

Date: 27 January 2023
Our ref: 418477
Your ref: EN010106



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BY EMAIL ONLY

Dear Mr Kean

NSIP Reference Name / Code: Sunnica Energy Farm, EN010106

Natural England's comments in respect of Sunnica Energy Farm Project, promoted by Sunnica Ltd

Examining authority's submission deadline 6, 30 January 2023

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The following constitutes Natural England's formal statutory response for Examination Deadline 6.

1. Comments on Offsetting Habitat Provision for Stone-Curlew Specification

- 1.1. Natural England welcomes the updates included in this document and the clarifications they provide, and has the following comments to make.
- 1.2. Following the additional information provided within section 3 on the survey methodology, Natural England is satisfied that five pairs of stone curlew is an accurate estimate of the number of birds found in and around the order limits, and therefore, the amount of offsetting habitat proposed is sufficient. We are also happy with the clarification on areas proposed as stone curlew mitigation, and agree that approximately 108ha is being provided.
- 1.3. Natural England agrees that the measures of success and required monitoring, as set out in paragraph 4.1.1 and 4.1.36 – 4.1.40 are appropriate and will help to ensure the suitability of the offsetting land throughout the lifetime of the development.
- 1.4. Natural England is satisfied with the proposed methods for creating and managing the offsetting habitat. However, we would wish to reiterate that any mowing conducted during the growing season must be preceded by surveys for stone curlew and should not be carried out if there are nesting stone curlew within the area to be mown, and that this point should be made clear in the relevant environmental management plan.

2. Comments on the updated Habitats Regulations Assessment – Report to inform and Appropriate Assessment

- 2.1. It is noted that an in-combination assessment has been carried out for air pollution as a result of increased traffic during construction and the results of this have been discussed within the appropriate assessment. Natural England is satisfied with the discussions in sections 5.5 – 5.7 and agrees that there continues to be no adverse effect on the integrity of European sites alone or in-combination.
- 2.2. Natural England welcomes the inclusion of physical disturbance of stone curlew during operation as an impact pathway. Natural England is now satisfied that all relevant impact pathways have been considered and suitably mitigated.

3. Comments on the updated Framework Operation Environmental Management Plan

- 3.1. Natural England welcomes all the measures included within the Operation Environmental Management Plan (OEMP) to monitor the stone curlew population within and around the order limits, and to ensure that maintenance works will not impact on nesting birds. We are now satisfied that our concerns have been addressed on this matter.

4. Comments on the updated Outline Landscape and Ecology Management Plan

- 4.1. Natural England welcomes the measures included to protect stone curlew, including the carrying out of maintenance outside of breeding season where possible.
- 4.2. It is noted that it is no longer proposed to create conditions for chalk grassland by mixing topsoil with chalk. Natural England welcomes this change.
- 4.3. Section 5.8 outlines the establishment and maintenance of stone curlew offsetting habitat, as set out in the Offsetting Habitat Provision for stone-curlew specification, including the use of mowing during growing season for short term management. Natural England advises that the wording in this section is tightened to make it clear that any mowing must be determined by the presence of stone curlew. This is to ensure that when the detailed LEMP is prepared post consent, that any measures proposed are still appropriate to avoid impact on stone curlew.

5. Comments on the updated Framework Decommissioning Environmental Management Plan

- 5.1. We refer you to our previous comments relating to soil handling in the Framework Decommissioning Environmental Management Plan submitted at deadline 3 [REP3-028].

6. Comments on the updated Framework Construction Environmental Management Plan

- 6.1. Natural England welcomes the changes made in response to our comments at deadline 3 [REP3-028], such as the inclusion of maintenance and seeding of soil stockpiles in the general principles for a soil management plan, and the update of the Plastic Limit test.
- 6.2. As discussed above, it is noted that it is no longer proposed to create conditions for chalk grassland by mixing topsoil with chalk and therefore we accept, and welcome, the line that states no mixing of topsoil with subsoil, or of soil with other materials”.

7. Comments on the updated Biodiversity Net Gain Assessment

- 7.1. Natural England welcomes the inclusion of BNG in the DCO application ahead of it becoming a statutory requirement for NSIPs. We also welcome the update to use Biodiversity Metric 3.1.
- 7.2. We are still waiting on advice on 'additionality' and 'stacking' to understand how habitat provided for mitigation and compensation aspects can be considered alongside BNG. However, it is currently our advice that there should be a clear distinction between which habitats are being created for mitigation and/or compensation purposes and which are being delivered as BNG uplift. We advise that such clarity is needed to avoid double counting.
- 7.3. Beyond the advice given above, Natural England will not be reviewing the BNG calculations in detail.

8. Outstanding concerns

- 8.1. Natural England is continuing to review evidence that is submitted into the examination and will provide further comments on other issues, including ALC issues, at future examination deadlines where relevant.

This concludes Natural England's advice at this time, which we hope you will find helpful.

Yours sincerely

Joanna Parfitt
Norfolk and Suffolk Area Team