

Cambridgeshire County Council (20031358)

East Cambridgeshire District Council (20031149)

The Councils' Comments on the ExA's Schedule of Changes to the draft Development Consent Order (dDCO) [REP6-013]

Sunnica Energy Farm (EN010106)

Deadline 9

17 March 2023

Introduction

Cambridgeshire County Council and East Cambridgeshire District Council welcome the changes proposed in the Examining Authorities Schedule of Changes to the draft Development Consent Order (dDCO) [REP6-013]. We are grateful to the ExA for having taken account of submissions.

We have the following comments to make.

Article 9(3), Page 2

A small matter of clarification, the Councils assume that Schedule 13 should read Schedule 12, which is the relevant Schedule for the Protective Provisions for LHAs.

Ref R.8(1) Landscape and ecology management plan; Ref R.14 Construction environmental management plan; Ref R15 Operational environmental management plan; Ref R16(1) Construction traffic management plan and travel plan. Page 4

We welcome the amendment through the deleting of the word '*substantially*' in the interests of certainty. However, our reading is this only applies with full force when the relevant outline/framework management plans are considered to be satisfactory. At the moment, the Councils have outstanding concerns for each of the above management plans. These are documented in the four host authorities' joint submission [REP8-051] provided at **Deadline 8**. To this end, the Councils residual concern remains that to be '*entirely in accordance with*' must necessarily take account of (a) the removal of sites as currently being considered; (b) a final and acceptable plans; and (c) the provision of the most amount of clarity possible. At the moment the ExA has provided a great deal of certainty in the definition, but we are still struggling with Sunnica to find the most amount of clarity as to the contents of these plans.

Schedule 1 Work No. 10, Pages 8-9

The Councils welcome the Examiner's approach, that Work No 10 can be removed ONLY if "*the remaining parts of the development do not require any stone curlew offsetting measures*".

The current Stone Curlew assessment and mitigation is based on the existing scheme. To date, there has been no detailed assessment 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 (Environmental Statement at Section 8.8 [APP-040]), and any changes to these could also affect other species, habitats and Biodiversity Net Gain.

The Council considers that if the impact of changes to the scheme on Stone Curlews (and potentially other habitats and species) are unknown, the Rochdale Envelop should be applied as a precaution, it would be 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 in order to reflect any changes to the scheme.

Schedule 1, Pages 39 -40

The Council suggests that reference to vegetation clearance “*in connection with and in additional to Work Nos. 1 to 10...*” be removed from Schedule 1 (a)(i) should also apply to (b)(xii), for the same reasons as it is proposed to be removed from Article 27, because all information relating to vegetation clearance should be provided prior to determination.

Ref Schedule 12 Part 13, Pages 10-15

Comments were submitted at deadline 8 [REP8-051] and included comments on the proposed protective provisions. Discussions have continued between the Applicant and the Local Highway Authorities. The latest version is to be included in Suffolk County Council’s submission at Deadline 9.

Article 10

Further to the ExA suggested changes, the local highway authorities propose the following to be added to Article 10 of the DCO.

“(6) Subject to paragraphs (7) and (8) (below), prior to the commencement of the 12-month maintenance period specified in article 10(1), the undertaker must seek certification from the local highway authority that the permanent alterations to each of the streets specified in Part 1 (permanent alteration of layout) of Schedule 5 (alteration of streets) have been completed to the reasonable satisfaction of the local highway authority.

(7) If, within 56 days of a request for certification being received by the local highway authority, it has not intimated its disapproval and the grounds of disapproval, the permanent alterations to streets shall be considered satisfactory to the local highway authority and the 12-month maintenance period specified in article 10(1) shall commence.

(8) The undertaker will provide to the local highway authority with the request for certification such information that the local highway authority considers necessary to enable it to certify that the permanent alterations to streets are satisfactory and that its legal and maintenance records can be updated to facilitate the completion of its statutory responsibilities with regard to the affected streets.”

Conclusion

The Councils are once again encouraged and welcome the changes; particularly in relation to the further protection afforded to the protection of trees; the maximum £300,000 free provided for requirement 6 for both LPAs, and the support of removal of the parcels around Chippenham Historic Park and Garden as well as E05.

We hope that the above concerns as highlighted assist the ExA in finding further ways of refining their final report on the dDCO.