



16 December 2022 – Deadline 4

Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm Project

Review of Arboricultural Impact Assessment [REP3-021]

The Councils (East Cambridgeshire District Council, Cambridgeshire County Council, West Suffolk Council and Suffolk County Council) would like confirmation on the status of the AIA.

The applicant's response to the LIR (p112) [REP3-019] is of particular concern in relation to the AIA. It states that any tree works (including pruning and removal) which are identified as part of the AIA submitted at Deadline 03 would be consented as part of the wider DCO consent. The AIA shows measures including felling of TPO trees, trees within the Registered Park and Garden of Chippenham and pine-line trees which the Council consider could and should be avoided. Some actions such as the felling of dead/dying pine trees which contribute to pine-lines could be avoided by ensuring that there is no increase in use of the land within falling distance of the trees.

If the ExA accept that the tree works within the AIA would be consented, it is the Councils' view that bat roost assessments of any trees to be removed or pruned should be completed prior to consent of the DCO, noting that some trees identified for tree works are considered to have high bat roost potential.

It is the Councils' view that the AIA should be for information purposes only.

The OLEMP [REP3-012], at section 1.6.32, suggests that pre-construction tree surveys will be undertaken and submitted in advance of commencement. It is the Councils' view that the findings and recommendations of the pre-construction tree survey, together with detailed Arboricultural Method Statements, which will need to be location-specific, will need to be submitted prior to or along with the detailed design of the scheme. Tree surveys must inform the detailed design rather than simply document trees to be lost. The detailed design of the scheme should be based on the pre-construction tree surveys and should minimise and justify any tree loss by micro-siting the various elements of the development. The DCO should secure this. The Councils believe that reference to baseline information/evidence is the basis of good design; see also the Councils' response on Q1.0.5 [REP2-078] in relation to how the scheme should deliver good design.

The Councils are concerned about how the measures in the Preliminary Arboricultural Method Statement (or any update to this), including the Construction Exclusion Zones are secured and implemented. The CEMP[REP3-0XX] states on page 16C-34, in relation to the pre-construction survey, subsequent Arboricultural report and

detailed AMS, that *The findings and recommendations of these will be taken into account by the appointed contractor*. It is the Councils' view that the recommendations of the detailed AIA, AMS and Arboricultural Reports must be carried out and implemented in full by the appointed contractor.

The applicant's response to the LIR (p113) sets out the procedure for agreeing tree losses as a consequence of the scheme through the detailed design process having regard to full arboricultural surveys. The Councils would welcome this approach and therefore query why there is a need for the measures in requirements to disapply this principle.

The Councils have the following additional comments on the AIA:

- It is not clear from the report, how the 'key' areas were selected and what criteria were used in this selection process, beyond areas of the Scheme where the potential for significant arboricultural impacts is greatest.
- The revised AIA still does not include all the trees likely to be impacted by the proposals. For example, the Chippenham Road TPO trees are only mentioned in the report text 7.3.9 (not surveyed) despite two of these trees shown as requiring removal to facilitate an access. This creates the question as to whether other trees that will be affected by the works have also been omitted.
- For the majority of the trees, no assessment has been undertaken beyond the use of overhead imagery.
- There is no information within the report to evidence the estimated dimensions that have been used for the trees surveyed by satellite.
- There is no key for the terms and symbols used in the tree schedule.
- There are symbols included on the plans that have no explanation as to their meaning (large green blobs and thick green dashed lines).
- There are trees indicated on plans as black circles with no indication as to what this colour means.
- The existing shade patterns are illustrated in the same colour as the roads and so become indistinguishable.
- The plans are generally difficult to read and make the areas of vegetation loss cumbersome to identify. A clearer presentation would be welcomed.
- The shading indicated is a current estimated only. The proximity of panels is shown to be right to the edge of the shading arcs without any space for future growth and no information as to what will happen to these landscape features once they grow sufficiently to reduce the efficiency of the panels. The Applicant's response to the LIR (p113) notes that 'The majority of trees are relatively mature and are unlikely to significantly increase in height to the extent where shading impacts on solar array operation will result in pressure to fell or prune trees'. This sentence contains four ambiguities. The Councils' view is that the Applicant has not demonstrated that future growth of the trees will not result in pressure for

their removal. Therefore, the Councils seek further investigation, clarification and, if required amendments to the proposals (i.e. greater distance of solar panels from trees; alternatively, an agreement that a reduction in productivity over time because of increased shading is an accepted trade-off for the benefit in the early years.) i.

- Construction exclusion zones are also shown as grey (along with shading arcs and roads) and it is not clear why these do not extend across groups of trees such as at Chippenham Avenue.
- A number of veteran trees have been identified but there is no assessment of the impact on these trees. Veteran trees are an irreplaceable resource and should be retained and protected. The NPPF and current standing advice from Natural England and the Forestry Commission states that development affecting veteran trees should be refused unless justification is wholly exceptional. Veteran trees require a buffer equivalent to 15 x stem diameter (at 1.5m) or the canopy spread +5m (whichever is greatest). The ECDC Natural Environment Supplementary Planning Document 2020 policy SPD.NE8: Trees and Woodland states 'Where the proposal will result in the loss or deterioration of these irreplaceable assets (as defined by the NPPF):
 - (c) ancient woodland; and/or
 - (d) the loss of aged or veteran trees found outside ancient woodlandpermission will be refused, unless, and on a wholly exceptional basis, the need for and benefits of the development in that location clearly outweigh the loss and a suitable compensation strategy exists.'
- All TPO trees and all veteran trees within and adjacent to the DCO area should be shown and clearly identified to inform the further design and management of these trees.
- The tree specifications are unclear. For example, T143 is stated as requiring pruning of the lower small diameter branches to allow access but is also stated as requiring pollarding (removal of all branches back to the trunk) 7.4.2
- There is contradictory information in the report. For example, 7.4.8 states that 'should the requirement for additional tree works be identified this will be discussed with an appointed arboriculturalist and no works will be undertaken without the consent of the relevant LPA' yet the draft DCO overrides all LPA authority in relation to trees including TPO's, which the Councils consider unacceptable.
- The design does not appear to use existing accesses in preference to removal of existing features – and where this occurs justification is not given, for example at the end of the Chippenham tree avenue.

It is the Councils view that an Arboricultural Report that includes all the trees affected by the proposals must be provided before determination to ensure that the removal of high value trees can be avoided. The Councils' view is that the current AIA is not sufficient to justify the tree removal proposed including of high-quality trees, TPO trees and trees of high landscape amenity value.

