

**17 March 2023 – Deadline 9****Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm Project
EN010106**

This document sets out comments on the ExA's commentary on, or schedule of changes to, the draft DCO by West Suffolk Council (WSC).

Except where expressly stated otherwise below, the Council reiterates and relies on its comments submitted to the ExA at previous deadlines.

Ref	Page number	Council's Comment
Articles		
Article 27. Removal of 'vegetation' from undertaker's power to remove things from land.	3	WSC welcomes this change.
Article 36. Removal of 'except where not practically possible'	3	WSC welcomes this change.
Requirements		
Requirement 6.	3	WSC welcomes this change.

Change to secure pre-commencement condition surveys		
Requirement 7(3),	3	WSC is concerned that there is insufficient detail at this stage for the BFSMP to be entirely in accordance with the outline plan.
Requirement 8(1) LEMP	4	<p>Whilst improvements to the OLEMP have been made throughout the course of the examination such that the document now provides a framework for implementation and management of the mitigation measures the Councils are concerned that this amendment restricts the ability of the Landscape and Ecology Management Plan to deviate from the OLEMP to address any the errors, inaccuracies, inconsistencies and omission that have been identified throughout the Council's submissions to the examination, including the Councils' Comments on Submissions Received by Deadline 7 [REP8-051].</p> <p>It may also restrict adaptation of the LEMP to address any changes in biodiversity use of the site and any update to both ecological and landscape mitigation that might be required as a consequence of any pre-commencement surveys including arboricultural surveys. For example, identification of new badgers setts etc.</p> <p>Furthermore, the OLEMP is based on the design of the current scheme. Any changes to the scheme (e.g. removal of solar panels from parcels E12 or E13) might require changes to the proposed mitigation; for example the translocation of acid grassland would not then be necessary.</p> <p>Therefore, the Council suggest that the DCO wording allow some flexibility to ensure that the landscape and ecology management plan can respond to any unforeseen changes, such as site biodiversity, to address the Council's ongoing concerns, and any changes to the scheme design (e.g. removal of solar panels).</p> <p>In light of the above, WSC believes that the wording "entirely in accordance" is not appropriate in the present context.</p>

Requirement 11.(6) Fencing must be maintained for operational lifetime of works.	4	WSC agrees with this amendment.
Requirement 14. CEMP		The issues raised for requirement 8(1) also apply here. Given the above, WSC feels that the wording the wording "entirely in accordance" is not appropriate in the present context.
Requirement 15. OEMP		The issues raised for requirement 8(1) also apply here. Given the above, WSC feels that the wording the wording "entirely in accordance" is not appropriate in the present context.
Schedules		
Schedule 1 Work No 10 Work No 10		<p>The Councils welcome the ExA's approach that Work No 10 can be removed ONLY if it is satisfied that "the remaining parts of the development do not require any stone curlew offsetting measures". However, the proposed Stone Curlew assessment and mitigation is based on the existing scheme. To date, there has been no detailed assessed to determine the level of impact on Stone Curlews and what mitigation measures including offsetting are required, should solar panels be removed from E05/E12/E13. In addition the ECO areas are part of the embedded mitigation for the scheme as designed (see Environmental Statement, section 8.8 [APP-040]). Any changes to ECO1, ECO2 and ECO3 could also affect other species, habitats and the Biodiversity Net Gain.</p> <p>Therefore, given the impact of changes to the scheme on Stone Curlews (and potentially other habitats and species) are unknown, the Rochdale Envelop should be applied and as a precaution, the Councils consider it most appropriate to retain Work No. 10 in the DCO. The level of offsetting proposed within the Stone Curlew Habitat Offsetting document will be able to adapt to reflect any changes to the scheme.</p>
Schedule 1 Work No 1-10		WSC suggests that in sub paragraph (xii)'vegetation removal' should also be removed from this clause to be consistent.

		Note that the sub paragraphs refer to works 1-10 not specifically work no.10.
Schedule 13 Fees schedule	23-26	<p>WSC welcomes the direction of travel in respect of fees and the inclusion of an area-based fee for Requirement 6 using the Fee Regulations with a maximum £300,000 fee for both LPAs.</p> <p>The Council is pleased to see a fee schedule that is an appropriate reflection of the officer time and financial burden that is likely to be involved in dealing with the Requirements.</p>