



SUNNICA ENERGY FARM

EN010106

8.110 Applicant's comments on RIES

Planning Act 2008

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



13 March 2023
Revision 00

Planning Act 2008

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

Sunnica Energy Farm

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Planning Inspectorate Scheme Reference	EN010106
Application Document Reference	EN010106/APP/8.103
Author	Sunnica Energy Farm Project Team

Version	Date	Status of Version
Rev 00	13 March 2023	Deadline 8 Submission

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1 The Applicant's Response to matters presented in the RIES

1.1.1 The Applicant provides the below clarification on relevant aspects of the published RIES, as well as signposting the ExA to where various DCO documents have been updated during the examination since the publication of the RIES.

1.2 Documents used to inform the RIES

1.2.1 In section 1.1 the ExA identifies documents which comprise the Applicant's HRA and documents upon which the Applicant's HRA draws on information. In addition to the documents presented the Applicant would also like to draw attention to the following documents, which have also informed the Applicant's HRA:

a) Document 6.6 Offsetting Provision for Stone-curlew Specification [**REP5-046**], redacted at Deadline 7 and to be submitted at Deadline 10.

b) Deadline 7 Submission - 8.77 Environmental Masterplan (Zoomed In) [**REP7-054**].

1.2.2 The Applicant would also like to draw attention to the following documents which have been updated since the publication of the RIES and should be referred to in any subsequent representations on European Sites (current update in bold):

a) Document 6.2: Appendix 10I Outline Landscape and Ecology Management (LEMP) Plan ([APP-108, updated as [REP3-011] [REP5-011]) and [**REP7-015**] including now appending the Offsetting Provision for Stone-curlew specification.

b) Document 6.2: Appendix 16C – Framework Construction Environmental Management Plan (CEMP) ([APP-123], updated as [REP2-026], [REP3-015], [REP5-043]) and [**REP7-032**].

c) Document 6.2: Environmental Statement Appendix 16F – Framework Operational Environmental Management Plan (OEMP) ([APP-126], updated as [REP2-030] and [REP5-107]) and [**REP7-036**].

1.3 European sites considered

1.3.1 As an update to the comment regarding the inclusion of Eversden and Wimpole Woods SAC, in section 2.0 of the RIES, the Applicant would like to draw attention to NE's response at Deadline 7 [**REP7-104**] to the ExQ3 on this matter. This states, '*Natural England is not concerned about potential impacts from the proposed development on Eversden and Wimpole Woods SAC. This is due to the distance of the site from the development and the presence of the city of Cambridge and major roads in the intervening distance. Therefore, Natural England remains satisfied that the HRA provided by the applicant [REP5-045] has considered all relevant sites and impact pathways.*'

1.4 HRA Matters Considered During the Examination

1.4.1 In response to section 2.2.2, the Applicant would like to clarify that the potential in-combination impact of air quality did not apply to Breckland SPA and as stated in their response at Deadline 7, NE confirmed that '*Although Breckland SPA was mentioned as being vulnerable to air quality in our response at Deadline 2 [REP2-009], this was an error. None of the interest features of Breckland SPA are sensitive to air pollution. Natural England is therefore satisfied that the in-combination assessment provided by the applicant in [REP5-045] considers all relevant designated sites and interest features.*' Therefore, this is not a material matter which has been considered during the examination.

1.5 Sites for which the Applicant concluded Likely Significant Effects on all or some qualifying features

1.5.1 The Applicant would like to clarify the wording presented in sections 3.2.1 and 3.2.3 of the RIES where it is stated, that as a result of the Applicant's screening assessment, '*the Proposed Development is likely to give rise to significant effects*'. The Applicant would consider appropriate wording to be '*the potential for likely significant could not be ruled out at screening assessment.*'

1.5.2 To aid the ExA and the Examination the Applicant has provided updates to Tables 3-1 and 3-2 (Appendix 1 of the report), to confirm the current position on Examination matters.

1.6 The Applicant's Integrity Test

1.6.1 To aid the ExA and the Examination the Applicant has provided updates to section 4.2 of the RIES below.

Potential for Adverse Effects on Integrity - Fenland SAC

1.6.2 In response to CCC Deadline 4 submission [REP4-137] regarding off-site daily inspections for dust monitoring, as part of its consideration of effects on the *Molinia* qualifying feature of Fenland SAC, the Applicant has included the monitoring provision within Table 3-3 of the Framework CEMP [REP7-032] submitted at Deadline 7, to clarify that specific inspections will also be undertaken of relevant *Molinia* communities within Chippenham Fen (Fenland SAC) and that details of locations will be finalised in the detailed CEMP.

1.6.3 It should also be noted that in its SoCG with the Applicant [REP6-41], NE confirmed it agreed that the Scheme would have no AEol on Fenland SAC and confirmed that measures within ES Chapter 14 - Air Quality [APP-046] and the Framework CEMP are appropriate to control the potential adverse effects of the Scheme.

Potential for Adverse Effects on Integrity – Chippenham Fen Ramsar site

1.6.4 The Applicant agrees that there are no disputed matters.

Potential for Adverse Effects on Integrity – Breckland SPA

1.6.5 In response to CCC and WSC concerns about the Stone-curlew offsetting areas the Applicant has responded in detail regarding the suitability and adequacy of offsetting land for Stone-curlew [REP5-045], [REP5-046], [REP5-057], as well as

providing further updates within the OLEMP (including its appended OHEMP) at Deadline 7 [REP7-015]. In summary, the Applicant is confident that the measures proposed for Stone-curlew are compatible with other environmental mitigation, including the protection archaeological assets, e.g., through the creation of permanent grassland on current arable fields. The Ecology Advisory Group (EAG) will review the data on nesting Stone-curlew within the Scheme and in the surrounding area. Further details on the creation and management of Stone-curlew nesting plots and grassland are set out in the OLEMP. As set out in section 4.2.21 of the RIES NE advised at Deadline 5 [REP5-096], that it was satisfied with the area of offsetting habitat for Stone-curlew provided, the methods for creating and managing the habitat and that monitoring proposals are also acceptable.

1.6.6 The Applicant considers that this matter has been resolved.

Potential for Adverse Effects on Integrity – Breckland SAC

1.6.7 In its response at Deadline 6 [REP6-070], NE states, *'It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.'*

1.6.8 This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is resolved.

Potential for Adverse Effects on Integrity – Rex Graham SAC

1.6.9 In its response at Deadline 6 [REP6-070], NE states, *'It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.'*

1.6.10 This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is resolved.

Potential for Adverse Effects on Integrity – Devil's Dyke SAC

1.6.11 In its response at Deadline 6 [REP6-070], NE states, *'It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.'*

1.6.12 This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is resolved.

2 Matters resolved and matters outstanding

2.1.1 Table 1 below provides the Applicants comments on matters agreed within the Report on the Implications for European Sites (RIES).

Table 1: Applicants comments on the matters agreed within the RIES

RIES Position	Applicant Comment
Matters Agreed	
The sites and features where LSE could occur as a result of the Proposed Development (with the exception of confirmation on Eversden and Wimpole Woods SAC)	As noted by the ExA in Section 3.2.2 of the RIES, the Applicant's conclusions on potential LSE on those European Sites and their qualifying features identified in [APP-092] were not disputed by any Interested Parties during examination. In its SoCG with the Applicant [REP6-41] , NE confirmed it agreed that following the Applicant showing that evidence on the foraging range of Barbastelle bats from Eversden and Wimpole Woods SAC (South Cambridgeshire District Council and Cambridgeshire Bat Group) demonstrated that there is no functional link between the Scheme and the SAC, it is agreed by NE that no LSE would occur.
The conclusions of no Adverse Effects on Integrity (AEol) on Chippenham Fen Ramsar site and Fenland SAC from project alone habitat degradation effects	In its SoCG with the Applicant [REP6-041] , NE confirmed it agreed that the Scheme would have no AEol on Fenland SAC and confirmed that measures within ES Chapter 14 - Air Quality [APP-046] and the Framework CEMP [REP7-032] are appropriate to control the potential adverse effects of the Scheme.
The conclusions of no AEol on Breckland SAC, Rex Graham SAC and Devil's Dyke SAC from air quality in-combination effects	At Deadline 6 [REP6-070] , NE noted that the Applicant had provided an in-combination assessment and confirmed it was satisfied with the conclusion of no AEol from this impact pathway on Breckland SAC, Rex Graham SAC and Devil's Dyke SAC. This position is also re-iterated in the SoCG with NE submitted at Deadline 6 [REP6-41] .

2.1.2 Table 2 below provides the Applicants comments on the matters that are characterised as outstanding at the point of the publication of the RIES. The Applicant can confirm that NE has agreed to the matters documented in Table 2 below in the Statement of Common Ground submitted at Deadline 8.

Table 2: Applicants comments on the matters outstanding within the RIES

RIES Position	Applicant Comment
Matters Agreed	
The potential for LSE from grid connection route B on the drainage and hydrology of Chippenham Fen Ramsar site and Fenland SAC	On the basis that the cable for the Grid Connection Route B: <ul style="list-style-type: none"> • is 10m wide as a maximum; • is above the water table; and

RIES Position	Applicant Comment
	<ul style="list-style-type: none"> passes through only a small area of fen peat soils <p>it is concluded that there will be no significant impact on the drainage and hydrology of that land parcel and hence no Likely Significant Effect on Chippenham Fen Ramsar or Fenland SAC. NE concluded [REP2-090] and [AS-313] that it was satisfied there would be no LSE on the hydrology of this site or its qualifying features. This position is also re-iterated in the SoCG with NE submitted at Deadline 6 [REP6-41].</p> <p>In the joint SoCG with the LPAs [REP6-039] it has been agreed that Grid Connection Route B will not result in the significant impediment of groundwater flow and thus, affect associated hydrology along the route.</p>
<p>The potential for LSE from light spill on qualifying features of Chippenham Fen Ramsar SAC and Fenland SAC</p>	<p>With the removal of Sunnica West Site B solar arrays Scheme, the nearest lighting will be at least 0.98km from Chippenham Fen Ramsar or Fenland SAC to the Order limits. As there is no permanent lighting associated with Grid Connection Route B, there will be no Likely Significant Effect on Chippenham Fen Ramsar or Fenland SAC from light spill. This position is also re-iterated in the SoCG with NE submitted at Deadline 6 [REP6-41].</p>
<p>Evidence used by Natural England (NE) to determine that Stone-curlew habitat affected by the Proposed Development is not functionally linked to the Breckland SAC</p>	<p>Within its Deadline 7 submission [REP7-104], Natural England state that the full document is still in draft and not ready for external publication and are therefore unable to share it in full with the ExA. However, they have provided further justification to support its conclusions to confirm that there is no functional link between stone curlew within the Order limits and stone curlew at Brekland SPA.</p>
<p>The likely consequences in the event that the Stone-curlew mitigation proposed is not successful or is found to be sub-optimal</p>	<p>The Applicant has responded in detail regarding the suitability and adequacy of offsetting land for Stone-curlew [REP5-045], [REP5-046], [REP5-057], as well as providing further updates within the OLEMP at Deadline 7 [REP7-015]. In summary, the Applicant is confident that the measures proposed for Stone-curlew are compatible with other environmental mitigation, including the protection of archaeological assets, e.g., through the creation of permanent grassland on current arable fields. The Ecology Advisory Group (EAG) will review the data on nesting Stone-curlew within the Scheme and in the surrounding area. Further details on the creation and management of Stone-curlew nesting plots and grassland are set out in the OLEMP. As set out in section 4.2.21 of the RIES NE advised at Deadline 5 [REP5-096], that it was satisfied with the area of offsetting habitat for stone curlew provided, the methods for creating and managing the habitat and that monitoring proposals are also acceptable. Additionally, the Applicant has committed to provide funding to support further research, co-ordinated by</p>

RIES Position	Applicant Comment
	<p>the RSPB, of Stone-curlew breeding ecology in the Breckland Edge. The outcomes from the EAG and RSPB project will inform any remedial action needed within the Scheme should the objectives of the Stone-curlew offsetting be deemed to not being met.</p> <p>Furthermore, and crucially, the Applicant is bound, through Requirement 10 and the OLEMP to deliver Stone-curlew mitigation. If that area does not work for any reason, the Applicant would then be in breach of Requirement 10. It would therefore need to update the specification (as it can under Requirement 3) to account for whatever remedial action is agreed in order to update what it is bound to by Requirement 10. If it does not do so, then it will have committed a breach of the DCO and an offence.</p>
<p>The potential for LSE from air quality in-combination effects at Breckland SPA</p>	<p>Natural England state in their response at Deadline 7 to ExA written questions ExQ2 [REP7-104], <i>‘Although Breckland SPA was mentioned as being vulnerable to air quality in our response at Deadline 2 [REP2-009], this was an error. None of the interest features of Breckland SPA are sensitive to air pollution. Natural England is therefore satisfied that the in-combination assessment provided by the applicant in [REP5-045] considers all relevant designated sites and interest features.’</i></p>
<p>The level of detail on dust management in the framework Construction Environmental Management Plan (CEMP).</p>	<p>The Applicant responded to this point in the Deadline 5 submission ‘Applicant’s response to LPA Deadline 4 Submissions’ [REP5-057], stating: <i>‘Locations for proposed off-site daily inspections will be confirmed post-consent in the Dust Management Plan that will form part of the CEMP’</i> – this has been made clearer in the Framework Construction Environmental Management Plan.</p> <p>Table 3-9 of the Framework CEMP [REP5-043] submitted at Deadline 5 states the following for dust monitoring: <i>‘Undertake inspection, where receptors (including roads and ecological receptors) are nearby, where access is granted to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces within publicly available land within 100m of Order limits, with cleaning to be provided if necessary.’</i></p> <p>Further to this, the Applicant has included this monitoring provision within Table 3-3 within the Framework CEMP [REP7-032] submitted at Deadline 7, to clarify that specific inspections will also be undertaken of relevant <i>Molina</i> communities within Chippenham Fen (Fenland SAC) and that details of locations will be finalised in the detailed CEMP.</p> <p>It should also be noted that in its SoCG with the Applicant [REP6-41], NE confirmed it agreed that the Scheme would have no AEoI on Fenland SAC and confirmed that measures within ES Chapter 14 - Air</p>

RIES Position	Applicant Comment
	Quality [APP-046] and the Framework CEMP are appropriate to control the potential adverse effects of the Scheme.

Appendix 1

Table 1: RIES Table 3.1: Disputed conclusions of no LSE during Examination (project alone)

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
Chippenham Fen Ramsar Site			
1	<p><u>Ramsar criterion 1</u>: Ramsar Criterion 1 - A spring-fed calcareous basin mire with a long history of management, which is partly reflected in the diversity of present-day vegetation</p> <p><u>Ramsar criterion 2</u> - The invertebrate fauna is very rich, partly due to its transitional position between Fenland and Breckland. The species list is very long, including many rare and scarce invertebrates characteristic of ancient fenland sites in Britain.</p> <p><u>Ramsar criterion 3</u> - The site supports diverse vegetation types, rare and scarce plants. The site is the stronghold of Cambridge milk parsley (<i>Selinum carvifolia</i>). Noteworthy fauna: Breeding bird assemblage</p>	<p>Habitat contamination (construction / decommissioning) Groundwater disturbance (construction / decommissioning)</p>	<p>The Applicant concluded [APP-092, Screening Matrix B2] no potential for LSE on qualifying features from habitat contamination or groundwater disturbance from installation of grid connection route B or solar panels at Sunnica West Site B. Applicant stated this is because the structures and grid connection route B would all be above the depth of the chalk aquifer that feeds the fen.</p> <p>These conclusions were disputed by the Councils [REP1-024], SWT [REP2-049] and SNTS [REP3-019].</p> <p>The Applicant advised in its updated HRA Report [REP3-009], that no piling would be below 12m in depth. Also, that changes to the Scheme (outlined in [REP3a-037], [REP3a-045] and provided in Change Request 2, [REP5-045]) were likely to resolve concerns about this impact pathway.</p> <p>CCC [REP4-137] confirmed it was satisfied that the depth of piling was such that there would be no effect to groundwater flow on the qualifying features of Chippenham Fen Ramsar site, and that where the nearest piling activity was at least 500m from Chippenham Fen Ramsar site, no effects would occur. SWT [REP4-019] agreed that the removal of panels from Sunnica West Site B would allow agreement to no LSE on this feature.</p> <p>CCC also recognised [REP4-137] that the Applicant proposed to remove solar panels from Sunnica West Site B and requested confirmation of the grid connection route B through this area and the effect of the change. Table 8.44 of [REP4-137] identifies the presence of peaty soils within the grid connection corridor at Sunnica West site B and suggested an alternative grid connection route alignment should be considered to avoid these areas. The Applicant responded [REP5-057] that the small diameter and nature of the cabling in this area would not affect hydrology. NE concluded [REP2-090 and AS-313] that it was satisfied there would be no LSE on the hydrology of this site or its qualifying features.</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
			This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is no longer disputed.
2	<p><u>Ramsar criterion 1:</u> Ramsar Criterion 1 - A spring-fed calcareous basin mire with a long history of management, which is partly reflected in the diversity of present-day vegetation Ramsar criterion 2:- The invertebrate fauna is very rich, partly due to its transitional position between Fenland and Breckland. The species list is very long, including many rare and scarce invertebrates characteristic of ancient fenland sites in Britain.</p> <p><u>Ramsar criterion 3:</u> The site supports diverse vegetation types, rare and scarce plants. The site is the stronghold of Cambridge milk parsley (<i>Selinum carvifolia</i>).</p> <p><u>Noteworthy fauna:</u> Breeding bird assemblage</p>	Non-physical disturbance (all phases)	<p>The Applicant concluded [APP-092, Screening Matrix B2] no potential for LSE as a result of light spill due to the presence of a buffer of vegetation between the Scheme and Chippenham Fen Ramsar site. NE requested [RR-1291] further information on noise and light spill contour maps and modelling data for sensitive habitats within Chippenham Fen Ramsar site to validate the conclusions. The Applicant stated [REP1-016], that no LSE will arise from this impact pathway for reasons previously stated in its HRA Report [APP-092].</p> <p>At ExQ3 [PD-025], the ExA requested comment from NE whether this impact-pathway still remains.</p> <p>NE responded at Deadline 7 [REP7-104] to ExQ3 stating, '<i>Natural England is satisfied, based on the information already provided by the applicant, that there will be no likely significant effect on Chippenham Fen Ramsar site from non-physical disturbance pathways.</i>'</p> <p>The Applicant considers that this matter is no longer disputed.</p>
3	<p><u>Ramsar criterion 1:</u> Ramsar Criterion 1 - A spring-fed calcareous basin mire with a long history of management, which is partly reflected in the diversity of present-day vegetation Ramsar criterion 2: The invertebrate fauna is very rich, partly due to its transitional position between Fenland and Breckland. The species list is very long, including many rare and scarce</p>	Physical displacement (operation)	<p>The Applicant concluded [APP-092, Screening Matrix B2], no potential for LSE from egg laying aquatic invertebrates being attracted to solar panels, citing the distance of panels from the Ramsar site and the presence of natural barriers preventing invertebrates from reaching the panels.</p> <p>NE agreed [RR-1291, paragraph 4.3.1 and REP4-017] with the Applicant's conclusions.</p> <p>However, SCC, CCC, WSDC and ECDC [REP1- 024] considered there was insufficient evidence to support the conclusion of no LSE to this feature. It also requested solar panels be removed altogether from Sunnica West Site B, which was also the position of SNTS [REP3a-026 and REP3a-051]. The conclusions of</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
	<p>invertebrates characteristic of ancient fenland sites in Britain.</p>		<p>no LSE were also disputed by SWT [RR-1142 and REP2-049] who also indicated that long term monitoring of invertebrates should be required.</p> <p>The Applicant's response ([REP2-037 and REP2-038], Review of impact of Sunnica energy farm on aquatic invertebrates) concluded that given the behavioural nature of the invertebrate assemblage and the natural barriers in place between Chippenham Fen and the Scheme, no significant effects would arise.</p> <p>In its response [REP3a-049], the Councils agreed with the Applicant's conclusions that there would be no LSE from glint and glare on the invertebrate feature but noted this was reliant upon the retention of a shelter belt around Chippenham Fen, that long-term may be removed to allow the fen to expand. Section 1.2 of [REP3a-049] noted that the Applicant should therefore revise its conclusions to consider the potential that this shelter belt may not be in place for the lifetime of the Scheme.</p> <p>The Applicant [REP3a-087] noted its proposed Change Request would remove solar panels from Sunnica West Site B altogether and concluded that this should resolve concerns around potential LSE. SWT agreed with this position [REP4-019] and noted monitoring would be undertaken.</p> <p>The Applicant considers that this matter is no longer disputed.</p>
Fenland SAC			
4	<p>Calcareous fens with Great Fen-sedge <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i>.</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>). (Purple moorgrass meadows)</p>	<p>Habitat contamination (construction / decommissioning)</p> <p>Groundwater disturbance (construction / decommissioning)</p>	<p>The Applicant's HRA Report [APP-092] and Annex B Screening Matrices report separately for each of the qualifying features at Fenland SAC and Chippenham Fen Ramsar site. During the Examination, however, for these impact pathways, Applicant conclusions and representations typically have been referred to as both sites together or collectively as 'Chippenham Fen'. Details of the matters that have been discussed and points of dispute for Fenland SAC can therefore be considered to be the same as those discussed in IDs 1 to 3 of this table.</p> <p>The Applicant considers that this is not a disputed matter.</p>
5	<p>Great Crested Newt (<i>Triturus cristatus</i>)</p>	<p>Habitat loss / deterioration (Construction / decommissioning)</p> <p>Disturbance (Construction / decommissioning) Non-</p>	<p>The Applicant identifies one record for GCN 250m north-west of Sunnica East Site B [APP-092, paragraph 3.3.19], concluding that there is no link between GCN populations and Fenland SAC and thus no LSE on this qualifying feature. SNTS</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
		physical disturbance (Operation)	<p>[REP2-240e and REP3a-051] identifies an additional record (GCN licence return) for GCN at Chippenham Fen not identified in the Applicant's baseline.</p> <p>In its response [REP4-036], the Applicant noted that previous monitoring by NE for Chippenham Fen had not identified this species and as such, the Applicant maintained its position that there was no impact pathway for the GCN feature of Fenland SAC. No other IPs have made representations on this matter at the point of publication of the RIES.</p> <p>At ExQ3 [PD-025], the ExA requested comment on the Applicant's conclusions on this qualifying feature.</p> <p>In its Deadline 7 response [REP7-076] SNTS state, '<i>In respect of Great Crested Newts, SNTS is satisfied with the conclusion of no likely significant effect.</i>'</p> <p>The Applicant considers that this matter is no longer disputed.</p>
Wicken Fen Ramsar site			
6	<u>Ramsar criterion 2:</u> Fen violet <i>Viola persicifolia</i> and other nationally scarce plants and Red Data Book invertebrates	Habitat contamination (Construction / decommissioning) Non-physical disturbance (All phases)	<p>The Applicant concluded [APP-092, Screening Matrix B4], no LSE on all qualifying features of Wicken Fen Ramsar. NE noted [REP2- 090] that the Applicant's assessment did not fully consider that Wicken Fen Ramsar site is also designated for its invertebrate assemblage [REP2-090]. However, it did not consider that this would alter the conclusions of no LSE at Wicken Fen Ramsar site.</p> <p>No other matters have been raised by IPs during the course of the Examination in relation to this site or its qualifying features.</p> <p>The Applicant considers that this is not a disputed matter.</p>
Breckland SPA			
7	Stone curlew <i>Burhinus oedicanus</i>	Physical Displacement from functionally linked land (operation)	<p>The Applicant did not include consideration of physical displacement in operation in its submitted HRA Report [APP-092].</p> <p>NE [REP4-039] considered that this impact would occur during operation due to the presence of the solar panels. The Applicant's SoCG with NE [REP4-017], identifies that agreement had been reached with NE that this impact pathway should be</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
			<p>screened in. The Applicant's updated HRA Report [REP5-045, Table 4-2 and Screening Matrix B3] therefore includes this impact pathway.</p> <p>The ExA considers that this matter is resolved.</p>

Table 2: RIES Table 3.2: Disputed conclusions of no LSE during Examination – in combination

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
Rex Graham Reserve SAC			
1	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites	Habitat loss and / or degradation (all phases of development)	<p>The Applicant concluded [APP-092, Matrix B5] that given the distance between the Order Limits and Rex Graham Reserve SAC that no LSE would occur in combination with other plans or projects.</p> <p>In its written representations, [REP2-090] NE stated it did not agree with the Applicant's methodology for the in-combination construction impacts, noting that construction traffic would use the A11 and A14, adjacent to Rex Graham Reserve SAC. It considered further assessment was required of in-combination effects from construction phase air quality effects on this site.</p> <p>The Applicant's response [REP1-016] clarified that its assessment conclusions used data and outputs of the air quality presented in the ES [APP-046] and restated its position that there was no in-combination LSE. It also indicated that this position had been discussed with NE. REP4-017 reiterated that NE still considered an in-combination assessment to be required.</p> <p>The Applicant updated its HRA Report [REP5-045]. Table 4-1 of [REP5-045] identifies the potential for LSE on this qualifying feature from construction traffic associated with the Scheme elevating levels of air pollution and deposition of harmful pollutants on sensitive habitats and plant communities. The updated shadow appropriate assessment in Section 5 of [REP5-045] therefore considers this potential LSE and it is reported on in Section 5 of this RIES.</p> <p>In its response at Deadline 6 [REP6-070], NE states, '<i>It is noted that an in-combination assessment has been carried out for air pollution as a result of</i></p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
			<p><i>increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.'</i></p> <p>This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is no longer disputed.</p>
Breckland SPA			
2	<p>Woodlark (<i>Lullula arborea</i>) Nightjar (<i>Caprimulgus europaeus</i>) Stone curlew (<i>Burhinus oedicnemus</i>)</p>	Habitat loss / degradation (all phases of development)	<p>The Applicant concluded [APP-092, and Matrix B3] that there was no LSE from construction activities due to the distance between the SPA and the Scheme. NE [REP2-090] considered potential for LSE on air quality sensitive features of Breckland SPA during both construction and operation of the Scheme. At ExQ3 [PD-025], the ExA asked for further information from NE on the identification of this impact pathway.</p> <p>In its response at Deadline 7 [REP7-104] to the ExQ3, NE confirmed that '<i>Although Breckland SPA was mentioned as being vulnerable to air quality in our response at Deadline 2 [REP2-009], this was an error. None of the interest features of Breckland SPA are sensitive to air pollution. Natural England is therefore satisfied that the in-combination assessment provided by the applicant in [REP5-045] considers all relevant designated sites and interest features.'</i></p> <p>The Applicant considers that this matter is no longer disputed.</p>
Breckland SAC			
3	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid Sites)</p> <p>Inland dunes with open Corynephorus and Agrostis Grasslands</p>	Habitat loss and / or degradation (all phases of development)	<p>The Applicant concluded [APP-092, Matrix B6] that given the distance between the Order Limits and Breckland SAC that no LSE would occur in combination with other plans or projects.</p> <p>In its written representations, [REP2-090] NE stated it did not agree with the Applicant's methodology for the in-combination construction impacts, noting that construction traffic would use the A11 and A14, adjacent to Breckland SAC. It considered further assessment was required of in-combination effects from construction phase air quality effects on Breckland SAC.</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p> <p>European dry heaths</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)</p>		<p>The Applicant's response [REP1-016] clarified that its assessment conclusions used data and outputs of the air quality presented in the ES [APP-046] and restated its position that there was no in-combination LSE on the basis of this assessment. It also indicated that this position had been discussed with NE. [REP4-017] reiterated that NE still considered an in-combination assessment to be required.</p> <p>The Applicant updated its HRA Report [REP5- 045]. Table 4-1 of [REP5-045] identifies the potential for LSE on this qualifying feature from construction traffic associated with the Scheme elevating levels of air pollution and deposition of harmful pollutants on sensitive habitats and plant communities. The updated shadow appropriate assessment in Section 5 of [REP5-045] therefore considers this potential LSE and is reported on in Section 5 of this RIES.</p> <p>In its response at Deadline 6 [REP6-070], NE states, '<i>It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.</i>'</p> <p>This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is no longer disputed.</p>
Devil's Dyke SAC			
4	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites)</p>	<p>Habitat loss / degradation (all phases of development)</p>	<p>The Applicant concluded [APP-092, Matrix B7] that given the distance between the Order Limits and Devil's Dyke SAC that no LSE would occur in combination with other plans or projects.</p> <p>In its written representations, [REP2-090] NE stated it did not agree with the Applicant's methodology for the in-combination construction impacts, noting that construction traffic would use the A11 and A14, adjacent to Devil's Dyke SAC. It considered further assessment was required of in-combination effects from construction phase air quality effects on Devil's Dyke SAC.</p> <p>The Applicant's response [REP1-016] clarified that its assessment conclusions used data and outputs of the air quality presented in the ES [APP-046] and restated its position that there was no in-combination LSE on the basis of this</p>

ID	Site / qualifying features discussed	Impact pathway (s)	Examination matters
			<p>assessment. It also indicated that this position had been discussed with NE. [REP4-017] reiterated that NE still considered an in-combination assessment to be required.</p> <p>The Applicant updated its HRA Report [REP5-045]. Table 4-1 of [REP5-045] identifies the potential for LSE on this qualifying feature from construction traffic associated with the Scheme elevating levels of air pollution and deposition of harmful pollutants on sensitive habitats and plant communities. The updated shadow appropriate assessment in Section 5 of [REP5-045] therefore considers this potential LSE and is reported on in Section 5 of this RIES.</p> <p>In its response at Deadline 6 [REP6-070], NE states, '<i>It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.</i>'</p> <p>This position is set out in the draft SoCG with NE [REP6-041]. The Applicant considers that this matter is no longer disputed.</p>