

**Cambridgeshire County Council (20031358)**  
**East Cambridgeshire District Council (20031149)**  
**Suffolk County Council (20031377)**  
**West Suffolk Council (20031311)**

The Councils' Comments on Documents Submitted at  
Deadline 7

**Sunnica Energy Farm (EN010106)**

Deadline 8

13 March 2023

**Purpose of this submission**

1. To provide an overview of the Councils' position at the end of the Sunnica examination by way of comment on specific documents submitted by the Applicant at Deadline 7. The document sets out a brief summary of the Councils' overall position, followed by a more detailed account of each issue. The Councils request that these issues be carefully considered by the Examining Authority and ultimately by the Secretary of State. In some instances, these issues could still be resolved at this late stage in the process. Where the Councils think this is possible, it will be indicated clearly.
2. This document is submitted not long after the publication of the ExA's schedule of changes to the draft Development Consent Order (dDCO) [PD-029] and Request for further information [PD-030]. Therefore this document does not attempt to comprehensively address the issues raised in either of those. The Councils will, of course, provide comments on those documents at Deadline 9.
3. For ease of reference, the Annexes to this document set out the issues in greater depth, how they can be resolved, and where in the Councils' submissions detailed information is set out.

**Summary of the Councils' position at Deadline 8**

4. The Councils started the examination by noting that they were unable to support the application as it then stood. The Joint Local Impact Report [REP1-024] set out those issues in some detail, including how they might be resolved.
5. In some respects there has been positive progress as a result of discussions with the Applicant. However, it is disappointing that several key items of mitigation still have serious deficiencies which, in the Councils' view, make them incapable of resolving the significant residual impacts of the project.

6. The Councils maintain their position on the removal of parcels from parts of the scheme, and a response to the Applicant's criticism of their proposed changes to Schedule 1 is included in this document.
7. The Councils have previously raised a number of detailed points about the insufficiency of the Outline Landscape and Ecology Management Plan, in terms of the information it presents and the mitigation it provides. This document sets out our comments on the most recent version of the OLEMP, along with a number of other environmental control documents. At this late stage in the examination it may not be feasible to make these acceptable in all respects.
8. A number of highways and transport issues have been dealt with by the inclusion of caps on HGVs, improvements to the relevant control documents and by progress towards a side agreement between the applicant and the Local Highway Authorities. However, this side agreement is not yet completed, and in the event that it is not completed before consent is granted it is important that the LHAs interests are protected by robust Protective Provisions. The Councils propose changes to the protective provisions to resolve these concerns and provide an effective 'backstop' in the event of failure to complete a side agreement.
9. The Councils are dissatisfied with the Applicant's proposals to retain mitigation measures in the post-decommissioning environment. Specific changes to the way this provision is drafted are proposed to resolve these issues.
10. The Councils continue to disagree with the Applicant over the baseline information and assessment of impacts on Socio-economics. Changes to the Outline Skills, Supply Chain and Employment Plan are proposed which would ensure effective mitigation which would cause these concerns to fall away.
11. Overall, due to the overall lack of effective mitigation, the project remains unacceptable to the Councils.

## **Landscape impacts and removal of parcels**

Response to Applicant's Response to Suffolk County Council's Proposed Amendments to Schedule 1 [REP7-064]

12. The Councils' position on the reasons for the removal of solar panels and other above ground infrastructure from specified parcels has been rehearsed throughout the Examination (and key references are set out in REP7-073 at paragraph 1). The Applicant contends that the Councils' proposals for achieving that outcome (as set out in the Proposed Amendments to Schedule 1 to the draft DCO in Appendix 1 to REP7-073) will not be effective and fail to address the cable corridor or the implications for compulsory acquisition. The Councils do not agree.
13. With regard to effectiveness, the Councils maintain their view that the Proposed Amendments to Schedule 1 will preclude the provision of above ground infrastructure works in the specified parcels. The Proposed Amendments continue to allow for the provision of the cable works, and any associated landscaping/green infrastructure, should they be required. The Councils note the ExA's requests for further information from the Applicant on this matter in PD-030 and will respond to any such information provided at Deadline 9 in their response at Deadline 10. The Councils welcome the fact that the ExA's

Schedule of Changes to the draft DCO [PD-029] reflect the approach promoted by the Councils.

14. With regard to the cable corridor, where this falls within Work No. 4 (which the Councils' Proposed Amendments leave unchanged), there was no need for the Proposed Amendments to address the cable corridor. The Works Plans [REP7-004 contains the most recent revision 05 of the Works Plans] show the corridor for Work No. 4 within the specified parcels, and the definition of Work No. 4 (and all other numbered Works) in Article 2(4) of the draft DCO incorporates the information shown on the Works Plans. Article 3(2) of the draft DCO requires any numbered Work to be situated within the corresponding numbered area shown on the Works Plans and within the limits of deviation. The Works Plans (in their final form) will become a certified document within Schedule 10 of the draft DCO. Where the cable corridor falls within the scope of Work Nos. 1A(iii), 1B(iii), or 1C(iii), the corridor for these Works is also shown on the Works Plans and the definition in Article 2(4) in conjunction with the terms of Article 3(2) would also apply to limit the areas where such works (if required) could be undertaken. In any event, if further detail of the cable corridor were to be required to be shown on the Works Plans there would not seem to be any great difficulty in incorporating the relevant parts of the information shown on the Cable Corridor plans in REP7-039 into the Works Plans.
15. With regard to compulsory acquisition, the Councils have already made the point (in REP7-086 at Item 6ii) that the terms of Article 18(1) of the draft DCO limit the powers of compulsory acquisition to “**so much** of the Order Land **as is** required for the authorised development or to facilitate it or as is incidental to it”. Thus, the Applicant would not be authorised to take compulsorily the whole of a parcel shown on the Land and Crown Land Plans if only a portion of that parcel was required for the purposes of the authorised development. In any event, if Article 18(1) was not considered a sufficient safeguard to preclude the taking of land for which there was no proper justification, there would not seem to be any great difficulty in the Applicant providing amended Land and Crown Land Plans to further refine the extent of the Order Land to apply only to the land needed in the light of the removal of above ground infrastructure from the specified parcels.
16. The Councils note that in REP7-064 (at paragraph 2.1.5) the Applicant indicates that the removal of above ground infrastructure from the specified parcels would require changes to the OLEMP. The Councils do not disagree (and acknowledged as much in REP7-086 at Item 6ii) but Action Point No. 7 (which REP7-073 was addressing) sought SCC's proposed amendments to Schedule 1 to the draft DCO. The Councils accept that, depending on the extent of the specified parcels where above ground infrastructure is to be precluded, there may need to be consequential revisions to other application documents (such as the Environmental Management Plan and the Design Principles). However, such revisions would not require changes to the draft DCO.
17. The Councils also note that in REP7-064 (at paragraph 2.1.6) the Applicant is critical of the fact that the Proposed Amendments do not account for the 'halfway house' scenario. However, there is no reason why they should do so. The Proposed Amendments are put forward to show how Schedule 1 to the draft DCO could be modified to exclude all above ground infrastructure from the specified parcels. The 'halfway house' does not achieve that outcome. As SCC made clear when it set out the 'halfway house' in response to ExQ2.0.9 in

REP5-084, it did not consider that the ‘halfway house’ would be sufficient to effectively mitigate the impacts of the development. That remains SCC’s position (and is reflected in the Councils’ position column set out in REP7-063).

#### Comments on Landscape and Ecological Management Plan [REP7-016] and the Arboricultural Impact Assessment

18. Annex A includes further details on the Councils’ comments on the OLEMP submitted at Deadline 7, the following provides a brief summary.
19. The provisions in the OLEMP for the preparation of detailed landscaping implementation and management plans that would be prepared as part of the LEMP(s) (including an annual work plan/programme capable of being rolled forward over a five-year period) are not comprehensive enough (see OLEMP 5.3.8, 5.3.16).
20. An appropriate programme of works as well as variations in planting schemes should be agreed with the relevant LPAs or with the Ecology Advisory Group (EAG) (see OLEMP 5.3.14 and 5.3.18).
21. While more information about the Ecology Advisory Group (EAG) has been provided in the OLEMP, the Councils remain concerned that it will be set up too late to help steer the detailed design and contents of the LEMPs, and that the frequency of meeting (annually) is insufficient, at least in the early years, until successful establishment of habitats.
22. The Work Plans have not been updated to show the additional landscape mitigation works (Work No 6) that are included in the Environmental Masterplan [REP7-054] and in the Applicant’s Deadline 7 Submission - 8.103 Landscape Mitigation Parcel Schedule. Further comments on these documents can be found in Annex B.
23. The Applicant has thus far ignored the requests for an Environmental Colour Assessment.
24. The Role of the Design Champion should be more clearly defined.

#### **Establishment and Management prescriptions**

25. While the prescriptions in the OLEMP for establishment and management for most of the proposed habitats provide an acceptable level of detail, the following areas are still insufficient:
  - Grazing: The scheme would need to be designed so that grazing is a realistic option (distance of solar panels from the ground; secure wiring; fencing for sheep)
  - The prescriptions for moor grass, rush pasture and enhancement of ditches and watercourses are insufficient.

#### **Hedges and Trees**

26. Although there is the aim for retention of existing trees, woodlands, hedges and habitat and there are long term management prescriptions for trees and hedgerows and woodlands, including the existing, concerns remain how this can be achieved on the basis of baseline surveys which are incomplete (AIA, hedgerows).
27. The information provided in the AIA is brief, lacks detail, makes assurances that are unrealistic and out of sequence. The existing trees should have led the landscape design.

This hasn't been the case; the third incarnation of the AIA and still it lacks detailed assessment of the trees affected by the scheme, less than half of those indicated for removal have been assessed. Providing this information post-consent would be to close the stable door after the horse has bolted. Whilst possible solutions have been identified at Annex C, it is the Councils' view that the short falls in information cannot reasonably be provided and assessed at this stage in the examination and providing them after its determination would make their conclusions obsolete. Tree removal will be markedly cheaper than directional drilling and can therefore be expected to be the default option unless retention is secured prior to consent.

28. The OLEMP should make clear that hedgerow removal should be minimised and only the section required to facilitate the construction should be removed and that the cable corridor width will be minimised, where hedges are being crossed.
29. Visibility splays are not indicated on the Environmental Masterplan, and there is no design principle that ensures that there would be planting of access returns to minimise views into the solar parcels.
30. The Arboricultural Impact Assessment identifies a number of works for veteran trees. The need for these works must be balanced with management for their ecological value (including potential for roosting bats). Such works should be incorporated into management objectives for veteran trees and undertaken through the lifetime of the development. Consideration should also be made to providing the next generation of veteran tree habitat, through new tree planting and veteranisation of existing tree stock (where appropriate).
31. The OLEMP does not confirm that the appointed contractor will carry out all recommendations of the detailed AIA, AMS and Arboricultural Report in full (which could be included in OLEMP 6.2.2d). It does further not state that the detailed AMS will need to be location specific and that the pre-construction surveys need to justify any tree losses.
32. While the OLEMP refers to tree protection measures, protective fencing and construction exclusion zones (CEZ), it does not set out what can and cannot happen within the protected areas and points to the detailed Arboricultural Method Statement (AMS), which is to be produced after consent, and is to be secured via commitments in the FCEMP (see OLEMP, 4.2.2).
33. The current FCEMP also refers to the Precautionary Arboricultural Method Statement (PAMS) [APP-101]. While this does provide some detail on how trees will be protected, this does not include all the actions that must not take place in a CEZ.
34. The FCEMP states that the perimeter security fence will be used to: 'also prevent construction activity in proximity to retained vegetation, in particular designated sites (County Wildlife Sites) within and adjacent the Order limits and where required specific tree protection measures will be implemented, including fencing and construction exclusion zones. (p.16C-14).' This is unclear and appears insufficient and inappropriate.
35. The Councils still consider that there should be no access between T332 and T333 on Chippenham Road, and that removal of TPO trees on the U6006 is unacceptable.

36. Where trees cannot be planted over the cables, habitat continuity would be maintained through planting of shrub species. This has not been secured in the OLEMP.

### **Treatment of soils**

37. Neither the FCEMP, the PAMS, nor the OLEMP refer to woodland soils and their treatment/handling. Soils from removed woodlands could be used in areas of woodland creation. Soil preparation for landscape planting is also not included (for example, decompaction).
38. Further comments on this matter are include in Table A3 in Annex A.

### **Ecological Mitigation Measures**

Comments on Landscape and Ecological Management Plan [REP7-016] and Biodiversity Net Gain [REP7-041]

39. From the outset the Councils have highlighted concerns that the mitigation and/or compensation measures are either inadequate, too vaguely defined or inadequately secured to give certainty that issues can be satisfactorily addressed, including in the long-term post decommissioning.
40. Whilst a number of positive steps have been taken in respect of the mitigation proposed, the applicant has not demonstrated to our satisfaction that the ecological impacts of the development can be adequately addressed, particularly with regards to the impacts on Stone Curlew. The Councils remain concerned that the issues around archaeology, recreational disturbance and operational disturbance have not been sufficiently addressed to allow full confidence that the required mitigation will be effective and there is no contingency plan for such a case.
41. The applicant has not been sufficiently transparent in presenting their position of how Biodiversity Net Gain (BNG) has been reached. There are errors and inconsistencies with the proposed habitat creation / management included in the BNG and in the OLEMP and as such the Councils have no confidence in the findings of their assessment.
42. With regard to arable flora, survey, assessment and mitigation is inadequate. The arable flora mitigation should be distributed across the entire scheme to adequately address the proposed loss of habitat and importance of the entire site for supporting arable flora. If this cannot be delivered, off-site compensation is required.
43. The scheme has not demonstrated how it will deliver adequate mitigation for loss of habitat for wintering / breeding birds. Of particular concern is impact to ground-nesting farmland birds. If mitigation cannot be delivered on site, off-site compensation should be required.
44. Despite several iterations of the OLEMP, not all habitats / ecological features have been adequately covered to give confidence that the proposed mitigation is adequate. Current omissions include purple moor grass and rush pasture. Post-construction monitoring should be extended to monitor all habitats and key target species across the operational phase of the scheme and whilst the detail of this could be finalised at the LEMP stage there is currently no framework within which this can be discussed or agreed. The applicant has

recognised the important role the EAG will have in the design, delivery and monitoring of the mitigation. It is vital that this group is properly resourced and funded in order for it to fulfil this role. This funding must cover the design phases as well as during the consideration of the requirements and over the life-time of the development.

45. Finally, the Councils are concerned that unless all ecological / landscape mitigation is retained post decommissioning, the proposals are likely to lead to a significant loss of biodiversity from West Suffolk and East Cambridgeshire.

## **Highways Side Agreement, Protective Provisions and Controls**

Comments on Q3.10.5 and Q3.10.6 of the Applicant's Response to the ExA's Third Written Questions [REP7-055]

46. Turning to the default position of Protective Provisions to be included in Schedule 12 to the draft DCO for the protection of the local highway authorities (CCC and SCC), the Councils note that the ExA's Schedule of Changes to the draft DCO [PD-029] includes the version of the Protective Provisions put forward by the Applicant in AS-319. In REP7-086 (under Item 5v) SCC set out its concerns about the shortcomings of the Applicant's Protective Provisions in AS-319, but did not submit into the Examination its alternative proposals because they were the subject of active dialogue with the Applicant and the Councils were awaiting a response from the Applicant on text that had been shared with the Applicant.
47. Whilst the Councils remain hopeful that an agreed position with the Applicant will be reached by Deadline 9, they consider it may be helpful to the ExA to see the terms of the alternative Protective Provisions that the Councils are currently seeking to have included in Schedule 12 to the draft DCO. Those Protective Provisions are set out in Annex D and the key differences to those in AS-319 is as follows:
  - a. Indemnification
  - b. Notice of commencement of specified works
  - c. Deposit of materials on highways
  - d. Payment mechanism
  - e. Definition of "plans"
  - f. Definition of "specified work"
  - g. Paragraph 5: time frame
  - h. Paragraph 7: inclusion of information in submissions made under paragraph [3]
  - i. Paragraph [15]: payment of the local highway authority's fees, costs etc.
48. Further detail on these points of difference is set out under item 5 of SCC's post-hearing submission for ISH4 [REP7-086]. A fuller explanation of these and some additional points which arise from a joint position being reached between both LHAs will be submitted at Deadline 9.

49. Additionally, the Councils understand that there will be no further revisions to the Framework Construction Traffic Management Plan & Travel Plan (FCTMP&TP). As a result, there are a number of issues with the FCTMP&TP, detailed at Annex E, which must now be picked up in the highways side agreement.

## **Public Rights of Way Mitigation Package**

Comments on Q3.9.11 of the Applicant’s Response to the ExA’s Third Written Questions [REP7-055]

50. The Councils have set out full details as to why the Applicant’s current proposals are not acceptable in their response to ExQ.3.9.11 in REP7-074. Without prejudice to that position, the Councils will be prepared to enter into a legal agreement to secure the Public Rights of Way Mitigation on the basis that, despite its deficiencies so far as the areas of land that will be available for the provision of rights of way measures, the package is all that the Applicant is prepared to commit to and is therefore the best that can now be achieved for the affected local communities.
51. The Councils’ own response to Q3.9.11 (see [REP7-074]) provides a survey of national and local policy which illustrate how provision for enhancements to the PRoW network would be appropriate to meet concerns over impact on communities and landscape.
52. In the Councils’ view, such enhancements would be necessary to compensate for the degradation in quality to the character and amenity value of PRoW across a wide area of rural Suffolk and Cambridgeshire which is currently underserved.
53. The ExA does not have the benefit of seeing the proposed obligations, so they are characterised briefly here. The Applicant is to provide £250,000 to each County Council for the provision of measures to enhance existing PRoWs, create new PRoWs or permissive paths or upgrade or provide new connection points for users of PRoWs or Permissive Paths. However, these contributions cannot be spent on ‘preparatory, legal, administrative or compensation costs’ due to restrictions created by the Applicant’s voluntary agreements with landowners.
54. This would prevent the County Councils from using the fund towards costs of the order-making process under S26 of the Highways Act 1980. On any land owned by landowners who have a voluntary agreement with the applicant (even including land outside the order limits which is owned by those landowners). Essentially, new PRoW created to compensate for the impacts of this project could only be created by agreement under s25 of the 1980 Act. Even then, it is unclear the extent to which the Councils’ legal costs of drafting such an agreement would be covered by the fund.
55. The applicant says in its answer to Q3.9.11:
- “The Applicant notes in this respect, that the purpose for which the contribution could be utilised by the County Councils would in no way prevent them from making a creation order to create a new PRoW on landowners’ (i.e. those landowners with an interest in the Sites) land, the restriction the Applicant requires is that the contribution could not be used to fund the process required to secure such an order (or pay compensation in relation to it).”



56. While it may be true that the planning obligation would not prohibit County Councils from making creation orders on this land in general, this rather misses the point. The County Councils should clearly not be required to expend their own limited resources on creating PROWs which are necessary to mitigate impacts caused by the project. All costs related to providing these mitigation measures should be met by the Applicant.
57. The argument advanced in REP7-055 that “The Applicant is somewhat restricted as to what it can agree in this respect, in order to ensure it does not breach the voluntary agreements it has reached with landowners (as required in order to minimise the use of compulsory acquisition powers)” is, with respect, entirely self-created by the Applicant and is a matter of regret to the Councils.
58. The fact that the Applicant has not negotiated arrangements with the relevant landowners that would allow it to provide funding to enable the Councils to deliver a meaningful package of public rights of way improvements is a shortcoming of the proposals. It was entirely open to the Applicant to negotiate a suitable package with landowners which could have allowed for meaningful new PROW routes and connections to be funded and delivered. The Councils consider that the package now put forward is insufficient to offset the detrimental effects of the development on the PROW network and this therefore significantly limits the weight it can or should be given in any planning balance.
59. It would be quite possible for the Applicant to have used its powers of compulsory acquisition (which it has justified for all of the Order Land as set out at paragraph 5.2.3 of REP7-006) to create new public rights of way over parts of the Order Land. Whilst those powers do not extend beyond the Order Land, they do provide the backdrop to the Applicant’s negotiations with owners of the Order Land who are also owners of adjacent or contiguous land. The Applicant could have negotiated to give itself the ability to fund the creation of new public rights of way over that adjacent or contiguous land, in lieu of the creation of rights over the Order Land.
60. To be clear, this mitigation package is unacceptable in the view of the Councils. By preventing the County Councils from drawing on the fund to make creation orders, it fails to guarantee that any PROWs can be provided at all.
61. Despite the fundamental flaws with this mitigation package the approach taken has been to proceed with a bilateral planning obligation on the basis that the mitigation package proposed is necessary, but not sufficient, to address impacts. The Councils are not the decision-makers for this application so if the County Councils were to refuse to participate in the planning obligation, there would be a risk that the development is approved without any form of PROW mitigation package in place.
62. This is entirely without prejudice to, and in our view is no contradiction to, the Councils’ strong view that this mitigation package is insufficient. Due to the contractual constraints on the Applicant this issue is not capable of being resolved and the Councils ask that it is taken forward into the balancing exercise undertaken by the ExA with regard to its recommendation to the SoS and by the SoS with regard to his decision.

## **Post-decommissioning Retention of Environmental Mitigation Measures**

Comments on the Framework Decommissioning Environmental Management Plan [REP7-035] at section 2.11 and on the Written Summary of the Applicant's Oral Submissions at ISH4 [REP7-060] at paragraphs 7.2.25-7.2.40.

63. The context for this issue is provided in SCC's Response to Action Point No. 8 following ISH2 [REP4-143] and SCC's further response on the Applicant's submissions in REP5-057 [REP6-077]. When the issue was explored at ISH4, it appeared to the Councils that there was no disagreement about the principle that it was appropriate that the draft DCO should impose enforceable controls over the future management of Environmental Measures in the post-decommissioning environment.
64. Acceptance of that principle was, in the Councils' view, recognised by the Applicant in its oral submissions at ISH4 on Friday 17 February 2023. The Councils refer the ExA to the transcript of those submissions in EV-087 (Part 2 of the Transcript) and in particular to the Applicant's remarks from line 660 to line 767. The Councils would draw particular attention to the Applicant's acceptance that the DEMP would need to identify how long term retention of specified measures can be secured and that if the local authorities were not satisfied with the measures for long term retention proposed by the Applicant in the DEMP they could refuse to approve the DEMP and the matter could then be appealed to the Secretary of State for resolution and determination (lines 660-669, 691-693, 728, 736, 750-760).
65. However, the position now advanced in the FDEMP [REP7-035] and explained in the Applicant's post-hearing submissions [REP7-060] falls a long way short of providing that there should be any effective controls in the draft DCO over the post-decommissioning environment.
66. All that the Applicant now seems to be prepared to commit to is that, if there are landscape or environmental measures that are found to be of value for the longer term (post-decommissioning), the Applicant will be precluded from removing them at decommissioning and will at that time put forward proposals for how they "might" be secured thereafter for up to 25 years (paragraph 7.2.38 of REP7-060 and paragraph 2.11.2 of the FDEMP [REP7-035]). The Councils could, in principle, accept controls for a 25 year period, post-decommissioning, but they cannot accept arrangements no more onerous than what "might" be secured or arrangements that the Applicant would "try" to secure.
67. The Applicant argues that it should not be expected to provide any commitment to securing those measures post-decommissioning because, by reason of the lease arrangements that the Applicant has negotiated or expects to negotiate with relevant landowners, the Applicant asserts that "it is not now possible for the Applicant to commit to secure to retain landscape and ecological measures, even where it retains function, once decommissioning has been undertaken as it will no longer retain an interest in the land to secure this" (paragraph 7.2.39 of REP7-060).
68. With respect, the Applicant is quite mistaken as to what it is "possible" for it to do if the draft DCO is made in the terms that the Applicant is seeking. If the DCO is made in the terms sought by the Applicant, the Applicant will, by virtue of Article 18(1) of the draft DCO, be authorised to acquire the entirety of the legal interests in any parcel of land that lies within

the Order Land, provided that that acquisition is necessary for the purposes of the authorised development.

69. The fact that the Applicant might have already entered into contractual arrangements with some of the owners of some parts of the Order Land for them to grant the Applicant leasehold rights over that land as an alternative to compulsory acquisition of the freehold is not relied on by the Applicant as any reason at all as to why it should not be given full compulsory purchase powers over that land. It is of the essence of the Applicant's case that it maintains that powers of compulsory acquisition are needed for all of the Order Land. The Applicant has clearly explained why, even where such contractual arrangements have been concluded, it still requires compulsory acquisition powers so as to be assured of being able to deliver the proposals (see paragraph 5.2.3 of the Statement of Reasons [REP7-006]). That position applies, of course, all the more so, where contractual arrangements have not yet been concluded. The Councils understand, accept, and have never challenged the Applicant's position in this regard.
70. The test in s.122(3) of the Planning Act 2008 of whether there is a compelling case in the public interest for the grant of powers of compulsory acquisition of land falls to be applied by the Secretary of State at the time when those powers are granted in a DCO. S.122(3) PA 2008 does not fall to be applied again at the point of the exercise of those powers. Thus, if the Secretary of State is satisfied as to the Applicant's case for compulsory acquisition powers when the DCO comes to be made, those powers will be included in the DCO as made. As noted above, the Councils do not challenge the Applicant's case that it needs to be given those powers and that the test in s.122(3) PA 2008 is met.
71. The check on the use of the powers of compulsory acquisition (once granted) at the point of exercise is provided by Article 18(1) of the draft DCO. If at that point of time in relation to a particular parcel of the Order Land the promoter no longer required that land (which it has been authorised to acquire) in order to deliver the authorised development, it would not be able to exercise those powers in relation to that parcel of land. However, if it did so require that land (for example to enable it to meet the terms of a DCO Requirement) then it would be fully entitled to exercise the powers of compulsory acquisition.
72. The Councils acknowledge that under Article 19(1) of the draft DCO there is a time limit on the exercise of the powers of compulsory acquisition (5 years) and that they will not be available in 2065 or at the time of decommissioning. The Councils also accept that it is not yet certain which parcels of the Order Land will (by the time of decommissioning) contain environmental measures that it would be valuable to retain for the longer term. However, these factors do not in any way preclude the Applicant from securing the necessary rights that it would need to secure the long-term retention of such measures at the time that it assembles the Order Land. That process can be reasonably expected to take place within the 5 year period in Article 19(1) if the project is to be delivered, and the Applicant will be able, as part of that process and against the backdrop of the powers of compulsory acquisition that it will enjoy, to secure over any part of the Order Land contingent rights to require the long term retention of environmental measures undertaken on that land in the event that such long term retention is found to be of value post-decommissioning.
73. The Applicant cannot consistently argue that there is a compelling case in the public interest for it to be given powers of compulsory acquisition in relation to specified parcels

of the Order Land but then maintain that it is not “possible” for it to exercise those powers, once granted, because of its private contractual (or prospective contractual) arrangements.

74. The simple position is that if the Applicant has been granted the powers of compulsory acquisition that it seeks, those powers will form the backdrop to any negotiations with owners of the land that is subject to those powers. If, in order to meet the terms of the Requirements of the DCO (as made by the Secretary of State), the Applicant needs to secure more rights from, or to impose more restrictions on, the owners of any of the Order Land than it has currently negotiated for, it will have the powers of compulsory acquisition available to it to ensure that it is able to secure those rights or impose those restrictions in order in order to meet those Requirements. The commercial/financial consequences of such a negotiation (or re-negotiation) are, of course, of no concern to the Secretary of State if the Secretary of State is satisfied that the terms of the Requirements in question are in the public interest (which will inevitably be the case if they are included in the DCO as made).
75. Having regard to these considerations, the Councils cannot accept the terms of section 2.11 of the FDMP [REP7-035]. The Councils set out their alternative version of this part of the FDMP in Annex F.
76. Whilst the principal point of disagreement with the Applicant concerns the nature of the commitment to secure the retention and management of Environmental Measures in the post-decommissioning environment, there is also a disagreement about the Applicant’s proposed ‘blanket’ exclusion of all grassland, regardless of its future ecological interest. The Councils see no warrant for such a ‘blanket’ exclusion and consider that the safeguard identified by the Applicant of requiring interest at ‘at least a county scale’ offers sufficient protection. If grassland communities become established which are of ‘at least county scale’ ecological interest at the point of decommissioning, the Councils consider they should be included in the review process to determine whether they should be safeguarded for the longer term.
77. In addition, whilst not a matter which directly affects the wording of section 2.11 of the FDMP, the Councils note with some concern the addition to Table 3-2 of the FDMP to require the removal of the B50 Bomber Memorial as part of the decommissioning unless there is (voluntary) dedication of a public footpath in place of the permissive path. The Memorial, once provided, will serve both cultural heritage and landscape functions, because the crash site is now a part of the landscape to the south-east of Isleham and the Memorial allows receptors experiencing that landscape to understand the nature of the landscape and one aspect of its evolution. The Councils consider that the Bomber Memorial is a feature that is capable of having a continuing landscape function post-decommissioning and so is capable of being included in the Measures identified in part (a) of item b of the detailed DEMP (as set out at paragraph 2.11.2 of the FDMP). Whether the Bomber Memorial should be retained for the long term post-decommissioning is a matter that the Councils consider can and should be properly addressed as part of the submission and approval of the detailed DEMP, alongside all other Measures which fulfil landscape functions. The Councils would therefore wish to see the last item of Table 3-2 of the FDMP deleted.

## **Socio-economics Mitigation Package**

Comments on Outline Skills Supply Chain and Employment Plan – (Tracked) [REP7-044]

78. Socio-economic issues have not been discussed much in the examination, in part due to time constraints and also because the applicant and the Councils have been so far apart on issues of baseline and impact assessment that there has been agreement between the parties to ‘agree to disagree’ on these matters and work offline on an appropriate approach to mitigation.
79. An overview of the Councils’ concerns with the socio-economic assessment can be found at section 12 of the joint LIR [REP1-024]. In particular, paragraphs 12.17 – 12.22 deal with the inadequacy of assessment. Paragraphs 12.28 – 12.33 address potential opportunities to maximise benefits for employment, skills and education.
80. The most recent Outline Skills Supply Chain and Employment (SSCE) Plan [REP7-044] represents the latest work to come out of these offline discussions between the Councils and the Applicant. There are a number of improvements over the original Outline SSCE Plan [APP-268]:
  - a. There has been a general tightening of language from equivocal (‘should’ or ‘could’) to definite (‘will’) commitments.
  - b. There is now a ‘reasonable endeavours’ commitment to maximise opportunities identified in section 5.
  - c. Monitoring and Feedback has been expanded to include periodic review with the local authorities.
  - d. The potential measurable outputs and outcomes at Table 7-1 has been expanded with minimum targets for provision (subject to change in the full SSCE plan).
81. The Councils welcome these changes but consider that the SSCE plan could go further than it already does without unduly limiting the applicant’s flexibility or imposing difficult burdens. The Councils suggest a number of improvements to express greater clarity over review timescales, further reiterate the commitment to reasonable maximisation of outputs, and provide greater specificity to the potential targets set out in table 7-1.
82. If the changes presented at Annex G below were implemented, the Councils would be able to agree the Outline SSCE Plan.

Comments on paragraph 7.1.19 of the Written Summary of Applicant’s Oral Submissions at the Issue Specific Hearing on Environmental Matters on 16 and 17 February 2023 [REP7-060]

83. The Councils fully acknowledge and agree with the Applicant that this issue sits outside the planning balance.
84. The Applicant has accepted the principle of establishing a community fund and we recognise how important it is given the impacts that the development would have on the local communities for such a long period of time.

85. We want further discussion with the applicant on this point to ensure such a fund properly reflects the level of adverse impact and is appropriately administered for the benefit of the communities affected.

## **Noise and Vibration**

Comments on Operational Environmental Management Plan [REP7-037]

86. The Councils have been in ongoing discussions with the applicant regarding noise. Whilst many matters have been resolved, the requested further information or data on the modelled operational noise impacts, including low frequency noise as a result of the introduction of Option 3 has not been received.
87. To ensure that adverse effects from noise are minimised, the low frequency noise impacts of all plant must be assessed at detailed design stage. In the absence of further information on this point, the District Councils are concerned that the current wording in the OEMP is too broad to enable further considerations at the requirements stage with respect to low frequency/tonal impacts.

**Annex A – Comments on 6.2 Environmental Statement Appendix 10I: Landscape and Ecology Management Plan (Tracked) – Rev: 03 [REP7-016]**

**Colour Key**

	Acceptable level of detail/ manageable basis to develop LEMPs.
	Insufficient detail, missing elements, only partially acceptable.
	Important detail missing, of concern, not acceptable.
	Important detail missing, of great concern, not acceptable.

**Table A1 – Summary of the Joint Councils Positions on the D7 OLEMP**

The information outlined in the following table provided a starting point and suggestions for what the Councils would expect to see clearly set out in the OLEMP (not exhaustive).

Item	To be set out in OLEMP	To be detailed in LEMP	D7 OLEMP	Left for LEMP(s)	Acceptable Yes/No
a. Description, illustration and evaluation of all features to be managed, including but not limited to existing and new woodland, existing and new hedgerows, wildflower margins, other grasslands and ditches.	✓	✓	The OLEMP contains a description and evaluation of the main types of landscape features occurring within the DCO.	Description, illustration (photo) and evaluation of <b>all features</b> to be managed, including but not limited to existing and new woodland, existing and new hedgerows, wildflower margins, other grasslands and ditches.	No
b. Aims, objectives and principles of establishment and management.	✓		The OLEMP sets out the aims, objectives and principles of		Yes

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Item	To be set out in OLEMP	To be detailed in LEMP	D7 OLEMP	Left for LEMP(s)	Acceptable Yes/No
			establishment and management.		
c. Ecological trends and constraints on site that might influence management.	✓		<p>The OLEMP refers several times to ne ecological constraints.</p> <p>The OLEMP refers several times to climate change, and proposes a mix for provenances for plant material (5.3.5), also mentions the use of non-native species (5.3.6).</p>	Species mix to be agreed at detailed design stage.	Yes
d. Appropriate management actions for achieving aims and objectives and adhering to principles.	✓	✓	<p>The OLEMP sets out appropriate management actions for achieving aims and objectives and adhering to principles.</p> <p>However, it is still not clear if these management actions are deliverable and how they will be delivered (example: Conservation Grazing).</p> <p>Not clarified that scheme will be designed that grazing can be delivered (height of panels, wiring, fencing to contain sheep; where do the sheep in</p>		No, particular concern is grazing



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Item	To be set out in OLEMP	To be detailed in LEMP	D7 OLEMP	Left for LEMP(s)	Acceptable Yes/No
			the summer, when flowers are allowed to grow).		
e. Prescriptions for management actions.	✓	✓	The OLEMP does contain prescriptions for management actions. Missing: description for purple moor grass and rush pasture.		Yes, Except for missing
f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).		✓	The OLEMP does not refer to a work schedule that would be prepared as part of the LEMP(s).	This is not secured in the OLEMP.	No
g. Details of the body or organization responsible for implementation of the plan*.	✓	✓	The OLEMP does provide details about the Ecological Advisory Group (EAG), its composition and fundamental funding. Provisions (group will be formed too late; meeting annually) are not sufficient.		No
h. Ongoing monitoring and remedial measures. Contingency plans**.	✓	✓	Landscape monitoring is acceptable. The OLEMP does include ongoing ecological monitoring but is not sufficient for biodiversity.	The formulation of remedial actions is left to the EAG.	No

Item	To be set out in OLEMP	To be detailed in LEMP	D7 OLEMP	Left for LEMP(s)	Acceptable Yes/No
			Ten years ecological monitoring is not enough. The contingency plans are insufficient.		

\*The OLEMP shall also set out the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

\*\*The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Applicant will need to work with the relevant local authority to ensure appropriate resourcing is in place to monitor compliance with the provisions of the OLEMP, and the plans and schemes of which it forms the basis.

The resulting LEMP shall be implemented in accordance with the approved details for the lifetime of the project.

**Table A2 - The Joint Councils comments on OLEMP Rev: 01 [REP3-012] with Applicant’s actions as submitted in OLEMP Rev: 03 [REP7-016]**

Our ask	D7 OLEMP	Acceptable yes/no
In Chapter 1.7 The OLEMP should set out clearly its own overall vision (rather than the scheme’s vision), such as enhancement	D7 OLEMP, 2.1.2: <i>This OLEMP has been developed to ensure that the Scheme would reflect the existing landscape character and</i>	

Our ask	D7 OLEMP	Acceptable yes/no
and contributions to GI and NRNs and detail within the plan, how this is achieved.	<i>context, whilst accommodating mitigation principles established within the ES, so as to achieve the vision of: “The Scheme will deliver a new network of environmental features which will also deliver a range of ecosystem services, incorporating biodiversity, heritage, landscape and access.”</i>	
A plan should be provided that illustrates how the connectivity for varying habitats within the scheme and in relation to the wider GI and NRNs is achieved spatially.	There is no strategic plan for this; the Environmental Masterplans do show existing and proposed vegetation, but do not set out the strategic context.	No
It seems that plant specifications are not consolidated in one area and information regarding size, density, species etc, is peppered throughout the plan. It would be helpful if this could be re-structured and consolidated.	D7 OLEMP, 5.3.8 postpones this to the post-consent, detailed design stage.	No
Where is impact avoidance for habitats covered and the need for construction exclusion zones – for example areas of acid grassland, CWS’s, riparian habitats?	D7 OLEMP, 4.1.6- 4.1.10.	Yes

**Table A3 – The Joint Councils comments on the D7 OLEMP**

Topic	Paragraph Number	Councils’ Comment
Alternative measures	2.1.4	The Councils consider that any alternative measures must not deviate significantly from those assessed in the Environmental Statement and any alternative measures would need to be agreed by the LPAs.
Hedgerows	2.3.22	Is there not also one species rich Hedge? (H15)
Trees	4.2.2	Please cross-reference, where ‘sensitive works close to trees’ will be secured in the CEMP.

Topic	Paragraph Number	Councils' Comment
Hedgerows	4.2.11	<p>The information provided and proposed with regards to hedgerows is insufficient. A Method Statement should be developed where each hedge is assigned a unique crossing number (and mapped accordingly). The species composition of each hedge would be stated, any special considerations (such as protected species) and the proposed species replanting mix stated. This would be undertaken in association with the project landscape architects.</p> <p>A photographic survey should be undertaken to confirm the hedgerow condition, bank/ditch profile and to inform reinstatement techniques.</p>
Precautionary working measures during construction – stone curlew	4.2.32	The measures cover the operational period rather than the construction period.
Grassland in ECO3	5.2.4i	The proposal for ECO3 is to retain and create lowland acid grassland as is also the case for E12 (j). This should be corrected throughout the document.
Proposed planting	5.3	There is no information about soil preparation prior to planting which is a significant omission. This should include the re-use of soil from existing woodland areas that are to be removed.
Changes to planting schemes	5.3.14	An alternative species choice should be agreed with the relevant LPA or the EAG.
Programme of Works	5.3.18	Appropriate programme of works should be agreed with the relevant LPA or the EAG.
Proposed hedgerows	5.4.2	Overall length of proposed hedgerow planting has been reduced further to approx. 6km; there is still no clarification how much of this will be infill and how much will be new hedge planting.
Design principles for proposed planting	5.4.5	The design principles do not mention that returns at access points will be planted up with new hedgerows. Does 2m minimum distance refer to planting distance or distance vegetation will be cut back to?
Management of existing tree-lines and pine-lines	5.5.14	Please make it clear that this section also refers to tree-lines and pine-lines.
Planting specifications	5.5.4	Species and sizes should be agreed with LPA or EAG.

Topic	Paragraph Number	Councils' Comment
Mixed scrub	5.6	<p>It is not appropriate to create mixed scrub through natural regeneration in this location. Whilst the Councils welcome this method in some locations, natural regeneration is not appropriate here because of the timescale for establishment and for public amenity reasons.</p> <p>The main purpose of this set back and associated permitted footpath, and planting is for the amenity of the community, and this is one of the only locations where such an interface between the community and the solar farm is provided. The shrub planting should be attractive with a variety of native shrubs designed to give season interest. The shrub planting is also required in a timely manner as its function includes screening to reduce disturbance to Stone Curlew within ECO1 from recreational users. It is suggested that the option to plant mixed shrubs is also included in this section.</p> <p>For other areas where natural regeneration may be more appropriate, the establishment maintenance (s5.6.4) does not really accord with 'natural regeneration'.</p>
Interplanting – design principles	5.7.4	<p>More specific details in relation to pine lines – where interplanting would be to plant pine trees within the gaps in the line. There is a bit of cross over between this section and the hedgerow section; is that intended?</p>
Establishment for interplanting	5.7.5	<p>States that: <i>Competition within existing vegetation is higher than new planting in bare ground and therefore the maintenance requirements will be higher in the initial establishment period.</i></p> <p>Then proceeds with maintenance identical to 5.6.4.</p>
Natural regeneration	5.8	<p>The Councils support this approach where the new feature is not required for screening. Within existing woodlands and tree-belts, natural regeneration will already be happening, and the Councils do not accept natural regeneration as an effective mitigation strategy within existing tree belts. For natural regeneration to positively contribute to landscape and biodiversity in a positive way it space must be provided for scrub to colonise land and habitats to expand.</p> <p>An additional concern in relation to natural regeneration would result from the potential for the diversity of habitat to be limited due to limit seedbank and high nutrient soils.</p>

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Topic	Paragraph Number	Councils' Comment
		Natural regeneration must be monitored and may require supplementary planting.
Monitoring of soils	5.9.21	Will soil testing and monitoring of soils be undertaken during the establishment of grassland to inform any remediation?
Monitoring of soils	5.9.21	Will soil testing and monitoring of soils be undertaken during the establishment of grassland to inform any remediation?
Grazing	5.10.13	It is not clearly defined, under which circumstances grazing would be replaced by mowing, or which area would always need to be mown.
Grazing	5.10.18	On which plans will the locations for water through be shown and/or under which works are they included in the DCO Works schedule?
Monitoring	5.10.21	While there may be a wide variety of monitoring methods available, which ones will be used here? Or are likely to be used here?
Management by grazing	5.11.19 - 5.11.20	The management prescriptions for grassland all include grazing outside of the growing season, which is welcomed, however if grazing of the solar farm is to be successful it should be a consideration from the early stages of design including to ensure that it is possible.
Monitoring	5.10.24	Please explain further what is meant by 'available resources'.
Monitoring of grassland	5.11.28	Monitoring of grassland is considered insufficient. Lowland calcareous grassland and other lowland acid grassland types are likely to take longer than 4 years to reach the target condition (10 and 15 years respectively). In addition, if grazing is not expected to commence until year 5, annual monitoring until year 4 will not be sufficient to assess the success or otherwise of the different management techniques. The monitoring schedule for grasslands presented is not fit for purpose. However, monitoring of grassland throughout the lifetime of the scheme is welcomed.
Existing grassland habitats and verges		The management of existing grassland habitats across the DCO site is not included in the OLEMP.
Offsetting stone curlew plots	5.12.30 – 5.12.56	It is assumed that this text replicates that in the Annex F and therefore comments are made in relation to Annex F.

Topic	Paragraph Number	Councils' Comment
Arable Flora	5.12.57 – 5.12.60	<p>The Councils welcome the proposed details of the arable flora plots however this does not address the Council's concerns set out in the Council's response to the Ecology Position Statement [REP7-091].</p> <p>It is not possible to ascertain how the loss of 12 fields of notable arable flora will be adequately compensated by the provision of 1.13 hectares of low-quality arable field margins.</p> <p>The provision of three relatively small areas of arable flora plots will not adequately replicate the current distribution of notable flora across the site. Of particular concern is the omission of compensation within fields supporting locally important arable flora, such as W06 [REP7-054], E05, E24, E19/E20/E22 [APP-079] / [REP7-054]. The abundance of arable flora in a field is dependent on cropping patterns / other conditions and therefore, it must be assumed these fields are at least of local importance and as a precautionary principle, could attain higher quality in other years. Additional arable flora plots should be provided to reflect the widespread distribution of arable flora across the DCO site.</p> <p>The Councils remain concerned about archaeological constraints within W09 limiting the management of arable field margins, as set out in the Council's response to the Ecology Position Statement [REP7-091].</p> <p>If arable flora cannot be adequately mitigation on site, off-site compensation should be secured, as set out in the Council's response to previous LEMP [REP6-057].</p>
Farmland birds	5.12.61	<p>No evidence has been provided to demonstrate how “a package of measures has been embedded into the Scheme design to benefit farmland birds”. It is unknown the numbers of breeding birds / wintering birds the scheme is likely to support.</p> <p>No targets have been set to ensure the scheme will be managed to deliver / support the following populations of birds that were identified in Chapter 8 of the ES [APP-071].</p> <ul style="list-style-type: none"> <li>- Wintering skylark: district importance</li> </ul>

Topic	Paragraph Number	Councils' Comment
		<ul style="list-style-type: none"> <li>- assemblage of notable birds breeding on the arable land: county importance</li> <li>- breeding woodcock: district importance</li> <li>- breeding Quail, Hobby and Little Ringed Plover: county importance</li> </ul> <p>Therefore, the Councils have no confidence that the scheme will adequately mitigate the loss of habitat for the above populations. If impacts to birds cannot be adequately mitigation on site, off-site compensation should be secured, particularly for ground-nesting farmland birds as set out in Cambridgeshire County Council's previous response to previous LEMP [REP6-057].</p>
Grassland translocation	5.12.64 – 5.12.76	The Councils case is that the acid grassland should be retained in situ because of the risks involved in this type of translocation. It is not clear where in ECO3 the acid grassland turfs will be translocated to and the potential for disturbance to stone curlew as a consequence of the ongoing establishment and aftercare of turfs has not been assessed.
Purple moor grass and rush pasture		The creation, establishment and long-term management of this habitat has not been included in the OLEMP and so would not be secured by the DCO. This appears to be the main component of the enhancements to watercourses set out in the BNG report [REP7-041]. The Councils are concerned that this will not be delivered.
Permissive path in ECO3	5.13.15	This proposed permissive path is not listed.
Self-binding gravel path	5.13.17	This path should be monitored and repaired throughout the lifetime of the project.
Fencing around ECO areas	5.13.23	<p>This section should align with the amendment to the Environmental Masterplan, in accordance with the Council's response to the Schedule of Changes to OLEMP and Environmental Masterplans [AS-324]. The following wording is suggested:</p> <p><i>“Any fencing must be placed <b>outside</b> of any highway, including PROW, boundaries. This will require consultation with the local highway authority, that will determine the location of the highway boundary.”</i></p>



Topic	Paragraph Number	Councils' Comment
Predator fencing	5.13.23b	The height of the predator fencing should be reviewed. The Councils do not agree that there would need to be an electric wire set at 1,155cm.
Interpretation boards	5.13.27 - 5.13.29	The Council welcomes the commitment to provide these interpretation boards, for the local community and users of the paths/local road network.
B50 crash site	5.13.28 - 5.13.29	The Council welcomes the introduction of seating, a viewing platform and artwork for the memorial site in principle, and notes that these are to be agreed with the LPAs. However, the Council maintains its position set out at D7 in its response to the Schedule of Changes to OLEMP and Environmental Masterplans [AS-324] in respect of the creation of an appropriate setting for the B50 memorial site, and maintains its objection to the panel layout and B50 setting currently proposed.
B50 crash site	5.13.28 c.	There is a minor error in the wording of this point; the Council suggests that it should read " <i>Protection of the crash site through a 50m exclusion zone...</i> ".
Permissive paths	5.13.30	The Council welcomes the inclusion of the maintenance and long-term management section concerning the permissive path. However, it will be inadequate for the path surface only to be 'monitored' for the first year it is in place. They will be of no lasting value to local communities if they fall into disrepair after only a few years. The Applicant should commit to <b>all</b> permissive paths provided across the scheme being monitored and maintained throughout the life of the scheme.
Post-construction ecological monitoring	6	<p>The proposed post-construction monitoring in Section 6 conflicts with the monitoring proposed within other sections of the document.</p> <p>The monitoring should cover all habitats (including watercourses) and key species groups (including terrestrial and aquatic invertebrates, and flora). It should monitor progress of habitats to deliver target conditions (as set out in the BNG report) and assess if the scheme supports habitat / species populations of local/district/county importance to demonstrate if mitigation has been successful.</p>

Topic	Paragraph Number	Councils' Comment
		<p>Post-construction monitoring should extend throughout the operational phase of the scheme and whilst it might be appropriate to settle the detail of this in at the LEMP stage there is currently no adequate framework within which this can be discussed and agreed.</p> <ul style="list-style-type: none"> <li>• 1-5: bi-monthly</li> <li>• 5-15: yearly</li> <li>• 15-35: 5 yearly</li> <li>• 35-40: more frequently (yearly) in preparation for decommissioning</li> </ul> <p>Monitoring for Stone Curlew is agreed as required annually and this is agreed with all parties.</p> <p>Deviations from this programme should be discussed and agreed with the Ecological Advisory Group.</p>
Landscape Architect responsibilities	6.2.4	Add in a requirement for reporting similar to 6.2.3d.
Ecological Advisory Group	6.2.5	The OLEMP relies heavily on the Ecological Advisory Group for detailed design. Although collaborative approach is welcomed, the Council is concerned that the Ecological Advisory Group should be formed and funded by the detailed design stage given the remit is to advise on and monitor the detailed LEMP.
<b>Annex D – Sunnica Soil Types</b>		
Highway Boundary	Dwg no. 60589004: Sections 2-2 Beck Road; 3-3 U6006; 5-5 Elms Road	The Councils refers to Cambridgeshire County Council's response to the OLEMP as outlined in its response to D5 submissions [REP6-057] and at ISH4. Whilst these comments referred to Annex B, the same applies to Annex D and the principle needs to be followed through to all such drawings. This sectional drawing still incorrectly shows the grassland as running from the edge of the carriageway of Beck Road. Similarly, woodland is shown as running right up to the carriageway of the U6006. For Section 5-5 Elms Road it is unclear what is being shown. These drawings are inaccurate. Beck Road, the U road and Elms Road all have highway verges, which have a legal highway designation and so cannot

Topic	Paragraph Number	Councils' Comment
		be classed as grassland, woodland etc. The highway boundary must be shown on the sectional drawings. The Councils support and maintain the objection to the drawings.
<b>Annex F – Offsetting Habitat Provision for Stone-Curlew Specification</b>		
Location of the Stone Curlew plots	4.1.6	The location of the Stone Curlew plots should be included on figures 4-6 and reference made to the relevant figures in the OHEMP where applicable.
Soil nutrient levels		It is not clear how soil nutrient levels would be reduced in parcels ECO1 and ECO2.
Nesting plots	Table 4-1	It is not clear how bare ground would be achieved based on the creation and management technique proposed. It seems this has been adapted to primarily meet the requirements for archaeology casting further doubt about the efficacy of the stone curlew mitigation.
Mowing/Sheep grazing	4.1.12, 4.1.20 and 4.1.29	The Councils consider that grazing should be considered as a management technique in the short term particularly given the frequency that mowing is proposed and the need to ensure that mowing conducted during the growing season must be preceded by surveys for stone curlew and should not be carried out if there are nesting stone curlew within the area to be mown as set out by NE in their D6 submission 1.4 [REP6-070] This requirement is not appear to be included in the 'Offsetting Habitat Provision for Stone-Curlew Specification' nor the OEMP or the CEMP.
Cultivation of 50% of stone curlew plots	Table 4-5 and 4.1.27b	It is not clear why only half of each nesting plot (totalling only 3ha) would be cultivated each year rather than the committed 6ha of nesting plot.
Grazing by rabbits		If ECO3 is to be skimmed prior to grassland established, it is not clear why the applicant is not considering management of grassland through rabbits as previously suggested as in this case it would not conflict with archaeology.
Existing grassland outside of CWS's	Table 4-6	The management of existing grassland outside of County Wildlife Site is not yet included in the OLEMP.
Planting along the U6006	4.1.35	Planting along U6006 to help reduce visibility of users on this public right of way is not included in the D7 Environmental Masterplan [REP7-054].
Contingency Plan	4.1.40	The Councils consider that a contingency plan is required as set out in WSC's Post Hearing Notes at agenda item 6 p13-15 [REP7-088].

## Schedule of Principles that should be included in the OLEMP

**Table A4 – Establishment, Maintenance and Monitoring Principles that should be included in the OLEMP**

Our ask	D7 OLEMP	Acceptable Yes/No
Retention and positive management of existing trees, hedges and habitats, as far as possibly by basing the design on accurate and detailed baseline studies and surveys, including detailed tree and hedgerow surveys.	Although there is the aim for retention of existing trees, woodlands, hedges and habitat and there are long term management prescriptions for trees and hedgerows and woodlands, include existing, concerns remain how this can be achieved on the basis of baseline surveys which are incomplete (AIA, hedgerows).	No
Retention, restoration, and enhancement of existing pine-lines.	Traditional pine-lines have not been accurately identified. Additional strengthening of traditional pine-lines and tree belts with pines requires positive design decisions.	No
No materials or vehicles, whether temporary or otherwise, shall be stored under crown spreads of trees.	<p>While the D7 OLEMP refers to tree protection measures, protective fencing and construction exclusion zones (CEZ), it does not set out what can and cannot happen within the protected areas and points to the detailed Arboricultural Method Statement (AMS), which is to be produced after consent, and is to be secure via commitments in the FCEMP (see D7 OLEMP, 4.2.2).</p> <p>The current FCEMP also refers to the Precautionary Arboricultural Method Statement (PAMS) [APP101].</p>	No

Our ask	D7 OLEMP	Acceptable Yes/No
	<p>While this does provide some detail on how trees will be protected, this does not include all the actions that must not take place in a CEZ.</p> <p>The FCEMP states that the perimeter security fence will be used to <i>also prevent construction activity in proximity to retained vegetation, in particular designated sites (County Wildlife Sites) within and adjacent the Order limits and where required specific tree protection measures will be implemented, including fencing and construction exclusion zones. (p.16C-14).</i></p> <p>This is unclear.</p>	
<p>Separate storage of woodland soils during construction and replacement within the woodlands post construction.</p>	<p>Neither the FCEMP, the PAMS, nor the D7 OLEMP refer to woodland soils and their treatment.</p> <p>Soils from removed woodlands could be used in areas of woodland creation.</p> <p>Soil preparation for landscape planting is also not included (decompaction).</p>	No

Our ask	D7 OLEMP	Acceptable Yes/No
Creation and management of buffers to enhance existing features and improve connectivity; description of types of buffers.	<p>Buffer creation in this sense is proposed for Worlington Heath CWS (D7 OLEMP, 5.12.8), and Badlingham Lane CWS (D7 OLEMP, 5.12.21).</p> <p>Further is proposed:</p> <ul style="list-style-type: none"> <li>• Buffers along Lee Brook.</li> <li>• Beck Road amenity buffer.</li> <li>• Buffers to existing hedgerows.</li> <li>• Buffer to Worlington.</li> <li>• W07 Natural regeneration buffer around existing woodland to the north.</li> <li>• W11 Grassland and hedgerow planting to create a buffer up to 75m wide between parcels W11 and La Hogue Road.</li> </ul> <p>Overall, the increase in buffers fall short of the asks by the Councils.</p>	No (Insufficient)
Where trees cannot be planted over the cables, habitat continuity would be maintained through planting of shrub species.	This has not been mentioned in the D7 OLEMP.	No
Establishment of species-rich grassland between and around the panels where this is possible.	Only realistic around the panels because of shading and drought conditions and the design accommodates this constraint.	Yes
Management of grassland for invertebrates.		Yes

Our ask	D7 OLEMP	Acceptable Yes/No
Planting of new woodland and hedgerows for visual screening.	Both woodland and hedgerow planting are proposed, but not to the extent the Councils have asked for.	No
Reinstatement of all hedges removed for cable crossings, in particular in the vicinity of PRow, respecting the legal extent of the PRow.	<p>D7 OLEMP, 5.3.2.b: <i>Replacement of vegetation removed to facilitate construction of cable routes and access tracks to reinstate connectivity.</i></p> <p>And 5.4.6: <i>On completion of construction, the affected hedgerow sections will be reinstated in full (respecting the legal extent of any public rights of way) and a diversity of native woody species of local provenance will be used to improve their biodiversity value.</i></p>	Yes
Retention, Reinstatement and Maintenance of existing and proposed screening vegetation for PRow throughout the operational phase (including damage by disease and storm events, such as wind breaks).	D7 OLEMP, 5.3.2d: <i>Maintain the screening function of existing vegetation during the lifetime of the Scheme.</i>	Yes
Integration of new permissive routes to allow for access to nature while managing recreational pressure on sensitive ecological habitats.	<p>This has been addressed in the D7 OLEMP.</p> <p>While the circular route around E05 is welcome, the provision of additional routes across the DCO area is not sufficient.</p> <p>ECO3 footpath is not acceptable because of the potential for disturbance to Stone Curlew.</p>	Not sufficient
Definition of:	D7 OLEMP	No

Our ask	D7 OLEMP	Acceptable Yes/No
<ol style="list-style-type: none"> <li>1. Standard working width (25m).</li> <li>2. criteria that will trigger minimum working width of 10m (such as woodlands, tree belts, hedgerows).</li> <li>3. Different approach to storing spoil and reduction of haul routes in minimum working areas.</li> <li>4. Maximum width for severance of woodland.</li> <li>5. Circumstances for trenchless techniques such as HDD (under which roads/ water courses/ to avoid archaeology/ under important hedgerows/ through woodlands and tree belts.</li> <li>6. Depth of HDD (2m).</li> <li>7. Within works 6 areas: minimum percentage set aside for actual planting/ grassland establishment.</li> <li>8. Standards for quality of plant stock and procurement from nurseries.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not defined.</li> <li>2. Not defined.</li> <li>3. Not defined.</li> <li>4. Not defined.</li> <li>5. Not defined.</li> <li>6. Not defined (not in FCEMP or PAMS either).</li> <li>7. Not defined.</li> <li>8. D7OLEMP, 5.3.11 reference to BS 3936-1:1992 Nursery stock - Specification for trees and shrubs and BS 3936-4:2007 - Nursery stock - Specification for forest trees, poplars and willow, but does not set out what the Applicant commits to.</li> </ol>	
<p>Management prescriptions for all habitats and species in the DCO area should be given in outline and demonstrate that the objectives can be delivered through these prescriptions.</p>	<p>The D7 OLEMP does contain outline management prescriptions for all habitats and species in the DCO area, but does not sufficiently demonstrate that the objectives can be delivered through these prescriptions. Prescription for purple moor grass and rush pasture missing.</p>	<p>Still insufficient in some areas</p>
<p>The OLEMP should also outline what is meant by:</p> <ul style="list-style-type: none"> <li>• ‘conservation grazing’ prescription;</li> <li>• ‘management for pollinators’; and also explain</li> </ul>	<p>The D7 OLEMP gives an outline example for conservation grazing.</p>	<p>Yes</p>



Our ask	D7 OLEMP	Acceptable Yes/No
<ul style="list-style-type: none"> <li>‘natural regeneration’ (shown in the Environmental Masterplan) in the context of proposed woodland. There is no reference to this in the OLEMP currently, and this prescription, which may be desirable in some locations where planting is not required for visual screening, does require further explanation. Please clarify whether natural regeneration was considered in the LVIA/ES and whether and how it was reflected in the BNG calculations.</li> </ul>		

**Table A5 – Principles for pre-construction, during construction and post construction that should be included in the OLEMP**

Our ask	D7 OLEMP	Acceptable Yes/No
<p>Where possible removal of vegetation would be timed to avoid the bird breeding season (March to August inclusive). Where tree or scrub removal during the breeding season is unavoidable, a check by the ECoW would be undertaken immediately prior to habitat removal to confirm that there are no occupied nests. Should any occupied nests be identified, an appropriate buffer zone (determined on the basis of the species concerned and the location of the nest in the context of the surrounding vegetation, but no less than 5m) would be implemented until the chicks have fledged.</p>	<p>D7 OLEMP addresses this in 4.2.30 and 5.3.17.</p>	<p>Yes</p>
<p>For trees in which bat roosts have been identified or which are identified as having bat roost potential,</p>	<p>D7 OLEMP, 4.2.8: <i>The Applicant recognises that there is a need for pre-construction surveys including for Badger and bat roosts to take into account any changes since the baseline surveys.</i></p>	<p>No</p>

Our ask	D7 OLEMP	Acceptable Yes/No
then the measures set out in a bat mitigation section would need to be followed.	There does not appear to be a bat mitigation section, specifying measures to be taken, if bats are present.	
<p>Hedges</p> <ul style="list-style-type: none"> <li>• A Method Statement should be developed where each hedge is assigned a unique crossing number (and mapped accordingly). The species composition of each hedge would be stated, any special considerations (such as protected species) and the proposed species replanting mix stated. This would be undertaken in association with the project landscape architects.</li> <li>• A photographic survey should be undertaken to confirm the hedgerow condition, bank/ditch profile and to inform reinstatement techniques.</li> </ul>	Not addressed (yet).	No

**Table A6 – Objectives that should be included in the OLEMP**

Our ask	D7 OLEMP or other submission	Acceptable Yes/No
To clearly outline the framework for ecological management and agree timetables for submission, after consultation with the relevant planning authority.	Management details included for most new habitats in the OLEMP but not all. Tables in Annex B set out management of grassland. Management plans for CWS to be part of LEMP.	No

Our ask	D7 OLEMP or other submission	Acceptable Yes/No
To outline provision of the details that would form both species protection and landscape mitigation planting schemes.	Provided.	Yes
To provide the basis for the agreement of a detailed Landscape Scheme for the DCO area with an aftercare period of 10 years for trees and five years for other planting and for grassland establishment. One for one replacement planting of failed plants would only be required for at least the first 5 years. Replacement planting after this date may be requested at the discretion of the relevant LPA.	Provision slightly different, but topic of aftercare has been addressed.	Yes
To provide the basis for the agreement of a detailed Landscaping and Ecology Management Plan for the protection and restoration of trees and hedges in the cable corridor, with an aftercare period of five years.	Basis is provided.	Yes
It is expected that the schemes of planting and aftercare for both the cable corridor and the solar sites would be delivered by contractors who can demonstrate appropriate experience and capacity to deliver effective and robust aftercare and provide a consistent quality of work across the whole project. The relevant LPAs would seek to work collaboratively with the Applicant to	This is not anchored in the OLEMP.	No

Our ask	D7 OLEMP or other submission	Acceptable Yes/No
develop planting specifications for tendering for this work.		
To provide a plan to ensure all reasonable precautions are taken by the Applicant and their contractors to safeguard protected species. This plan also acts as the basis for a Species Protection Plan. A final detailed scheme of protection and mitigation measures for any European protected species shown to be present, prior to construction, will be agreed with the relevant authorities under requirements of the DCO.	Largely include in the OLEMP and the CEMP.	Yes
The OLEMP will also form the basis of a process of ongoing dialogue / forum with Local Authorities leading up to and during construction to ensure that Local Authorities are kept informed and satisfied of the implementation of the OLEMP (and the plans/schemes of which it forms the basis) and in order that they can also keep communities informed.	This is not sufficiently addressed.	No
The OLEMP should contain descriptions of existing and proposed habitats and how the various proposed habitats will be established.	The D7 OLEMP contains generic descriptions of the habitat types and how the proposed habitats might be delivered.	Yes

<b>Our ask</b>	<b>D7 OLEMP or other submission</b>	<b>Acceptable Yes/No</b>
The OLEMP should outline the desired outcomes and objectives for single species.	Inadequate for arable flora, farmland birds.	No
The OLEMP should set out which planting is required for visual mitigation of adverse effects of the scheme, and which is to compensate for lost vegetation and set out how the successful establishment and long-term survival can be secured.	This has not been addressed.	No

**Table A7 – Compliance principles that should be included in the OLEMP**

<b>Our ask</b>	<b>D7 OLEMP or other D7 submission</b>	<b>Acceptable Yes/No</b>
<p>If protected species or trees and hedges specified to be retained, are unexpectedly found or damaged during construction, the following action would take place:</p> <ul style="list-style-type: none"> <li>• Works should cease immediately;</li> <li>• The ECoW and/or ACoW and Construction Manager would be informed;</li> <li>• The relevant area would be demarcated and access would be restricted if necessary;</li> <li>• A way forward would be established and agreed and, if necessary, licences and authorisations would be sought; and</li> <li>• Works would restart once the EcoW and/or ACoW, Natural England and the relevant LPAs are satisfied with the works proposed.</li> </ul>	<p>D7 OLEMP does not make provision for this.</p> <p>This should be included in the OLEMP after 4.2.10 or at the end of section 4.</p>	No

**Table A8 – Mitigation Principles that should be included in the OLEMP**

Our ask	D7 OLEMP	Acceptable Yes/No
<p>A Landscape and Ecological Management Plan needs to be secured in the DCO.</p>	<p>Landscape and Ecology Management Plans (LEMPs) will be developed in accordance the OLEMP, which is secured in the DCO.</p>	<p>Yes</p>
<p>Outline of contents of the Landscape and Ecological Management Plans.</p> <p>Prior to construction a landscaping management plan for each stage of the works needs to be produced to include details of all proposed hard and soft landscaping works, including:</p> <ul style="list-style-type: none"> <li>• location, number, species, size and density of any proposed planting, including any trees;</li> <li>• cultivation, importing of materials, protection, and weed control to ensure plant establishment;</li> <li>• proposed finished ground levels;</li> <li>• hard surfacing materials;</li> <li>• vehicular and pedestrian access, parking and circulation areas;</li> <li>• minor structures, such as furniture, refuse or other storage units, signs and lighting;</li> <li>• proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports;</li> <li>• details of existing trees and hedges to be retained with measures for their protection during the construction period;</li> <li>• retained historic landscape features such as ditches and banks and proposals for restoration, where relevant;</li> <li>• implementation timetables for all landscaping works;</li> <li>• soil retention, handling and protection;</li> </ul>	<p>D7 OLEMP, 5.3.8: <i>Final species mixes for each proposed area of habitat, plant numbers, and detailed specifications for plant material, planting, establishment maintenance and long-term aftercare will be developed at the detailed design stage, post-consent. This will also include consideration of their resilience to predicted changes in climate.</i></p> <p>The D7 OLEMP does provide outline statements about weed control (5.3.16).</p> <p>The D7 OLEMP does not outline all the topics listed on the left.</p>	<p>No</p>

Our ask	D7 OLEMP	Acceptable Yes/No
<ul style="list-style-type: none"> <li>the provision of a scheme of sustainable drainage will be integrated into the details of hard and soft landscaping works at the converter station;</li> <li>integration of relevant sections of local converter station design principles; and</li> <li>all landscaping works would be carried out in accordance with the landscape management scheme, unless otherwise agreed in writing by the relevant planning authority, and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. The specific standards are to be agreed with the Councils prior to commencement.</li> </ul>		

**Table A9 – Aftercare Principles that should be included in the OLEMP**

Our ask	D7 OLEMP	Acceptable Yes/No
<p>The following type of aftercare for landscape planting schemes needs to be secured through the DCO.</p>	<p>Secured as included in OLEMP</p>	<p>Yes</p>
<p>To ensure development of the agreed planting to a satisfactory standard, there will be an agreed procedure for joint annual inspection of all planting areas by representatives of the relevant Local Authority and developers at the end of each growing season and for each year of the aftercare period, (ten years trees and five years for shrubs and grassland) following implementation. Areas found not to be thriving should be treated to such additional works as are required to rectify the situation within the next growing season.</p>	<p>D7 OLEMP makes provisions for establishment maintenance in 5.1.13 to 5.3.16.</p> <p>5.3.14 does not state that variation to the original planting scheme would be agreed with LPAs or at least EAG.</p>	<p>Yes</p>

Our ask	D7 OLEMP	Acceptable Yes/No
<p>Any tree or shrub planted as part of an approved landscaping management scheme that, within the first five years of the aftercare period (see 3.1 above), is removed, dies or becomes, in the opinion of the relevant Local Authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise agreed in writing by the relevant Local Authority.</p>	<p>See line above. Not as specific, but along those lines.</p>	<p>Yes</p>
<p>Suspension of the aftercare period for any part of the scheme at the solar sites and within the cable corridor may occur in the event that in the opinion of the relevant LPA there was a significant failure of the planting scheme that could not be satisfactorily remedied in the following planting season, and or part of the planting scheme was failing to progress to the extent that it would not achieve the objectives of the scheme within the specified aftercare period.</p>	<p>This is not mentioned but is made up for by long-term maintenance principles in 5.3.17 – 5.3.18.</p>	<p>Yes</p>



**Annex B – Comments on 8.77 Environmental Masterplan (Zoomed In) [REP7-054], 8.103 the Applicant’s Landscape Mitigation Parcel Schedule [REP7-063], 6.7 Biodiversity Net Gain (Tracked) [REP7-042], 6.2 Framework Construction Environmental Management Plan Rev: 05 [REP7-032], Framework Operation Environmental Management Plan [REP7-037] and Works Plans – Rev: 05 [REP7-004]**

**Environmental Masterplan and Applicant’s Landscape Mitigation Parcel Schedule Summary**

1. The positions of both the Applicant and the Councils have not significantly changed.
2. In some areas the Applicant has taken positive steps in the right direction (around E05, around the U6006, clearer definition of buffers). Overall, however, the proposals for landscape mitigation fall far short of what the Councils’ have expressed throughout that they would like to see. This includes areas where the addition of boundary hedgerows could have provided additional reduction of adverse effects in a cost-effective way.
3. The Applicant has thus far ignored the requests for an Environmental Colour Assessment, which indicates a lack of commitment to good and landscape-sensitive design.

**Table B1 – Comments on the Environmental Masterplan [REP7-054] and the Applicant’s Landscape Mitigation Parcel Schedule [REP7-063]**

Topic	Sheet Number	Councils’ Comments on the Applicant’s response in their Environmental Mitigation Parcel Schedules	Councils’ Comments on Environmental Masterplan
General			<p>Existing Public Rights of Way are not distinct – they should be in a different colour from the proposed ‘woodland’.</p> <p>Native hedge, species rich (presumably proposed) should be more distinct from Environmental Fence.</p> <p>Trees protected by tree preservation orders are not clear from the plans.</p>

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
			<p>Access point (and indications of required visibility splays) are not shown, despite their potential significant impact on ecological continuity and screening function of features.</p>
Buffers and screening	Sheet 1	<p>The Applicant's response to buffers for E01 and E02 is unclear. If it is to mean that the developable area is set back from the existing woodland (outer edge of the canopy spread), then 10m for E01 and 15 m for E02 would be acceptable.</p>	<p>Northern buffers for E01 and E02 do not seem wide enough on the plan and are not labelled.</p> <p>10m buffer west of E03 is insufficient.</p> <p>Screening for E33 still insufficient.</p> <p>ECO1 hedge extension along railway line not provided.</p>
Mixed scrub along Beck Road	Sheet 2		<p>The OLEMP (s 5.6.1) states that the mixed scrub will be created through natural regeneration. Whilst WSC welcomes this method in some locations, natural regeneration is not appropriate here because of the timescale for establishment and for public amenity reasons. The main purpose of this set back and associated permitted footpath, and planting is for the amenity of the community, and this is one of the only locations where such an interface between the</p>

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Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
			community and the solar farm is provided. The shrub planting should be attractive with a variety of native shrubs designed to give season interest. The shrub planting is also required in a timely manner as its function includes screening to reduce disturbance to Stone curlew within ECO1 from recreational users.
Viewing place	Sheet 2		The viewing place for the Plane Crash site appears to remain in the same location (i.e., not in the historic flight path and not providing visual links from The Ark).
Hedge to screen ECO2 (existing PRoW)	Sheet 3		Although a hedge is shown on the north-eastern edge of ECO2 it does not continue along the southern edge to the point where the existing PRoW on Mortimer Lane meets the parcel. In addition, the applicant should confirm the minimum width of the easement allowed for the PRoW.
Tree-belt east of E08 and E10	Sheet 4		The width of this tree belt is not consistent with the commitment made in the Applicant's Environmental Mitigation Parcel Schedules [REP7-063] The note should be amended to read '15m' (or more).
Existing grassland and translocation	Sheet 5		The existing retained grassland in ECO3 is not shown on the plans.

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
			The proposed location for translocation of turfs is not indicated on the plan to demonstrate that disturbance to Stone Curlew will be minimised.
Set back of the solar panels from E12 and E13	Sheet 5		The Councils view in relation to panels in parcels E12 and E13 is that they should be removed as previously expressed. Notwithstanding this position, the additional set back of panels from the U6006 shown in the plan is welcomed. However, based on the Councils view that 'the U6006 route should not be constrained with solar panels on both sides and that along the length of the route long distance views should be retained on at least one side (LIR 204-205)', the Council would suggest that the easement is provided in full to the northwest of the U6006 increasing the easement on this side to at least 60m. This would allow views in this direction. A hedgerow would need to be provided along the boundary of the developable area in E12 and to strengthen the existing woodland screen to the southeast of the U6006 in E13.
Arable Flora	Sheet 5 & 6		The arable flora cultivation should be moved outside of the RPA of the veteran trees.

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
Planting to west and east of E24 and E25	Sheet 6	<p>E24 and E25: This line of argument by the applicant is not convincing. Please indicate where earthworks would preclude planting. There are currently views from Worlington Road to the U6006 and scope for planting on the western boundary.</p> <p>It is also unclear how wide the proposed woodland on the eastern boundaries of E24 and E25 will be and whether this will be sufficient.</p>	<p>There is no planting shown to the west of E24 and E25. There is no label providing the width of the buffer (woodland) between E24/E25 and Newmarket Road.</p>
Planting to east of Newmarket Road	Sheet 6	<p>The retained vegetation along Newmarket Road (western boundaries of E26 and E28) would benefit from strengthening, which is not provided. It is not as dense as shown on the Environmental Masterplan.</p>	<p>Retained vegetation east of Newmarket Road should also be strengthened as necessary to successfully screen parcels E26 and E28.</p> <p>The southern boundary (E28 and E29) may be sufficiently dense, but there should be scope to strengthen, if further screening is required.</p>
Internal planting within E31	Sheet 6	<p>The schedule provides no comment on this by the Applicant.</p>	<p>No internal hedge is provided to break up this vast parcel.</p>

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
Planting to NE of E32	Sheet 6		If the constraints to planting cannot be overcome, the solar panels should be set back to allow room for appropriate screen planting at this important 'gateway'.
Strengthening tree-belts/pine lines E14-E17	Sheet 7	According to schedule interplanting/ strengthening of hedgerow along south-eastern side of E14, E15 and E16 / north-western side of E17 would be provided, which is welcome.	<p>Interplanting/ strengthening of hedgerow along south-eastern side of E14, E15 and E16 / north-western side of E17 is not shown on the plan.</p> <p>It is unlikely that interplanting and natural regeneration would act to strengthen the existing tree-belts significantly. An appropriate approach might be to plant a new pine hedge along the alignment of the existing tree-belt which might, if appropriately managed, provide a pine-line for the future.</p> <p>The applicant has not yet identified on a plan the existing pine lines. For these features interplanting in gaps with pine would be an appropriate approach. Again, protecting the feature for the future.</p>
Re-instatement of hedges at access points/ visibility splays	Sheets 7 (and in general)	E18: Applicant's position remains vague on re-instatement of hedges behind visibility splays	Access points and visibility splays are not indicated on plan.

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
Screen planting	Sheet 7	E19 and E22: If planting in the corners of the reservoir cannot be accommodated than some return screen planting should be allowed for within the parcels.	
Fencing	Sheet 7	E20: Applicant should confirm that the close boarded timber fence is temporary and for the construction period only.	<p>E20: Applicant should confirm that the close boarded timber fence is temporary and for the construction period only.</p> <p>The 30m gap between south-eastern boundary and solar Panels in E20, E21 and E22 is not labelled on the Environmental Masterplan.</p>
Chippenham Road	Sheet 14	W03: Further discussions and explanations regarding required access points to W03 would be welcomed by the Councils, should the parcel be consented.	<p>The plan shows widths of proposed woodland planting.</p> <p>The planting would still truncate views to the south-east.</p>
The Avenue	Sheet 13	W04 and W05: The setbacks from The Avenue of 20m (W04) and 10m (W05) are not considered acceptable by the Councils.	<p>The width of the proposed setbacks is not shown on the Environmental Masterplan.</p> <p>Could the Applicant please confirm the distance between W04 and the Snailwell Gallops. The label on the plan says 5m.</p>

Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
The Avenue	Sheet 12	W06: The setback from The Avenue 10m is not considered acceptable by the Councils.	
Connectivity planting/	Sheet 12	The Applicant states that the hedgerow along the north-western boundary of W06 would not be affected (it contains many mature trees), and that an appropriate buffer would be established to protect the RPAs. When will this be provided?	The proposed linear belt of trees shown of sheet 12 on the north-eastern boundary should be carried through to Hundred Acre Plantation.
Retention of woodland	Sheet 12	W07: The schedule states that the Applicant is considering the retention of the woodland in the north-eastern corner of W07. The Latest AIA does show this change already, which is welcomed by the Councils.	The plan has not changed as it did not show the removal of parts of the woodland previously.
Extent of W08 / hedge planting	Sheet 12		<p>The buffer between W08 and Hundred Acre Plantation is not labelled, the distance of the setback is unclear and from the plan looks insufficient. The Councils consider that W08 should finish in line with W06 and W10 to retain the connectivity between the Chippenham Avenue Fields CWS and the watercourse corridor.</p> <p>Sheet 12 shows a proposed hedgerow along the full length along the north-western boundaries of W08 and</p>



Topic	Sheet Number	Councils' Comments on the Applicant's response in their Environmental Mitigation Parcel Schedules	Councils' Comments on Environmental Masterplan
			W10, which should be provided, if the parcels were consented.
Screen planting along A 11	Sheet 12	No further provisions by the Applicant.	No changes to the plan.
Hedge planting	Sheet 12	No further provisions by the Applicant.	No further provisions by the Applicant.
Woodland and Hedge planting	Sheet 10	W15: The schedule states that the OLEMP had been reviewed and this would be shown on the Environmental Masterplan.	The points raised by the Councils have not been addressed.
Screening of BESS W17	Sheet 12	<p>The proposed woodland planting (15m wide) to the south-east of W17 will take a considerable time to screen the proposed BESS from views along the A11.</p> <p>Archaeological constraints permitting, the Applicant should provide additional hedge planting along the A11, which would provide screening much sooner (medium term).</p>	It is unclear what natural regeneration looks like in an existing woodland, without additional space provision for this to happen. It is also unclear how interplanting site within the concept of natural regeneration.

**Table B2 – Comments on Biodiversity Net Gain (Tracked) [REP7-042]**

Topic	Paragraph Number	Councils' Comment
Strategic Significance (ECNRN = East Cambridgeshire Nature Recovery Network)	Table 2-2	<p>It is unclear why arable field margins have not been included within the table, particularly given that arable flora is of strategic importance within the East Cambridgeshire Nature Recovery Network.</p> <p>Therefore, the Councils are concerned that the scheme does not recognise the important arable flora of W06 (local) and W09 (county) within the ECNRN.</p>
Assumptions and Limitations	3.7.4	<p>The Council is concerned on the assumption that <i>the “OLEMP will be the mechanism for delivering this monitoring and management”</i>, given there is no post-construction monitoring proposed for BNG. Currently, the OLEMP monitoring is limited to 10 years and therefore won't be sufficient time period to monitor habitats until they reach their target condition. Furthermore, the OLEMP is not proposing to monitor all habitats.</p>
Watercourse/ditch enhancements	3.4.4	<p>There is no information in relation to the watercourses that will be enhanced as detailed in the BNG and it is not clear where this enhancement is secured as it doesn't appear to be in the OLEMP</p>
Monitoring habitats	3.7.4	<p>The monitoring of habitats is not adequately secured. The OLEMP does not deliver monitoring for at least the 'time to condition period'.</p>
The approach to Stone Curlew mitigation	3.7.10-3.7.12	<p>The Stone Curlew mitigation is 10 x 2ha plots and 5 x 16ha of grassland [REP7-015], and this should as a whole be identified in the Metric calculation separately so that it is clear that this this habitat does not contribute to the net gain (paragraph 3.7.12).</p> <p>More details are required to demonstrate how the calculations have separately assessed the BNG associated with Stone Curlew mitigation.</p>
The approach to Stone Curlew mitigation	3.7.10-3.7.12	<p>The Stone Curlew mitigation is 10 x 2ha plots and 5 x 16ha of grassland [REP7-015], and this should as a whole be identified in the Metric calculation separately so that it is clear that this this habitat does not contribute to the net gain (paragraph 3.7.12).</p>

Topic	Paragraph Number	Councils' Comment
		<p>More details are required to demonstrate how the calculations have separately assessed the BNG associated with Stone Curlew mitigation.</p>
Metric 3.1 excel spreadsheets		<p>The lack of Metric 3.1 excel spreadsheet has hampered the ability of the Councils to fully review the BNG calculation. The intention is that these should form part of any BNG evidence to provide transparency and to demonstrate in detail how the net gain has been achieved.</p>
Approach to Grassland Types	3.7.15	<p>The Councils accept the approach as described, but question whether this has been implemented in the BNG calculation. Annex B of the OLEMP [REP7-015] does not appear to reflect this approach in relation to grassland creation in ECO1 and ECO2.</p>
Approach to Arable Flora	3.7.17	<p>Greater clarification is required to confirm how the existing field margins are mapped, particularly given that none of the fields of local – county importance for arable flora in the Terrestrial Habitats and Flora Report [APP-079] are shown to contain arable field margins within the Appendix B maps.</p> <p>The Council notes that <i>“Where field margins meet the definition of a ‘better’ or higher distinctiveness habitat they should be mapped as such within the metric”</i>. However, we cannot find any habitats within the field supporting local – county flora that would meet this description. The Council is therefore unclear how these arable field margins have been mapped.</p> <p>It is therefore not possible to compare the extent of arable flora habitat that will be retained, enhanced or lost as part of the scheme.</p>
Assumptions relating to river and stream habitat	3.7.23-3.7.24	<p>The proposed enhancements to watercourses described in the BNG report have not been included within the OLEMP [REP5-011] and therefore, there is no evidence these enhancements will be delivered. These enhancements must be</p>

Topic	Paragraph Number	Councils' Comment
		removed from the BNG assessment, unless the OLEMP is updated to address this issue.
Summary of BNG Results	4.2.3	The Councils cannot fully comprehend or evaluate the BNG calculations until the detailed excel files (Sunnica BNG Metric 1-4) are provided. These spreadsheets should form part of any BNG evidence to provide transparency and to demonstrate in detail how the net gain has been achieved.
Phase 1 Habitat Plan	Appendix B	<p>The Councils are still concerned that arable flora is not adequately mapped. Fields identified as local – county importance for arable flora in the Terrestrial Habitats and Flora Report [APP-079], such as ECO1 and W06, are shown as cereal crop on the Phase 1 Habitat Plan.</p> <p>The Councils would expect these areas to be mapped as arable field margins or habitat of higher distinctiveness (as per Approach to Arable Flora, paragraph 3.7.16-3.7.18 [REP7-041])</p>

**Table B3 – Comments on 6.2 Framework Construction Environmental Management Plan Rev: 05 [REP7-032]**

Topic	Paragraph Number	Councils' Comment
Stone curlew plots	Table 3-3 p16C-14	Remove 'maximum'. A minimum of 10 plots is required
PROW - Communication with user groups	Table 3.7	<p>The Council is content with the CEMP communication plan as amended. However, it should be noted that NMUs includes carriage drivers; the British Driving Society is a statutory user group.</p> <p>It would be helpful if the Communications Strategy could be shared with the LHAs, as they will need to be aware of scheme activity affecting PROWs and it will assist in stakeholder management for LHAs to know what is intended.</p>
Disruption to PROW users	Page 16-C46	The Council welcomes the inclusion of the requirement for contractors to be made aware of equestrian and NMU routes. The Council would ask that this includes the key local roads

		highlighted in the Council’s response to 4.1.5 of the Framework Construction Traffic Management Plan and Travel Plan [REP7-017] in Annex E.
Stone curlew offsetting	Table 3-3 p16C-15	It is not clear that the offsetting land will need to be maintained throughout the construction period of the solar farm and the precautionary approach to herbicide application and to mowing should be included in the text to cover the construction period.
County Wildlife Sites	Table 3-3 p16C-19	The text in the CEMP should reflect the measures in the OLEMP (section 5.12.9 and 5.12.23)

**Table B4 – Framework Operation Environmental Management Plan [REP7-037]**

<b>Topic</b>	<b>Paragraph Number</b>	<b>Councils’ Comment</b>
Mowing of Stone Curlew offsetting land	Table 3-3	The text does not refer to the requirement for mowing conducted during the growing season to be preceded by surveys for stone curlew and should not be carried out if there are nesting stone curlew within the area to be mown as set out by NE in their DL6 submission 1.4 [REP6-070]. This requirement does not appear to be included in the ‘Offsetting Habitat Provision for Stone-Curlew Specification’ nor the OLEMP or the CEMP.
Mowing of grassland	Table 3-3	OLEMP section Table 10 sets out the habitats to be used by farmland birds. Open grassland is included including for ground nesting birds such as skylarks. As such, where grassland is to be mown in the bird breeding season it should be preceded by survey for ground nesting birds as a precaution.
Noise and vibration	Table 3-7	To ensure that adverse effects from noise are minimised, the low frequency noise impacts of all plant must be assessed at detailed design stage. In the absence of further information on this point, the District Councils are concerned that the current wording in the OEMP is too broad to enable further considerations at the requirements stage with respect to low frequency/tonal impacts.  This could be addressed through the use of alternative wording suggested below:  As the plant design is progressed, the specification of plant machinery with low noise emission and properly attenuated supply and extract terminations will help to minimise noise emissions.

		<p>The use of enclosures, local screening, mufflers, and silencers will also be used as appropriate. Should the noise exhibit any such acoustic features then the relevant penalty/ correction should be applied in accordance with BS 4142. Plant such as the onsite substation and batteries will be designed to have minimal tonal, impulsive or intermittent features</p> <p>The OEMP will also set out how the scheme design and operational plant levels have been developed to mitigate and reduce effects to a minimum. This will include consideration of sound output levels of all mechanical and electrical plant, low frequency and/or tonal components of any sound sources, the noise from inverters and cooling fans during lower modes of operation, positioning of plant in relation to sensitive receptors and, if necessary and practicable, implementation of mitigation measures and/or acoustic barriers.</p>
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**Table B5 – Comment on Works Plans – Rev: 05 [REP7-004]**

Topic	Paragraph Number	Councils' Comment
Work No. 6A/6B/6C	-	<p>The draft DCO [REP6-013] identifies Work No. 6 as “<i>works to create, enhance and maintain green infrastructure, including - ...landscape and biodiversity enhancement measures</i>”.</p> <p>However, not all the ecological mitigation shown on the Environmental Masterplan [REP7-054] is shown as Work No. 6 within the Works Plans. For example, the arable field margins of land parcels E14/E17, E20 and W07/W09 [REP7-054] are omitted.</p> <p>Neither have the Works Plans been updated to show the additional landscape mitigation works (also Work No 6) that are included in the Environmental Masterplan [REP7-054] and Landscape Mitigation Parcel Schedule [REP7-063].</p> <p>The Councils seek the Works Plans are reviewed and all ecological and landscape mitigation [REP7-054] / [REP7-063] identified at Works No. 6A/6B/6C.</p>

## **Annex C – Comments on 8.46 Arboricultural Impact Assessment Report (Tracked) – Rev: 02 [REP7-047]**

### **Positive changes**

It is proposed in the AIA that in the north-western corner of W07 an access road would be re-aligned to avoid any tree loss of the woodland block located in that area. Should the development of W07 be consented, this would be a reduction in the adverse landscape impact.

### **Remaining concerns**

The Arboricultural Impact Assessment identifies a number of works for veteran trees. The need for these works must be balanced with management for their ecological value (including potential for roosting bats). Such works should be incorporated into management objectives for veteran trees and undertaken through the lifetime of the development. Consideration should also be made to providing the next generation of veteran tree habitat, through new tree planting and veteranisation of existing tree stock (where appropriate).

Baseline - Accurate tree surveys of trees likely to be affected by the scheme remain incomplete. The Councils are concerned about the potential of harm to veteran or ancient trees, which may not have been surveyed yet.

The Councils still consider that there should be no access between T332 and T333 on Chippenham Road, and that removal of TPO trees on the U6006 is unacceptable.

Where trees cannot be planted over the cables, habitat continuity would be maintained through planting of shrub species. This has not been secured in the OLEMP.

### **8.95 Applicant's response to the ExA's Third Written Questions**

ExQ3.0.1 response states '*the maximum total amount of tree canopy area that would be lost as a result of the Scheme would be 2.305 hectares. This maximum loss, which represents less than 0.25% of the area of the Sites...*' This is pretty meaningless information for a rural landscape it would be more appropriate to provide the percentage loss of the existing canopy cover which is generally in linier groups that have a high significance to the landscape and as wildlife corridors representing established connectivity which is important to many species as foraging routes.

**Possible Solution:** Provide a percentage of existing canopy cover that will be lost.

EX Q3.2.2 response states "*A pre-construction tree survey will be undertaken where construction works are likely to affect trees. The findings of this will be included within an Arboriculture Report, which will be accompanied by a detailed Arboricultural Method Statement which will set out mitigation and protection measures to be undertaken.*" This offers no information or guarantee as to what tree loss will occur or that it will be minimised which, with tree removal being a cheaper option than directional drilling for example, tree removal is likely to be the preferred option as has



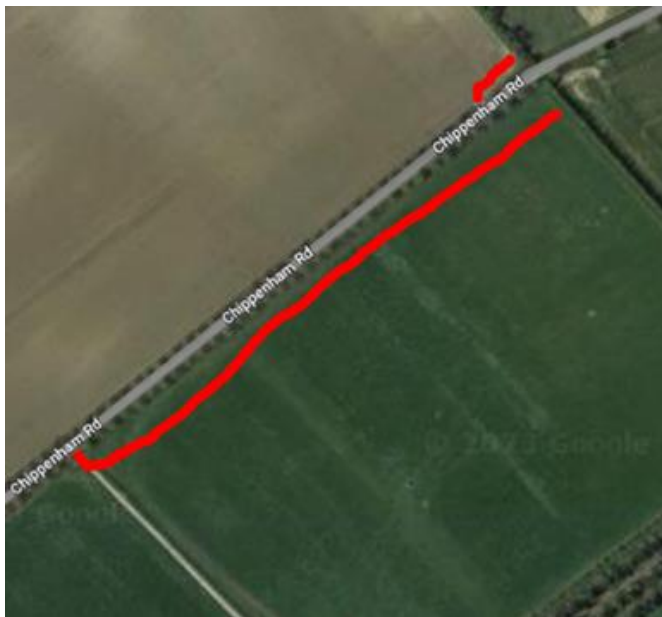
been demonstrated by the applicant’s resistance to retaining the **3 trees** at the end of the TPO avenue along Chippenham Road which could be achieved via directional drilling.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees that prioritises the retention of trees protected by TPO and of significant landscape importance.

**8. 97 Applicant's Response to LPA Deadline 6 Submissions**

8.1.7 states ‘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 document clearly list the numbers of protected trees on each side of Chippenham Road and their species which if noted would have informed the applicant that all of the Beech trees on both sides of the road are protected by the TPO. 68 trees on the north eastern side of the Road and 66 on the south western side all of which are all Beech trees. If unsure it would have been a simple task to contact the ECDC trees officers for confirmation. A copy of the deadline 6 response has not been shared, why is it not possible to install a temporary road from the existing access to the cable route as indicated by the red lines on the image (Image 1) below?

**Possible Solution:** As above



*Image 1 – Potential route for a temporary road.*

**Construction Environmental Management Plan**

Table 3-3 Biodiversity - there should be mention of the risk of spreading/introducing biological pathogens that could affect existing and proposed soft landscaping such as Oak processionary moth, Ash die back or one of the potentially more harmful pathogens that are haven’t made it across the channel yet such as Emerald Ash borer or Xylella fastidiosa as such all vegetation management operations must be undertaken in line with current and future bio security protocols.

**Possible Solution:** Add details of quarantine procedures for any imported trees/shrubs or a commitment to use UK **grown** plants as well as an obligation to follow the most current biosecurity protocols regarding planting and maintenance of the vegetation on site.

Table 3-7 The Construction Soil Management Plan (CSMP) should include a Soil Resource Survey and include plans for:

- The potential use of Soil Protection Zones (SPZs) where soil will be fenced off and protected from all disturbance or compaction from vehicle traffic. These will be clearly identified.
- The location, size and duration of stockpiles that are appropriate for soil texture, moisture and weather conditions
- Methods of stripping and stockpiling
- The separation of stockpiles for topsoil and subsoils and clear labelling
- The prevention of mixing of soils with rubble or waste materials
- Haul routes and materials laydown to minimise soil compaction
- How soil will be reused across the site, the volume that will be reused, and plans for any excess soil.
- Soil reinstatement that is appropriate in depth, nutrients and texture for future planting and green spaces, private gardens, and SuDs features.
- How any damaged or compacted soil will be remediated.
- The plan should also state who will be responsible for supervising soil management on site.

Soil management plans must refer to the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009 which is more relevant than the guidance given in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings. The measures in the soil management plan must be implemented in its entirety.

**Possible Solution:** Provide the afore mentioned and detailed Soil Management Plan and abide by its conclusions.

Table 3-7: In the Cable Trenches and Fence Posts section of table 3.7 it states *‘Where there is excess soil material to backfill, the level would be maintained by removing subsoil to storage and returning all of the topsoil.’* The trenches should be refilled so that the soil levels match the existing soil profiles to prevent creating an anaerobic environment (which would be toxic to all plants and insects within the area of the trench) by introducing biological material below the distance it can access air required for soil borne bacteria to survive and organic matter to decay.

**Possible Solution:** Edit the specification to state that the soils in the trenches will be replaced to match the existing soil profiles.

### **Outline Landscape and Ecology Management Plan**

2.3.18 states that there is a moderate value group of beech trees adjacent to Chippenham Road, which are protected by a Tree Preservation Order. But as only 8 of the 134 trees have been assessed and these 8 were categorised individually yet they are part of a significant arboricultural feature that would have a higher categorisation as a whole especially as there have been no

significant remediable defects identified for even the inspected trees that would warrant them being categorised as moderate (B) category trees instead of high-quality trees (A). The three trees covered by this TPO currently identified for removal should be retained via the use of directional drilling or the numbers of removed trees reduced by narrowing the working area at this point so as not to detract from this high amenity value of this arboricultural landscape feature. As per every other planning application the removal of trees protected by TPO needs to be justified and agreed prior to determination as it is to late once development has been approved.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees that prioritises the retention of trees protected by TPO and of significant landscape importance.

4.1.8 see also CEMP Table 3-3 comments above.

4.2.18 states that *'A pre-construction tree survey will be undertaken to inform the detailed design where construction works are likely to affect trees which have not been subject to detailed tree survey. The findings of this will be included within an Arboriculture Report, which will be accompanied by an updated impact assessment and Arboriculture Method Statement which will set out mitigation and protection measures to be undertaken.'* The tree survey must lead the detailed design so as to reduce tree losses rather than the detailed design leading the requirement for tree loss that could be avoided by suitable design as per 4.4.1.1 of BS 5837:2012 'A tree survey should be undertaken by an arboriculturist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) **to inform feasibility studies and design options.** For this reason, **the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development.'**

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees that prioritises the retention of trees protected by TPO and of significant landscape importance as the results of the AIA should lead the design.

4.2.19 states *'All necessary protective fencing would be installed prior to the commencement of any site clearance or construction works. This tree protection fencing will be rendered in a suitable colour to aid its integration in the landscape.'* In order to be effective, the fencing needs to be visible so that accidental impacts and its damage is avoided I would expect that protective fencing would need to be visible for employee safety as well.

**Possible Solution:** Provide a realistic specification for the protective fencing that is suitable for all aspects of the site's usage.

4.2.20 states that replacement planting will be with suitable native species trees this should mention that locally native species will be the preferred choice before UK native species which could include species not indigenous to the locality.

**Possible Solution:** Include locally native species as a priority to UK natives in the soft landscaping details.

4.2.23 of the total area of canopy cover lost 50.38% of it has not been subjected to detailed assessment which is an extremely low proportion of the total losses (1.3hectares). All trees that will potentially be lost/impacted should be assessed prior to gaining permission to develop as is normal for a planning application not doing so indicates a disregard for the existing landscape and the impact of the proposals. Without a tree led design should approval be granted what can realistically be done should the detailed design prove to be substantially more harmful than implied at this stage.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees.

4.2.24 states *'Tree loss will be further reduced where feasible and all areas subject to potential impacts will be surveyed in detail as part of the detailed design process. Retained trees will be fully protected via Construction Exclusion Zones (CEZ) where possible.'* The where feasible aspect is concerning as it will prove to be more financially feasible to remove a tree(s)/hedges than the cost to use alternative means such as directional drilling.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees.

4.2.26 states *'No veteran or ancient trees are to be removed.'* Yet less than 50% of the predicted canopy lose has been assessed in detail making it possible that un-assessed veteran trees will be lost though the current indicative design.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees.

4.2.27 as previously stated three trees protected by TPO on Chippenham Road are identified for removal not two.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees.

#### **8.46 Arboricultural Impact Assessment Report Rev: 02**

7.3.10 states *'An additional two trees protected by TPO at Chippenham Road and a third tree not subject to a TPO are also to be removed to facilitate the proposed cable route and associated access.'* This is incorrect all three of the Beech trees are protected by the TPO. The TPO document

clearly list the numbers of protected trees on each side of Chippenham Road and their species which if noted would have informed the applicant that all of the Beech trees on both sides of the road are protected by the TPO. 68 trees on the North eastern side of the Road and 66 on the south western side all of which are all Beech trees. If unsure it would have been a simple task to contact the ECDC trees officers for confirmation. If the two groups had been assessed this would likely have been obvious. This section also states ‘The design has been developed to minimise the loss of trees however the loss of these trees cannot be avoided if the current Scheme design is to be achieved.’ If the design is finalised why hasn’t the complete detailed tree report been produced as it states in many of the applicants documents that a detailed tree report will be provided as part of the detailed design. Is the design fixed or not?

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees. design the scheme around the retention of important landscape trees avoiding their loss as much as is possible.

7.3.13 See comments for Outline Landscape and Ecology Management Plan 4.2.26

8.1.7 states in relation to the loss of TPO trees that ‘*The design has been developed to minimise tree loss where possible however the loss of these trees cannot be avoided if the current Scheme design is to be achieved. 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.*’ So this mean the trees have got to be removed but the applicant hasn’t quit decided yet? Which sounds like the applicant doesn’t know what they’re doing with the trees providing little confidence in the documents provided and what will happen to the trees.

**Possible Solution:** Provide a detailed Arboricultural Impact Assessment report prior to determination as would be expected for any other planning application that effects trees avoiding the use of contradictory statements.

8.1.16 states ‘*Where trees are to be removed due to a conflict with proposals in relation to the Scheme, mitigation planting will be delivered to ensure a continuity of tree cover for the Scheme and to address any negative impact on local amenity and landscape character.*’ This will not be possible unless the replacement trees are the same size as those removed. Due to the likely time frame between removal and replanting and the height differential between retained trees and newly planted whips that are likely to be 1.2m high at most.

**Possible Solution:** Provide realistic comments that are achievable.

Appendix C Precautionary Arboricultural Method Statement the general principles of this as provided are acceptable.

## **Annex D – The Councils’ proposed Protective Provisions for the benefit of the Local Highway Authorities**

### SCHEDULE 12

#### PART 12

#### FOR THE PROTECTION OF THE RELEVANT LOCAL HIGHWAY AUTHORITIES

##### **Application**

1. The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and the relevant local highway authority.

##### **Interpretation**

2. In this Part of this Schedule—

“highway” means, notwithstanding article 2(1) of this Order, a street vested in or maintainable by the relevant local highway authority under the 1980 Act;

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction and detailed ground investigation);

“relevant local highway authority” means—

- a) Cambridgeshire County Council, in relation to any specified work constructed in the area of that council;
- b) Suffolk County Council, in relation to any specified work constructed in the area of that council.

“specified work” means so much of any part of the authorised development as forms part of or is intended to become a highway, or part of any such highway, or which is adjacent to the highway and could have an impact on the highway;

“structure, apparatus or surface” means any highway drainage structure or drainage apparatus, street furniture or carriageway comprised in a specified work.

##### **Relevant local highway authority approval of specified works**

3. Without affecting the application of sections 59(a) (general duty of street authority to co-ordinate works) and 60(b) (general duty of undertakers to co-operate) of the 1991 Act, before commencing the construction of any specified work, the undertaker must submit to the relevant local highway authority for its approval proper and sufficient plan and specifications and must not commence the construction of a specified work until the plans for that specified work have been approved by the relevant local highway authority or settled by arbitration.
4. When signifying approval of plans submitted under paragraph [(3)], the relevant local highway authority may specify any protective works (whether temporary or permanent) which in its reasonable opinion must be carried out before the commencement of the construction of a specified work to ensure the safety or stability of the highway and such protective works must be carried out at the expense of the undertaker.

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(a) As amended by section 42 of the Traffic Management Act 2004 (c. 18).

(b) As amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

5. If, within ~~28~~ 56 days after any plans have been submitted to the relevant local highway authority under paragraph [(3)], it has not intimated its disapproval and the grounds of disapproval, the relevant local highway authority is deemed to have approved them.
6. In the event of any disapproval of plans by the relevant local highway authority under paragraph [(3)], the undertaker may re-submit the plans with modifications and, in that event, if the relevant local highway authority has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it is deemed to have approved them.
7. The undertaker must include in any submission made to the relevant authority under paragraph [3] or any re-submission under paragraph [6], a statement that the provisions of paragraph [5] or paragraph [6] apply, as the case may be, and if the submission fails to do so, it is null and void.

#### **Inspection, ~~and~~ supervision and notice of specified works**

8. Any specified work, and all protective works required by the relevant local highway authority in accordance with paragraph [(4)], must be constructed in accordance with the approved plans for that specified work and an officer of the relevant local highway authority is entitled on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works.
9. The undertaker must give to the relevant local highway authority not less than [three] months' notice of its intention to commence construction of any specified work and the undertaker must give to the relevant local highway authority notice of completion of a specified work not later than [7 days] after the date on which it is brought into operational use.

#### **Maintenance of specified works by the undertaker**

10. If any specified work is not maintained by the undertaker in accordance with article 10 (construction and maintenance of altered streets) of this Order to the reasonable satisfaction of the relevant local highway authority, it may by notice require the undertaker to maintain the specified work or any part of it in accordance with article 10 to such extent as the relevant local highway authority reasonably requires for as long as the obligation to maintain the specified work under article 10 applies.
11. If the undertaker has failed to begin taking steps to comply with the reasonable requirements of any notice issued under paragraph [(810)] and has not subsequently made reasonably expeditious progress towards their implementation within 28 days beginning with the date on which a notice in respect of any work is served on the undertaker, the relevant local highway authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.
12. In the event of any dispute as to the reasonableness of any requirement of a notice served under paragraph [(810)], the relevant local highway authority must not, except in a case of emergency, exercise the powers conferred by paragraph [(911)], until the dispute has been finally determined.

#### **Payment of fees for approving and supervising the construction of specified works**

13. On submission of the plans for a specified work, the undertaker must pay the relevant local highway authority £5,000 and, before approval of the plans is granted, pay 7.52% of the anticipated cost of constructing the specified work to cover the relevant local highway authority's reasonable fees, costs, charges and expenses in approving the plans for and in supervising construction of the specified work.
14. For the purposes of calculating the figure of the 7.5% anticipated cost of constructing the specified work mentioned in paragraph 13, the sum of £5,000, also mentioned in paragraph, must be included in that figure. The relevant local highway authority may apply to the undertaker for up to two further payments (limited in each case to a maximum of 2% of the anticipated cost of constructing the specified work) if it reasonably considers that its fees, costs, charges and expenses in approving plans for and supervising construction of the specified work will exceed the amount the undertaker must pay under paragraph [(11)].

The undertaker must use reasonable endeavours to agree to pay any amount reasonably sought by the relevant local highway authority under paragraph [(12)] (having regard to the extent of the outstanding

~~work in respect of which the relevant local highway authority is likely to incur fees, costs, charges and expenses) and following agreement must pay any such amount.~~

15. The undertaker must repay to the relevant local highway authority—,
  - a) all reasonable fees, costs, charges and expenses reasonably incurred by it in approving the plans for and supervising construction of a specified work which have not otherwise been covered by a payment made under paragraph [(113)]~~to (13)~~ and
  - b) any other fees, costs, charges and expenses reasonably incurred by it in approving any other matter ancillary to those included in this Schedule including, but not limited to, any land operations assessment, noise assessment or application for any additional traffic regulation order not covered by article 44 of and Schedule 14 to this Order (or any revised, or any revised application made under article 44 of and Schedule 14 to this Order).
  
16. The relevant local highway authority must repay to the undertaker (or, with the undertaker’s agreement, offset against any amounts for which the undertaker is otherwise liable to that relevant local highway authority) any payment or part of a payment made under paragraph [(113)] ~~to (13)~~ which exceeds the fees, costs, charges and expenses it has incurred in approving plans for and in supervising the construction of a specified work and in response to a written request from the undertaker (served no earlier than after the final adoption or restoration of all of the specified works under article 10(1) and (3) as the case may be) the relevant local highway authority must provide to the undertaker a financial summary containing ~~detailed~~ evidence of how the payments received by the relevant local highway authority under paragraph [(113)]~~to (13)~~ have been spent.

#### Commutated sums

17. In respect of a structure, apparatus or surface installed or altered as result of a specified work in relation to which the relevant local highway authority is, or is to become, liable to maintain, the undertaker must pay to the relevant local highway authority (at the time when the relevant structure, apparatus or surface is, in accordance with this Order, to become maintainable by the relevant local highway authority) a commuted sum to reflect any additional cost that may be incurred by the relevant local highway authority over an appropriate timeframe in maintaining that structure, apparatus or surface.
18. The amount of the commuted sum referred to in paragraph [(1617)] is to be determined with reference to the detailed design of that structure, apparatus or surface and agreed between the relevant local highway authority and the undertaker, both acting reasonably.
19. The undertaker must not, except with the consent of the relevant local highway authority, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway (except on so much of it as is for the time being temporarily stopped up or occupied under the powers conferred by this Order) so as to obstruct the use of the highway by any person or, except with the same consent, deposit any soil, subsoil or materials on any highway except within a hoarding.
20. The undertaker must, if reasonably so required by the relevant local highway authority, provide and maintain during such time as the undertaker may occupy any part of a highway for any purpose connected to the construction of any part of the authorised development, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 1994 in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.
21. Regardless of the other provisions of this Part of this Schedule but subject to paragraph [23] the undertaker must, within 28 days of receiving written notification from the relevant local highway authority, indemnify the relevant local highway authority from all losses, expenses, actions, charges, cost, liabilities, claims, demands, proceedings or damages, which may be incurred, made or taken against, or recovered from the relevant local highway authority by, in connection with or incidental to a specified work including by reason of—
  - a) the construction or maintenance of a specified work or the failure of the specified work;



- b) any subsidence of, or damage to, any highway or any retained sanitary convenience, refuge, sewer, drain, pipe, cable, wire, lamp column, traffic sign, bollard, bin for refuse or road materials or associated apparatus or any other property or work belonging to, or under the jurisdiction or control of, or maintainable by the relevant local highway authority or a statutory undertaker;
  - c) any act or omission of the undertaker or of its agents, contractors, employees or servants whilst engaged upon a specified work;
  - d) a claim in respect of noise nuisance or pollution under the 1974 Act;
  - e) damage to property including property owned by third parties; or
  - f) injury to or death of any person.
22. The relevant local highway authority must give to the undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.
23. The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to have been approved by the relevant local highway authority, or to its satisfaction, does not (in the absence of negligence on the part of the relevant local highway authority, its officers, contractors or agents) relieve the undertaker from any liability under the provisions of this Part of this Schedule.

#### **Consents and agreements**

24. Wherever in this Part of this Schedule provision is made with respect to the approval or consent of the relevant local highway authority, that approval or consent must be in writing and may be given to such reasonable terms and conditions as the relevant local highway authority may require in the interests of safety or to ensure highway construction standards are met in order to minimise inconvenience to persons using the highway, but must not be unreasonably withheld.

#### **Disputes**

25. Any difference or dispute arising between the undertaker and the relevant local highway authority under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and the relevant local highway authority, be determined by arbitration in accordance with article [39] (arbitration) of this Order.

#### **Saving for the 1991 Act**

26. This Part of this Schedule does not apply to any works comprised in the authorised development in respect of which the relations between the undertaker and the relevant local highway authority are regulated by Part 3 (street works in England and Wales) of the 1991 Act.

## Annex E – Comments on Framework Construction Traffic Management Plan and related documents

**Table E1 – Comments on 6.2 Environmental Statement Appendix 13C: Framework Construction Traffic Management Plan and Travel Plan – Rev: 05 [REP7-017]**

Topic	Paragraph Number	Councils' Comment
Highway and PROW Condition Surveys	7.2.17 to 7.2.19	<p>These proposals are inadequate. The LHA side agreement, if completed, will include the requirement for the Applicant to fund all of the condition surveys (before, during and after the works). CCC requires that the results of all these surveys be shared with the Council.</p> <p>Where it is agreed with CCC that preventative maintenance be undertaken prior to the commencement of work, these measures should be as directed by CCC and funded by the Applicant.</p> <p>Notwithstanding any preventative works undertaken, should the “during” and “after” condition surveys indicate that further remedial works are required, these works should be undertaken to the satisfaction of CCC and funded by the Applicant.</p> <p>CCC reiterates its position that Section 59 of the Highways Act is applicable to such extraordinary traffic and its impact upon the condition of the local highway network.</p>
Equestrians and HGVs	4.1.5	<p>The Council is aware that British Horse Society (BHS) does not consider that recreational equestrians have been properly considered by the Applicant, particularly with regard to the impact of HGVs on them during construction and decommissioning. Key routes are:</p> <ul style="list-style-type: none"> <li>• The 'access B' to the Sunnica West A site, which goes along Chippenham Road, past two stud farms in Snailwell where there is a warning sign for horses on the road, and where there is a narrow hump backed bridge with limited visibility.</li> <li>• The secondary access shown off the Chippenham Road, just near the Snailwell Bridleway 5 (204/5 PROW) accessed via Short Road, past Plantation stud and over the humped bridge with very little visibility, travelling through Snailwell village, increasing the danger to horse riders.</li> </ul>

		<ul style="list-style-type: none"> <li>Elms Road is the main access route for East B, so this will be busy (up to 22 HGV movements per day). CCC are advised that there is a huge amount of horse use along Elms Road to get from the W-585/005/0 to the U6006.</li> </ul> <p>The Council has not raised this before as it was not previously aware of this evidence. The Council is concerned about the adverse impact that HGVs could have on equestrians and also cyclists on these local roads, and requests that the Applicant reconsiders this impact and what measures the Applicant could introduce into its CTMP that the contractor could undertake in mitigation. This may need to involve road safety experts. The Council is content to work with the Applicant to help address the issue.</p>
Temporary closure of PROWs	6.3.4 and 6.3.10	The Council is content that the amendments now provide satisfactory protection in respect of temporary closures of PROW during construction.

**Table E2 – Comments on 6.2 Environmental Statement Appendix 13C: Framework Construction Traffic Management Plan and Travel Plan – Appendix C – Parts 1 to 7 [REP7-021 to REP7-027]**

Topic	Paragraph Number	Councils' Comment
Temporary traffic control at site entrances		<p>The Council has recently become aware that the DfT has commissioned a review of the Safety at Street Works and Road Works A Code of Practice. It is likely that there will be a shift from prioritising the movement of vehicles to the safe and expeditious movement of NMUs and vulnerable road users including cyclists and equestrians. Therefore:</p> <ol style="list-style-type: none"> <li>1. Temporary traffic management should comply with the current Safety at Street Works and Road Works A Code of Practice at the time the measures are implemented and should be amended accordingly, should the Code of Practice be amended / updated.</li> <li>2. Any Temporary Speed Limits should be supported by a Temporary Traffic Regulation Order.</li> <li>3. Depending on the duration of the use of the site access permanent signage should be used to reduce the need for signage maintenance and removed when no longer required.</li> <li>4. Priority should not be given to site traffic leaving the site using the temporary signals.</li> </ol>
General comment with		Observations through this section have been amended on the principle that there will be no access to the cable route

<p>respect to all plans in Appendix C</p>		<p>accesses during the operational phase, except for maintenance purposes, with this being identified remotely and where TTM in accordance with requirements during the construction phase would be reinstated. At this stage it remains unclear how the need TTM will be established. If this is not resolved, then many of the points raised previously that have not been raised again below, may still be pertinent.</p>
<p>Sunnica West Site A, Access B</p>		<p>While Visibility is now shown, it fails to recognise the regular planting of tree central to the verge, where the alignment of trucks which are likely to be a visual obstruction and particularly the low canopies which may be of particular concern from the higher seating position of HGVs. Please clarify how visibility will be achieved.</p> <p>While the swept path of an HGVs is detail on plan, which is to be managed during then construction phase, no details are apparent for the two-way movement of smaller vehicles that may use the access during the operational phase. Please could this be provided.</p>
<p>Sunnica West Site A, Access C</p>	<p>ACM-60589004-AMR-DR-0023 rev D</p>	<p>While it is noted that there will be no ongoing agricultural use of the access, it is unclear whether the use will be shared with Dane Hill Farm, or whether the table of Site Access Requirements – Appendix to EXQ3.9.9 in 8.95 Applicants response to ExA’s Third Written Questions, instead indicated access to the farm from a different site.</p> <p>While access during the construction phase will be under TTM, this secondary access to the main site will be trafficked without control during the operational phase.</p> <p>It remains unclear, however, whether this would constitute an intensification of use over the existing agricultural use it replaces. The applicant should quantify both existing and proposed use to inform whether increase use would justify improvements.</p> <p>Visibility splays are now shown, although incorrectly for eastbound traffic; this should be amended. Visibility to the west is shown as 2.4m by 171m which is below that which is required on a National Speed Limit Road; this distance should be either justified in terms of recorded 85th%ile traffic speeds or otherwise amended. It is noted that the DCO extent to the east can now accommodate appropriate visibility in that direction, subject to relocation of the fence line.</p>

		The previous observations regarding two-way movement of vehicles using the access during the operational phase and proximity of ditches to widened surfaces remains applicable.
Cable Route Access C, Anchor Lane, Burwell.	ACM-60589004-AMR-DR-0029 Rev D	The observations recorded previously remain applicable. This access utilises a narrow residential street and while management of construction vehicles is noted on plan, this is unlikely to be sufficient in isolation. Details of TTM affecting all traffic should be proposed for Anchor Lane and its junction with North Street.
Cable Route Access D and E Little Fen Drove (Factory Road),	ACM-60589004-AMR-DR-0030 Rev D	It is noted that the highway extents have been included. While junction visibility is likely to be achievable, this has not been demonstrated. Otherwise, the observations made previously regarding these accesses remain applicable.
Cable Route Access F, First Drove, Burwell	ACM-60589004-AMR-DR-0031 Rev D	Junction visibility is now detailed on plan as being achievable within the DCO boundary, although the effect of the adjacent headwall barrier must also be considered.  While indication is given that two movement of construction vehicles will be managed, no detail of its form and extent is shown, nor how this will relate to existing traffic. This should be clearly identified on plan to enable this to be considered.  The previous observations regarding this plan with respect to proximity to the watercourse remains applicable.
Cable Route Access G, Broads Road, Burwell	ACM-60589004-AMR-DR-0032 Rev D	Visibility of 2.4 by 76m is shown as being achievable within DCO and highway boundary. This is not acceptable on a high-speed road where 2.4m by 215m should be provided unless appropriate speed survey shows that a shorter distance could be justified in line with recorded 85%ile traffic speed.  Neither Broads Road, nor the access into the site is sufficiently wide to accommodate two-way traffic and while it is indicated that construction vehicles will be managed to avoid two-way movement, no detail of its form and extent is shown, nor how this will relate to existing traffic. This should be clearly identified on plan to enable this to be considered.

Cable Route Access H, Ness Road, Burwell (B1102)	Cable Route Access H, Ness Road, Burwell (B1102)	<p>The observations made previously remain applicable with and the access is considered unsuitable for any intensification of use.</p> <p>In addition to the previous comments, it is also noted that should works on access H and I be concurrent, the swept path of HGVs entering access H (westbound) vehicle would result in their turning movement being obstructed by vehicles waiting at the traffic signals in the opposing lane. This is likely to result in late braking that may not be anticipated by following traffic, which may result in shunt type accidents.</p>
Cable Route Access J, A142 Fordham Bypass, Fordham	ACM-60589004-AMR-DR-0035 Rev D	The amendment to access radii is noted and should be clarified further in the detailed design to ensure that unnecessary deceleration on the A142 when entering the site is avoided. The addition of a centre line is also noted showing vehicle swept paths remaining in lane; it is however unclear whether a vehicle speed of 5mph as demonstrated is appropriate for entry onto a highspeed road and this matter should therefore be considered as part of any RSA stage 1 and increased entry splay provided as necessary.
Cable Route Access M, Chippenham Road/Snailwell Road, Chippenham	ACM-60589004-AMR-DR-0038 Rev D	Safe access has not been established. The observations made previously remain applicable.
Cable Route Access N, Snailwell Road, Chippenham	ACM-60589004-AMR-DR-0038 Rev D	Safe access has not been established. The observations made previously remain applicable.

**Table E3 – Comments on the Applicant’s Response to the ExA’s Third Written Questions – Rev: 00 [REP7-055]**

Topic	Paragraph Number	Councils’ Comment
Arable Field Margins	Sheet 12	<p>The southern arable field margin is located within an Archaeological Exclusion Area.</p> <p>It is also unclear why arable field margin is being proposed for W07 instead of W06.</p>

Consolidated Access and PROW plans	Q3.9.2	<p>The Access Plan shown at REP6-007 is still missing the permissive spur to Beck Road on sheet 2.</p> <p>The annotation for PROW used on the plans is misleading as the green line is used thereon to denote all PROW without distinction. The green used is the statutory colour for a public bridleway class. There are different colours for each of the four different classes of PROW. Therefore this green is misleading.</p> <p>The Council acknowledges that the individual PROW statuses are shown on the Context Overlay – ROW &amp; Access Plans. However, the Council has explained to the Applicant’s technical advisors that the colours shown are not the statutory colours used on the Definitive Map and on the LHA’s online digital version of the Definitive Map. (FP = purple, BR = green, RB = plum; Byway = brown), which leads to confusion. It is disappointing that this has not been addressed. The Council provided its GIS of PROW to the Applicant well in advance of the Examination, so there is no reason why they could not have replicated the data on the Access plans.</p> <p>Three paths at Chippenham within Cambridgeshire are missing from the map: Chippenham FPs 49/4, 49/6 &amp; 49/8. The Council re-advised this to the Applicant on 02.03.23.</p>
FCWG	Q3.9.6	The Council is pleased to see that Fordham Cambs Walking Group (FCWG) are now included as a consultee in the Framework CEMP.
Permissive paths	Q3.9.7	The Council welcomes these additional spurs. The Access & PROW Sheet 2 also needs to be updated. The Council’s position remains otherwise as stated in its response to ExQ3 [REP7-074].
Highway boundaries	Q3.9.8	The Council is not aware of discussions having taken place on the matter specifically of highway boundaries. The Council has been very clear as to the implications and is disappointed that it had to proactively provide its data in order to precipitate progress. Since providing the data no further communication has been received from the Applicant. The Council’s previous advice regarding the need for site surveys to ascertain precise highway boundaries remains. It is not legally adequate to make assumptions using OS data.
Shared Use of Access	Q3.9.9	While it is indicated that TM will be in place, this is not apparent at all sites where appropriate access visibility and geometry is not being achieved (see example ACM-60589004-AMR-DR-0038 [REP5-045]). Concerns will remain

		until safe access is established at all sites, including shared use with non Sunnica traffic.
NMUs as noise receptors	Q3.9.10	<p>The Councils disagree with the Applicant’s interpretation of noise impact on NMUs and refers to its previous comments [REP7-074].</p> <p>The Councils emphasise the need for consideration of impact on NMUs to include local roads connectivity. There is now a significant amount of evidence before the Examination from local communities and user groups demonstrating that they use many of the local roads as part of their NMU network.</p> <p>At ISH4 it was agreed that the Applicant would add local roads to the Master Plans in order to assist with this. On 28.02.23, the Applicant provided a marked-up copy of the Master Plan. This was extremely basic: the lines were thick and crude and only included a handful of roads. On 02.03.23, the Council made a number of recommendations, pointing out that one cannot pre-judge the roads that people use. The plan needs to include all the roads through the villages, as people live in those centres and then come out to PROW often circling back along other routes including local roads to create circular routes for themselves. It was also recommended to include roads on which popular destination points like La Hogue Farmshop lie, where the road runs from the village of Chippenham through to PROW in Kennett. Consequently the Council advised that it would be more comprehensive and easier simply to add the Applicant’s GIS layer of highways/roads, remove the A-roads, change the line style and annotate it ‘local highways except A-roads’ (not ‘roads’, as they can be private so might imply wider access than is intended). No response has been received.</p> <p>The Council is concerned that it is very late in the day to be adding this basic data. If there had been a proper understanding of the nature of NMU use and lived experience at an early stage in the development of the Environmental Statement and the associated suite of documents, there would have been a more comprehensive assessment of the impact on NMUs across the whole connected network of PROWs and local roads that serve communities. The Council’s experience with the negotiations over s106 mitigation monies to create compensatory PROW goes to the same point: adverse impact on NMUs and the other users of local road/PROW network has led to a dismissive approach of community impact in land negotiations, which is now significantly</p>



		restricting the possibility of satisfactorily addressing the landscape and user impact.
Mitigation of adverse impact on PROW network	Q3.9.11	The Council refers to its response at Q3.9.10 above last paragraph, and the Council’s response to ExAQ3.9.11
Public and Private Roads	Q3.9.12	The Council notes the Applicant’s response. The Council also notes the ExA’s proposed amendment to the dDCO and is content with that amendment, subject to accurate completion by the Applicant.
Use of accesses for routine inspection	3.10.2	<p>It is noted that other than cable route access A which uses the existing National Grid substation access, that no routine access will be required by Sunnica at the other cable route accesses during the operational phase, and that where access is required for maintenance, that Temporary Traffic Management (TTM) will be reinstated if necessary. While this would be broadly acceptable for those sites where appropriate TTM has been approved, it is unclear how or by whom such measures would be deemed necessary. While powers to implement TTM measures with approval of the Traffic Authority, are covered by article 44 of the DCO, there is no detail as to when the applicant would be required to provide TTM for the purposes of maintenance. Please clarify how such necessity will be established.</p> <p>For those sites where TTM is not proposed, it remains implicit that the junction design with respect to access visibility and geometry to accommodate two-way traffic proportionate to its use during all phases of the development (including passage of maintenance and agricultural vehicles where necessary) must be provided. It is not yet clear that this has been established at all sites, with cable route access M being an example of this (see ACM-60589004-AMR-DR-0038 [REP5-045])</p>
	3.10.3	<p>The amended plans provide for Sunnica West Site A Site Access A on plans ACM-60589004-AMR-DR-0017 Rev E and DR-0017 Rev E appear acceptable from a perspective of feasibility and the Highway Authority is satisfied that a workable solution can be achieved within highway and land within the applicants control at the detailed design stage.</p> <p>Having previously indicated that removal of hedges was not considered necessary, it is noted that the visibility splay shown extend through a significant length of hedges on either side of the access. This will require greater removal than that described as “some vegetation clearance” in the</p>

		<p>response. The applicant should clearly detail the extent of hedge to be removed on plan and confirm that has been considered from an environmental perspective.</p> <p>Other sites remain with similar issues, where Temporary Traffic Management is not proposed and yet safe uncontrolled access with respect to visibility, access geometry and use has yet to be established; cable route accesses M and H being examples of this.</p>
PROW closure note	Q3.9.13 and Q3.9.15	The Council is content with the amended CTMP section 6.3. It would be helpful if the Note were updated in accordance with its response [REP5-068], for the benefit of IPs and the public in general.
Side agreement	Q3.10.16	The Council refers to its response to this question [ <b>REP7-074</b> ]. The Council is particularly concerned about the lack of provision around certification and data handover.

**Table E4 – Comments on 8.97 Applicant’s Response to LPA Deadline 6 Submissions – Rev: 00 [REP7-057]**

Topic	Paragraph Number	Councils’ Comment
PROW/Landscape		The Council refers to its responses at REP5-56, REP7-015, REP-017 4.1.5 and REP7-055 Q3.9.10
PROW – noise affecting equestrians	Q2.8.1 and 2.9.9	The Council refers to its response at REP5-56, to the CTMPTP, Annex E of this document in response to REP7-017 4.1.5 and to the CEMP REP7-32 at Page 16-C46, and REP7-055 Q3.9.10
PROW Plans	Q2.8.13	The Council refers to its response at REP7-055 Q3.9.2, Q3.9.10, Q3.9.12
PROW Public Access Strategy	Q2.9.15	Noted. These links are useful in broadening the ‘offer’ for local communities but very limited in terms of overall mitigation of the adverse impact of the scheme, given that they are few in number and that their permissive nature means they will cease upon decommissioning. The Council refers to its responses at Q3.9.10-11, REP7-055.
FCWG and s106 mitigation	Q2.9.18	The Council refers to its response to ExQ3.9.11 which details the concern it now has around the ability of the s106 package to effectively mitigate the adverse impact of the scheme on NMUs, other users of the local road and PROW network, and local communities. The Council also refers to its response at Q3.9.10-11, REP7-055.
<b>8.72 Applicant’s response to LPA</b>	Page 60	

<b>D4 REP-057- LPA post hearing submissions:</b> PROW Haul Roads		
Permissive paths on plans	Page 61	The Council refers to its response at REP7-55 Q2.3.9.
Impact on NMUs/Saturdays	Pages 62-63	The Council refers to its responses at REP5-56, REP7-015, REP-017 4.1.5 and REP7-055 Q3.9.10, and to the CEMP REP7-32 at Page 16-C46
8.81 PROW Closure Note [ REP5-68]		The Council refers to its at [REP7-05]5, Q3.9.13 and Q3.9.15

**Table E5 – Comments on 8.103 Environmental Mitigation Parcel Schedules – Rev: 00 [REP7-063]**

<b>Topic</b>	<b>Paragraph Number</b>	<b>Councils' Comment</b>
E05 Permissive path design	Page 6	The Councils welcome the amendment of the OLEMP to include the path on the EM and the 2m offset in the OLEMP.
E05 crash site	P6-7	The Councils refer to CCCs response at REP7-15, 5.13.27-5.13.29
Highway verges		The Councils refer to CCCs general objection reiterated at REP7-15 with regard to Annex B and D of the LEMP.

**Table E6 – Comments on 8.105 Context Overlay – Rights of Way and Access Plans – Rev: 00 [REP7-065]**

<b>Topic</b>	<b>Paragraph Number</b>	<b>Councils' Comment</b>
PROW line colours		The Council has explained to the Applicant's technical advisors that the colours for PROW shown on the plans are not the statutory colours used on the Definitive Map and on the LHA's online digital version of the Definitive Map. (FP = purple, BR = green, RB = plum; Byway = brown), which leads to confusion. It is disappointing that this has not been addressed. The Council requests that this be done now.

## Annex F – Proposed changes to the Framework Decommissioning Environmental Management Plan [REP7-033]

### 2.11 Retention of OLEMP Measures

2.11.1 As part of the detailed DEMP, the undertaker must include a schedule setting out details of the landscape and ecological mitigation and enhancement measures that have been put in place as a result of the detailed LEMPs ('Measures') consequent upon the OLEMP which relate to the land that is the subject of the detailed DEMP including an assessment of the landscape function and ecological interest of those measures.

2.11.2 The detailed DEMP must include:

a. a commitment that all landscape and ecological mitigation and enhancement Measures mentioned in the schedule will not be removed by the undertaker at the time of decommissioning the phase of the scheme that is the subject of the detailed DEMP;

b. the identification in the schedule referred to above of (a) the Measures that would will serve a continuing landscape function after decommissioning is complete and which may will benefit from long term retention; and (b) the Measures that would will not serve a continuing landscape function after decommissioning is complete and which therefore would do not need to be retained in the long term;

c. the identification in the schedule referred to above of (a) the ecological Measures which would will serve a continuing ecological interest of at least a county scale (with reference to CIEEM guidelines) and which may will benefit from long term retention; and (b) the Measures that would will not serve a continuing ecological interest of at least a county scale (with reference to CIEEM guidelines) after decommissioning is complete and which therefore would do not need to be retained in the long term; and

d. in the case of Measures identified in the schedule as benefiting from long term retention, the Applicant's proposals for means by which such long term retention might will be secured for a period of 25 years after decommissioning is complete and, where relevant, the process for which any alterations or removal of the Measures identified in the schedule for long term retention could be undertaken; and

e. a commitment by the Applicant to implement or cause to be implemented the proposals for securing such long term retention in accordance with the detailed DEMP as approved by the relevant planning authority.

~~2.11.3 The detailed DEMP will not identify for retention any grassland planting within the areas identified for solar development.~~

2.11.43 The detailed DEMP will also be able to include the following statement:

*a. 'It shall not be a breach of this DEMP for the owners (and their lessees, occupiers and tenants) and successors in title of the land that is the subject of this DEMP to fell, lop, or remove any of:*

*i. ~~grasland~~; or*

*ii. the Measures identified as not needing to be retained in the long term on the land that is the subject of this DEMP.'*

## Annex G – Schedule of proposed changes to the Outline Skills Supply Chain and Employment Plan [REP7-043]

**Table G1 – Proposed changes to the main text of the Outline SSCE Plan**

Para	Proposed Change
7.1.2	<p>Replace:</p> <p>“The timing of the review will be determined as part of the full SSCE plan.”</p> <p>With:</p> <p>“Due to the different opportunities presented during construction and operation the timing for these periodic reviews will be:</p> <ul style="list-style-type: none"> <li>• Construction – Quarterly</li> <li>• Operation – 6 monthly in the first year, after which by agreement between the applicant and the Local Authorities”</li> </ul>
7.2.1	<p>Replace:</p> <p>“Table 7-1 sets out some illustrative outputs or indicators which could be relevant to the Scheme’s SSCE plan. Outputs are the tangible results of pursuing the specific opportunities of the Scheme”</p> <p>With:</p> <p>“Table 7-1 sets out some illustrative outputs or indicators which are relevant to the opportunities that the Scheme’s SSCE plan will maximise for the local area. Outputs are the tangible results of pursuing the specific opportunities of the Scheme”</p>
7.2.2	<p>Replace:</p> <p>“Table 7-1 also sets out illustrative outcomes, which are the longer-term results of implementing the SSCE plan. They include changes to the local community, environment and workforce that the activities and initiatives aim to achieve. The full SSCE plan will review standard practice, relevant at the time of preparation, to tailor the outcomes for the Scheme, such as ‘5% club’ for apprentices or ‘disability confident employer’ status.”</p> <p>With:</p> <p>“Table 7-1 also sets out illustrative outcomes, which are the longer-term results of implementing the SSCE plan. They include changes to the local community and workforce that the activities and initiatives aim to achieve. As per review timing set out at 7.1.2. the full SSCE plan will continually review industry best practice, relevant at the time of preparation, to tailor the outcomes for the Scheme, such as ‘5% club’ for apprentices or ‘disability confident employer’ status”</p>
7.2.3	<p>Replace:</p> <p>“Outcomes are generally measured and documented through evaluations undertaken at various intervals during the life of the Scheme. The full SSCE plan will also include a review/evaluation process in conjunction with the relevant local authorities.”</p> <p>With:</p> <p>“All outcomes will be measured, using a methodology agreed with the relevant local authorities, and documented through evaluations undertaken at various intervals</p>

	during the life of the Scheme. The full SSCE plan will also include a review/evaluation process in conjunction with the relevant local authorities.”
7.2.4	Insert new para before: “The SSCE plan will be agreed in collaboration with the relevant local authorities, utilising the Skills Coordination function of the authorities, 3 months ahead of commencement or when the main contractor is appointed whichever is soonest.”
7.2.5	Replace both instances of “should” with “will”

**Table G2 – Proposed changes to Table 7-1 of the Outline SSCE Plan**

Row	Column	Proposed Change
Opportunity 1: Apprenticeships	Potential Target/Provision	Replace: “Create a minimum of 4 apprenticeships a year during the construction period of the Scheme.” With: “Maximise opportunities for ‘local’ apprentices through the creation of a minimum of 4 apprenticeships or 5% of the total workforce (whichever is greatest) a year during the construction period of the Scheme.”
Opportunity 1: Apprenticeships	Potential Target/Provision	Replace: “Create a minimum of 25 operational apprenticeships over the course of the operational phase.” With: “Maximise the opportunity for ‘local’ operational apprentices with the creation of a minimum of 25 operational apprenticeships over the course of the operational phase.”
Opportunity 1: Apprenticeships	Potential Target/Provision	Replace: “A minimum of two work experience opportunities per annum (each no less than two consecutive weeks in duration) offered by contractors/ developers during the construction and operation period.” With: “Maximise work experience opportunities for local learners with a minimum commitment of two work experience opportunities per annum (each no less than two consecutive weeks in duration) offered by contractors/ developers during the construction period.”
Opportunity 1: Apprenticeships	Potential Target/Provision	Insert new item: “Maximise work experience opportunities for local learners during the operational period with a minimum commitment of two work experience opportunities per annum (each no less than two consecutive weeks in duration).”

Row	Column	Proposed Change
Opportunity 2: Other Training	Potential Target/Provision	Replace: “Support at least 25 employees to attend training courses to attain new relevant technical or occupational skills, including national vocational qualifications) over the duration of the construction period of the scheme”  With: “Maximise opportunities for the employed workforce to upskill, supporting at least 25 ‘local’ employees to attend training courses to attain new relevant technical or occupational skills, including national vocational qualifications over the duration of the construction period of the scheme.”
Opportunity 2: Other Training	Potential Target/Provision	After: “6 formal training opportunities to” Insert: “support the acquisition of new skills and to”
Opportunity 3: STEM Education and Careers	Potential Target/Provision	Replace: “Deliver at least one STEM workshop to year 6 students a year during the construction and operational period of the scheme.”  With: “Deliver STEM workshops to year 6 students in primary schools that are identified as within the travel study area, raising the awareness of STEM careers associated with Low Carbon energy production during the construction period of the scheme.”
Opportunity 3: STEM Education and Careers	Potential Target/Provision	Replace: “Engage with at least six schools over the duration of the construction and operational period of the Scheme recording the number of pupils attending.”  With: “During the operational period engage with secondary schools and post 16 education establishments, identified as within the travel study area, raising the awareness of STEM careers associated with Low Carbon energy recording the number of pupils engaged.”
Opportunity 4: Local Recruitment	Potential Target/Provision	At end of item, insert: “utilising local job centres and the VCSE sector to engage with local workers”
Opportunity 4: Local Recruitment	Potential Target/Provision	Insert new item: “Engage with the Local Authorities skills coordination functions to understand and maximise local employment in defined ‘legacy’ roles”



Row	Column	Proposed Change
Opportunity 5: Maximising Diversity of the Workforce	Potential Target/Provision	<p>Replace: “Create a minimum of 5 construction jobs a year to be taken up by unemployed people.”</p> <p>With: “Maximise opportunities to create pathways to employment for people who are previously unemployed or underrepresented groups. Creating a minimum of 5 jobs a year to be taken up by unemployed or underrepresented groups during the construction period.”</p>
Opportunity 5: Maximising Diversity of the Workforce	Potential Target/Provision	<p>Replace: “All contractors and operators will submit a workforce equality, diversity and inclusion (EDI) policy to cover all aspects of recruitment and employment.”</p> <p>With: “All contractors and operators will submit a workforce equality, diversity and inclusion (EDI) policy to cover all aspects of recruitment and employment to maximise employment opportunities.”</p>
Opportunity 5: Maximising Diversity of the Workforce	Potential Target/Provision	<p>Replace: “Work with a minimum of 2 job support and training providers who operate programmes aimed at getting people into work, during both construction and operation.”</p> <p>With: “Work with a minimum of 2 job support and training providers who operate programmes within the travel to work study area aimed at getting people into work, during both construction and operation, to maximise local employment opportunities.”</p>
Opportunity 6: Business Networking and Support	Potential Target/Provision	<p>Replace: “Deliver a minimum of 2 supplier events for local businesses prior to the commencement of the construction period of the Scheme.”</p> <p>With: “Maximise the opportunity for local companies and businesses to be involved by delivering a minimum of 2 supplier events for local businesses prior to the commencement of the construction period of the Scheme.”</p>