



**13 January 2023 – Deadline 5**

**Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm Project  
EN010106**

**This document sets out the Council's responses to the ExA's Second Written Questions (ExQ2)**

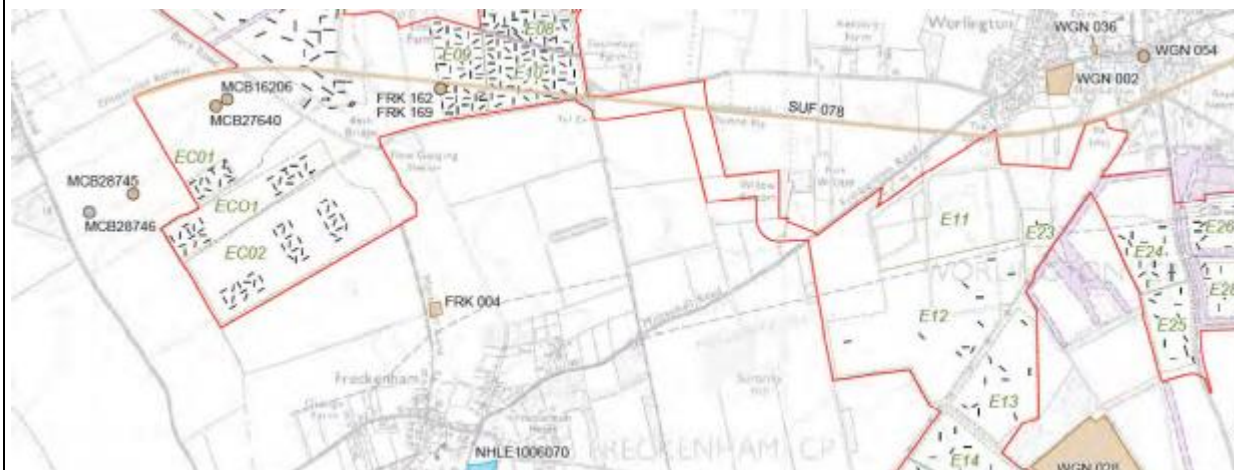
<b>Question No.</b>	<b>Question</b>	<b>Council's Response</b>
Q2.0.9	<b>Land parcels E12, E13, E05</b>  If the ExA were to recommend that parcels E12, E13 and E05 should remain, please identify the extent of the PV solar panels in those parcels that would effectively mitigate impacts.	The Council notes that this question is directed at SCC. WSC shares the views of SCC and the other Councils in relation land parcels E12, E13 and E05. The Council fully endorses SCC's response to this question.
Q2.1.2	<b>Battery energy storage system (BESS): COMAH and P(HS) regulations</b>	The Council is not aware of any legal authority to exclude the scope of the COMAH and P(HS) Regulations 2015 from application to BESS. The Council considers that if the Applicant wishes to maintain that the scope of these Regulations can be (or is) excluded in the present context, then it is for the Applicant to set out its legal case in full. The Council reserves its position to provide a further response on this

	<p>Please comment on the precise legal authority (if any) on which one might rely to exclude the scope of the COMAH and P(HS)Regulations 2015 from application to BESS.</p>	<p>matter, if deemed necessary following the Applicant's clarification. The Council endorses ECDC's response to this question.</p>
Q2.1.5	<p><b>Discharge of Requirement 7: DCO</b></p> <p>Are you satisfied with the arrangements for discharge of DCO Requirement 7 in relation to the OBFSMP, as currently drafted (Rev 03, 18 December 2022 [REP4-006])? If not, please explain and supply your proposed form of amended wording</p>	<p>The Council is satisfied with the arrangements for discharge of DCO Requirement 7.</p> <p>It is requested that the Environment Agency and the Health and Safety Executive confirm they are happy with this requirement and will provide detailed comments.</p>
Q2.2.6	<p><b>Stone Curlew and archaeology</b></p> <p>Please explain what you consider to be the potential conflicts between management of the archaeological areas and the Stone Curlew plots, as referred to in your joint Local Impact Report [REP1-024].</p>	<p>The Stone Curlew offsetting areas are illustrated on the Environmental masterplan [REP3-022] and are believed to include areas ECO1, ECO2 and ECO3.</p> <div data-bbox="797 994 1818 1356"> <p>Extrated from Environmental Masterplan [REP3-022]</p> </div>

		<p>The ES [APP-039] section 7.7.9 and 7.7.164 states that 'A number of areas in Sunnica East Site A will be required for Stone Curlew mitigation. These will be contained within the ECO1 and ECO2 areas (shown in Figures 3-1 and 3-2). These contain archaeological remains, which are assessed below. The Stone Curlew mitigation will comprise a non-intrusive methodology to establish grassland in these areas. These areas will be subject to further evaluation through trial trenching prior to preparation of the ground for ecological mitigation'.</p> <p>Section 7.7.165 states that 'It is anticipated that, subject to the continued usage of the non-intrusive methodology, the archaeological remains within the ECO1 and ECO2 areas will continue to be preserved in situ, and there will be no below ground impact. There is therefore no change anticipated to the asset'.</p> <p>Section 7.8.2 explains that 'Preserving assets in-situ would involve the embedded design measures, including: b. Minimising vegetation clearance, land disturbance and land take and consequent loss of archaeological remains'.</p> <p>LIR 7.42 [REP1-024] explains the importance of the ten areas of significant (high value) archaeological interest. The paragraph states that 'An Historic Environment Management Plan should be prepared to provide a mechanism by which these sites will be suitably protected under pasture, managed and maintained - indicating by whom throughout the life of the solar farm, along with proposals for what will happen to them should the site be decommissioned and dismantled'.</p> <p>LIR 7.46 states that 'Environmental Management Plans should include a section for Heritage Management. Sites that are to be protected under grass should include appropriate schedules of cutting and de-scrubbing to prevent invasive roots or matting to occur that would require future invasive mitigation need, the avoidance of which is desirable'.</p> <p>Historic England provide guidance on the preservation of archaeological sites in situ [Annex A]. The guidance requires maintenance of a closed grass sward with little, if any, soil intrusion or chemical input that might change existing soil conditions.</p>
--	--	---

		<p>Offsetting Habitat Provision for Stone-Curlew Specification [APP-258] sets out the requirements for ECO1, ECO2 and ECO3. It states that Stone Curlew nest plots will be established using various cultivation techniques to create a rough tilth and or bare ground 'depending on ground conditions and other environmental constraints'. In addition, 108ha of close-cropped grassland will be created, which within Sunnica East site A will be chalk grassland. Within Sunnica East site B the grassland is intended to be semi-natural grassland, characteristic of the Brecks heaths.</p> <p>The document sets out that within areas ECO1 and ECO3 the Stone Curlew plots will be created following the recommendations in guidance provided by RSPB and in the Countryside Stewardship Higher Tier guidance (4.1.9), and a cultivation programme (which replicates the RSPB guidance) is set out in section 4.1.11. This guidance is not referred to in section 4.1.12 - 4.1.15 'Establishment and management of plots and grassland in archaeological areas (ECO2)'.</p> <p>LIR 8.63 points out inconsistencies in which area, ECO1 and/or ECO2, is archaeological mitigation and the concern that there are potentially conflicts in managing the area for both archaeology and for Stone Curlew.</p> <p>Natural England's guidance on the provision of Stone Curlew mitigation is set out in the advice note 'Sourcing and managing mitigation land' [Annex B]. This explains that 'Stone Curlew generally nest in open fields with dry soil, with areas of dry, bare, stony ground or low vegetation'. The guidance sets out how Stone Curlew offsetting land can be established and managed.</p> <p>Aspects of the Stone Curlew offsetting which have the potential to cause conflict with preservation and management of archaeological interest include:</p> <ul style="list-style-type: none"><li>• Reduction of nutrient levels prior to the establishment of grassland</li><li>• Establishment of grassland</li><li>• Management of bare ground nesting plots</li><li>• Management/grazing of grassland.</li></ul> <p>The archaeological requirements /constraints include:</p> <ul style="list-style-type: none"><li>• Disturbance or intrusion of the topsoil must be minimised/avoided including topsoil removal or inversion</li></ul>
--	--	---

- Additions to the existing topsoil can alter the PH of the soil and harm buried archaeology. This includes chemicals which should be minimised
- Cultivation of topsoil is limited to disc harrowing or drilling, and ploughing should be avoided
- The grassland should be a closed grass sward maintained to prevent scrub development
- Bare ground should be avoided to prevent wind blow which might expose buried archaeology
- Disturbed ground plots can be delivered where trial trenching has demonstrated that buried archaeology is not present. Areas where trial trenching has been undertaken is illustrated at Annex 3 - 6.2 Appendix 7H: Sunnica East Sites A and B Archaeological Trial Trenching Report [PDA-002]
- Grassland maintenance could include grazing by sheep or mechanical topping/mowing
- Grazing by rabbits must be avoided because of the disturbance rabbits' cause.



Extract from figure 1 of PDA-002 showing location of trial trenching

#### Ecological requirements /constraints

- Stone Curlew generally nest in open fields with dry soil, with areas of dry, bare, stony ground or low vegetation.

		<ul style="list-style-type: none"> <li>• Reduction of key soil nutrients from the arable land is required to achieve semi-natural grassland, required prior to grassland establishment. There are several techniques to achieve this.</li> <li>• For grassland establishment natural regeneration is the preferred technique with active weed management.</li> <li>• Ideally management of a low sward would be achieved through intense grazing by rabbits and controlled livestock grazing.</li> <li>• Mowing outside the breeding season particularly in early years of vegetation establishment.</li> <li>• Scope to adapt and change management prescriptions should the offsetting land not deliver on the objective to achieve 'no net loss of stone curlew in and around the scheme.'</li> </ul> <p>ECO1 – this area is known to be of high archaeological value and is shown as archaeological mitigation on the Environmental Masterplan. Trial trenching has identified two areas where the 2ha disturbed Stone Curlew ground plots can be delivered. The third area tested by trial trenching is unacceptable to the County archaeologists. The Stone Curlew nesting plots shown on the Environmental Masterplan do not correspond to the locations that are acceptable to the County archaeologists.</p> <p>ECO2 – this area is also known to be of high archaeological value but is not shown as archaeological mitigation on the Environmental Masterplan. Trial trenching has identified three areas where the 2ha disturbed Stone Curlew ground plots can be delivered. The Stone Curlew nesting plots shown on the Environmental Masterplan differ from these trial trenching locations and include areas unacceptable to the County archaeologists.</p> <p>ECO3 – the archaeological interest of this area has not been fully investigated. The area has been shown to contain some archaeology through geophysical survey but has not been evaluated. No trial trenching has been undertaken and therefore the delivery of bare ground plots in this area remains unknown.</p> <p>The Councils are currently not satisfied that all the conflicts between the preservation of archaeology within the site and the delivery and maintenance of</p>
--	--	---

		<p>stone curlew offsetting have been reconciled. The concern is that currently it is not certain that the ten 2ha disturbed ground plots can be delivered. In addition, it is not clear whether the archaeological constraints will further restrict the ability to deliver the 16ha of top-quality habitat per Stone Curlew pair. The Council is also concerned that the archaeological constraints will restrict management of the area in the future and limit any adaptive management measures that might be necessary to the effectiveness of the stone Curlew Offsetting land particularly as there is currently no contingency for the situation that the Stone Curlew mitigation strategy is not effective.</p>
Q2.10.6	<p><b>Baseline conditions</b></p> <p>We note the Applicant's response to our ExQ1.10.81 [REP2-037] relating to baseline traffic conditions [REP2-037], where it is stated that "The LHAs concern was whether there was a scenario where construction flows and baseline flows combined were likely to be higher than in the weekday assessment, and not whether there would be a higher proportionate impact". Surely a Saturday assessment should be undertaken as the additional weekend construction traffic will be proportionally higher and impact more on peaceful enjoyment?</p>	<p>Based on the Applicant's submissions, including the Framework Construction Traffic Management Plan [REP3A-004], the Council's Environmental Health Team is satisfied that, from a public health perspective, that a Saturday assessment is not required on noise grounds.</p> <p>The Council supports SCC's response to this question in relation to highway matters.</p>

Q2.10.8	<b>Assessment methodology</b>  We note your response to our ExQ1.10.98 [REP2-078], particularly in respect of the assessment of links, and to the Applicant's response [REP3A-036] [REP2-041]. Are you satisfied with this response?	The Council does not have any specific comment on this question and defers to SCC as the local highway authority.
Q2.10.11	<b>Joint LIR</b>  We refer to the joint LIR [REP1-024] and to the Applicant's Response [REP3A-034]. Other than topics raised elsewhere in this section of questions ExQ2, are there any other outstanding transport and access issues? If so, please give details and indicate whether or not these issues are capable of satisfactory resolution.	The Council does not have any specific comment on this question and defers to SCC as the local highway authority.