
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

**DRAFT Statement of Common Ground between East Yorkshire
Solar Farm Limited and the Forestry Commission**

Document Reference: EN010143/APP/8.8

The Infrastructure Planning (Examination Procedure) Rules 2010

~~August 04 June~~ 2024
Revision Number: 010

2009

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

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<u>Regulation Reference</u>	<u>N/A</u>
<u>Planning Inspectorate Reference</u>	<u>EN010143</u>
<u>Application Document Reference</u>	<u>EN010143/APP/8.8</u>
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<u>Version</u>	<u>Date</u>	<u>Status of Version</u>
<u>Rev 00</u>	<u>18 June 2024</u>	<u>Deadline 1</u>
<u>Rev 01</u>	<u>15 August 2024</u>	<u>Deadline 4</u>

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Statement of Common Ground

Signatures FINAL VERSION TO BE SIGNED

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and the Forestry Commission

Helen Standing, NSIP Development Manager on behalf of East Yorkshire Solar Farm Limited

Date:.....

Signed:.....

Name, Position, on behalf of the Forestry Commission

Date:.....

Signed:.....

1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application is submitted by East Yorkshire Solar Farm Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between the (1) Applicant and the (2) Forestry Commission (jointly referred to as the Parties).
- 1.1.3 The Forestry Commission works to increase the value of woodlands to society and the environment. It is a non-ministerial department, supported by Forest Research and Forestry England. The Forestry Commission is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted during the preparation of the Application and following acceptance.
- 1.1.4 The Examining Authority has requested that this SoCG includes the following matters as set out in the Rule 6 Letter **[PD-002]**:
- a. Effects on trees and woodland, including buffer zones, mitigation and maintenance.
- 1.1.5 It can be taken that any matters not specifically referred to in sections 2 and 3 of this SoCG are not of material interest or relevance to Forestry Commissions representations and therefore have not been considered in this document.
- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the Parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic electricity generating facility with a total capacity exceeding 50 megawatts and export connection to the national grid, at National Grid's Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application **[APP-054]** and a description of the development to be authorised is set out in Schedule 1 of the draft DCO **[REP3-004AS-008]**.

1.3 Format of Document and Terminology

- 1.3.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.
- 1.3.2 Section 3 of this SoCG summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not agreed' indicates a final position where the

Parties have agreed to disagree, whilst 'Agreed' indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.

1.3.3 Abbreviations used within the SoCG are provided in Table 1-1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
AIA	Arboricultural Impact Assessment
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
ES	Environmental Statement
LEMP	Landscape and Ecological Management Plan
PA	Planning Act 2009
RPA	Root Protection Area
SoCG	Statement of Common Ground

2. Record of Engagement

2.1 Record of Engagement

2.1.1 Table 2-1 below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1. Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
3 May 2023	Letter	Letter from the Applicant to the Forestry Commission notifying them of the dates of the Section 42 Statutory Consultation.
9 May 2023	Email	Email from the Applicant to the Forestry Commission notifying them of the dates of the Section 42 Statutory Consultation.
31 August 2023	Letter	Letter from the Applicant to the Forestry Commission informing them of the Targeted Consultation period following minor changes made to the Order limits since Statutory Consultation.
1 September 2023	Email	Email from the Applicant to the Forestry Commission informing them of the Targeted Consultation period following minor changes made to the Order limits since Statutory Consultation.
24 January 2024	Letter	Letter from the Applicant notifying the Forestry Commission of the relevant representation period.
25 January 2024	Email	Email from the Applicant notifying the Forestry Commission of the relevant representation period.
26 February 2024	Relevant Representation	Relevant Representation from the Forestry Commission with their comments on the Scheme.
<u>4 June 2024</u>	<u>Email</u>	<u>Email from the Applicant to the Forestry Commission with this SoCG attached, requesting that the Forestry Commission review and comment on the SoCG.</u>
<u>11 June 2024</u>	<u>Email</u>	<u>Follow up email from the Applicant to the Forestry Commission requesting that the Forestry Commission reviews and comments on the SoCG.</u>
<u>11 July 2024</u>	<u>Email</u>	<u>Follow up email from the Applicant to the Forestry Commission requesting that the</u>

		<u>Forestry Commission reviews and comments on the SoCG,</u>
<u>2 August 2024</u>	<u>Letter</u>	<u>Letter from the Applicant to the Forestry Commission requesting that the Forestry Commission review and comment on the SoCG.</u>
<u>2 August 2024</u>	<u>Email</u>	<u>Email from the Applicant to the Forestry Commission informing them of the letter sent on 2 August 2024 and requesting that the Forestry Commission reviews and comments on the SoCG,</u>
<u>5 August 2024</u>	<u>Email</u>	<u>Email from the Forestry Commission to the Applicant with their comments on the SoCG, relating to shading.</u>
<u>14 August 2024</u>	<u>Email</u>	<u>Email from the Applicant responding to the Forestry Commissions comments on the SoCG in relation to shading.</u>

3. Areas of Discussion Between the Parties

3.1 Effects on Trees and Woodland, Including Buffer Zones, Mitigation and Maintenance

Table 3-1. Effects on trees and woodland, including buffer zones, mitigation and maintenance

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation	Ancient woodland	The Forestry Commission agrees that there are no ancient woodland within the site boundary.	The Applicant agrees that there are no ancient woodland within the Order limits, as set out in Chapter 8: Ecology, ES Volume 1 [APP-060] and identified in the AIA [APP-102].	Agreed
3.1.2	Relevant Representation	Access to and management of existing woodlands	The Forestry Commission states that there are numerous small woodlands, including lowland mixed deciduous woodlands within the site boundary. It states that lowland mixed deciduous woodland is on the Priority Habitat Inventory (England). The Forestry Commission states that some of the woodlands within the proposal footprint remain under Obligation of Farm Woodland Premium Scheme grant support, and other woodlands	The Applicant agrees with the Forestry Commission's comments with regards to the existing small areas of woodland, including Priority woodland being present within and adjacent to the Solar PV Site. The Applicant commits to enabling access to existing woodland within or abutting the Order limits where relevant during construction, operation and decommissioning.	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
			<p>have woodland management plans with approved Felling Licences (Felling Licences may be conditional on restocking and maintaining replanted trees for 10 years).</p> <p>The Forestry Commission states that measures should be taken to ensure that the Scheme design and management do not prevent the future access to and management of woodlands. Woodlands habitat value generally increases as a result of sustainable woodland management.</p> <p>The Forestry Commission states that as farm woodland management can be reliant on (seasonal) access from adjacent farm land, proposals should ensure woodland management access is maintained or enhanced to allow delivery of management</p>	<p>Sections 5 and 6 of the Framework LEMP [REP3-016APP-246] explain the management of existing vegetation and proposed planting as part of the Scheme, including long term management.</p> <p>In response to the Forestry Commission’s relevant representation, the Framework LEMP has been updated to include a specific commitment to enabling access to existing adjacent woodland. The An updated Framework LEMP [REP3-016] was is submitted at Deadline 43 of the Examination.</p> <p>The detailed LEMP, which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) and must be in accordance with Framework LEMP [REP3-</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
			objectives, which may include biodiversity value and ecosystem services.	016APP-246], will secure the management measures for existing woodland and access to adjacent existing woodland. The detailed LEMP is secured by requirement 6 in Schedule 2 to the Draft Development Consent Order [REP3-004AS-008].	
3.1.3	Relevant Representation	Retention of existing woodland	The Forestry Commission welcomes the proposals that seek to retain existing woodland, noting the exception of an area of short rotation energy crop plantation.	The Applicant agrees that the Scheme will retain existing woodland. This is set out in the Framework LEMP [REP3-016APP-246] and will be secured through a detailed LEMP to be approved post consent prior to construction, as required by requirement 6 in Schedule 2 of the draft DCO [REP3-004AS-008].	Agreed
3.1.4	Relevant Representation	Link and buffer existing woodland, trees and hedges	The Forestry Commission seeks opportunities where possible to link and buffer existing woodlands, trees and hedges, which normally increases their ecological value.	The Scheme has been designed with impact avoidance measures, including buffers to existing woodlands, trees and hedges. These include minimum buffers of: <ul style="list-style-type: none"> 15 m from woodlands, individual trees and 	Agreed

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				<p>hedgerows with trees (with few exceptions for some cabling); and</p> <ul style="list-style-type: none"> 10 m from hedgerows without trees. <p>The minimum buffers proposed as part of the Scheme design are detailed in Table 3 of the Framework CEMP [REP3-010APP-238] and the Framework LEMP [REP3-016APP-246]. This will secure the working space for works close to woodlands. Table 6 also includes other arboricultural mitigation measures to avoid and minimise impacts on trees and their root protection areas.</p> <p>Paragraph 4.1.18 of the Framework LEMP [REP3-016APP-246] explains that the Scheme will increase the connectivity of woodland habitats by linking existing areas of woodland with new areas of planting. This is illustrated on the Framework Landscape</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
3.1.5	Relevant Representation	Cumulative impacts	<p>The Forestry Commission states that while not specific to this proposal, the cumulative impact of multiple extensive developments on availability of land for other uses, including woodland creation or farming should be considered.</p>	<p>Masterplan at Appendix A of the Framework LEMP [REP3-016APP-246].</p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
				<p data-bbox="1366 327 1881 400">appropriate size to locate the Scheme.</p> <p data-bbox="1366 448 1881 852">The Scheme is located mostly on lower quality agricultural land, with the majority of the Scheme being on land not classed as Best and Most Versatile (BMV). For the Solar PV Site, 92.8% of the land used is non BMV land. The Applicant's discussions with farmers who farm areas of the Solar PV Site have also identified that this land is difficult to farm.</p> <p data-bbox="1366 900 1881 1383">The Scheme design will increase the overall woodland cover with 8.1 ha of native woodland planting and shrub planting with trees and woodland edge planting, and further 1.95 ha of native traditional orchard (Chapter 8: Ecology, Environmental Statement Volume 1 [APP-060]). Furthermore, the proposed planting will improve connectivity of woodland habitats by linking existing areas with</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
				<p>woodland with new areas of planting.</p> <p>The vast majority of agricultural land within the Order limits would also be available for return to its existing agricultural use following decommissioning of the Scheme. The conversion of arable land to grassland during the 40 year operational period has the potential to accrue improvement to soil function over a large area.</p> <p>The Applicant has assessed the cumulative effects of the Scheme. The assessment of cumulative effects of the Scheme with other existing and proposed energy developments as well as other developments in the locality is set out in chapters 6–16 of the ES [APP-058 to APP-061, AS-014, APP-064 to APP-067, and AS-016] and is summarised in Chapter 17: Cumulative Effects and Interactions, ES Volume 1 [APP-069].</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
3.1.6	Relevant Representation	New native woodland	The Forestry Commission states that the creation of 8.1ha native new woodland should be designed and managed in order to mitigate potential negative impacts of development, and	<p>No new likely significant adverse effects are anticipated to arise from the Scheme when considered alongside those effects generated by nearby developments. The Scheme is anticipated to have a significant beneficial effect upon the functional improvement of soil resources that would follow with the conversion of arable land to grassland when considered with the other solar farm proposals in the area. Mitigation measures to minimise adverse effects on soil resources are set out in the Framework Soil Management Plan [REP1-058APP-241] which is secured by a requirement in Schedule 2 of the draft DCO [REP3-004AS-008].</p> <p>As set out in Section 5 of the Framework LEMP [REP3-016APP-246] new woodland and shelter belts are proposed and in some cases are provided as mitigation to help screen sensitive</p>	Agreed

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			<p>designed to facilitate future sustainable management.</p>	<p>receptors and soften views, but also to provide increased structure, ecological connectivity, and interest within the landscape.</p> <p>The Framework LEMP has been updated to commit to the principles of UK Forestry Standard being applied to all woodland planting. The An updated Framework LEMP [REP3-016] has been submitted at Deadline 13 of the Examination.</p> <p>Specific management measures for new woodland are explained in sections 5 and 6 of the Framework LEMP [REP3-016APP-246] and demonstrate that the Scheme will facilitate future sustainable management of proposed woodland.</p> <p>An update has been made to the Framework LEMP to ensure that the Scheme commits to adhering</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
				<p>to the principles of the UK Forestry Standard for any new woodland planting and management. The An updated Framework LEMP [REP3-016] is <u>was</u> submitted at Deadline 43 of the Examination.</p>	
3.1.7	Relevant Representation	<p>Issues to be considered when proposing significant planting schemes</p>	<p>The Forestry Commission states that there are a number of issues that need to be considered when proposing significant planting schemes:</p> <ul style="list-style-type: none"> • Ecological and cultural (historic environment) features that may be affected by woodland creation should be considered; • Biosecurity of all planting stock needs to be considered to avoid the introduction of pests and diseases; • Woodlands should be designed to be climate and pest and disease resilient; 	<p>The Applicant has considered ecological and cultural (historic environment) features that may be affected by woodland creation and sets out an assessment of how the Scheme interacts with these features within Chapter 8: Ecology, ES Volume 1 [APP-060] and Chapter 7: Cultural Heritage, ES Volume 1 [APP-059].</p> <p>The Applicant is committed to preparing a Biosecurity Management Plan which will set out procedures to ensure any imported building/landscaping materials are free from invasive non-native species and diseases (see Table 3 and Table 15 of the Framework CEMP [REP3-010APP-246]). Table 6</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
			<ul style="list-style-type: none"> The ecosystem services benefits of all new woodland should be maximised wherever possible e.g. for flood reduction, and it should be ensured that the planting contributes to a resilient treescape by maximising connectivity across the landscape; and Plans should be in place to ensure long term management and maintenance of woodland. 	<p>Arboriculture of the Framework CEMP [REP3-010] specifically commits to biosecurity measures in accordance with the Arboricultural Association Guidance Note 2 (which relates to pruning/felling/access rather than planting).</p> <p>Proposed woodland planting will be species which will be appropriate to the particular requirements of the geographical area, but also take account of climate change and potential pest and pathogen threats, as set out in section 5 of the Framework LEMP [REP3-016APP-246].</p> <p>The Applicant commits to maximising the ecosystem benefits of all new woodland within the Framework LEMP [REP3-016APP-246] by managing them to facilitate longevity, increased species diversity, enhanced habitat value and connectivity and greater resilience to climate change.</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
				<p>The Framework LEMP [REP3-016,APP-246] sets out the plans in place to ensure long term management and maintenance of woodland.</p> <p>An update has been made to the Framework LEMP to ensure that the Scheme commits to adhering to the principles of the UK Forestry Standard for any new woodland planting and management. The An updated Framework LEMP [REP3-016] was submitted at Deadline 34 of the Examination.</p> <p>A detailed LEMP and a detailed CEMP, which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) and must be in accordance with the Framework LEMP [REP3-016] and Framework CEMP [REP3-010], will secure the above-mentioned measures. The detailed LEMP is secured by requirement 6 and</p>	

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3.1.8	<p>Relevant Representation and email received on 5 August 2024</p>	<p>15m minimum buffer distance from existing woodland and shading impacts</p>	<p>The Forestry Commission are concerned that the AIA only considers tree height and future shading “at the time of construction”, rather than through the described lifecycle of the project, during which time trees can reasonably be expected to grow taller.</p> <p>The Forestry Commission welcome the inclusion of the minimum buffer distance of 15m from existing woodland as a minimum, however note that they should be noted that while a 15m buffer limits the impact of the development proposals on existing woodland, once implemented this buffer distance may not adequately mitigate the ongoing shading impact of woodland / trees on</p>	<p>detailed CEMP is secured by requirement 11 in Schedule 2 to the Draft Development Consent Order [REP3-004AS-008].</p> <p>The Applicant has considered shading as part of the design process. This is explained in section 4.6 of the AIA [APP-102]. Trees groups and woodlands have been assigned specific buffers based on their actual RPAs in accordance with British Standard 5837:2012. The AIA states that the Tree Constraints Plan [APP-103] and the Tree Protection Plan [APP-104] illustrate that no solar PV panels will be subject to significant shading at the time of construction. The Applicant considers that most trees within the existing woodlands are classed as mature already and therefore it is not expected that there will be much change in height resulting in increased</p>	<p style="background-color: #008000; color: white; text-align: center;">Some matters agreed, some matters under discussion</p>

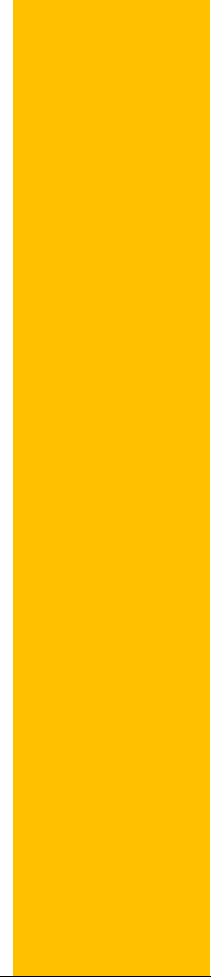

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			<p>solar panels, thereby creating potential conflict between the interests of solar farm management and the retained woodland and trees.</p> <p>The Forestry Commission state that a 15m buffer from the stems of adjacent woodland is effectively reduced by the overhang of branches (which can often be 5-10m overhang). Increasing buffer width particularly on north, east and west side of woodlands would reduce shading on the development and help mitigate potential future management conflict, and maintain or enhances ecological value of trees and woodlands.</p> <p><u>The Forestry Commission are concerned that the economic impact of trees shading solar panels will be a future driver for changes in management of the</u></p>	<p><u>shading over the lifetime of the project.</u></p> <p><u>The AIA [APP-102] states shading impacts are 'typically slight and are generally associated with mature trees which will not increase significantly in size'. It is generally the height of trees rather than the extent of overhanging branches that results in the greatest volume of shading and this is reflected in the guidance in British Standard 5837: 2012 section 5.2 Note 1.</u></p> <p><u>The Applicant therefore considers the buffer distances from trees and woodland to be appropriate with regard to shading.</u></p> <p><u>Prior to construction, to inform the detailed design of the Scheme, an updated AIA will be undertaken as set out in Table 6 of the Framework CEMP [REP3-010] to further assess trees within</u></p>	

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			<p><u>woodland (i.e. premature felling, potentially restocking with smaller/ lighter trees). They acknowledge that this may not be the reality, and accept trees also shade agricultural crops.</u></p> <p><u>The Forestry Commission state that in an ideal world woodlands within the project area would be brought into UK Forestry Standard woodland management plans (FC approved).</u></p> <p>For the purposes of a 50 year project the Forestry Commission would encourage decisions to reflect the maximum tree size within the project lifespan.</p>	<p><u>existing woodlands and; to fully understand the potential shading impacts at that stage. This assessment will be taken into account in the detailed design process by guiding the positioning of solar PV panels in these areas, and will inform the delivery of a Scheme that minimises impacts on existing trees and woodland where practicable in accordance with the Framework LEMP [REP3-016]. The detailed design of the Scheme including its layout and scale will need to be approved by East Riding of Yorkshire Council and where relevant North Yorkshire Council prior to commencement of construction, and the authorised development must be carried out in accordance with the approved details, as secured by Requirement 5 of the draft DCO [REP3-004].</u></p>	

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As set out in the Framework LEMP [REP3-016], the Applicant is committing to managing existing woodland and trees that are within the Order limits to facilitate longevity, increased species diversity, enhanced habitat value and greater resilience to climate change. This will include gapping up existing woodland and hedgerows where appropriate to increase the species and age diversity and include resilient species. In addition, existing woodland and hedgerows will be managed to protect historic boundaries, enhance biodiversity benefits and ecosystem services, whilst also increasing the level of screening from visual receptors.

The future land management of any existing woodland that does not fall within the Order limits would be the relevant landowner's responsibility. The Applicant's contractual limitations

Ref	Relevant Application Document	Summary of Description of Matter	Forestry Commission Current Position	Applicant Current Position	Status
3.1.9	Relevant Representation	Inclusion of cables within buffer zones	The Forestry Commission outlines that the proposals	<p><u>on the landowners within the Order limits are that no new trees or woodland can be planted which will cause shade on the scheme (new, meaning any new trees or woodlands which were not present at the time of signing contracts with landowners). This excludes mitigation planting proposed by the Scheme If existing trees die or are felled they will be replaced like for like (or with a species of no greater height) as set out in the Framework LEMP [REP3-016].</u></p> <p>For clarification, the design life of the Scheme is 40 years. Requirement 18 in Schedule 2 of the Draft Development Consent Order [REP3-004AS-008] sets out that the final date of decommissioning of the Scheme must commence no later than 40 years after the final commissioning.</p>	 

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		of trees, and consideration of root protection zones	<p>indicate the proposed (15m) buffer from woodlands does not inhibit placement of cables within this woodland buffer zone. The Forestry Commission states that the inclusion of cables within this zone has potential to undermine the purpose and integrity of such buffers. It notes that this is particularly important if cabling is to be installed below ground, or is on the ground and allowed to become incorporated in vegetation over time.</p> <p>The Forestry Commission states that the woodland/ tree buffer should seek to secure protection of the adjacent habitat, through exclusion of development activity including within the critical root protection zone of woodlands and trees. The Forestry Commission encourages further consideration of the activity</p>	<p>AIA report [APP-102], of how the design for the Scheme will avoid, where practicable, cable routes or access routes incurring within the RPA of retained tree features (including woodlands), and where avoidance is not practicable – how it will be managed in principle. The final extent of incursions and the methodology for any such work will be detailed as part of an Arboricultural Method Statement secured as part of the detailed CEMP as per Table 6 of the Framework CEMP [REP3-004APP-238].</p> <p>Retained trees will be periodically inspected by an arboriculturist during construction as set out in the Framework LEMP [REP3-016APP-246]. Where excavation works are within the RPA of retained trees, works will be undertaken under a watching brief by an arboriculturist to ensure agreed methodologies are fully implemented, to record any</p>	

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			undertaken within tree and woodland protection buffers.	root pruning and to recommend further arboricultural remedial works where required. The Applicant considers that with the measures described above and secured through the detailed LEMP, and the limited activity within the buffers proposed, this will, where possible, avoid impact on existing tree and woodland RPAs.	