic significance within the priority areas of the East Cambridge NRN has been updated to reflect conversations with stakeholders. These will be presented in the revised BNG Technical Note to be submitted at Deadline 7.
Assumption and limitations	Paragraph 3.7.8, page 12	High quality arable flora / field margin habitat is not restricted to 4 fields. The BNG calculations must reflect the importance of the entire site (pre-development) for arable flora.	Natural England's BNG technical note states: <i>"Where field margins meet the definition of a 'better' or higher distinctiveness habitat they should be mapped as such within the metric"</i> . As such all arable margins have been captured within higher distinctiveness habitat bands. See the revised BNG Technical Note and the OLEMP, both to be submitted at Deadline 7.

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Arable field margins	Table 4-1, 4.4, 4.7	It is not possible to determine the level of losses / gains in arable field margins habitat because this habitat is not included within the existing, retained, created habitat tables	Natural England's BNG technical note states: <i>"Where field margins meet the definition of a 'better' or higher distinctiveness habitat they should be mapped as such within the metric"</i> . As such all arable margins have been captured within higher distinctiveness habitat bands. See the revised BNG Technical Note and the OLEMP, both to be submitted at Deadline 7.
Appendix B Phase 1 Habitat Plans		Arable field margins and veteran trees have been omitted.	Natural England's BNG technical note states: <i>"Where field margins meet the definition of a 'better' or higher distinctiveness habitat they should be mapped as such within the metric"</i> . As such all arable margins have been captured within higher distinctiveness habitat bands. Veteran trees are shown in Appendix B under the category 'urban trees'. See the revised BNG Technical Note, the OLEMP and the Ecology Position Statement – Arable Flora, all to be submitted at Deadline 7.
Appendix C Parameter Plan	Appendix B	The Councils require the post-development BNG habitat drawings to be updated to show: Target condition for each habitat parcel Areas identified as medium and high strategic significance Areas identified as protected species mitigation land and fall outside of the 10% BNG calculation	Natural England's revised BNG Technical Note provides greater clarity within the metric calculation comments. See the revised BNG Report and the OLEMP, both to be submitted at Deadline 7.
Appendix D Natural England's Biodiversity Metric 3.1 Calculation	Site Habitat Baseline / Site Habitat Creation	The metric 3.1 calculations do not include any existing, retained or created arable field margins. The calculator must be updated to demonstrate the losses / gains of arable field margin priority habitat.	Natural England's BNG technical note states: <i>"Where field margins meet the definition of a 'better' or higher distinctiveness habitat they should be mapped as such within the metric"</i> . As such all arable margins have been captured within higher distinctiveness habitat bands. See the revised BNG Technical Note, the OLEMP and the

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
			Ecology Position Statement – Arable Flora, all to be submitted at Deadline 7.
Appendix D Natural England's Biodiversity Metric 3.1 Calculation	Site River Baselines / Site River Creation / Site River Enhancement	The existing, retained / enhanced / created river habitats are not shown on the BNG post-development habitat. Please clarify the location of these features	Natural England's BNG Technical Note provides greater clarity within the metric calculation comments. See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.
7.6 Outline Battery Fire Safety Management Plan (Tracked) - Rev: 02 [REP5-051]			
BESS	General	We welcome the commitment to engage the services of an independent Fire Protection Engineer specialising in BESS to evaluate hazard modelling and risks. We encourage the Applicant to engage with interested parties and continue to update the Outline Battery Fire Safety Plan.	The Applicant is committed to continuing engagement with interested parties and has requested a meeting with Stephen Henthorn at Suffolk Resilience Forum and consultation is continuing with the Health and Safety Executive. Consultation will continue with interested parties and will feed into the Battery Fire Safety Management Plan submitted at the detailed design.
8.71 Applicant's Response to ExA Second Written Questions [REP5-056]			
PROW / Landscape	Q2.7.4 Page 63	The Applicant's response to this question demonstrates the significant adverse impact that the development will have on users of the road network. Many of the roads affected are minor roads that form key parts of the local community's walking, cycling and riding network, such as the U6006 and Beck Road. Evidence given at ISH3 and the open floor hearings was that people would be strongly discouraged from using their local networks for recreational purposes as a result of this urbanising effect on the landscape. It is not clear that the	It is acknowledged that the Scheme has the potential to affect the way that people perceive their local landscape through the journeys that they make and the places that they visit. These effects will be felt particularly during construction, the early years of operation and decommissioning, when activity will be highest and the planting provided as mitigation will not yet have established. The Scheme has been designed to, as far as possible, avoid impacts on users of the PROW and

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		Applicant has adequately assessed the adverse impact on NMUs in respect of the role that local roads play as part of recreational activity, and requests that it now does so together with consideration of any additional mitigation that can be offered.	local road network by using existing vegetation as visual screening and incorporating offsets from solar farm development. This is explained further in the PRoW Experience Note submitted at Deadline 6 [REP6-035] . Additional consideration to PRoW issues has also been given by the Applicant's offer in relation to a PRoW Contribution payment in the section 106 Agreement. The Applicant has committed to monitoring and maintaining all vegetation within the Scheme boundaries, including existing vegetation, and re-planting vegetation which fails or dies during the lifetime of the Scheme.
PROW – Noise Affecting Equestrians	Q2.8.1 Page 65	The Council welcomes the additional measures that the Applicant has committed to putting in place to help address the adverse impact of noise affecting equestrians.	Noted.
PROW – NMUs as Visual and Noise Receptors	Q2.9.9 Page 72	The Council disagrees with the assessment of the Applicant that NMUs are not noise sensitive receptors. Evidence given at the open floor hearing in December was that the local community value their countryside for its very quietness, and in many cases have moved into the villages because of that quality. Even low levels of persistent noise can have a detrimental effect on the enjoyment of users of the local highway and rights of way network. 'Enjoyment' is a legal term used to define the quality of experience of users, personal to them. Given the current extreme quietness of the locality, users are likely to experience the noise effect for a significant duration of their journey along paths and local roads that form their circuits, and therefore it is quite possible that there will be a prominent effect on their	Noise is assessed based on the effect on health and quality of life. Noise generated by the Scheme will only affect NMUs for limited periods of time when they are in close proximity to the noise source and, for the majority of the time, NMUs will continue to 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 acknowledged that short-term exposure to construction noise can cause disturbance to NMUs and result in adverse noise effects. Planning Practice Guidance Noise identifies an adverse noise effect as " <i>Affects the acoustic character of the area such that there is a small</i>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>enjoyment in use of the paths. If users are dissuaded from using their paths this could have a significant impact on their mental and physical health and wellbeing. It could also result in them driving to other locations, putting unnecessary additional traffic on the roads and potentially adding pressure to known ecologically sensitive sites nearby. Therefore, the Council requests that the Applicant reviews its consideration of NMUs as noise sensitive receptors to acknowledge the effect described above.</p> <p>The Council welcomes the Applicant's willingness to enter into a s106 agreement to enhance the PROW network. It notes that the s106 agreement is currently at a very early stage. In order to ensure the Applicant's commitment, the Council requests that the s106 Agreement is completed by the close of the Examination.</p>	<p><i>actual or perceived change in the quality of life."</i></p> <p>This is considered to describe the level of noise effect that may be perceived by NMUs.</p> <p>However, given the linear nature of PROW, the range of noise impacts along them forming the ambient noise environment, and the transient usage of a PROW by NMUs, 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 as arising from the Scheme.</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>In accordance with the Noise Policy Statement, the Applicant has taken all reasonable steps to minimise the effects of noise on NMUs during the construction, operational and decommissioning phases of the Scheme. These measures are set out in the Framework Construction Environmental Management Plan ([REP-026] and the Framework OEMP [REP5-010].</p>
PROW Plans	Q2.8.13 Page 72	<p>The Council welcomes the Applicant's commitment to adding all permissive paths to the Access and Rights of Way Plans.</p> <p>Part 2 of the Applicant's response to question 2.9.13 states that "the relevant roads which are maintainable at public expense are listed in column (2) of Schedule 5 of the dDCO". This is noted. However, Schedule 5 parts 1 and 2 includes both public highways and private roads. For clarity's sake it should be noted in</p>	<p>The Applicant will provide for this in the next version of the dDCO being submitted by adding reference to '(public)' or '(private)' after the relevant road names in Parts 1 and 2 of Schedule 5.</p>

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		the Schedule which of the roads are public or private. Furthermore, the Council requests that Schedule 5 be amended to indicate whether the works referenced in column (3) are taking place on public or private sections of the roads listed in column (2).	
PROW - Public Access Strategy	Page 73 Q2.9.15	<p>The Council refers to its response to at 5.2.1f of 6.2 10L Landscape and Environmental Management Plan at D6.</p> <p>In addition, it would comment that it is not clear to what the 'shorter circular routes' cited refer.</p> <p>The Council welcomes the relocation of the path further away from Beck Road and the positive mitigation that the addition of the permissive path should have in easing recreational pressure on ecologically sensitive sites, during the course of the development. Due to the nature of the developer's land-holding arrangement, permanent mitigation will unfortunately depend on whether or not the creation of definitive rights of way can be achieved using s106 monies upon decommissioning. This will have to be through the appropriate statutory public process, the outcome of which cannot be guaranteed.</p>	The shorter circular routes referred to are the options relating to connections with U6006 and local lanes, which the local authorities have stressed are important parts of the wider rights of way network.
PROW - FCWG	Page 74 Q2.9.18	The Council is of the view that the permissive paths should be viewed as both mitigation and enhancement, for the reasons set out at the Council's comment to the Applicant's response to Q2.9.14 above. At ISH3 the Council explained that people need to be encouraged to use the PROW network to access the countryside for their health and wellbeing, and this includes mitigating the adverse impact on local communities who are disenfranchised by the visual and built-up impact on the landscape in which they walk, cycle, run or ride. Enhancement of the network is therefore in	Further information has been added to the OLEMP at Deadline 7 to explain the perceived wider impacts on people's enjoyment of the landscape and how the Scheme has been designed to respond to this. This includes through the provision of permissive paths, which extend and connect with the rights of way network, which includes local lanes connecting villages. Further consideration has also been given to the design of permissive routes, including through the provision of signage and interpretation material to increase legibility and connectivity within the landscape.

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		<p>mitigation of this adverse effect, as well as to comply with the requirement under NPPF para 100 to encourage people into active lifestyles by providing more comprehensive public access into the countryside, eg those who may consider moving into the local communities during the 40year life of the development.</p> <p>The LHAs consider that FCWG should be consulted by the LHAs as part of the process to agree the permissive paths, because not only are they an interested party in the DCO process, but they are effectively the pedestrian representation in lieu of the Ramblers' Association (RA) who do not have a representative in this area. The RA is a statutory consultee on all the public paths processes that the LHAs have to undertake in their role as the Order Making Authority, and so the LHA considers it reasonable to consult FCWG in their stead to ensure that local views have been taken into account. Affected parish councils could similarly be consulted.</p> <p>As set out in its LIR, the Council is of the view that a more imaginative approach to public access should be taken. It considers that other permissive paths <i>are</i> feasible, as discussed at the meeting on 1st December with AECOM, and as suggested by FCWG along the cable corridors. The Council would welcome further engagement from the Applicant on this matter.</p>	<p>The Applicant is content that the LHAs consult FCWG in respect of proposals for the Public Access Mitigation Strategy Measures that are secured through the S.106 agreement. The Applicant's point in its response to Q.2.9.18 was that it was inappropriate to have further discussions with FCWG in respect of further permissive paths as the Applicant is unable to provide additional permissive paths beyond those already in the Application.</p> <p>Discussion with the LHAs has now moved beyond that reported in the summary of the issues raised. The LHAs accept that the provision of a financial contribution through the proposed S.106 agreement is the most appropriate way forward.</p>
8.72 Applicant's response to LPA Deadline 4 Submissions [REP5-057] - LPA Post-Hearing Submissions			
Arable Flora Mitigation	Pages 17-18	Please see the Council's comments on Arable Flora Mitigation in response to REP5-012 on page 2 of this document.	See the OLEMP to be submitted at Deadline 7 and Ecology Position Statement – Arable Flora [AS-320].

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
8.72 Applicant's response to LPA Deadline 4 Submissions [REP5-057] – Environment – Landscape and Visual (L&V)			
Permissive Paths	Page 34-36	The Council notes the Applicant's response and that the principles also affect Cambridgeshire County Council. It welcomes the Applicant's written commitment to proactive engagement and willingness to make s106 contributions to enable permanent enhancements to the PROW network. The Council confirms that it is working on its proposals, in association with Suffolk County Council. The Councils and Applicant are drafting a S106.	The Applicant is committed to entering a S106 with the Councils. It is considered that this will be agreed by the end of the Examination.
PROW – Temporary Closures	Page 60	The Council refers to its previous response made at Deadline 5, which does not appear to have been addressed.	The Applicant assumes that this is a reference to CCC's response to ExA Q2.9.11, which was discussed at ISH4. Please see section 7 of the Applicant's summary of its submissions and post hearing note, submitted at Deadline 7.
PROW – Haul Roads	Page 60	The Council welcomes the amendments to the CEMP but notes that the Applicant has not confirmed that Schedule 2 of the dDCO will be amended. The Council requests that this is done. The Council notes the Applicant refers to emerging discussions with the LHAs in respect of a side agreement regarding inspection and certification and other highway matters, and urges the Applicant to move swiftly to progress this. The legal agreement must be completed by the close of the Examination if the Council is to satisfy its concerns and be able to withdraw its objection concerning due procedures to enable it to meet its statutory obligations.	It is not clear to the Applicant what amendments are sought in relation to requirement 14. The Applicant considers that its terms are appropriate to secure the measures included in the CEMP. The Applicant is positively engaging with the local highway authorities in relation to the terms of the protective provisions and side agreement.
Access & ROW Plans	Page 61	The Council reiterates that it notes the Applicant refers to emerging discussions with the LHAs in respect of a side agreement regarding inspection and certification and other highway matters, and	The Applicant is positively engaging with the local highway authorities in relation to the terms of the protective provisions and side agreement.

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		urges the Applicant to move swiftly to progress this. The legal agreement must be completed by the close of the Examination if the Council is to satisfy its concerns and be able to withdraw its objection concerning due procedures to enable it to meet its statutory obligations.	
Permissive Paths on Plans	Page 61	The Council welcomes this amendment to the Plans and the intention to submit a consolidated set of A&ROW Plans pending acceptance of the application and discussion with the LPAs. This discussion should include the LHAs, given the importance of their role in public access and mitigation of the effect on NMUs in the landscape.	A consolidated set of AROW Plans are being submitted at DL7 to include the Public Rights of Way. In addition to the AROW Plans, the Applicant is updating the Environmental Master Plans at Deadline 7 and will include the PRoW and local roads used by NMUs. This has been discussed with the Local Authorities.
Impact on NMUs	Page 62	The Council welcomes the Applicant's amendment to the communication strategy, and its commitment to incorporate the Council's recommendations.	Noted.
Impact on NMUs – Saturdays	Page 62-63	The Council does not accept the Applicant's limited assessment of NMUs as only transient visual sensitive receptors. At ISH3 the Council explained that people need to be encouraged to use the PROW network to access the countryside for their health and wellbeing, and this includes mitigating the adverse impact on local communities who are disenfranchised by the visual and built-up impact on the landscape in which they walk, cycle, run or ride. The Council disagrees with the assessment of the Applicant that NMUs are not noise sensitive receptors. Evidence given at the open floor hearing in December was that the local community value their countryside for its very quietness and open rural nature, and in many cases have moved into the villages because of that quality. Even low levels of	The Applicant acknowledges that the Scheme has the potential to affect the way that people perceive their local landscape through the journeys that they make and the places that they visit. These effects will be felt particularly during construction, in the early years of operation, and during decommissioning, when activity will be highest and the planting provided as mitigation will not yet have established. The Scheme has been designed to, as far as practicable, avoid impacts on users of the PRoW and local road network by using existing and proposed vegetation as visual screening and incorporating offsets from solar farm development. It will also inform the provision of improvements to existing PRoW and additional PRoW that local authorities bring forward through

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>persistent noise can have a detrimental effect on the enjoyment of users of the local highway and rights of way network. 'Enjoyment' is a legal term used to define the quality of experience of users, personal to them. Given the current extreme quietness of the locality, users are likely to experience the noise effect for a significant duration of their journey along paths and local roads that form their circuits, and therefore it is quite possible that there will be a prominent effect on their enjoyment in use of the paths. If users are dissuaded from using their paths this could have a significant impact on their mental and physical health and wellbeing. It could also result in them driving to other locations, putting unnecessary additional traffic on the roads and potentially adding pressure to known ecologically sensitive sites nearby. requests that the Applicant reviews its consideration of NMUs as sensitive receptors to acknowledge the effect described above.</p> <p>The Council therefore requests that Saturday working is minimised in order to mitigate the adverse impact of noise on the health and wellbeing of NMUs.</p> <p>It also requests that the Applicant acknowledges that this greater sensitivity of people is a key reason why the Councils seek enhancement of the network, to offset the adverse impact of the development and provide some lasting benefit to the local community, both during the life of the development and after decommissioning.</p>	<p>financial contributions that will be made via a s106 agreement associated with the Scheme. The Applicant has committed to monitoring and maintaining all vegetation within the Scheme boundaries, including existing vegetation, and re-planting vegetation which fails or dies during the lifetime of the Scheme.</p> <p>Please see response to Q2.9.9 Page 72 above regarding NMUs as noise sensitive receptors.</p> <p>Once a Principal Contractor has been appointed, the Construction Environmental Management Plan requires them to apply for Section 61 consent to carry out construction work. The Section 61 application will set out the specific method of working, calculations of noise levels at nearby receptors, the actual working hours required, noise monitoring locations, details of communication measures and the mitigation measures implemented to minimise noise and vibration impacts. This could also include methods for working on a Saturday, which would need to be agreed prior to the commencement of work.</p>
Noise Affecting Equestrians	Page 64	The Council notes the response and accepts the Applicant's commitment to engage with equestrians to respond to noise complaints through the CEMP as sufficient, noting that this might require noise	The Framework Construction Environmental Management Plan submitted at Deadline 7 will include a requirement to undertake noise monitoring should complaints from equestrians be

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		levels to be assessed should complaints be raised.	identified.
Ch13 Transport	Page 67	The Council notes that the Applicant states it has requested highway extent information from the Councils. To date the relevant Asset Information Searches team at Cambridgeshire has not received any such request.	The Applicant has received highway boundary data from CCC. A set of Highways Plans will be provided with the inclusion of the CCC highway boundary directly to CCC.
8.72 Applicant's response to LPA Deadline 4 Submissions [REP5-057] – Local Impact Report			
Chapter 13, Transport	1g, 1h (pages 67-68) 14.19, 14.21 (page 61)	Local highway authorities have represented that it is necessary for the Applicant to obtain and display highway boundary information on the appropriate draft Order plans. The Applicant has advised in response that it has contacted the local highway authorities to obtain this information, but has yet to commit to the display of this information on the draft Order plans. Cambridgeshire County Council remains of the opinion that this makes the task of understanding the impact of the proposed works on the pre-existing highway network more difficult. CCC is yet to receive a request for highway boundary information in relation to the draft DCO proposals.	The Applicant has received highway boundary data from CCC. A set of Highways Plans will be provided with the inclusion of the CCC highway boundary directly to CCC.
Arable Field Margins / Arable Flora	8.89 (page 54)	Appendix 8C: Terrestrial Habitats and Flora Report [APP-079] Figure 2 does not show the survey area. The Council still remains unclear about which of the fields were scoped out for detailed for arable flora surveys, as set out on page 3 of West Suffolk Council's Post Hearing Submission ISH2 [REP4-131].	As stated in [APP-079] section 3.4.2 all arable margins (within the Order limits shown on Figure 2) within the Order limits were considered and surveyed where rare/scarcely arable flora were present or likely to be present. Due to amendments of the site boundary some arable flora survey results were shown just outside the Order limits.
AIA – Bat Surveys	8.103 and 8.111 (pages 55-57)	The Council seeks the submission of the Preliminary Roost Appraisal that "has been undertaken on all woodlands and trees and it is noted that there could be potential impacts to trees and woodlands with bat roost suitability."	The method and results of the Preliminary Roost Appraisal were provided in the Environmental Statement - Appendix 8J - Report on Surveys for Bats [APP-087]. As stated in the Deadline 5 Submission Arboricultural Impact Assessment

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		The Council also seeks clarification at to the potential level of impact of the works on bats (based on the precautionary principle).	(AIA) [REP5-52] tree loss and impacts could be significantly reduced and impacts to trees will be presented in a detailed Arboricultural Method Statement Report, secured through the Framework Construction Environmental Management Plan (FCEMP). The AIA includes proposed measures for bats and other protected species, including further surveys, when final extent of tree loss is known, within a Precautionary Arboricultural Method Statement (PAMS) (Appendix C, page 107 of REP5-52). This is secured in the Deadline 7 version of the FCEMP. The biodiversity importance and level of impact on bats is currently as assessed in the Environmental Statement - Chapter 8 - Ecology and Nature [APP-040] and considering the precautionary principle concludes no significant effects on bat populations. It should be noted that this states the assessment may be updated following pre-construction surveys when the final extent of tree loss is known as agreed with Natural England.
Bats – Pre-Commencement Surveys	8.103 & 8.111 (pages 55-57) 8.114 – 8.115 (pages 57-58)	The FCEMP [REP5-043] should be updated to include a requirement for pre-commencement surveys for bats prior to any tree works.	The following commitment, as set out in the Applicant's response to LPA Deadline 4 Submissions [REP5-056] , has been included in the Framework CEMP submitted at Deadline 7: <i>“Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified”.</i>

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8.72 Applicant's response to LPA Deadline 4 Submissions [REP5-057] – Appendix A Phase 1 Habitat and Arable Flora Update			
Arable Flora	Page 125	<p>The purpose and significance of the walkover survey is unclear.</p> <p>The Councils seek further clarification of the methodology used, in order to determine the comprehensiveness of the survey work. For example:</p> <p>Was all land within the red-line boundary surveyed? If not, what was the rationale for selecting specific land parcels to surveys?</p> <p>Were the surveys completed by a suitably competent botanist?</p> <p>Were the fields assessed against UK Habs classification?</p> <p>Was a more detailed botanical assessment undertaken of potentially interesting habitats, following the methodology set out in the Terrestrial Habitats and Flora Report of the [APP-07]?</p> <p>The Councils seek further clarification on the constraints of the survey, both the area covered and timing of the survey and how this has a bearing on the results. The survey work was undertaken in September 2022, which is outside of the optimal botanical survey seasons, particularly for arable flora that are normally surveyed in late spring. The survey work also followed a prolonged period of drought. For this reason, other botanical surveys of grassland in Cambridgeshire had to be abandoned by the end of July because the vegetation was completely dried / scorched and not identifiable.</p> <p>Given the constraints, the Councils question the level of confidence that the Applicant is able to afford the findings of the results.</p>	<p>The Applicant's position on arable flora surveys is set out in the Ecology Position Statement submitted at Deadline 6.5 [AS-320]. The intention of the survey undertaken in September 2023 was to re-affirm current site conditions in respect of arable flora and grassland habitats previously identified.</p> <p>See the OLEMP to be submitted at Deadline 7 which provides more detail on this and Ecology Position Statement – Arable Flora.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
Additional Fields of Local County Importance		<p>The survey identified additional fields within the development site as being of 'local importance'. However, given the constraints of the surveys (as identified above), the Council considered it more appropriate to describe these fields as of up to county importance, to reflect the possibility that a number of key target species may have been missed due to poor quality of the survey.</p> <p>The only conclusion that can be made from the walk-over is that notable arable flora are well spread across the Development Site. The presence of arable flora (yearly growth) is dependent on the phase of the cropping pattern. Mitigation / compensation will be required to address the loss of arable flora from across the entire site. The current proposal for three areas of compensatory habitat for arable flora is not considered adequate to address the loss of large areas of arable field margins from across the site.</p>	<p>The intention of the survey undertaken in September 2023 was to re-affirm current site conditions in respect of arable flora and grassland habitats previously identified.</p> <p>As set out in previous responses and the Applicant's Ecology Position Statement submitted at Deadline 6.5 [AS-320], it is recognised that arable flora occurs widely across the Site and that this is determined by the annual cropping pattern. Therefore, the Applicant has sought to retain, in situ, those areas of greatest value, i.e., county value and this is reflected in the location of arable flora plots, which now amount to around 2,000m of annually disturbed ground, especially for arable flora.</p>
Appendix A – Phase 1 Habitat and Arable Flora Update	Table 1	<p>Table 1 refers to "annotated Phase 1 Figure 1", however this figure has not been supplied. As such, it is not possible to undertaken where the notes are referring to.</p> <p>It is noted there is also reference to an Updated Phase 1 Map within the BNG report [REP5- 048], however we cannot find any drawings that are annotated to include the 'notes' or field reference numbers used in Table 1.</p> <p>The Councils request that "Annotated Phase 1 Figure 1" is supplied. This should include the location of all referenced fields and notes, as well as showing the area of land surveyed. It should also clearly show how the results differ from the 2019/20 baseline.</p>	<p>The revised BNG Technical Note submitted at Deadline 7 references the plans informing the BNG Technical Note and the Environmental Masterplan (EMP). See also the OLEMP and Ecology Position Statement – Arable Flora. to be submitted at Deadline 7.</p>

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8.77 Environmental Masterplan (Zoomed In) – 1, 2 3 and 4 of 4 [REP5-061 to REP5-064]			
Proposed Woodland		This category should be separated into the constituent parts: new planting; natural regeneration; infilling; and existing vegetation. This would allow the Councils to understand the proposed planting in more detail.	See the OLEMP and the EMP to be submitted at Deadline 7.
Sunnica West A (W08- W12)	Sheets 11 and 12	Sheets 11 and 12 are missing and therefore, the detailed design for parcels W08-W12 and the surrounding land (e.g. archaeological constraints to south of W09 and rush pasture / grassland north of W08/W10) are not known. The Councils request this information be provided	See the OLEMP and the EMP to be submitted at Deadline 7.
General		The proposed habitats do not accord with the post-development habitats shown in the BNG report, please refer to Council's comments on [REP5-048] above REP5-048].	See the OLEMP and the EMP to be submitted at Deadline 7.
8.81 Public Rights of Way Closure Note [REP5-068]			
8.81 Public Rights of Way Closure Note [REP5-068]		The Council welcomes the provision of this PROW Closure Note, and it is welcomed that the programme asserts that there will be no overlapping closures. The Council welcomes the principles of 2.3.3 and encourages where possible that, despite a TTRO potentially being in place, the best option is for marshals to be in place to guide users to safely	Noted. Noted. It is the intention that reasonable alternatives, such as the use of banksman will be explored before resorting to closure. The Applicant has updated the Framework CTMP submitted at

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		<p>cross the point where works are taking place.</p> <p>Table 1.1 incorrectly refers to East Cambridge District Council, rather than East Cambridgeshire District Council.</p> <p>Should a TTRO be required, for the avoidance of doubt there must be a specific TTRO for each closure, and the Applicant needs to ensure that the Contractor is aware of TTRO application time scales. The proposed Highways Legal Agreement needs to include agreed timescales for the LHA to advise on signage and pre inspections.</p> <p>The Council is concerned that the tone of the Note is still very much around closure of PROW despite the statement that they would be closed as a last resort. The Council repeats its proposed amended wording to the DCO and CTMP as requested by the Examiners at ExWQ2.9.10: This matter equally affects PROW in the area for which SCC is responsible, and so a joint response between CCC and SCC has been agreed. CCC and SCC consider that Article 11(1) of the dDCO needs to be amended as highlighted in bold in order to address our concerns. Article 11(1): “The undertaker, during and for the purposes of constructing or maintaining the authorised development, may temporarily stop up, prohibit the use of, authorise the use of, alter or divert any public right of way and may for any reasonable time only</p>	<p>Deadline, 7, see in particular paragraphs 6.3.4 and 6.3.10.6, to more clearly express this intention.</p> <p>The error is noted, however, it is not intended to re-submit the PROW Closure Note into Examination.</p> <p>The Applicant has included in it its draft DCO powers that would enable a measure, equivalent to a traffic regulation order, to be made under the DCO rather than under the Road Traffic Regulation Act 1984, see article 11 of the draft DCO and the accompanying Access and Rights of Way Plans. Negotiations in relation to the side agreement with the local highway authorities are ongoing.</p> <p>Please see section 7 of the Applicant's Summary of Oral Submissions at ISH4, submitted at Deadline 7.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>as a last resort in accordance with the detailed Construction Traffic Management Plan approved under Schedule 2 Requirement 16 —".</p> <p>The DCO should refer to the legal agreement that the Council has requested the Applicant to enter into with it. This the legal agreement will provide the detail as to how the liaison process will be governed, as well as phasing and other matters critical to ensuring effective delivery and control.</p> <p>Schedule 2 Requirement 16 sets out the requirement for a Construction Traffic Management Plan. This is linked to Article 9, Power to alter layout, etc., of streets. Article 9(3) should be amended as follows: Article 11((3): "The undertaker must restore any street that has been temporarily altered under this Order to the reasonable satisfaction of the street authority through inspection and certification by the street authority in accordance with the procedure set out in the legal agreement between the relevant parties." Article 9(1)(b) should also be amended so that it refers to Part 1 of Schedule 6, which governs the temporary stopping up of PROW. If it does not refer to Part 1 of Schedule 6 then there is no provision within the DCO for control of reinstatement of PROW affected, as there is for the streets listed in Schedule 5. This is because Article 11 only deals with temporary stopping up and alterations to the surface etc. of PROW and not reinstatement</p>	<p>This is unnecessary and inappropriate. The side agreement will reference the provisions of the DCO. It is unnecessary (and indeed impractical given that the side agreements are currently still being negotiated) for the DCO to reference the side agreement. The correct approach is for the side agreements to reference the DCO, this is especially so given that their purpose is to flesh out how the relevant provisions in the DCO would operate in practice.</p> <p>Please see section 7 of the Applicant's Summary of Oral Submissions at ISH4, submitted at Deadline 7.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>provisions. Article 9(1)(b) should be amended as follows:</p> <p>Article 9(1)(b): "in the case of the streets specified in column 2 of the table in Part 2 (temporary alteration of layout) of Schedule 5 and Schedule 6 temporarily in the manner specified in relation to that street in column 3."</p> <p>Schedule 2 Requirement 16: Construction Traffic Management Plan should be amended as follows:</p> <p>Requirement 16(3):</p> <p>"No part of the permitted preliminary works for each phase comprising above ground site preparation for temporary facilities for the use of contractors, site clearance (including vegetation removal, demolition of existing buildings and structures) and the diversion and laying of apparatus so far it relates to works in the highway (including public rights of way) and the crossing of highways (including public rights of way) for construction purposes may start until a permitted preliminary works traffic management plan for that phase has been submitted to and approved by the relevant county authority for that phase or, where the phase falls within the administrative areas of both the county of Suffolk and the county of Cambridgeshire, both relevant county authorities."</p> <p>The CTMP should be amended as follows:</p> <p>6.3.4 Over the course of the construction period a number of PROW may need to be temporarily closed for a maximum of three weeks. This is a worst-case scenario: PROW will only be closed as a last resort. The local highway authority will be</p>	<p>The Applicant amended requirement 16 in the version of the draft DCO submitted at Deadline 6 [REP6-014]. It is unnecessary to make specific reference to public rights of way in requirement 16 because all public rights of ways are highways and so are caught by its terms.</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>consulted on any proposed closures in accordance with article 11 of the DCO.</p> <p>Paragraph 6.3.10 to be replaced as follows:</p> <p>The contractor will provide its proposed programme of all proposed temporary diversions and/or closures of PROW to the relevant LHA and will agree the appropriate diversionary routes. Through discussions with the Local Highway Authorities, it is understood that their preference is to avoid PROW closures where they are required for vehicles to cross the PROW, with the preferred method to be the use of marshals (banksman/banks person) to enable usage of the PROW to cross the point at which the management is required. Solutions may include diversion within the redline boundary, where space allows. This is supported by the Applicant, however, the contractor will make the final decision as to whether marshals (banksman/banks person) can be used, and this will be decided on case-by-case based on health and safety of workers and the nature of users of the public rights of way.</p> <p>New para 6.3.11</p> <p>Appropriate signage for any diversions or closures will be agreed with the Local Highway Authority through the detailed CTMP/the preliminary works traffic management plan under Requirement 12 of Schedule 2 to the DCO, including the locations at which signage is to be placed in order to provide users with adequate notice to make appropriate decisions for their journeys.</p> <p>It is requested that the note please be amended to align with these amendments.</p>	<p>The Applicant has made updates to 6.3.4, 6.3.10, and 6.3.11 in the F-CTMP [REP5-015] to be submitted at Deadline 7. The Applicant's updates are intended to address the points requested by the LHA, albeit not verbatim. The signage point in 6.3.11 has been incorporated into 6.3.10</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		CCC made a number of comments in respect of the OHEMP	All of these comments have been dealt with in the updated OHEMP submitted at Deadline 7

2 Comments on LPA deadline 6 submissions

2.2 Interested Party – West Suffolk Council – D5

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
8.46 Arboricultural Impact Assessment Report (Tracked) – Rev 01 [REP5-053]			
Completeness of the baseline tree data	7.3.6	It remains the case that 53% of all tree canopy cover to be removed has only been assessed via desk study and walkover review (where feasible), rather than by detailed tree survey. The Council is disappointed that a full tree survey has not been undertaken given the Council's request for this in response to the PEIR.	The Applicant believes that the approach to the assessment has been proportionate to the scale of the project and the outline nature of the reference design. The level of information provided is very similar to what would be produced via a full tree survey (which on large scale schemes would often record trees as large homogenous group features assigned to maximum dimensions). The data provided assigns trees to a quality category determined via walkover review by an arboriculturist (achieved for the main sites and some of the cable routes with the remaining cable routes reviewed from publicly accessible land, aerial imagery and other desk based resources) it also records canopy spread, height and assigns a buffer zone which provides both the Applicant and local authorities with a reasonable level of information to inform decision making and understanding in relation to the order of magnitude of likely impacts. Further detailed work is also secured via commitments in the FCEMP [REP5-044] along with a commitment to avoid and retain any veteran trees should they be encountered (which is highly unlikely given the walkovers and

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
			other assessment work completed to date). The percentage of trees to be removed which have not been surveyed is exponentially high because many of the surveyed trees which were to be removed have now been retained due to design changes and other commitments (e.g. tree loss now avoided at Chippenham Avenue).
Impact on TPO trees	7.3.10	The AIA states in relation to TPO trees on the U6006 Road that 'The potential for these trees to be retained will be reviewed as part of the detailed design process and this is secured as a commitment in the FCEMP'. The Councils do not consider the wording in the FCEMP to reflect this commitment. It states 'The Arboricultural Report will also explain how impacts to the TPO trees identified as being impacted by the Arboricultural Impact Assessment have been minimised as far as reasonably practicable'.	The FCEMP [REP5-044] includes the requirement that the final Arboricultural Report must be submitted to the Local Planning Authority for approval in advance of commencement and the Applicant believes that this provides confidence that TPO trees will be properly considered as part of the detailed design process. Following agreed changes the northern section of tree loss at U6006 will now be avoided and both northern and southern areas of cable will be installed via trenchless methods. At this stage tree loss at the southern extent is unavoidable as an access route is necessary to cross U6006. This has been rationalised to a single location to minimise any impact and can be achieved using no dig techniques to reduce tree loss however a 5.5m wide access route is currently unavoidable. It will be micro-sited at the detailed design stage to avoid the most significant and highest quality trees within the groups where possible.
Trees within CWS	7.3.12	This statement does not appear to be accurate. Refer to FCEMP [REP5-044] page 16C-20.	The Arboricultural Impact Assessment Report [REP5-052] will be reissued at Deadline 7 to clarify that no tree loss is required within the County Wildlife Sites due to the avoidance of tree removal at the northern extent of U6006 which has been agreed after the Deadline 5 submissions, further to the commitments in the FCEMP.
6.2 Appendix 16F Framework Operation Environmental Management Plan (Tracked) [REP5-010]			
Operation activities – 'maintenance'	2.1.1	The Council notes the additional wording that has been attached to this provision, which requires the Applicant to notify the relevant planning authorities of planned maintenance. The Council considers that	The Outline OEMP submitted at Deadline 7 will be updated to reflect the wording on 'maintenance' as requested by the authorities, save that reference to environmental effects will be for the Applicant to demonstrate that they are not materially worse than what has already been assessed.

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		<p>this wording is somewhat vague and does not fully address the Council's concerns regarding the definition of maintenance. The Council would suggest that this provision is worded as follows:</p> <p>"Every 12 months from the date of final commissioning of each phase, the Applicant will submit a planned maintenance schedule for the year ahead to the relevant planning authorities, excluding unforeseen emergencies that require maintenance throughout the year. The annual planned maintenance schedule shall include the following details as a minimum: the extent and nature of the scheduled maintenance; the proposed timing of such maintenance; and the environmental effects that are likely to arise as a result of such maintenance. The Applicant will further notify the relevant planning authorities of any maintenance that has been undertaken as a result of unforeseen emergencies. Such notification shall be given as soon as practically possible but no later than 14 days from the emergency maintenance being carried out. Such notification shall include the following details as a minimum: the extent and nature of the maintenance".</p>	In addition, the Outline OEMP will also require the Applicant to outline the environmental controls to be implemented to mitigate the potential environmental effects.
Badger sett monitoring	Table 3-3, page 16F-7	Is this still required as there is no new sett created?	No new Badger setts are required. Reference to monitoring new Badger setts has therefore been removed.
6.6 Offsetting Habitat Provision for Stone Curlew Specification (Tracked) [REP5-047]			
ECO1 arable reversion	Table 4-2	It is the Council's understanding that ECO1 has not been ploughed for a number of	The Applicant agrees that 'standard minimum tillage cultivation' is appropriate for ECO1. In terms of confirming previous soil

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		years by the landowner and given the significance of the archaeology within this area, 'standard minimum tillage cultivation' would be more appropriate for seeding the area.	<p>disturbance, data available from Defra indicate that EC01 was harvested for a Beet crop in 2021 and winter wheat in 2021 – https://environment.data.gov.uk/dataset/f0f54bc1-b77a-42c8-b601-2f4aaf4dd851. Data for 2022 are not yet available.</p> <p>The Applicant understands that although these crops can be direct drilled, it is beet harvesting which creates the greater disturbance of soil horizons as share blades are set at a depth of 200mm – 250mm to minimise damage to the crop. This is equivalent to a deep topsoil strip throughout the entire area of harvest.</p> <p>The Applicant's proposed 'one off' soil preparation method for EC01 will disturb the uppermost 75mm of this disturbed soil horizon and not affect any <i>in situ</i> archaeological features. This will be detailed in the OLEMP.</p>
Arable reversion ECO3		The archaeological interest within ECO3 has not been fully investigated. The area has been shown to contain some archaeology through geophysical survey but has not been evaluated. No trial trenching has been undertaken to determine if there are archaeological assets that need to be avoided or mitigated. Therefore, the acceptability of skimming the topsoil from these areas, and the location of bare ground disturbed plots remain uncertain until this further archaeological investigation is undertaken.	<p>The geophysical survey results for EC03 correlate with the 2nd edition OS map 1886 –1913 (Environmental Statement - Appendix 7F - Sunnica East and West Geophysics Report Map Book - Zone C [APP-065]) indicating the presence of gravel extraction pits of probable late 19th and early 20th century date.</p> <p>EC03 has also recently been subject to root crop agriculture (https://environment.data.gov.uk/dataset/f0f54bc1-b77a-42c8-b601-2f4aaf4dd851) resulting in a reworking of the topsoil to at least 250mm. This will have significantly disturbed the soil horizons throughout EC03 likely removing any archaeological features within the reworked 'topsoil' and certainly to a much greater depth than the 75mm depth required for proposed soil preparation for grassland habitat.</p> <p>Despite the evidence for previous impact to the upper soil horizons, the Applicant agrees that, should topsoil strip be required in order to establish grassland habitat, trench evaluation within the proposed strip area could be undertaken post-consent. The Applicant understands that SCC will produce a brief for this requirement for Deadline 7. The Applicant will then consider updating its application documents if required. Should topsoil strip not be required in EC03, trench evaluation could be undertaken</p>

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
			within the proposed Stone-curlew plots, again subject to a brief beprovided by SCC.
Anti-predator fencing	4.1.31 and 4.1.33	The requirement to bury predator fencing in the ground by 25cm is likely to be a challenge given the significance of the archaeological assets within ECO1 and ECO2 particularly if it is to be constructed annually. The parameters in 4.1.33 should be checked for accuracy.	The Applicant agrees that groundworks for establishing predator fencing could have a minor impact on archaeological horizons. The methods to avoid or mitigate archaeological impact will be included in the final HEMP. HEMP Method statements will be prepared to ensure contractor compliance. This has been added to the OHEMP (Annex E of the OLEMP) submitted at Deadline 7.
Effectiveness of the offsetting land	4.1.40	It is not clear what contingency is in place for the case that the offsetting land is not effective for any number of the reasons including recreational disturbance, presence of solar panels, quality of the habitat created. This is particularly pertinent for those areas of the offsetting provision which are also being managed for archaeology and where remedial actions would be limited and subject to further agreement for example with the county archaeologists.	The Applicant is confident that the measures proposed for Stone-curlew and protecting archaeological assets are compatible, i.e., the creation of permanent grassland on current arable fields. Further details on the creation and management of Stone-curlew nesting plots and grassland are set out in the OLEMP. Future management provisions for the land providing mitigation (offsetting land) (including Archaeological Protection Areas (APAs)), including contingency arrangements and mechanisms for stakeholder agreements will be included in the final OHEMP. The provisions for APAs will be referenced with the OLEMP, to which the HEMP will be appended. The provisions will be in accordance with recommended guidance and best practice as listed on the Association of Local Government Archaeological Officers website, Countryside management Resources Guidance and Advice - https://www.algao.org.uk/countryside-management-resources Although the Applicant is confident in its offsetting proposals, the OLEMP, OHEMP and stone curlew specification have been brought together into one document, to enable them to be considered together now, and in the future, pursuant to the DCO Requirements (including Requirement 5 which allows for document variation).
8.71 Applicant's response to ExA Second Written Questions [REP5-056]			
Principle and nature of development	Q2.0.11	The Council endorses the comments made by SCC in respect of the Applicant's answer	Please see response to SCC's Q2.0.11 comments set out in Table 2.3 below.

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		to Q2.0.11	
8.72 Applicant's response to LPA Deadline 4 submissions [REP5-057]			
TPO trees	P114 row 3	The changes suggested by the applicant would allow the LPA to have a degree of protection in agreeing the detailed design of the proposals (although it appears that the applicant has already taken the decision to fell a number of TPO trees). However, during operation of the proposals, it is the Council's view that there would be no protections and no consent required should the applicant decide to fell or lop a TPO tree. This remains unsatisfactory.	The DCO will be amended so that works to TPO trees would only be permitted during the construction phase (and these would be identified via the Arboricultural Report secured via the FCEMP) [REP5-044] . Following construction and during operation any works to trees subject to TPO would require a tree works application to be submitted to the LPA and approved in advance.
Arable Flora update	P124	<p>The purpose and scope of the walkover survey is unclear, and no plan is included showing the area covered or the location of the notes.</p> <p>The survey work was undertaken in September 2022, which is outside of the optimal botanical survey seasons, particularly for arable flora that are normally surveyed in late spring. The survey work also followed a prolonged period of drought. Given the constraints, what level of confidence can the Applicant give the findings of the results?</p> <p>The Council's view is that the only conclusion that can be made from the walk-over is that notable arable flora are well spread across the Development Site. The presence of arable flora is dependent on arable cropping pattern. Mitigation / compensation will be required to address</p>	See the OLEMP to be submitted at Deadline 7 and the Applicant's Ecology Position Statement submitted before ISH4. The Applicant considers that its survey methodology and updated mitigation proposals are acceptable.

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		the loss of arable flora from across the entire site. The current proposal for three areas of compensatory habitat for arable flora is considered insufficient.	
6.2 Framework Construction Environmental Management Plan (tracked) [REP5-044]			
Hedgerows	16-34	It is not sufficient for the CEMP to state 'The CEMP will explain how hedgerows which are to be retained shall be protected, retained and maintained during the construction phase'. Outline measures should be included.	See the OLEMP for outline measures (to be submitted at Deadline 7).
Drainage within the tree constraints areas including RPA's	Table 3-4 and table 3-5	The tables do not appear to secure the commitment in the AIA section 7.5.3 [REP5-053] that all proposed drainage 'will be positioned to avoid the area of constraint associated with retained trees'.	The FCEMP [APP5-044] Table 3-5 Tree and Hedgerow Works (paragraph 4) includes a commitment which states: " <i>All drainage proposals will be designed to avoid the RPA of trees to be retained</i> ".
Veteran trees	Table 3-5 page 16C-36	The wording in the FCEMP should be amended to fully reflect the Applicant's commitment in the 'Applicant's Response to Local Planning Authorities Deadline 4 Submissions' [REP5-057] page 117 that 'veteran trees identified will not be impacted by the Scheme'.	The FCEMP [APP5-044] includes the following commitment in Table 3-5 Tree and Hedgerow Works (paragraph 8): " <i>Should any unsurveyed veteran or ancient trees be identified as part of the additional detailed tree surveys the design and construction methodology will be updated as necessary to ensure they are not impacted, which will be reflected in the Arboricultural Report</i> ". The Conclusion of the Arboricultural Impact Assessment [REP5-052] clearly identifies that no Veteran or Ancient trees are impacted by the Scheme.
Pre-construction bat survey		The following commitment, set out in the Applicant's response to LPA Deadline 4 Submissions [REP5-057] should be included in the FCEMP: 'Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for	The following commitment, as set out in the Applicant's response to LPA Deadline 4 Submissions [REP5-056], has been included in the Framework CEMP submitted at Deadline 7: 'Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified'.	<i>necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified'.</i>
6.7 Biodiversity Net Gain Rev 02 (tracked) [REP5-049]			
Arable flora		In the Applicant's response to LPA Deadline 4 Submissions [REP5-057] pg 17, the applicant claims that 'A comparison of notable arable flora habitats present at the time of survey (on the basis of the surveys that have been undertaken) and post-construction has been undertaken in a revised Biodiversity Net Gain report issued at Deadline 5'. This does not appear to be provided in the document. There is no explanation of how arable flora have been accounted for in the baseline neither is the created arable flora habitat identified in the Metric or on the plans. A full explanation should be provided.	Natural England's BNG technical note states: " <i>Where field margins meet the definition of a 'better' or higher distinctiveness habitat they should be mapped as such within the metric</i> ". As such all arable margins have been captured within higher distinctiveness habitat bands. See the revised BNG Technical Note, the OLEMP and the Ecology Position Statement – Arable Flora, all to be submitted at Deadline 7.
Trees and woodland	3.7.9	It is not clear why the losses of woodland and trees identified in the AIA have not been included in the BNG calculation. The current calculation includes no losses of trees or woodland and the Council considers that this does not give a realistic prediction of the net gain of the project.	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.
Mapping of habitats and planting		Given the size and complexity of the site, additional references should be used to identify the habitats shown on the plans and	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.

Topic	Deadline and Document Ref	Summary of issue raised	Applicant Response
		how they are taken into account in the Metric with notes included in the relevant column of the Metric 3.1. In general, it is difficult to distinguish between the different categories on the plans because of the similarity of the different shades of green. Linear habitats would be clearer if mapped separately.	
Lowland dry acid grassland and other lowland acid grassland.	4.1.9 and 4.1.10	The report suggests that there are five fields in Sunnica East B which are examples of lowland dry acid grassland (priority habitat), however the plan shows only one area of this habitat. There appear to be more than two areas of other lowland acid grassland (para 4.1.10) shown on the plan – please clarify.	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.
Strategic significance and Pine lines	3.6.1	It is not clear how pine lines have been taken into account and whether they have been given strategic significance.	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.
Distinctiveness	Table 4-7	The distinctiveness bands are not included in the table -the figures in the column are areas.	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.
Metric 3.1 calculation sheet		All assumptions made in the calculations should be clearly identifiable. There are no notes included in the metric and the accompanying report does not provide sufficient clarification particularly in relating the assumptions made to the areas of habitat on the plans and the columns in the metric. For example, in the Assessors comments the relevant parcels should be listed.	See the revised BNG Technical note and the OLEMP, both to be submitted at Deadline 7.

2 Comments on LPA deadline 6 submissions

2.3 Interested Party – Suffolk County Council - ExQ2

Question	Applicant's Statement	SCC's Comment	Applicant Response										
2.0 Principle and Nature of the Development													
Q2.0.11	<p>As per the Applicant's answer to Q2.0.6, above, paragraph 5.9.21 of NPS-EN1 and paragraph 5.10.23 of Draft NPS EN-1 direct that for a loss of function to be warranted by way of its associated landscape benefit it must result in <i>"a very significant benefit"</i> and only <i>"a small reduction in function"</i>. It sets out that the existence of circumstances where <i>"mitigation to reduce landscape and/or visual effects outweigh the marginal loss of function"</i> would be <i>"exceptional"</i>. SCC and CCC have proposed the removal of panels in E13, E05, and W03 to W12. The generation capacity of each of these parcels is set out below:</p> <table><tr><th>Parcel</th><th>Power (MW)</th></tr><tr><td>E12</td><td>41.5</td></tr><tr><td>E13</td><td>14.7</td></tr><tr><td>E05</td><td>43.5</td></tr><tr><td>W03 to W12</td><td>228.6</td></tr></table>	Parcel	Power (MW)	E12	41.5	E13	14.7	E05	43.5	W03 to W12	228.6	<p>The Councils' response is structured as follows:</p> <p>The Councils disagree with the applicant that the landscape around Chippenham Park and The Limekilns is of low value and refers to:</p> <p>Note (TGN) 02/21: <i>Assessing landscape value outside national designations</i></p> <p>Review of local landscape designations West Suffolk District, March 2022</p> <p>The Councils disagree with Applicant that the request to remove parcels W03-W12 and E05, E12 and E13 goes against policy and refers to NPS EN1 and NPPF 174 (b) in relation to:</p> <p>3 Good design and due consideration for the countryside</p> <p>Small loss in (national) energy</p>	<p>The Applicant maintains its position that is set out in its answer to Q2.0.11 of the Applicant's Response to ExA Second Written Questions [REP5-056]. With reference to the SCC's comments, it notes the following.</p> <p>1(a): 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 GLVI3, 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. 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</p>
Parcel	Power (MW)												
E12	41.5												
E13	14.7												
E05	43.5												
W03 to W12	228.6												

Question	Applicant's Statement		SCC's Comment	Applicant Response
	Total	328.3	<p>generation in exchange for exceptional benefit for landscape/amenity and ecology/biodiversity</p> <p>Timescale and capability for mitigation</p> <p>1) The Councils disagree with the applicant that the landscape around Chippenham Park and the Limekilns is of low value and refers to:</p> <p>6 Landscape Institute's Technical Guidance Landscape Institute's Technical Guidance Note (TGN) 02/21: <i>Assessing landscape value outside national designations</i></p> <p>The TGN 02/21 states several times that value is not always signified by designation, and that absence of designation does not mean absence of value (2.3.2).</p> <p>The TGN 02/21 2.2.10 also points out that '<i>Stakeholder engagement and early collaboration with local communities will add depth to the assessment by helping the landscape professional to understand what people value about the local</i></p>	<p>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 and Chippenham Park in the LVIA.</p> <p>Many of the factors relied upon by interested parties in forming their judgements on the value attached to the Limekilns and Chippenham Park 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 Applicant would also note the responses given to Say No to Sunnica's expert on the TGN and the value of the Limekilns with reference to it in pages 32 and 35-36 of its response to their Deadline 4 submissions (REP5-058).</p> <p>1(b) The Applicant notes from SCC's response that local landscape designations in Suffolk have been reviewed as recently as 2022 and the landscape in Suffolk in which the site sits has not been designated as a result of that process. Whilst the Applicant notes from SCC's comments the "<i>complex county boundary line between Suffolk and Cambridgeshire in this area</i>", it does not change the fact that the landscape is not designated, nor has it been seen fit to designate in previous years or decades.</p>

Question	Applicant's Statement	SCC's Comment	Applicant Response
	<p>net zero and delivery of a secure and affordable energy system, as per the Governments commitments and targets. At worst, and what is most likely, it would mean that the Applicant would not proceed with the Scheme at all, meaning all Scheme generation benefits are lost.</p> <p>The Applicant considers that the loss of function (i.e. generation capacity) that would result in removal of all, or any, of the parcels identified by SCC or CCC would be significant, and that the benefits of removal of any of the parcels would not come close to meeting circumstances where NPS EN-1 and Draft NPS EN-1 set out that a reduction in scale would be warranted.</p> <p>Further, a reduction in the scale of the Scheme is not required in order to make it acceptable in landscape terms. As explained by section 6.3 of the Planning Statement [APP-261], and by the Design and Access Statement [APP-264], the design of the Scheme has been an iterative process, which commenced in 2015 at the initial feasibility stage. It has been guided by the "criteria for good design" set out in the Overarching National Policy Statement for Energy EN-1 (NPS), published landscape character assessments and fieldwork analysis. This has resulted in the design process responding to the setting of the sites in order to develop a good design that takes advantage of the landscape and landform in order to reduce the impact of the Scheme on the landscape and limit the visual impact of the Scheme. The Applicant has applied a</p>	<p><i>landscape.'</i></p> <p>Instead of following this guidance, the applicant portrays expressions of value towards the local landscape as mere 'feelings'. This approach rather misses the point of both the technical guidance and policy, as will be demonstrated.</p> <p>The TGN 02/21 further states in appendix 4, A4.2.10 that the Landscape Institute supports an evidence-based approach.</p> <p>The landscape south of Chippenham Park (Sunnica West A) possesses many of the factors listed in Table 1 of the guidance note, which are generally agreed to influence value, such as for Cultural Heritage, Landscape Condition, Associations, Distinctiveness, Recreational, Perceptual (Scenic), and Functional.</p> <p>Similar to the historic landscape around Chippenham Park, the landscape of the Limekilns may not have been formally designated. However, it is evidently intrinsically linked to the historic landscape, which provides the setting for Chippenham Registered Park and Garden, including The Avenue. The visual connection between Limekilns and the land south of Chippenham Park means that the development would not only be detrimental to the character of LLCA 26 (The Limekilns)</p>	<p>In any event, paragraph 5.9.8 of NPS EN-1 recognises that "<i>virtually all nationally significant energy infrastructure projects will have effects on the landscape</i>" and states that "<i>...local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.</i>" Therefore, even if the landscape was locally designated (which it is not), the policy is clear that this in itself is not a reason to refuse development consent. It sets out that to refuse development consent on such a basis may unduly restrict acceptable development. This would mean that urgently needed renewable energy generation capacity that would be of national benefit and importance would be unnecessarily prevented from being delivered on the grounds of localised impacts on features that are of local importance.</p> <p>The Applicant considers that the policy is clear, and that renewable energy schemes should not be refused on the basis of landscape impacts on locally designated or undesignated landscapes.</p> <p>2a)</p> <p>In response to the NPS EN-1 good design policies (paragraphs 4.5.1 and 4.5.3) referenced by the Councils, section 6.3 of the Planning Statement [APP-261] and the</p>

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	<p>hierarchical approach to the design, by first considering the location, scale and positioning of built elements within the existing landscape framework. Through this approach the design retains perception of characteristic features, e.g. Pine Lines, distant skylines, landmarks and visual connections between settlements, thereby responding to setting and place. The Applicant's Technical Note on Settlement Design Iteration, submitted at Deadline 2 as Appendix A to the Applicant's Response to the First Written Questions [REP2-038] describes how landscape and visual effects have been an integral part of the design of the Scheme, and how that design has evolved to address landscape and visual effects identified through the Landscape and Visual Impact Assessment (LVIA) process. The following paragraphs set out how the evolution of the Scheme design has sought to minimise and mitigate the landscape impact of the parcels proposed for removal by SCC and CCC, as described in the Applicant's Technical Note on Settlement Design Iteration, and summarises the conclusions of the Environmental Statement of the landscape impact of those parcels.</p> <ul style="list-style-type: none"> • W03-W12: Figure 1 of the Applicant's Technical Note on Settlement Design Iteration (Appendix A of [REP2-038]) shows the design evolution of the Scheme in relation to Chippenham and Chippenham Park. As explained in paragraph 3.6.7 of the Design and Access Statement [APP- 264], a design 	<p>and its views, but it would also make the adverse changes to the setting of Chippenham Park and the historic landscape very noticeable.</p> <p>The argument provided by the applicant during ISH2 that the step from a modern agricultural landscape to a solar landscape is insignificant in comparison to the changes that took place in the rural landscape since the Second World War does not stand up to closer inspection for this area.</p> <p>Historic maps, such as OS six inch, 1888-1913, show that the majority of historic field boundaries is still intact and that the landscape south of Chippenham Park was no more vegetated a hundred years ago, than it is today. Many of the landscape features found today were already present over a hundred years ago. The existing railway line and road are located at the valley floor and well-integrated into the landscape by vegetation and do not greatly detract from these features. There are no industrial areas or open mineral and waste sites visible in this area, and no other solar developments.</p> <p>The landscape around Chippenham Park, as seen from The Limekilns provides cultural time-depth and continuity with regards to landscape character, landscape features as well as to the visual experience for visual</p>	<p>Design and Access Statement [APP-264] explain that the Scheme's design process has been guided by the criteria for good design, alongside published landscape character assessments and fieldwork analysis. This process has considered the context and setting within which it is located. The design team has worked collaboratively to provide an integrated and responsive design which has been informed by stakeholder engagement.</p> <p>The Applicant disagrees that the iterative design process started too late. The iterative design process, commenced in 2015 at the initial feasibility stage.</p> <p>This has resulted in the design process responding to the setting of the sites in order to develop a good design that takes advantage of the landscape and landform in order to reduce the impact of the Scheme on the landscape and limit the visual impact of the Scheme. The Applicant has applied a hierarchical approach to the design, by first considering the location, scale and positioning of built elements within the existing landscape framework. Through this approach the design retains perception of characteristic features, e.g. Pine Lines, distant skylines, landmarks and visual connections between settlements, thereby responding to setting and place.</p> <p>A high bar is set by NPPF 174a for a landscape to be considered a "valued</p>

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	<p>decision was made between statutory consultation and submission of the Application to omit parcels W13, W14 and W16 adjacent to Chippenham Park in response to feedback received from stakeholders, including local planning authorities. This moved the northern boundary of Sunnica West Site A approximately 600m further south and avoided encircling La Hogue Farm. As noted in paragraph 10.6.309 of the LVIA [APP-042], the ZTV shows no visibility of the Scheme across Chippenham or Chippenham Park. This is confirmed by Viewpoint (VP) 30 from Chippenham High Street, illustrated in Figure 10.54A and 10.54B [APP-227]. This figure shows that intervening vegetation and buildings screen views of the land within the Order limits from within Chippenham. Similarly, for VP31 in Figure 10.55A [APP-227] and VP32 within Chippenham Park shown in Figure 10.98A to 10.98C [APP-228], vegetation and the tall boundary wall would screen views of the Scheme. Updated ZTVs were submitted at Deadline 1 [REP1-008 to REP1- 013]. Effects on Local Landscape Character Area (LLCA) 21 (Snailwell), 23A (Chippenham), 23B (Chippenham Park), 25 (Kennett), 26 (The Limekilns and Gallops), and 41 (Newmarket) as a result of Sunnica West Site A (which largely comprises parcels W03-W12) are assessed by ES Appendix 10G:</p>	<p>receptors within and moving through the landscape, including around The Limekilns. This time-depth would vanish, if Sunnica West A was to be built.</p> <p>The conclusion must therefore be that this landscape, as it is today, still reflects its history very closely and is highly sensitive to the proposed development.</p> <p>Review of local landscape designations West Suffolk District, March 2022</p> <p>Additional pointers to the value around the area of Chippenham and The Limekilns can be found in Annex C, Valued landscapes, Detailed assessment of each Evaluation Area, EA6 Newmarket Chalk of the Review of local landscape designations West Suffolk District, March 2022.</p> <p>While the assessment lists many value indicators for EA 6, it concludes that a designation as 'valued landscape' would require consideration in conjunction with an assessment of the wider area, which is located in East Cambridgeshire (p.68).</p> <p>This does not mean that this landscape (both in Suffolk and Cambridgeshire) is of insufficient</p>	<p>landscape". The landscape around Chippenham Park and The Limekilns is not designated either at a national level, which would afford it statutory status. Neither has it been designated by local authorities at the local level. In the absence of such designations there should be a weight of evidence to support judgements on the landscape being considered valued landscape. There is no reference in the local plan or evidence base to these areas or their identified quality, which might otherwise support it being considered a valued landscape in the context of NPPF paragraph 174a.</p> <p>SCC's statement that the Applicant's site selection did not include any landscape criteria is incorrect.</p> <p>ES Appendix 4A, Alternative Sites Assessment [APP-054] and Appendix B, 'LVIA and the Site Selection Process', of Written Summary of Applicant's Oral Submission at ISH2 [REP4-030] both set out very clearly that landscape criteria were included at stage 2 and that landscape indicators were considered at stage 4 of the Alternative Sites Assessment [APP-054].</p> <p>As set out in those documents, and in accordance with policy, land within nationally designated landscapes was excluded from further consideration at stage 2 of the alternative sites assessment. At stage 4, locally designated landscapes were</p>

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	<p>Landscape Effects [APP-042] as being either 'none' (LLCA 23A) or 'low' (LLCAs 23B and 26) and not significant during construction, operation and decommissioning of the Scheme. LLCA 24 (Lowland Estate Chalkland) which largely comprises the Sunnica West Site A site itself is assessed as experiencing a high impact during construction and decommissioning and a medium effect during operation, which are significant.</p> <p>Regarding LLCA26 (The Limekilns and Gallops), Limekilns cannot be considered to be a 'highly valued landscape'. It has no designation or recognition in national or local policy; and would not be considered highly valued when applying the criteria in Landscape Institute Technical Guidance Note (TGN) 02/21: Assessing landscape value outside national designations. This low status must therefore be what is balanced against the benefits of the Scheme; notwithstanding the feelings that Interested Parties might have.</p> <ul style="list-style-type: none"> E12: Worlington (LLCA 8) is a small village to the south of the River Lark, within a rural and recreational landscape setting. Sunnica East Site B borders the southern and eastern edges of Worlington, though the nearest fields with solar panel arrays are approximately 0.5km to the south of 	<p>value to be designated as a valued landscape, but rather that further studies should be carried out that look at this landscape in a holistic approach that straddles the boundary. The complex county boundary line between Suffolk and Cambridgeshire in this area may be partly responsible for why this landscape has not been given more attention thus far, as opposed to any intrinsic lack of value. With regards to cultural heritage, the assessment says for EA6:</p> <p><i>'This landscape is particularly valued for its connections to the racing industry. Newmarket was given royal patronage by James I and this association has resulted in the historic growth of fine houses and stables built by the order of wealthy financiers and aristocrats attracted by royal patronage. Notable studs occur to the north of Newmarket and form part of the urban fabric of the town and are included within the towns Conservation Area. Other stud farms lie to the northeast e.g. Moulton Paddocks and between Exing and Landwade e.g. Northmore and Red House Studs. Each stud comprises a complex of stable buildings and is associated with paddocks and shelterbelts as well as menages. [...] Although these cultural heritage features and patterns are clearly legible, the significant extent of Newmarket and private nature of the</i></p>	<p>considered. As set out above, and acknowledged by the Councils, the site is not located within any nationally or locally designated landscape.</p> <p>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 [APP-054], the alternative sites assessment was undertaken as a desk based exercise using available data to inform professional judgement. The Alternative Sites Assessment [APP-054] 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 as seen by its original response to this question.</p>

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	<p>the village within parcel E12, and 0.3km south of properties on Freckenham Road.</p> <p>Figure 8 of the Applicant's Technical Note on Settlement Design Iteration (Appendix A of [REP2-038]) shows the design evolution of the Scheme in relation to Worlington.</p> <p>The main changes were to introduce substantial ecological mitigation areas to the south west of the village and to remove the area directly south of the village from the Order limits. This effectively creates two parts to Sunnica East Site B, reducing its overall scale and impacts on the landscape setting of the village. The part of the Scheme previously proposed to the west of Parcel E12 has also been omitted to avoid a sense of coalescence with Freckenham and impacts on views on the journey between these settlements along the B1102 Freckenham Road. Native chalk grassland in parcel ECO3 to the south of Worlington, has been incorporated to create a substantial offset from Freckenham Road and residents in the village to reduce the perception of the solar panels and proximity to residents.</p> <p>The southern boundary of ECO3, which adjoins the proposed solar panels in Parcel E12, will be planted with hedgerows and woodland is proposed along the northern boundary of parcel E24. This planting will screen the</p>	<p><i>stud farms means they are either not possible to fully appreciate or are best appreciated in the context of the wider landscape beyond West Suffolk District.</i> (p.66) The Limekilns in East Cambridgeshire is one of the few areas where this landscape can be fully experienced and appreciated by the wider public.</p> <p>2) SCC disagrees with Applicant that the request to remove parcels W03-W12 and E05, E12 and E13 goes against policy</p> <p>Good design and due consideration for the countryside</p> <p>NPS EN-1 states at 4.5.1 that '<i>Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible.</i>'</p> <p>And in 4.5.3 '<i>[...]the IPC should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may not have any or very limited choice in the</i></p>	<p>The Scheme has been designed to avoid and minimise effects on the landscape and people's views and visual amenity, as described in the Design and Access Statement [APP-264] and the Outline Landscape and Ecology Management Plan (OLEMP) (latest version submitted at Deadline 7). In doing, so the Scheme has been designed to be sensitive to the location to which it sits; and the intrinsic character of the countryside, for example in the selection of plant species and grassland habitats. The Landscape and Visual Impact Assessment (LVIA) in Chapter 10: Landscape and Visual Amenity of the Environmental Statement [APP-042] concludes that whilst there will be some residual adverse landscape effects which are considered significant, the proposed mitigation will be successful in reducing the magnitude of impact. Furthermore, there will be number of proposed landscape interventions which will add to the local green infrastructure network including new permissive paths, habitat creation and archaeological mitigation as illustrated on the Environmental Masterplan and described in the OLEMP.</p> <p>The design of the Scheme has been shaped by detailed studies of the character of the landscape and settlements and engagement with stakeholders including through community consultation. As a result of the design approach taken by the Applicant, the design of the Scheme incorporates offsets</p>

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	<p>panels and reduce the perception of the Scheme when travelling along Worlington Road.</p> <p>Effects on LLCA 4 (Barton Mills), 8 (Worlington), 9 (Six Acre Chalk Farmland), 12 (Freckenham), 14 (River Kennett) as a result of Sunnica East Site B, which includes parcel E12, are assessed by ES Appendix 10G: Landscape Effects [APP-042] as being 'none', 'very low' or 'low' which are neutral, negligible or minor and not significant, during construction, operation and decommissioning. LLCA 13 (Elms Sandlands Mosaic) which largely comprises Sunnica Ease Site B itself is assessed as experiencing a high impact during construction, year 1 of operation, and decommissioning and a medium effect during year 15 operation, which are significant.</p> <ul style="list-style-type: none"> E13: Parcel E13 is located to the south east of parcel E12. Like parcel E12, it is offset from Worlington and from Freckenham Road by Native chalk grassland in parcel ECO3. Solar panels in E13 are set back from U6006 by at least 22m and the boundary fence is set back by at least 14m from U6006. Existing woodland is located between U6006 and parcel E13. This is illustrated by Figure 10 of the Outline Landscape and Ecology Management Plan [REP3-011]. Parcel E13 is taken into account in the 	<p><i>physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.'</i></p> <p>The iterative design process referred to by the Applicant started too late in the process, i.e. after site selection, which did not include any landscape criteria. The Councils consider that parts of the project area were chosen despite not being suitable for the proposed development.</p> <p>NPPF paragraph 174 (b) states that <i>'Planning policies and decisions should contribute and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'</i></p> <p>The Councils consider that the Applicant has demonstrated a degree of disregard for this intrinsic character and beauty of the countryside, its setting and place, and its wider benefits, with its assessments and proposals for the historic landscape around Chippenham Park, The Limekilns, the U6006 and the plane crash site.</p>	<p>from solar farm structures to settlement edges, existing vegetation, including hedgerows, public rights of way and road networks. The design of the Scheme also conserves field patterns, ecology and historical features (including below ground archaeology) across the Order limits, including pine lines. This approach preserves the sense of identity of the landscape. The Design and Access Statement [APP-264] describes how the Applicant's approach to the development of the design of the Scheme has been sensitive to the intrinsic value of the landscape.</p> <p>The Applicant disagrees with the SCC's assertion that the Applicant 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.</p> <p>2b) SCC's comments set out the loss of function (generation capacity) that would result from removal of parcels of the Scheme as a percentage of the overall capacity of the Scheme as proposed. It also comments on the amount of generation capacity that would remain should parcels be removed and makes reference to load</p>

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	<p>assessment of the landscape impacts of Sunnica East Site B, the conclusions of which are summarised under 'E12', above. In summary, no more than a low impact would result as a result of Sunnica East Site B on any LLCA outside of LLCA 13 which largely comprises Sunnica Ease Site B itself.</p> <ul style="list-style-type: none">E05: Isleham (LLCA 10) is a nucleated village in a rural setting on the edge of the Fens, to the south of the River Lark. Isleham is approximately 0.5km to the northwest of the closest part of Sunnica East Site A (Parcel E05). The solar panel arrays have been sited away from Isleham to avoid the Scheme resulting in the physical coalescence of settlements. This assists in retaining the open character to the south of Beck Road, between Isleham and Freckenham, including the enhancement of the character and quality of the landscape through the introduction of ECO1 and ECO2, which are areas of proposed native grassland. Solar panels in parcel E05 have been offset from Beck Road via a landscape buffer of native grassland and woodland as illustrated in Section 2, presented in Figure 9 of the OLEMP [APP-108]. This reduces the proximity of the panels to road users and retains views along the road corridor of churches in Isleham and Freckenham	<p>When considering <i>the contribution of Sunnica to the quality of the area it would be located in</i>, the overall balance is negative:</p> <ul style="list-style-type: none">The success of the proposed habitat creation, both for woodland and Priority species such as Stone Curlew, is uncertain.While the proposals for additional woodland, hedgerow and grassland habitat creation are welcome, it has to be borne in mind that woodland ecosystems are highly complex and take a very long time to establish. Just as they would become valuable, they would be handed back to the landowners, currently without any security for ongoing protection and management.The Councils consider that characteristic landscape features, such as pine lines would be less legible in the landscape in the context of the proposed development.Views to landmarks and distant horizons would be truncated.The additional permissive footpaths cannot wholly make up for the losses of landscape character and historic landscape. The usefulness of the proposed permissive routes is limited and has the potential to conflict with the aims of ecological mitigation for the scheme.	<p>factors it says are associated with solar generation. The Applicant notes that none of this changes the loss of generation capacity that would result from the loss of the parcels that the Councils propose should be removed from the Scheme. This would be as follows:</p> <table><tr><th>Parcel</th><th>Power (MW)</th></tr><tr><td>E12</td><td>41.5</td></tr><tr><td>E13</td><td>14.7</td></tr><tr><td>E05</td><td>43.5</td></tr><tr><td>W03 to W12</td><td>228.6</td></tr><tr><td>Total</td><td>328.3</td></tr></table> <p>SCC also seeks to advance a case that the loss of generation capacity from the Scheme would be small in the national context and therefore the loss of generation capacity from the Scheme would meet the NPS EN-1 paragraph 5.9.21 test of being only "<i>a small reduction in function</i>". The Applicant considers that this is not a correct or reasonable interpretation of NPS EN-1.</p> <p>If the government's targets and commitments for a secure, affordable, low</p>	Parcel	Power (MW)	E12	41.5	E13	14.7	E05	43.5	W03 to W12	228.6	Total	328.3
Parcel	Power (MW)														
E12	41.5														
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W03 to W12	228.6														
Total	328.3														

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	<p>to retain the perception of travelling through the landscape that separates the settlements. The proposed woodland planting, which has also been set back from the road, will provide a more vegetated setting to the southern part of the village, reflecting the pattern of woodland to the south of Isleham, adjacent to the B1104 (Station Road).</p> <p>Effects on LLCA 5, (West Row and Thistley Green), 6 (West Row Village Chalklands), 7 (River Lark Valley), 10 (Isleham), and LLCA 12 (Freckenham) as a result of Sunnica East Site A, in which parcel E05 is located, are assessed by ES Appendix 10G: Landscape Effects [APP- 042] as being 'none', 'very low' or 'low' which are neutral, negligible or minor and not significant, during construction, operation and decommissioning. LLCA 11 (East Fen Chalklands), which includes Sunnica East Site A, itself is assessed as experiencing a medium impact during construction, operation and decommissioning, which is significant.</p> <p>NPS EN-1 paragraph 5.9.8 and Draft NPS EN-1 paragraph 5.10.9 set out the decision making principles for Energy NSIPs in relation to landscape impacts. They state that: "Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its</p>	<ul style="list-style-type: none"> Energy production cannot be considered to contribute to quality of place as the structure of the national electricity market means it cannot specifically benefit the local area. <p>Small loss in (national) energy generation in exchange for exceptional benefit for landscape/amenity and ecology/biodiversity</p> <p>NPS-EN1 also states: <i>5.10.17 The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The Secretary of State should 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.</i></p> <p>The Councils considers this reduction necessary to reduce the adverse impacts and effects of the scheme on the landscape to a level that is acceptable. The calculations by the applicant demonstrate just how vast this project is. Were the panels removed as per the request of the joint Councils, the project would still be able to generate energy equivalent to three solar farms at 50MW installed capacity, each of which would constitute an NSIP in its own right.</p>	<p>carbon energy system are to be delivered, numerous renewable energy schemes of Sunnica's scale will be required. Rather than show that the loss of a significant amount of generation capacity from the Scheme would represent only a small loss in function in the context of the energy system, the large amount of energy generation capacity that is needed nationally acts instead to underline the urgency with which the Scheme is required and demonstrates that if a secure, affordable, low carbon energy system is to be delivered, schemes such as Sunnica cannot be refused on the grounds of localised impacts to non-designated landscapes.</p> <p>The Applicant maintains its position that is set out in its answer to Q2.0.11 of the Applicant's Response to ExA Second Written Questions [REP5-056] that the loss of the generation capacity from the Scheme that is proposed by the Councils could in no way be reasonably characterised only as a small reduction in function. The Applicant also maintains its position that the removal of the parcels proposed by the Councils would not result in an exceptional landscape or visual benefit. No part of E12, E13 or E05 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 Worlington, Freckenham Isleham or elsewhere across the Scheme have a local landscape</p>

Question	Applicant's Statement	SCC's Comment	Applicant Response
	<p>capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape.</p> <p>Virtually all nationally significant energy infrastructure projects will have effects on the landscape. 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.”</p> <p>Further, NPS EN-1 paragraphs 5.9.14 to 5.9.16 and Draft NPS EN-1 paragraphs 5.10.16 to 5.10.18 provide additional policy on decision making in relation to landscape impacts in areas outside of nationally designated landscapes. Paragraphs 5.9.15 of NPS EN-1 and 5.10.17 of Draft NPS EN-1 set out that the scale of energy NSIPs means that “they will often be visible within many miles of the site of the proposed infrastructure” and that the decision maker “should 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>Paragraphs 5.9.16 of NPS EN-1 and 5.10.8 of Draft NPS EN-1 clarify that when making this consideration the decision maker should consider whether adverse landscape</p>	<p>The Councils disagree with the applicant on the scale of impacts and considers the harm of the scheme, in particular the harm resulting from parcels W03-W12, to be significant and that the removal of most of Sunnica West A would result in a benefit for the landscape, its users and the local communities that would outweigh the consequences of scaling the project back.</p> <p>Solar plants are in essence modular. The applicant demonstrates in its response that the scheme, even in its reduced form, would still result in a scheme that equates to more than 150% of the generation capacity of Little Crow Solar Park NSIP.</p> <p>What these calculations, which focus solely on the installed capacity of each parcel, do not consider is how much energy will realistically be generated accounting for efficiency factors.</p> <p>According to Digest of UK Energy Statistics (DUKES) 2022¹, the capacity/load factor of solar in the UK is only 10-12% [REP1-024, LIR10.10]. This means that the removal of these parcels would translate into an actual loss in likely generation output of only approximately 23-28 MW.</p> <p>To be clear, the Councils are not using</p>	<p>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 Worlington, Freckenham and Isleham is not noted for its landscape value or quality by local authorities in published landscape character assessments. In terms of ecology, the key species in the area of E05, E12 and E13 are Stone Curlew. Stone Curlew are known to move around the area both within the Scheme and surrounding areas depending on availability of suitable crop rotation. E05, E12 and E13 have had crops in previously that has made the land parcels unsuitable for Stone Curlew, such as pigs, and therefore the fields on their own do not hold exceptional ecology or biodiversity value. The Stone Curlew offset areas provided in ECO1, ECO2 and ECO3 would provide high quality nesting and foraging habitat for the duration of the Scheme. Once established these areas would provide a more valuable biodiversity habitat than the current situation with farmers rotating crops on a regular basis, which will secure the local Stone Curlew population. The ECO areas will be monitored by the EAG as per the commitments in the OLEMP.</p> <p>Finally,, the Applicant has consistently expressed that the Scheme's benefits are</p>

¹ See: <https://www.gov.uk/government/statistics/renewable-sources-of-energy-chapter-6-digest-of-united-kingdom-energy-statistics-dukes> Table 6.3

Question	Applicant's Statement	SCC's Comment	Applicant Response
	<p>impacts are capable of being reversed in a timescale that they consider reasonable. In summary, through careful design, the landscape impacts of parcels W03-W12, parcel E12, parcel E13 and parcel E05 have been successfully limited to resulting in significant effects only to the LLCAs in which they are located. These are LLCA 24 (Lowland Estate Chalkland), LLCA 13 (Elms Sandlands Mosaic), and LLCA 11 (East Fen Chalklands), which are all assessed of medium sensitivity. In accordance with NPS EN-1 paragraph 5.9.15, these localised landscape impacts, which do not affect any designated landscape, are not considered to be so damaging that they are not offset by the nationally significant benefits of the Scheme in generating renewable electricity. Therefore, it is not necessary to remove any parcels, or parts of parcels, from the Scheme in order to make it acceptable in landscape terms and the case for their retention is extremely strong.</p> <p>In particular, the removal of the entirety of parcels W03-W12 would result in the loss of more than 200 MW of renewable energy generation capacity. This would substantially and seriously harm the function of the Scheme, and would not come close to being justified by the avoidance of a localised 'medium' impact on a non-designated landscape during the operational phase.</p> <p>Regarding E05, the Applicant has already made some amendments that go some way</p>	<p>this observation to disagree with national policy on the need for new solar development: It remains the case that solar PV generation is fast and cheap to install and therefore it is and will continue to be an important part of the UK energy mix. Indeed, it is manifestly relevant to the present issue of determining whether a potential reduction is 'small' for the purposes of paragraph 5.9.21 of NPS-EN1 and paragraph 5.10.23 of Draft NPS EN-1. The Councils consider that that the removal of any given area from a solar scheme is less significant compared to other types of electricity generation.</p> <p>Therefore, the Councils consider that the loss in benefit with regards to energy production would be small in comparison to the extent of long-term harm that would be avoided in those areas most sensitive to impacts of the scheme. This would be in accordance with paragraph 5.9.21 of NPS-EN1 and paragraph 5.10.23 of Draft NPS EN-1.</p> <p>Timescale and capability for mitigation</p> <p>NPS EN1: 5.10.18 <i>In reaching a judgment, the Secretary of State should consider whether any adverse impact is temporary, such as during construction,</i></p>	<p>about maximising the available connection capacity at Burwell Substation, which is 500MW – a different beast to Little Crow Solar Park which had an expected range of 150MW to 200MW. Losing this amount of MW from the Scheme (on all suggested parcels) would mean that this connection is not maximised. Alternatively, NGET would seek to maximise it by offering connections to a range of other projects, creating impacts elsewhere and in a sporadic fashion.</p> <p>2c) The Applicant does not agree with the Councils' position that avoidance, specifically by removal of solar panels and associated infrastructure from parcels E12, E13 and E05, is the only approach to safeguarding environmental aspects. 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 through its OLEMP and other measures has delivered a mitigation strategy which addresses the Scheme impacts as far as possible – this is not limited to landscape impacts as it was also informed by other environmental constraints such as archaeology and ecology.</p> <p>The Applicant does not agree that NPS EN-1, through paragraph 5.9.16, provides a policy justification to refuse development consent in the circumstances that the</p>

Question	Applicant's Statement	SCC's Comment	Applicant Response
	<p>to addressing the Councils' concerns. A new permissive path around the perimeter of the Scheme is proposed and land is excluded from development to avoid a World War II aircraft crash site, along with a proposals for a memorial to the casualties of the crash. The Applicant does not consider that the loss of generation capacity that would result from further reductions to E05 would be justified by the landscape benefits.</p> <p>Regarding E12, the scheme has already been reduced to the north of these parcels in order to provide offset to settlements and mitigate impact on stone curlew. The Applicant does not consider that the loss of generation capacity that would result from further reductions to E12 would be justified by the landscape benefits.</p> <p>Finally, regarding E13, the scheme has already been reduced to the north of these parcels in order to provide offset to settlements and mitigate impact on stone curlew and substantial offsets to U6006 are incorporated into the design.</p> <p>The Applicant does not consider that the loss of generation capacity that would result from further reductions to E13 would be justified by the landscape benefits.</p>	<p><i>and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.</i></p> <p><i>5.10.19 The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</i></p> <p>The Councils consider that there would be long-term residual effects on the landscape, which cannot be mitigated and which in their accumulation should be considered to be significant.</p> <p>In respect of parcels E12 and E13 the Councils acknowledge and welcome the improvements achieved for the village of Worlington. However, these do not benefit the users of the U6006 to the same degree.</p> <p>The Councils welcome the additional circular footpath around E05, but considers the treatment of the plane crash site to be insufficient.</p> <p>In respect of these parcels, the Applicant ignores the relationship between agriculture, archaeology, ecology and landscape and that the whole is greater than the sum of its parts. There seems to be little</p>	<p>Scheme is in – where very few significant effects to a local landscape are caused. The Applicant disagrees that there would be a significant long term residual impact on the landscape as a result of the Scheme, or that there is a need for additional measures to secure the retention of green infrastructure planted as part of the Scheme beyond the end of decommissioning. The Applicant's reasoning for this is set out in its response to the ExA's written question Q3.0.1 and Q3.0.2 on this matter.</p> <p>The Applicant's interpretation of paragraph 5.9.21 of NPS EN-1 is different to the Councils. The Applicant has set out its interpretation of the policy in its original response and is not repeated here – it will be necessary for the Ex A to consider the correct interpretation of this policy. Further, the Councils assertion that the loss of these fields would not lead to a significant loss of function is unreasonable. On any reasonable interpretation the loss of the fields referred too would lead to a significant loss of function.</p> <p><u>'Half-way house solution'</u></p> <p>Within the Suffolk County Council Deadline 5 Submission – Response to the Examining Authority's Second Written Questions (ExQ2) [REP5-084] the councils propose a 'half-way house solution' for E12, E13 and E05 in Q2.0.9. The resulting loss of output with this proposed solution is shown below:</p>

Question	Applicant's Statement	SCC's Comment	Applicant Response																				
		<p>appreciation by the Applicant for the fact that the introduction of the scheme in these areas dissolves the existing, relatively harmonious co-existence of agriculture, archaeology, ecology and landscape features and that no mitigation can be provided that recreates this fragile equilibrium.</p> <p>What becomes evident, when a scheme such as Sunnica is introduced to a multifaceted environment, such as the one present around Worlington and Isleham, is that mitigation will always be crude and one-dimensional in comparison to what exists and has developed organically over a long period of time.</p> <p>The mitigatory needs of archaeology, ecology and public amenity/recreation are very difficult to integrate successfully with each other and often, as is the case is here, the needs are conflicting, and the mitigation aims mutually exclusive. In other words, what is best for ecology is often not best for archaeology or amenity/recreation, and vice versa.</p> <p>The applicant fails to recognise the conflicting interest between ecology and visual amenity for the users of U6006.</p> <p>The Councils do not agree with the Applicant's assertion that E05, E12 and E13 can be successfully integrated into landscape and</p>	<table><tr><th>Parcel</th><th>Current Power (MW)</th><th>Reduction Power (MW)</th><th>Retained Power (MW)</th></tr><tr><td>E12</td><td>41.5</td><td>25.7</td><td>15.8</td></tr><tr><td>E13</td><td>14.7</td><td>2.8</td><td>11.9</td></tr><tr><td>E05</td><td>43.5</td><td>28.3</td><td>14.7</td></tr><tr><td>Total</td><td>99.7</td><td>56.8</td><td>42.4</td></tr></table> <p>The Applicant's position is the same as mentioned above and that is set out in its answer to Q2.0.11 of the Applicant's Response to ExA Second Written Questions [REP5-056]. The loss of the generation capacity from the Scheme that is proposed by the Councils could in no way be reasonably characterised only as a small reduction in function. In addition, it is the Applicant's position that the removal of the parcels would not result in an exceptional landscape or visual benefit.</p> <p>However, the Applicant has offered a third solution to the Councils for E12 and E13 and has reflected these changes within the Works Plans and OLEMP which have been submitted at Deadline 7. The proposal is to set-back the fence by 30m from the U6006 in both E12 and E13, with the panels being</p>	Parcel	Current Power (MW)	Reduction Power (MW)	Retained Power (MW)	E12	41.5	25.7	15.8	E13	14.7	2.8	11.9	E05	43.5	28.3	14.7	Total	99.7	56.8	42.4
Parcel	Current Power (MW)	Reduction Power (MW)	Retained Power (MW)																				
E12	41.5	25.7	15.8																				
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Total	99.7	56.8	42.4																				

Question	Applicant's Statement	SCC's Comment	Applicant Response																
		<p>safeguard the various elements of the natural and historical environment. It is for these reasons that the Councils conclude that the only way that all environmental aspects are adequately safeguarded, is through application of the top tier of the mitigation hierarchy: avoidance, specifically by removal of solar panels and associated infrastructure from parcels E12, E13 and E05.</p> <p>The Councils do not agree with the applicant that EN-1 'directs' a policy test that the avoidance or minimisation of landscape impacts can only justify a change to a scheme where the loss of function would be 'small' or not 'significant' and the landscape/visual benefit would be 'very significant'. In the first place, EN-1 has to be read as a whole. Neither para 5.9.15 nor 5.9.18, which set out the overarching considerations for landscape and visual impacts set out such a test. They call more neutrally for a balanced decision between harms and benefits. In the second place, para 5.9.21 is simply giving examples and (unsurprisingly) gives a simple example of where a reduction would be justified. If EN-1 intended that to be the only circumstance where a reduction would be justified, it would have said so.</p> <p>In the third place, the Councils do not</p>	<p>at least a further 5m from the fence, so 35m from the woodland defining this section of U6006. The space between U6006 and the fence would be grassland, extending south from the CWS to the north. This would create the "room to breathe" that SCC referred to at ISH4 by preserving its open setting with a small reduction in function as described in NPS EN-1 paragraph 5.9.21. The resulting loss of output is shown in the table below:</p> <table border="1"> <thead> <tr> <th>Parcel</th><th>Current Power (MW)</th><th>Reduction Power (MW)</th><th>Retained Power (MW)</th></tr> </thead> <tbody> <tr> <td>E12</td><td>41.5</td><td>1.4</td><td>40.1</td></tr> <tr> <td>E13</td><td>14.7</td><td>1.5</td><td>13.2</td></tr> <tr> <td>Total</td><td>56.2</td><td>2.9</td><td>53.3</td></tr> </tbody> </table> <p>With regards to E05, the Applicant does not consider that the removal of any panels within these parcels would result in an exceptional landscape or visual benefit. Therefore, no changes to E05 have been proposed. No part of E05 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</p>	Parcel	Current Power (MW)	Reduction Power (MW)	Retained Power (MW)	E12	41.5	1.4	40.1	E13	14.7	1.5	13.2	Total	56.2	2.9	53.3
Parcel	Current Power (MW)	Reduction Power (MW)	Retained Power (MW)																
E12	41.5	1.4	40.1																
E13	14.7	1.5	13.2																
Total	56.2	2.9	53.3																

Question	Applicant's Statement	SCC's Comment	Applicant Response
		<p>accept that the losses of function here would fall into the 'significant' category. Using the updated figures that the Applicant has presented in answer to Q2.0.5, the loss of E05, E12, and E13 together would leave the proposal with some 84% of the total installed capacity of 630 MW. The loss of E13 would represent only 2.3% of the total installed capacity and yet the Applicant claims that even that would be a 'significant loss of function' in its answer to Q2.0.7. The loss of E12 or E05 would be less than 7% of the total installed capacity each. These are not 'significant losses' of function, and are justified by the resulting benefits.</p>	<p>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>The Applicant considers that its position on policies 5.9.8, 5.9.15, 5.9.18 and 5.9.21 of NPS EN-1 equally apply to this field.</p>

2 Comments on LPA deadline 6 submissions

2.4 Interested Party – Suffolk County Council - D5

Topic	Paragraph Number	The Councils' Comment	Applicant Response
8.46 Arboricultural Impact Assessment Report (Tracked) – Rev: 01 [REP5-053]			
General	N/A	<p>It would be helpful if the trees referred to in the text were referenced to the nearest parcel for ease of locating them.</p> <p>It would be helpful if the Tree Survey Table was clearly structured into Trees, Groups and Hedges and also would reference these to the nearest parcel or cable route section or TPP sheet.</p>	<p>The Applicant will review this when updating the Arboricultural Impact Assessment Report [REP5-052] for Deadline 7 and will add further detail where feasible. The Applicant has not re-ordered the survey schedule at this stage as this would disrupt the numerical sequence of tree reference numbering which helps to locate specific tree references on the schedule and is considered to be counterproductive. The PDF plans can be searched using the 'find' function to search for specific tree references where required.</p>
Detailed Tree Survey Findings	6.1.4	<p>The importance of the avenue south of Chippenham Hall is not diminished by the change in species mix over time. It is still clearly present as a feature in the landscape and as part of the registered park and garden.</p>	<p>As stated in the Arboricultural Impact Assessment [REP5-052] the trees which form part of the Chippenham Hall Avenue are to be retained and protected.</p> <p>From an arboricultural perspective the value of the Avenue is considered to be reduced as it is no longer formed of a single species avenue of even aged mature trees and has become a linear tree group feature formed of mixed species, including some sections of modern plantation (with the highest value trees being those with the greatest potential to have formed part of the formal Avenue – the mature beech). This linear tree group still has a considerable arboricultural value but this is arguably reduced from that if it had been maintained as a formal mature beech avenue.</p> <p>The Avenue is noted as a feature which forms part of the registered park and garden at Chippenham Hall. The core of the designation encompasses the formal grounds within the enclosing walls. Within this is significant survival of the 17th century landscape features. The Avenue itself is a later feature which reasonably follows the alignment of the original access to the Park, albeit added later. The alignment of the Avenue is retained and remains as evidence for the 19th century landscape. The importance of the feature is,</p>

Topic	Paragraph Number	The Councils' Comment	Applicant Response
			however, considered to be diminished by its poor preservation, which includes the loss of Beech trees and infilling with other species. An avenue was a deliberately planted feature with trees specifically chosen to form a grand approach to the main house and one which also enabled views out from the avenue, from which to appreciate the wider landscape. This function is diminished by the poor survival of the Beech trees and the blocking of views by new specimens. The contribution the Avenue makes to the designated landscape is, therefore, also reduced.
Summary of Arboricultural Impacts	7.3.9	The impacted TPO trees have now been assessed but still some inaccuracies remain, relating to the number of trees to be removed.	The Applicant respectfully requests further specific details on the location and nature of inaccuracies identified so we can further assess this and respond more fully. If this query relates to concern over undercounting of TPO trees to be removed at Chippenham Road this has been addressed in the Applicant's response to 8.1.7 below, which clarifies that only two trees to be removed are located within the boundary of the TPO designation and the third tree to be removed is located outside of it, and therefore is not considered to be subject to a TPO.
	7.3.10	The AIA states in relation to TPO trees on the U6006 Road that 'The potential for these trees to be retained will be reviewed as part of the detailed design process and this is secured as a commitment in the FCEMP'. The Councils do not consider the wording in the FCEMP [REP5-044] to reflect this commitment. The FCEMP states 'The Arboricultural Report will also explain how impacts to the TPO trees identified as being impacted by the Arboricultural Impact Assessment have been minimised as far as reasonably practicable'. It would be helpful if the Applicant could identify what language secures this commitment. The Councils have specifically asked to	The FCEMP [REP5-044] includes the requirement that the final Arboricultural Impact Assessment Report must be submitted to the Local Planning Authority for approval in advance of commencement and the Applicant believes that this provides confidence that TPO trees will be properly considered as part of the detailed design process. Tree loss and pruning along Chippenham Road have been considered with the design team. Tree pruning for T332 is required due to the swept path analysis and vehicle oversail requirement at this location. Pruning is intended to avoid any impact damage to the tree via contact with turning vehicles. At this stage it has not been possible to avoid the requirement for two separate access points along Chippenham Road, the north-eastern access is required for cable installation (construction only) and the south-western access is required for construction, operation and decommissioning. The Applicant considers the

Topic	Paragraph Number	The Councils' Comment	Applicant Response
		retain the trees along Chippenham Road. As with the trees on the U6006, it is not considered that the commitment to minimise losses is adequately secured. It has not been justified why a crown lift to north and east to provide a clear height of 4m on T332 is required, and why an access in this location is required, when there is the cable route access not far, where trees already need to be removed (T335, T336, T337).	limited extent of pruning proposed for T332 will not have a significant negative impact on the health or amenity of the tree (or the wider impact of the Avenue). This tree is already subject to pruning for highway clearance and would likely require some degree of pruning for the existing site access in future regardless of the Scheme.
	7.3.12	This statement is not accurate. FCEMP [REP5-044] page 16C-20 includes a statement that removal of trees in the Badlingham Lane CWS cannot be ruled out. The preceding discussion at 7.3.10 of this document implies that a number of trees in this area are to be lost.	The FCEMP [REP5-044] will be updated at Deadline 7 to reflect updates to the Arboricultural Impact Assessment [REP5-052] to be submitted a Deadline 7 which will show no tree loss along the northern section of U6006.
Tree Works to Facilitate the Scheme	7.4.4	<p>Please explain:</p> <p><i>'T227 (low quality) could be pollarded to 10-12m to address structural defects which would represent an unacceptable risk following the change in use of adjacent land. These works are justified to promote the long term survival of the tree but will be avoided and the area within falling distance of the tree will be protected as a fenced exclusion zone.'</i></p> <p>It is not clear to the councils that it would be sustainable to avoid undertaking the pruning works once the site is in use.</p> <p>Please indicate whether the tree, located within the hedge between parcels E20 and E21 is considered a veteran tree (table entry implies it but does not mention this explicitly).</p>	<p>To address the Council Officers' concerns in relation to the pruning of the tree to reduce the likelihood of collapse, an alternative approach is proposed. The area within falling distance of the tree will be a fenced exclusion zone which will be maintained during both construction and operation so the tree will not require pruning and can be retained in its current form, which may result in collapse in the future. This will be able to be confirmed in the CEMP and accompanying Arboricultural Impact Assessment Report approved by the LPA.</p> <p>The tree is not considered to be a veteran. All trees identified as veteran or ancient are marked with a 'V' for Veteran or an 'A' for Ancient in the life stage column of the Detailed Tree Survey Schedule included as Appendix B and are also listed in Section 5.1.5 of the Arboricultural Impact Assessment Report [REP5-052].</p>

Topic	Paragraph Number	The Councils' Comment	Applicant Response
Incursions within the RPA or Canopy Spread	7.5.2	<p>Excavating 1m from a trees trunk would result in significant root loss. Any excavation must be located outside of the root protection areas as set via BS 5837:2012 which for the smallest size tree diameter of 75mm still provides a RPA diameter of 3m. Where excavations must be undertaken within this zone the use of mechanical excavation plant should be prohibited. Precautions should be undertaken to protect any exposed roots. Materials, plant and spoil should not be stored within this zone. The Local Authority Tree Officer must be consulted if in any doubt. The NJUG guidelines are from 2007 and in planning terms should be regarded as out of date and the recommendations in BS 5837:2012 followed instead.</p> <p>Services should be located outside of root protection areas or under them via directional drilling or similar. The location of the indicated cable route where it passes the end of the avenue as shown on tree protection & removal plans 6 and 7 appears to be aligned so as to make the directional drilling difficult to accomplish.</p>	<p>The Arboricultural Impact Assessment Report [REP5-052] section 7.5.2 describes the installation of a new hard surfaced access route which would be achieved using a 3D cellular confinement system, installed without excavation. Excavation is not proposed within 1m of a tree stem. New hard surfacing within an RPA requires a minimum 1m clearance from tree stems. This offset is to allow for future expansion growth of the tree stem, which could distort the new surfacing (typically a minimum of 500mm is required but this has been increased to 1m to add some contingency). No excavation is required for the installation of this type of 'no dig' surfacing.</p> <p>BS5837:2012 allows for careful excavation within an RPA (such as in section 7).</p> <p>A 75mm diameter tree would have an RPA with a radius of 0.9m and a diameter of 1.8m (75mm x 12 = 900mm) not 3m.</p> <p>BS5837:2012 recommends (in section 7.1.3) that as a minimum standard such operations (installation of utilities) should be undertaken in accordance with NJUG Volume 4. Compliance with this standard is set out in the FCEMP.</p> <p>The Preliminary Arboricultural Method Statement included as Appendix C of the Arboricultural Impact Assessment Report [REP5-052] concurs in section 1.15 that services should be outside of RPAs where possible .</p> <p>A plan, referred to as Cable and Vehicle Access across Chippenham Park Avenue [EN0101016/APP/8.98] will be submitted at Deadline 7, which will illustrate the alignment and installation of the proposed access track and cable installation at the Avenue (to address the request from the ExA raised at ISH4).</p>
The Future Impact of retained Trees	7.6.11	<p>This is still vague; more assurance is needed. If the woody vegetation is a linear feature of a predominantly single species (as is common in agricultural sites) the shading could be significant or even total for some panels depending upon the orientation of the</p>	<p>At the detailed design stage, any areas where shading would have an unacceptable impact over time can be re-positioned.</p> <p>The Applicant considers the approach to considering the future impact of shading is reasonable and proportionate using published data on mature tree heights to illustrate an indicative extent of</p>


Topic	Paragraph Number	The Councils' Comment	Applicant Response
		<p>tree feature to the panels.</p> <p>Therefore a plan needs to be in place for what will happen once panels become shaded whether that is that they are decommissioned or left to produce a reduced amount of energy. It must be made clear that none of the retained tree and none of the mitigatory planting will be lopped, topped or removed because of shading issues as they will likely outlive the temporary change of site usage. Any potential shading issues must be designed out now.</p>	<p>shade whilst noting that this is transient, would only affect any particular area for part of the day and that no areas of solar arrays would be subject to constant shade. The proposed layout of panels is also a reference design only and is subject to change through detailed design.</p> <p>The Applicant also notes, as stated in paragraph 7.6.11 of the Arboricultural Impact Assessment Report [REP5-052] that to function adequately solar arrays only require a minimum of 3 hours of unshaded exposure to daylight.</p> <p>The OEMP (submitted at Deadline 7) will include a commitment for a maintenance schedule to be produced and submitted to the LPA each year, which would include any proposed tree works and, should any trees require removal, mitigation for that loss. Tree management obligations are not considered to differ from the existing situation on site, i.e. on agricultural land, as there would be no requirement for a landowner to seek consent for pruning or lopping non-TPO trees. DCO powers for works to trees subject to TPO are limited to the construction phase only.</p>
Summary and Conclusions	8.1.7	Map 6 on page 148 and the tree schedule page 125 appear to show three TPO trees to be removed from the TPO groups and not the two described here.	Tree T336, which is located on Chippenham Road, is immediately to the east of the area subject to the TPO and is therefore not considered to be protected by the TPO designation. The TPO designation is shown as a light blue hatch on the Tree Protection and Removal Plan Appendix D of the Arboricultural Impact Assessment Report [REP5-052] .
	8.1.11	With reference to Chippenham Road, it should be pointed out that the amenity of an individual tree is different to the amenity value of the avenue it is part of and should be considered as such.	The Applicant is confident that the proposed pruning (crown lift to 4m to north and east) of the individual tree at Chippenham Road (T332) will not have a significant negative impact on the amenity of the tree either as an individual or as part of a wider collective avenue feature. This tree is already pruned/managed to ensure a clearance of the carriageway and driveway entrance.
Appendix B: Detailed Tree Survey Schedule			
Detailed Tree Survey Schedule	N/A	Veteran trees identified in the tree schedule as requiring ivy severance should only be	The FCEMP [REP5-044] Table 3.5 includes the following provision: <i>"All preliminary management recommendations identified by</i>

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		given this treatment in conjunction with a bat and bird nesting assessment due to the very high habitat value of ivy and veteran trees and only if further assessment is required for safety reasons. A suitable exclusion zone should negate the need for this.	<p><i>detailed tree surveys in relation to trees to be retained will be carried out unless otherwise agreed in writing with the Local Planning Authority."</i></p> <p>Requirement 14 of the DCO requires that the CEMP is approved before any vegetation clearance takes place.</p> <p>The Applicant believes this gives flexibility for the LPA to influence those preliminary management works (works not required to facilitate the Scheme but recommended by the surveyor as part of good arboricultural management in the current context of the site) which go ahead and those that don't.</p> <p>The Applicant accepts that ivy can provide valuable habitat but also highlights that more detailed inspection and subsequent intervention (where necessary) can help to prolong the life of sensitive trees such as veteran trees. Ivy severance has generally been proposed where the surveyor considers there is a reasonable likelihood of significant structural defects that could not be fully assessed due to the obstruction of ivy or where the extent of ivy is considered to be having a negative physiological impact on the tree (suppressing inner canopy growth) or increasing the risk of failure (such as by reducing wind filtration through the canopy).</p>
Appendix C: Precautionary Arboricultural Method Statement (PAMS)			
General	N/A	The detailed AMS will need to provide location-specific method statements for each area, where special construction methods are required, such as works in the vicinity or within RPAs. These should detail the challenges encountered and the methods employed to address them.	<p>The methodology for different types of work will likely be equivalent for different areas of the Scheme and therefore could reasonably be grouped together where appropriate. The Applicant agrees that the detailed AMS must include sufficient detail to clearly set out how works in each area are to be carried out to ensure tree protection measures and methodologies are implemented in full. This will also require clear plans or multiple sets of plans to illustrate tree protection measures (including where they are to be phased over time).</p> <p>The AMS (as part of the Arboricultural Report) will be submitted to the Local Planning Authorities in advance for approval as part of the CEMP.</p>

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Order of Operations	1.2	The general principles are acceptable, however the DCO [REP4-006] allows the Applicant broad authority to conduct tree works without notification and consent of the relevant LPA of tree works. The Applicant should explain whether it considers itself bound by the PAMS in the context of articles 36 and 37 of the DCO.	The FCEMP [REP5-044] includes a commitment to submit an Arboricultural Report to the Local Planning Authority for approval in advance which will detail the final assessment of arboricultural impacts including tree pruning. The FCEMP [REP5-044] also includes a commitment which states: " <i>The findings of the Arboricultural Report will be carried out and implemented by the appointed contractor</i> ". Requirement 14 of the DCO requires that the CEMP is approved before any vegetation clearance takes place. The Applicant does consider itself bound by the PAMS in the context of the articles 36 and 37 of the DCO, due to the commitments in the FCEMP secured by requirement.
Preliminary tree works and tree related impacts	1.3.8	The third sentence appears to contain a drafting error and needs to be reworded for clarity.	The Applicant gratefully acknowledges this and will update the relevant wording as part of the resubmission at Deadline 7.
	1.3.9	Please specify the maximum time allowed to lapse between pre-clearance inspections and clearance.	The time between inspection and clearance will vary depending upon season and likely bird species involved, however, 48 hours would generally be the period.
Scheme briefing for site personnel	1.4.3	It is not clear why there would be trees not covered by tree protection measures. A copy of the AMS should be in every site office, not just the main office.	This is an overall generic point intended to raise awareness of trees in areas outside of the Order limits. The PAMS in Appendix C of the Arboricultural Impact Assessment [REP5-052] is clear that all contractors/staff must be fully aware of the tree protection requirements including briefings and having access to the AMS and Tree Protection Plan. The Report has been updated for Deadline 7 to include reference to a copy of the AMS in each site office.
Site Monitoring	1.5.2	These actions need to be approved by the relevant LPA. An LPA officer should be present, when correct installation of protective fencing is assessed. Reports about the safe retention of trees and any necessary arboricultural works should be issued to the relevant LPA. These reports need to include a time frame by when these	In the Applicant's experience local authority officers often do not have the resources/capacity to undertake comprehensive site supervision and monitoring and would generally rely on an appointed arboricultural consultant to undertake this work, who would then report on findings and raising any issues with the Local Planning Authority (LPA) as required. This also helps to reduce any delays on site – it is not considered appropriate for a NSIP to be delayed to require third party supervision of actions that are

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		works need to be carried out; the developer will need to adhere to this time frame. This is to keep all users and workers as well as property on site safe.	secured pursuant to the DCO, breach of which is a criminal offence. Tree works recommendations (and associated timescales) following detailed surveys will be reported in the Arboricultural Report secured via a commitment in the FCEMP [REP5-044] .
Installation of tree protection fencing	1.6.3	Insert 'with the relevant LPA' after 'agreed otherwise' and 'whichever is greater' at the end.	In the Applicant's experience local authority officers often do not have the resources/capacity to undertake comprehensive site work and would generally rely on an appointed arboricultural consultant to undertake this work, who would then report on findings and raising any issues with the Local Planning Authority (LPA) as required. This also helps to reduce any delays on site – it is not considered appropriate for a NSIP to be delayed to require third party supervision of actions that are secured pursuant to the DCO, breach of which is a criminal offence. Tree protection specifications and positioning will be reported in the Arboricultural Report secured via a commitment in the FCEMP [REP5-044] .
	1.6.4	This needs agreement from the relevant LPA and any damage also needs to be immediately reported to the relevant LPA.	In the Applicant's experience local authority officers often do not have the resources/capacity to undertake comprehensive site work and would generally rely on an appointed arboricultural consultant to undertake this work, who would then report on findings and raising any issues with the Local Planning Authority (LPA) as required. This also helps to reduce any delays on site – it is not considered appropriate for a NSIP to be delayed to require third party supervision of actions that are secured pursuant to the DCO, breach of which is a criminal offence.
	1.6.6	Any alternative fencing specification needs to be agreed in writing with the relevant LPA.	Tree protection specifications and positioning will be reported in the Arboricultural Report to be submitted for approval in advance of commencement and this is secured via a commitment in the FCEMP [REP5-044] .
Earthworks	1.12.2	Additional tree works need to be approved in writing with the relevant LPA.	In the Applicant's experience local authority officers often do not have the resources/capacity to undertake comprehensive site work and would generally rely on an appointed arboricultural consultant to undertake this work, who would then report on findings and

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			<p>raising any issues with the Local Planning Authority (LPA) as required. This also helps to reduce any delays on site – it is not considered appropriate for a NSIP to be delayed to require third party supervision of actions that are secured pursuant to the DCO, breach of which is a criminal offence..</p> <p>Tree pruning requirements will be reported in the Arboricultural Report secured via a commitment in the FCEMP [REP5-044].</p>
Diversion and installation of services (including cables) within RPAs	1.15.1	This should also be agreed in writing with the relevant LPA.	The results of this assessment would be reported on in the Arboricultural Report secured via a commitment in the FCEMP [REP5-044] .
Trenching Techniques	1.17.2	The Applicant should make clear what happens if this is not possible. Otherwise an unqualified commitment would be preferred.	Wording is to be amended in the Deadline 7 submission to make an unqualified statement. In any event, the FCEMP [REP5-044] also states work will adhere to NJUG guidelines.
	1.17.6	At the end insert '... and these next steps must be agreed in writing with the relevant LPA.'	<p>In the Applicant's experience local authority officers often do not have the resources/capacity to undertake comprehensive site work and would generally rely on an appointed arboricultural consultant to undertake this work, who would then report on findings and raising any issues with the Local Planning Authority (LPA) as required. This also helps to reduce any delays on site – it is not considered appropriate for a NSIP to be delayed to require third party supervision of actions that are secured pursuant to the DCO, breach of which is a criminal offence.</p> <p>Utility installation will be reported in the Arboricultural Report secured via a commitment in the FCEMP [REP5-044].</p>
Dismantling of Tree Protection Areas	1.19	A post completion inspection ensuring the structural soundness of all retained trees must be carried out by Arboriculturist and a report submitted to the relevant LPA. If any works to the retained trees are required for safety reasons, these shall be detailed, with a time frame by when the contractor/ operator must carry these works out.	The Applicant does not consider that this is necessary in light of the protection measures in place.

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Appendix D: Tree Protection and Removal Plans			
Tree Protection and Removal Plans	All Sheets	Inspected category A trees are indicated on AIA plans in same colour as un-inspected ones, which makes it difficult to differentiate between them.	<p>The defining characteristic that distinguishes trees subject to detailed survey is a reference tag which are clearly shown with a leader pointing to each surveyed tree feature with a corresponding entry on the Tree Survey Schedule included as Appendix B of the Arboricultural Impact Assessment Report [REP5-052].</p> <p>Tree quality category is not shown on the Tree Protection and Removal Plan (Appendix D) but is clearly shown on the Tree Constraints Plan (Appendix A). BS5837 section 5.4.3 requires that trees for retention are clearly shown with a continuous outline, this is typically shown as a green outline with removed trees shown with a dashed (red) outline.</p>
	Sheet 7	Amend access road and utilise access road of parcel W05 to minimise tree loss. The trees indicated to be lost at the south-western boundary of W07 (north-western corner) do not appear to have been accurately assessed.	<p>The Applicant has further reviewed this proposed amendment and the Arboricultural Impact Assessment [REP5-052] will be updated and reissued at Deadline 7 to show this group of trees as retained.</p> <p>In terms of the trees in the north western corner, the circular area of removal shown is indicative of the magnitude of canopy at risk of removal as a worst case.</p>
	Sheet 8	<p>Shade pattern is marked more clearly than the previous revision, but some areas of concern remain such as the south western boundary of W08 as can be seen from the screen captures of the area from Google Maps and the submitted AIA plan.</p> 	<p>Shade patterns have been based on the mature tree heights detailed in NHBC 4.2 (2022). The mature shading arc in the area in question extends from 20-27m from the tree positions, this amply covers the published mature height for Lombardy poplar (25m) although it is noted some specimens may exceed this height (the Tree Register indicates the champion tree for Suffolk is 30m in height and the champion tree in Cambridgeshire is 35m but the latter height is determined via Google Earth which may be unreliable. Champion trees are exceptional, not typical and therefore the average tree in the region would likely achieve less substantial heights). The Applicant considers the assessment of shade over time to be a reasonable approach given the inherent variability in tree growth potential (which is influenced by multiple factors including exposure, species, soil type, genetic factors, climate etc). Barcham The Tree Specialists, a well respected tree</p>

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		The approximate length of the shade pattern is 29m as measured on Google Maps. These trees appear to be Lombardy poplars with significant future growth potential as they can grow to in excess of 30m in height leading to a shade area in excess of 30m.	nursery in the region report mature heights for Lombardy poplar of 20m+ (https://www.barchampro.co.uk/store/products/populus-nigra-italica). Shade is transient and these trees will not cast shade towards the solar arrays until the afternoon (and as shown on the plan, significant shade is not anticipated to affect large sections of solar arrays), during winter when the sun is lowest in the sky and shading would be most significant, these deciduous trees would not be in leaf and shading impact would be reduced. Furthermore the narrow canopies allows a degree of light penetration.
	Sheets 9 and 13	The cable route is marked on some AIA plans but not others (such as sheets 9 and 13). The Applicant should explain why.	Only 400kv cables are drawn on the plans and these are drawn indicatively in the centre of the cable corridor. 33kv cables are not drawn due to the flexibility in their final alignment (within the Order Limits corridor). The impact assessment considers tree impacts based on the minimum working width of cable installation (10m) and the inherent flexibility of the final alignment.
8.74 Second Change Application [REP5-059]			
General	N/A	The Councils have no objection to the changes introduced.	Noted.
8.81 Public Rights of Way Closure Note [REP5-068]			
Construction Methodology	2.1.1	This should include the survey of public rights of way prior to construction as part of the site preparation works and appropriate searches. The Councils refer to Cambridgeshire County Council's response to ExQ2 [REP5-079] Q2.9.11 for further information.	The Framework Construction Environmental Management Plan submitted at Deadline 5 [REP5-043] states: <i>"A condition survey will be undertaken of the PRow and the PRow will be restored to their previous condition following any closure. The restoration will include the reinstatement of any boundary features such as hedgerows adjacent to the PRow.</i> <i>The CTMP will set out that reinstatement works for the Public Rights of Way shall be agreed with the LHA (and in respect of boundary hedgerows, following consultation with the Council's Ecologist) and that the Applicant will permit access to the LHA to inspect the restoration."</i>

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			It is not intended to resubmit the Public Rights of Way Closure Note. However, it is considered that this issue is adequately dealt with through the Framework CEMP which is a certified document.
Temporary Closure of PRowS and U6006	2.3.3	The Councils refer to Cambridgeshire County Council's response to ExQ2 [REP5-079] Q2.9.10., which states that the decision on closures should be carried out in consultation and agreement with the Local Highway Authority.	<p>The Framework Construction Traffic Management Plan submitted at Deadline 7 states:</p> <p><i>“Over the course of the construction period a number of PRow will need to be temporarily closed for a maximum of three weeks. This is a worst-case scenario: PRow will only be closed temporarily in the event of there being no other practical alternative. The Scheme has been designed to minimise the PRow closures in terms of the number of closures and their duration. The local highway authority will be consulted on PRow management or closures.”</i></p> <p>It is not intended to resubmit the Public Rights of Way Closure Note. However, it is considered that this issue is adequately dealt with through the Framework CTMP which is a certified document.</p>
	2.3.4 b.	Appropriate signage should be agreed with the Local Highway Authority as advised in Cambridgeshire County Council's response to ExQ2 [REP5-079] Q2.9.10.	<p>The Framework Construction Environmental Management Plan submitted at Deadline 5 [REP5-043] states:</p> <p><i>“Appropriate signage relating to the PRow, will be provided and agreed with the local planning authority as part of the approval of the CTMP. Signage will be provided at locations where an informed decision can be made by NMUs about using the route or utilising a different route.</i></p> <p>It is not intended to resubmit the Public Rights of Way Closure Note. However, it is considered that this issue is adequately dealt with through the Framework CEMP which is a certified document.”</p>
	2.3.4 c.	The Councils refer to Cambridgeshire	The Framework Construction Environmental Management Plan

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		County Council's response to ExQ2 [REP5-079] Q2.9.11., which states the CEMP needs to be amended to reflect the fact that PROW may not be closed but maybe affected by works. We request a condition survey will be undertaken of all PROW affected by the scheme and the PROW will be restored to their previous condition by the developer. Such reinstatement is to be inspected and certified by the local highway authority that is to their reasonable satisfaction.	<p>submitted at Deadline 5 [REP5-043] states:</p> <p><i>"A condition survey will be undertaken of the PROW and the PROW will be restored to their previous condition following any closure. The restoration will include the reinstatement of any boundary features such as hedgerows adjacent to the PROW.</i></p> <p><i>The CTMP will set out that reinstatement works for the Public Rights of Way shall be agreed with the LHA (and in respect of boundary hedgerows, following consultation with the Council's Ecologist) and that the Applicant will permit access to the LHA to inspect the restoration."</i></p> <p>It is not intended to resubmit the Public Rights of Way Closure Note. However, it is considered that this issue is adequately dealt with through the Framework CEMP which is a certified document.</p>
	2.3.4 e.	This should make clear that the construction workforce and visitors are aware of all non-motorised user routes or areas affected by the construction scheme. This should be wider than equestrian routes and cover all non-motorised users.	<p>The Framework CEMP submitted at Deadline 7 will amend this requirement as follows:</p> <p><i>"All members of the construction work force and visitors will be made aware of the equestrian and non-motorised user routes and or areas affected by the construction of the Scheme."</i></p>
	2.3.4 f.	This is welcomed to enable clear communication for queries relating to monitoring and temporary closure of routes.	Noted.

