



SUNNICA ENERGY FARM

EN010106

8.18 Statement of Common Ground with Suffolk Wildlife Trust

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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(Examination Procedure) Rules 2010**

Sunnica Energy Farm

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the application for the proposed Sunnica Energy Farm Development Consent Order ("the Application") made by Sunnica Limited ("Sunnica") to the Secretary of State for the Department for Business, Energy and Industrial Strategy ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The Order, if granted, would authorise Sunnica to construct, operate (including maintain) and decommission a ground mounted solar farm across Sunnica East Site A, Sunnica East Site B and Sunnica West Site A. The Scheme includes the following key components:
- a. Solar PV modules;
 - b. PV module mounting structures;
 - c. Inverters;
 - d. Transformers;
 - e. Switchgear;
 - f. Onsite cabling (including high and low voltage cabling) and cabling between the Sites and to the Burwell National Grid Substation;
 - g. One or more BESS (expected to be formed of lithium ion batteries storing electrical energy) on Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A;
 - h. An electrical compound comprising a substation and control building (Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A only);
 - i. Office/warehouse (Sunnica East Site A and Sunnica East Site B only)
 - j. Fencing and security measures;
 - k. Drainage;
 - l. Internal access roads and car parking;
 - m. Landscaping including habitat creation areas; and
 - n. Construction laydown areas.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has

not yet been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Sunnica as the Applicant and (2) Suffolk Wildlife Trust.
- 1.2.2 Sunnica is a Special Purpose Vehicle (SPV) incorporated in December 2013 to construct, operate, and decommission the Sunnica Energy Farm.
- 1.2.3 Suffolk Wildlife Trust is an interested party to the Examination of the Application.
- 1.2.4 Collectively Sunnica and Suffolk Wildlife Trust are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG:
 - a. "Agreed" indicates where the issue has been resolved.
 - b. "Not Agreed" indicates a final position of the parties that is not agreed, and
 - c. "Under discussion" indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Suffolk Wildlife Trust's representations and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint interest in matters arising from the Scheme.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between Sunnica, and Suffolk Wildlife Trust is outlined in **Table 1**. There has been email correspondence between the parties to discuss the sharing of information, arrangement of meetings and for them to comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the parties.

Table 1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.06.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust Bedfordshire, Cambridgeshire, Northamptonshire (BCN), East Cambridgeshire District Council (ECDC), Natural	Key topics included: <ul style="list-style-type: none"> • Update from Sunnica on the changes to the Scheme since EIA Scoping • Summary of ecological baseline to date • Review and discussion of key ecological constraints and consideration of

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
	England, Cambridgeshire County Council (CCC), West Suffolk District Council (WSDC) and Suffolk County Council (SCC).	approaches for avoidance, mitigation and enhancement
04.12.2019	Ecology Workshop with Suffolk Wildlife Trust, Wildlife Trust BCN, ECDC, Natural England, CCC, WSDC and SCC.	Key topics included: <ul style="list-style-type: none"> • Feedback received during non-statutory consultation • Ecology surveys • Biodiversity net gain • Decommissioning • Details of lighting
26.03.2021	Ecology Workshop with Wildlife Trust BCN, RSPB, Natural England, Suffolk Wildlife Trust, WSDC, CCC, ECDC and SCC.	Key topics included: <ul style="list-style-type: none"> • Scheme update and programme • Overview of Stone Curlew population and distribution. • Provision of offsetting habitat for Stone Curlew. • Management of arable flora and creation of new habitats.
04.05.2022	Meeting between Sunnica Ltd, RSPB, Natural England, Suffolk Wildlife Trust, Wildlife Trust BCN, CCC and WSDC	Sunnica Ecology Working Group meeting to discuss recent changes to the Scheme, ecology surveys, key DCO documents, key points raised in Relevant Representations, vision and ambitions for the Scheme, Stone Curlew, local impact reports and SoCGs.
13.07.2022	Meeting between Suffolk Wildlife Trust, RSPB, Wildlife Trust BCN (on behalf of ECDC), Natural England, CCC and WSDC	Ecology working group meeting in relation to aspects such as the change application, SoCGs, Biodiversity Net Gain, Green Infrastructure and arable flora.
25.10.2022	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	Key issues raised in the Suffolk Wildlife Trust Relevant Representations and the content of the SoCG were discussed.
02.11.2022	Email from Suffolk Wildlife Trust to Sunnica Ltd	The reviewed SoCG was sent through.
07.11.2022	Email from Sunnica Ltd to Suffolk Wildlife Trust	Minor amendments made to the SoCG.
09.11.2022	Emails between Sunnica Ltd and Suffolk Wildlife Trust	Final amendments to the SoCG before the Deadline 2 submission.
05.12.2022	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	SoCG positions were discussed.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
19.01.2023	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	SoCG positions were discussed.
20.01.2023	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	SoCG positions were discussed.
08.03.2023	Meeting between Sunnica Ltd and Suffolk Wildlife Trust	SoCG positions were discussed.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Sunnica and (2) Suffolk Wildlife Trust in relation to the issues addressed in this SoCG as at the date of this SoCG.

2.1.3 The issues and matters highlighted in **Table 2** to **Table 4** summarise the key issues that have been in discussion between the two parties.

3 Issues

3.1 Matters Agreed

3.1.1 **Table 2** below details the matters agreed with Suffolk Wildlife Trust.

Table 2: Matters agreed

Topic	Sub-topic	Details of Matters Agreed
Assessment	Designated Sites	<p>Impacts to Chippenham Fen, Snailwell Poor's Fen SSSI, the Fenland SAC and Snailwell Meadows SSSI.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - Insufficient evidence that construction and operation of solar array at W01, W02 and cable corridor close to this cluster of designated fenland sites will not have significant adverse impacts on these sites, their designated features, and/or associated species assemblages. <p>Resolution:</p> <p>Solar arrays at W01 and W02 have been removed from the Scheme and the cable route through EC04 will be constructed to avoid interfering with groundwater flow or disturbing peat soils.</p>
		<p>Impacts to County Wildlife Sites (CWS) and Local Nature Reserves (LNR).</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> - Potential for cable crossing through Havacre Meadows and Deal Nook CWS to have adverse impacts on the site. - Any deterioration in condition of CWS will adversely affect biodiversity and wildlife, and the contribution of CWS to maintaining ecological connectivity and acting as steppingstones for nature through the landscape. SWT would like habitats and features of CWS within the scheme boundary to be prioritized for enhancement through the creation and implementation of management plans.
		<p>Impacts to Stone Curlew and land functionally linked to the Breckland SPA: assessment of number of pairs impacted by the Scheme and overarching approach to mitigation and monitoring.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - Appropriateness of operational areas for stone-curlew nesting (disturbance).

Topic	Sub-topic	Details of Matters Agreed
		<p>Resolution:</p> <p>It is agreed stone-curlew are likely to be displaced from areas where solar arrays will be constructed, but that precautionary working methods will be in place during construction and operation of the Scheme to prevent disturbance of any stone-curlews that might nest with the Scheme area.</p>
	Protected species	<p>Impacts to wintering birds, bats and badgers.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - Surveys and monitoring for these protected species groups is incomplete and not sufficient to inform a full assessment of likely impacts. SWT would like to see monitoring expanded to provide sufficient evidence to support assessments of the likely impacts to these receptors from the scheme. <p>Resolution:</p> <p>Commitments to pre-construction surveys are secured in the CEMP and OLEMP to ensure survey data is up-to-date at the commencement of construction.</p>
	Aquatic invertebrates	<p>Impacts to invertebrates which lay their eggs in water, including several nationally rare species.</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> - There is some evidence in the scientific literature as well as anecdotal evidence that flying insects that lay their eggs in water can be attracted to and lay their eggs on solar panels. - There is insufficient evidence at present to inform a reasonable assessment of the likely scale of any impact of this effect at a population level on the affected invertebrate populations of Chippenham Fen and Snailwell Poor's Fen SSSI and the Fenland SAC, as well as Snailwell Meadows SSSI, but there is the potential for this to be significant. - The solar array at W01 is of particular concern, and we note the joint Local Impact Report submitted by East Cambridgeshire District Council, West Suffolk Council, Cambridgeshire County Council and Suffolk County Council calls for all of the arrays in Sunnica West B to be removed as part of a precautionary approach to impacts on these designated sites and in view of the emerging Nature Recovery Network in East Cambridgeshire and ambitions to expand and connect wetland habitats in this area. - If the Applicant suggests mitigation to prevent flying insects in existing wetland sites from reaching the solar panels at W01 and W02 by screening, we are concerned this will limit the effectiveness of work to restore and re-connect wetlands and associated habitat in this area, as mobile species should be permitted to colonise newly restored areas.

Topic	Sub-topic	Details of Matters Agreed
		<p>Resolution:</p> <p>The removal of the solar arrays at W01 and W02 from the Scheme mitigates the risk of likely significant effects through this impact pathway on the populations of aquatic invertebrates sensitive to this effect in these designated wetland sites.</p> <p>The Scheme's Monitoring and Evaluation programme will include monitoring of those aquatic macroinvertebrate taxa potentially at risk from being attracted to solar panels from waterbodies and watercourses within the Order limits. This will enable remedial measures to be undertaken if any significant adverse impact on these species is found, as well as adding to the scientific literature on this effect.</p> <p>The commitment to monitoring aquatic invertebrate interactions with solar panels in vicinity of watercourses will be added to OLEMP at the next update.</p>
	Connectivity and nature recovery	<p>Impacts on ecological connectivity in the wider landscape within which the Scheme would be located.</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> - The potential for barrier effects from the construction and fencing of solar array areas to impinge on the movement of wildlife through the landscape between high value habitats and designated sites. - Impacts on the potential for restoration and recovery of habitat in the area between Chippenham Fen and Snailwell Meadows and along the valley of the River Snail, contributing to emerging Nature Recovery Networks in East Cambridgeshire and West Suffolk. <p>Resolution:</p> <p>The OLEMP secures commitments to retain and enhance existing high value habitats and minimise impacts on ecological connectivity through the Scheme's design, construction and operation.</p> <p>Habitat creation, including selection of habitat types, management, and enhancement will be informed by and designed to contribute to the emerging nature recovery network in East Cambridgeshire and West Suffolk, in consultation with the Ecology Advisory Group (EAG).</p>
	Water environment	<p>Impacts on chalk streams and other freshwater ecosystems.</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> - Lack of evidence to inform the assessment of likely impacts on chalk streams and other freshwater ecosystems, for example detailed hydrological investigations to assess impacts of cable crossings. - Insufficient Biodiversity Net Gain (BNG) for rivers and watercourses is indicated by the BNG report.

Topic	Sub-topic	Details of Matters Agreed
		<ul style="list-style-type: none"> - Potential for restoration and enhancement of watercourses and floodplains as part of the emerging Nature Recovery Network has received insufficient consideration in the location of the solar arrays adjacent to natural watercourses including the River Snail, River Kennett and Lee Brook, and in the design of ecological mitigation and enhancement measures for the scheme. <p>Resolution:</p> <ul style="list-style-type: none"> - Information provided in the latest iterations of the CEMP and OLEMP detail design and methods that will be used in the construction of cable corridors and crossings to avoid impacts on freshwater ecosystems. - Greater consideration has been given in the latest iteration of the BNG Assessment (submitted at Deadline 7) to opportunities to enhance river and ditch habitats. - Based on the enhancements proposed in the BNG Assessment there will be an 11% uplift in River units. - There is the potential for the ecological condition of adjacent watercourse to benefits from the change from agricultural land use within the Scheme including the resultant reduction in inputs such as fertilisers, herbicides and insecticides, and reduced abstraction for irrigation.
	Cable route	<p>Impacts of cabling route through area ECO4.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - Potential for hydrological impacts from cabling on adjacent fen habitats (Fenland SAC / Chippenham Fen Ramsar / Chippenham Fen & Snailwell Poor's Fen SSSI). <p>Resolution:</p> <p>The cable route through ECO4 will be constructed to avoid interfering with groundwater flow or disturbing peat soils.</p>
	Biodiversity Net Gain	<p>An updated calculation of Biodiversity Net Gain was provided by the Applicant, using the latest Biodiversity Net Gain metric 3.1. This was submitted to the ExA at Deadline 6 [REP6-023] with a further update at Deadline 7 [REP7-042].</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> - The BNG Technical Note is incomplete and inadequate to assess the BNG the Scheme can be expected to deliver. Specific issues include but not limited to: <ul style="list-style-type: none"> o Phase 1 Habitat survey used to assess existing habitat baseline is not adequate. UK Habs classification and methodology should be used.

Topic	Sub-topic	Details of Matters Agreed
		<ul style="list-style-type: none"> Habitat creation/ enhancement for mitigation can only count toward No Net Loss and must be presented separately from that counted towards gains beyond NNL. Predicted BNG for rivers and ditches is only 1%. This should be increased to 10% minimum through design and delivery of restoration and enhancement measures.
Mitigation and monitoring	Decommissioning	<p>Decommissioning of the site and the retention of the created habitats in perpetuity.</p> <p>The Parties agree that the following issues have been resolved and agreed:</p> <ul style="list-style-type: none"> Potential for adverse effects on habitats and species during decommissioning. Proposed retention of mitigation habitats and BNG habitats for the lifetime of the development only increases the potential for loss of these habitats following decommissioning and the loss of any long-term benefit to biodiversity or contribution to nature recovery from habitat creation and enhancement in these areas. It is the view of Suffolk Wildlife Trust and The Wildlife Trusts nationally that ecological mitigation, and Biodiversity Net Gain should be secured in perpetuity. <p>Resolution:</p> <p>The EAG will input to the iterative development of the Decommissioning Environment Management Plan (DEMP), which will seek to secure those features of recognised biodiversity value beyond decommissioning of the Scheme.</p>
	Habitat creation	<p>Detail in the Outline LEMP and OEMP on habitat creation within the mitigation areas and within the solar arrays.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> Insufficient detail has been provided of proposed habitat establishment and management processes and mechanisms for securing and maintaining habitats in good condition to provide confidence in the success of habitat creation in mitigation areas. <p>Resolution:</p> <p>The latest iterations of the OLEMP and OEMP (submitted at Deadline 7) provide greater detail on the proposed methods and mechanisms for establishing and managing habitats within the Scheme.</p> <p>The EAG will play a central role in further development of the LEMP and other plans that will guide the establishment and management of habitats within the Scheme to ensure these achieve their objectives.</p>

Topic	Sub-topic	Details of Matters Agreed
		Provision will be made for adaptive management to respond to the need for flexibility in management prescriptions to respond to monitoring and evaluation of the success of establishing and maintaining habitats in good condition.
	Framework Construction Environmental Management Plan (CEMP)	<p>The level of detail of the Framework CEMP.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - CEMP needs to provide sufficient detailed of precautionary working methods for avoiding impacts on ecological features during the construction phase of development. Please see Local Impact Report for more detailed comments from Local Authorities on the requirements for the CEMP. <p>Resolution:</p> <p>The latest iteration of the Framework CEMP provides greater detail on precautionary working methods that will be employed and overseen by Ecological Clerk(s) of Works.</p>
	Outline Landscape and Ecology Management Plan (LEMP)	<p>Level of detail within the Outline LEMP.</p> <p>The Parties agree that the following issue has been resolved and agreed:</p> <ul style="list-style-type: none"> - Lack of detail of proposed habitat establishment and management processes and mechanisms. <p>See comments in Details of Matters Agreed for Habitat Creation (above).</p>

3.2 Matters Under Discussion

3.2.1 **Table 3** below details the matters under discussion with Suffolk Wildlife Trust.

Table 3: Matters under discussion

Topic	Sub-topic	Details of Matters Under Discussion
N/A	N/A	N/A

3.3 Matters Not Agreed

3.3.1 **Table 4** below details the matters not agreed with Suffolk Wildlife Trust.

Table 4: Matters not agreed

Topic	Sub-topic	Details of Matters Not Agreed
Assessment	Biodiversity Net Gain	<p>An updated calculation of Biodiversity Net Gain was provided by the Applicant, using the latest Biodiversity Net Gain metric 3.1. This was submitted to the ExA at Deadline 6 [REP6-023] with a further update at Deadline 7 [REP7-042].</p> <p>The unresolved issues are as follows:</p> <ul style="list-style-type: none"> - Target condition for grassland habitats to be created within the solar array, including beneath the solar panels. - Assumptions relating to river and stream habitats, including the scoping out of some watercourses within the Order limits from the BNG Assessment. - Approach to assessing the strategic significance of habitats within the Scheme. - The approach to Arable Flora.
	Designated sites	<p>Impacts to Stone Curlew and land functionally linked to the Breckland SPA. Suffolk Wildlife Trust's outstanding concerns relate to sufficiency of mitigation for Stone Curlew and disturbance impacts and other factors that it considers make the mitigation areas sub-optimal.</p> <p>The unresolved issues are as follows:</p> <ul style="list-style-type: none"> - Insufficient evidence that current proposed offsetting measures (mitigation) will be adequate to eliminate any residual adverse impact on nesting Stone Curlews on land functionally linked to the Breckland SPA. - Disturbance impacts on mitigation areas due to public access, and the proximity of built development.
	Protected species	<p>Impacts to Skylark. This also has implications for adequacy of mitigation.</p> <p>The unresolved issue is as follows:</p> <ul style="list-style-type: none"> - Surveys and monitoring for this protected species is incomplete and not sufficient to inform a full assessment of likely impacts. SWT would like to see monitoring expanded to provide sufficient evidence to support assessments of the likely impacts to these receptors from the Scheme.

Topic	Sub-topic	Details of Matters Not Agreed
	Arable flora	<p>Impacts to arable flora and the unique Brecks plant communities.</p> <p>The unresolved issues are as follows:</p> <ul style="list-style-type: none"> - Insufficient evidence from surveys to understand the full impacts of the Scheme on arable flora and Brecks plant communities. - Insufficient detail on proposed mitigation for any loss of these habitats and communities to provide confidence that there will not be any residual adverse impacts.
Mitigation and monitoring	Water environment	<p>Impacts on chalk streams and other freshwater ecosystems.</p> <p>The unresolved issue is as follows:</p> <ul style="list-style-type: none"> - Insufficient setback between Lee Brook and solar arrays in E03 and E05.
	Outline LEMP	<p>Detail in the Outline LEMP on monitoring and evaluation and the role of the Ecological Advisory Group.</p> <p>The unresolved issue is as follows:</p> <ul style="list-style-type: none"> - Lack of sufficient ecological monitoring at all stages of the development, construction operation, and decommissioning of the scheme has the potential to result in adverse ecological impacts and/or reduced ecological gains.

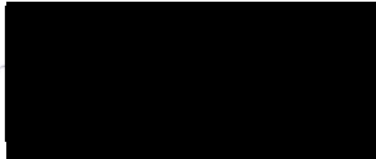
4 Signatures

This Statement of Common Ground is agreed:

On behalf of Suffolk Wildlife Trust:

Name: Rupert Masefield

Signature



Date 9 March 2023

On behalf of the Applicant:

Name: Luke Murray

Signature



Date 9 March 2023