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7 February 2023

Dear Mr Kean

**Response to Rule 17 Request dated 7 February 2023
EN0100106**

I write in response to the above request and in relation to the various documents requested to be submitted referred to therein. I have set out the Applicant's position in respect of these documents below.

Outline LEMP and Environmental Masterplan

The Applicant accepts that it offered to update these documents prior to the hearings next week (above and beyond what is required by the Rule 8 timetable), but unfortunately intervening events have taken place which means that is not now possible. In particular:

- as noted in the Applicant's previous letter [AS-322], the planned meeting with the LPAs, which is required to update these documents, moved to a later date; meaning that actions thereafter were time constrained, including by the fact that the Applicant's landscape expert has been in an Inquiry;
- the LPA's have then made a number of detailed additional comments at Deadline 6 that were not discussed at the meeting and which may influence how the document may change which requires further discussion with the LPAs;
- shortly after Deadline 6, the LPAs sent the Applicant updated Heads of Terms for the section 106 Agreement which covered a wide range of landscape and ecological matters, including a number of matters which had been discussed at the meeting as potentially being able to be dealt with through updates to the LEMP instead, again requiring further discussion with the LPA to consider how these matters should be best dealt with.

As such, it has both not been possible, and also, the Applicant considers, would not be practically sensible, to submit an updated document which will not achieve what either the LPAs or the Applicant is seeking to achieve at this crucial time in negotiations between the parties.

Furthermore, submitting a lightly updated OLEMP now would mean that discussion at the Hearings would focus around a document which all parties would recognise does not accord with the direction of travel of what has been discussed to date, building on what the Applicant has already set out in its Position Statement [APP-321].

It is considered that discussions at the Hearing is best focussed on the substantive issues that are still being considered between the Applicant and the LPAs which will ultimately shape how the OLEMP is updated for Deadline 7. The non-submission of the OLEMP will not change the need for these matters to be discussed.

In particular, and in light of the agenda for the Hearings that the ExA has already issued, the matters being considered by the Applicant in light of the LPA discussion, and which can be the focus of the discussions at the Hearings, are as follows:

- **Item 2 first bullet point:** as discussed in its Position Statement [AS-321] at paragraph A1.3.6(a)(v), the Applicant is proposing to increase the width of planting along the eastern edge of field E20, and awaits confirmation as to whether that is sufficient for the LPAs;
- **Item 4 penultimate bullet point:** discussions are on-going as to the landscaping arrangements to be brought forward in and around the memorial area of parcel E05;
- **Item 4 last bullet point:** as discussed in paragraph A.1.3.6(b)(iv), the Applicant has proposed additional planting between E12 and E13 and between E14 to E16 which is subject to agreement with the LPAs;
- **Item 6 first bullet point:** adding content in relation to the role of the Ecology Advisory Group, whether through adding a Terms of Reference to the OLEMP, or pursuant to a section 106 obligation; and
- **Item 6 third bullet point:** whether there is a need for explicit drafting in respect of contingency funding and how that would be spent and managed.

The Applicant is also considering further detailed amends to the OLEMP and Environment Plan as outlined in the table enclosed with this letter, which the Applicant considers the LPAs will be able to comment upon during the Hearings.

It is hoped that with these topics in focus, the discussions at the Hearings will be able to be productive and fruitful and, importantly, likely more focussed than simply updating a half formed update to the OLEMP would have been.

With all of the above in mind the Applicant has not prepared an update to the OLEMP or the Environmental Masterplan (indeed it is unable to do so without its expert being available). This decision is not intended to compromise the hearings next week, rather the Applicant considers that not doing so will enable the parties to focus on the remaining key issues rather than make submissions on a document which all parties acknowledge do not reflect the up to date position of the parties. As such it does not consider that not submitting these documents will effect the ability of parties to adequately prepare for the hearings.

Hedgerow Plan requested in ExQ 2.7.3

Please find this plan enclosed with this letter.

Framework Construction Traffic Management Plan


The Applicant had previously proposed submitting this plan prior to this hearing on the basis that it had expected that further progress would have been made with the LPAs prior to the hearings. As noted in the Applicant's previous letter [AS-322], a number of discussions are continuing, alongside seeking to progress the Side Agreement with the LPAs. The latter has not been able to make sufficient progress, which led to the submission of draft Protective Provisions [AS-319].

Unfortunately, sufficient progress has not been able to be made as of yet to enable an update to be made to the Framework CTMP at this point in time. In particular, the Applicant is in the process of carrying out a further ALL access review, prompted by the LPAs. Furthermore, the Applicant notes a number of comments that have been made in the LPA's Deadline 6 submissions which will require further consideration.

The Applicant considers that not submitting the Framework CTMP at this stage will not impact on the ability for traffic issues to be explored at the hearings, particularly in light of the submission of the PPs, the ExA's third written questions and the comments made by the LPAs at Deadline 6.

The Applicant is also considering the amends to the Framework CTMP as outlined in the table enclosed with this letter, which the Applicant considers the LPAs will also be able to comment upon during the Hearings.

Kind regards,



Luke Murray
Sunnica Ltd