



SUNNICA ENERGY FARM

EN010106

Volume 8

8.108 Applicant's Response to Other Parties' Deadline 7

Submissions

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

Sunnica Energy Farm

Development Consent Order 202[x]

8.108 Applicant's Response to Other Parties' Deadline 7 Submissions

Planning Inspectorate Scheme Reference	EN010106
Application Document Reference	EN010106/APP/8.96
Author	Sunnica Energy Farm Project Team

Version	Date	Status of Version
Rev 00	13 March 2023	Deadline 8 Submission

Table of contents

1	Introduction	4
1.1	Purpose of this document	4
1.2	List of parties whose Deadline 6 submissions are responded to via thematic response in Section 2:	4
1.3	List of parties whose Deadline 7 submissions are not responded to via thematic response in Section 2	5
2	Comments on Other Parties' deadline 7 submissions	7
2.1	Other Parties	7
Appendix A		32

1 Introduction

1.1 Purpose of this document

1.1.1 This report responds to other parties' Deadline 7 submissions. The Applicant has responded to these submissions thematically in Section 2, under the following themes:

- General EIA
- Alternatives
- BESS – Fire Safety
- Climate Change
- Compulsory acquisition
- Design
- Ecology
- Funding
- Landscape and Visual
- Noise
- Planning
- PRow
- Safety & Design
- Transport
- Waste

1.2 List of parties whose Deadline 7 submissions are responded to via thematic response in Section 2:

Reference	Party
REP7-109	Say No To Sunnica
REP7-104	Natural England
REP7-108	Sandie Geddes
REP7-089	Alan B Smith
REP7-075 and REP7-097	Peter Goodyear on behalf of Fordham (Cambs) Walking Group
REP7-077	A G Wright & Sons (Farms) Ltd
REP7-090 and REP7-090a	Anne Noble

REP7-083	Richard Tilbrook
REP7-105	Nick Harvey
REP7-102	John James
REP7-099	Hazel Barber
REP7-093	CPRE Cambridge and Peterborough
REP7-112	Health and Safety Executive
REP7-080	Graham Reeve

1.3 List of parties whose Deadline 7 submissions are not responded to via thematic response in Section 2

Party	Topic	Comments
A.G. Wright	All matters with the exception of comments on carbon lifecycle	The Applicant has previously responded to the points made
Alan B Smith	Comments on point 1	The Applicant has previously responded to the points made.
Alan T Richardson	All matters referred to	The Applicant has previously responded to the points made.
Anne Noble	Carbon, land use	The Applicant has previously responded to the points made
CPRE	All matters raised except alternatives and LVIA issues in respect of security matters, which are responded to in section 2.	The Applicant has previously responded to the points made.
Dr Fordham	All matters	Dr Fordham has submitted further representations relating to his areas of concern, focusing on the requirement for hazardous substances consent and consent under the COMAH regulations and criticisms of Appendix 16D of the Applicant's ES. The Applicant is of the view that it has responded to these issues previously and there is no benefit in providing a further response at this deadline.
Mrs Elizabeth Garget	All matters	To the extent that it was necessary, the Applicant responded in the compulsory acquisition hearing to the matters raised.
Fordham (Cambs) Walking Group	All matters with the exception of comments on the DAS and EQiA which are responded to in section 2.	The Applicant has previously responded to the points made
Freckenham Parish Council	All matters	The Applicant has previously responded to the points made

Graham Reeve	Comments made at the compulsory acquisition hearing	The Applicant responded at the hearing and in its subsequent written summary of oral representations.
HPUT A & B Limited	All matters	The Applicant responded at the hearing and in its subsequent written summary of oral representations.
Joanna Reeks	All matters	The Applicant responded at the hearing and in its subsequent written summary of oral representations.
RF Turner & Sons	Comments made at the compulsory acquisition hearing	The Applicant responded at the hearing and in its subsequent written summary of oral representations.
Robin Upton	All matters	The Applicant has previously responded to the points made
Sandie Geddes	All matters	No response required
Say No To Sunnica	Matters not contained within this document.	The Applicant has previously responded to the points made at hearings and in written submissions.
The Charity of Katharine Shore	All matters	The Applicant has previously responded to the points made at hearings and in written submissions.
The Mitcham Family	All matters	The Applicant has previously responded to the points made at hearings and in written submissions.
Huntingdonshire District Council	All matters	No response required.
Chippenham Parish Council	All matters	The Applicant has previously responded to the points made
Mike Alder	All matters	The Applicant has previously responded to the points made
Red Lodge Parish Council	All matters	The Applicant has previously responded to the points made
Snailwell Parish Council	All matters	The Applicant has previously responded to the points made

2 Comments on Other Parties' deadline 7 submissions

2.1 Other Parties

Topic	Document Ref	Summary of issue raised	Applicant's response
Alternatives	Deadline 7 CPRE	Alternative renewable energy technologies not considered.	Alternative renewable energy technologies such as wind are not considered to be reasonable alternatives to the Scheme given its location. They are also not the main alternatives considered by the Applicant. This is set out in more detail of Chapter 4 of the ES [APP-036] . NPS EN-1 4.4.2 and draft NPS EN-1 paragraph 4.2.13 state that ' <i>alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision</i> '. The Applicant therefore considers that alternative renewable energy technologies require no further consideration.
BESS	Deadline 7 A B Smith	<p>The response from Mr Smith is not responded to in full as many of the issues have been addressed before. However, the following points are addressed:</p> <ul style="list-style-type: none"> - Safety standards do not consider cyber attacks. - NFCC. - Comment on Cleve Hill documentation 	<p>The Applicant committed to new standards concerning cyber security at ISH 3. These new standards are not yet in place, but are likely to include IEEE 1815, IEEE P2816, IEEE P2688. UL is developing a new cybersecurity certification standard for distributed energy and inverter-based resources during 2023. At paragraph 3.1.3 of the revised OBFSMP submitted at this Deadline the Applicant has committed to ensuring that the Battery Fire Safety Management Plan, to be submitted for approval pursuant to requirement 7 of the DCO, will incorporate these new standards as they come into effect. Further it will include third-party evaluation of electronic controls such as the new UL standard or DNV-RP-0575 which is standard practice for BESS system integrators and should be provided at the detailed design stage.</p> <p>The Applicant has submitted the NFCC consultation document (Appendix 6) at ExQ3 [REP7-055]. NFCC guidelines on</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>Emergency Response Planning content has been included in the Outline Battery Fire Safety Management Plan submitted at Deadline 8. The document is likely to be published in Q2 / Q3 2023.</p> <p>The issue of Electrical Safety Regulations and Standards for Cleve Hill Solar Park and implications for Sunnica, are covered in the Applicant's response [REP7-056] to [REP6-059].</p>
BESS	Deadline 7 HSE	No requirement to consult the HSE of BSMP. Comments on timing of obtaining HSE consents.	<p>The Applicant notes the HSE's position on consultation in relation to BESS. In particular, the HSE will not provide comment on Battery Fire Safety Management Plans. The Applicant has therefore done everything it could reasonably do to make the document fit for purpose. It has engaged the services of Paul Gregory to peer review and update the outline document and it has committed to using an independent fire protection engineer at the detailed design stage of the BESS. The fact that the OBFSMP is more advanced than any other document of its kind presented at the DCO application stage should indicate the seriousness with which the Applicant has taken the concerns of interested parties in this examination.</p> <p>The Applicant also notes the HSE's position on the timing of obtaining HSC/COMAH consent, which accords with the Applicant's position. The Applicant will review the HSC/COMAH requirements during detailed design phase and will apply for consent, should the thresholds be met.</p> <p>The Health and Safety at Work Act 1974 imposes general duties of care for employees, casual workers, self-employed workers, clients, visitors and the general public. As outlined in the response the ExQ1.1.2 [REP2-037] and ExQ2.1.18 [REP5-056] the Applicant and its contractor(s) will comply with all applicable regulatory requirements under Health and Safety at Work etc. Act 1974 legislation and associated regulations, including the duty of care for the health, safety and welfare of the public. The</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			site integrator and operators for the Scheme will be ultimately responsible for drafting and implementing the specific H&S policy for the Scheme, as they will define the standard operating procedures (SOPs) for the detailed Scheme design. Therefore, it is not practical at this stage to outline in detail a programme of these consents at this stage; however, the Applicant can confirm that the consents will be applied for at an appropriate stage, post a decision on the DCO, to comply with the relevant legislation.
Climate Change	Deadline 7 A.G Wright & Sons (Farms) Ltd	Sunnica has changed their carbon calculations three times during the examination and Cranfield University are still awaiting figures from Sunnica. Sunnica will hinder reaching Net Zero.	<p>The Applicant has provided detailed carbon data in response to specific submissions from various parties. Appendix A to 8.62 Applicant's Response to Say No To Sunnica Action Group Ltd Deadline 2, 3 and 3A Submissions [REP4-036] provides the most recent additional data regarding the GHG impact of the BESS.</p> <p>The Applicant has calculated that, relative to overall grid carbon intensity, the comparable figure of the Scheme's output will be 0.3 gCO₂e/kWh. This is substantially lower than the lowest projected average carbon intensity of 2.28 gCO₂e/kWh published by the UK Government for each year from 2050 onwards.</p>
Climate Change	Deadline 7 Say No To Sunnica Deadline 7 Submission	Cranfield University are still awaiting figures from Sunnica	Appendix A to the Applicant's Response to Say No To Sunnica Action Group Ltd Deadline 2, 3 and 3A Submissions [REP4-036] provides the data regarding the GHG impact of the BESS. It is considered that that data is sufficient for Cranfield University purposes and it has also been provided to examination to enable a full consideration of this matter by the ExA.
Compulsory acquisition/Alternatives	Deadline 7 Graham Reeve	Alternatives/S.172 notices	An optioneering process was undertaken by the Applicant in the early stages of the project to identify the cable route corridor options for the Scheme to connect to the Burwell National Grid Substation. This process considered technical and engineering requirements; planning and environmental constraints; and land ownership and considered routing the cabling along roads. The process identified the most suitable route taking into consideration the technical and engineering requirements,

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>planning and environmental constraints, and land use and ownership constraints. This is explained in Chapter 4 of the Environmental Statement [APP-036] and the Design and Access Statement [APP-264].</p> <p>Reference is also made to the North Angle Solar Park and how the Scheme could use the cable corridor for this project. From a review of the Environmental Statement for that project (REF:CCC-NASF-PROS-RP-Y-1072; paragraph 9.2.1), it appears as though the original intention was for the cable route to be constructed using permitted development rights. However, a planning application (CCC/22/083/FUL) for the cable route was submitted to CCC on 15 July 2022 and no decision has yet been made. The plans for this scheme indicate that it will be located to the south-west of Soham, whereas the Applicant's proposals are located to the east and south-east of Soham. Consequently, the cable routes are, in the large part, in distinct geographical locations and would not therefore be considered an appropriate alternative corridor.</p> <p>Mr Reeve's comments about access to his land and the associated s.172 notices served on him are not accepted. The Applicant responded to this in its Written Summary of the Applicant's oral representations made at CAH2 at paragraphs 4.19-24 [REP7-061].</p>
Compulsory acquisition	Deadline 7 Richard Tilbrook	Characterisation of negotiations	<p>The Applicant acknowledges that the terms for option for lease and easement are advanced and the Applicant is working towards the documents being agreed imminently. As set out in the Schedule of Negotiations and Powers Sought [REP7-013], the Applicant has been in detailed negotiations with Mr Tilbrook for an extended period of time and it will continue its efforts in this regard.</p> <p>The Applicant does not recognise the characterisation of the negotiations put forward by Mr Tilbrook, but its focus is on reaching agreement on the outstanding points. If this proves not</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			possible it will provide a further update before the end of the examination.
Design	Deadline 7 John James	Location of panels on fields E19-21	<p>The Applicant has not committed to not installing solar panels within 500m of residential properties within any documents submitted within the Examination. The offset from the developable area to residential properties varies across the site depending on the local characteristics of the specific parcel, such as the potential to provide adequate visual screening.</p> <p>A pine line with a shrub understorey is proposed along the western boundary of E19 with a width of 25m to reinforce screening from the adjacent permissive path and Brooklands stud. Linear belts of trees and shrubs along the east boundary of E20 and E21 will be 15m wide. A timber closed boarded fence will also line the eastern boundary to screen views from the adjacent travellers' site. The distance between the site boundary and proposed solar panel arrays is 30m or greater in this location.</p>
Design	Deadline 7 Say No To Sunnica Post Hearing Submission paragraphs 6-16	Comments on adherence to 4.5.1 to 4.5.3 of NPS EN-1	<p>In response to the NPS EN-1 good design policies (paragraphs 4.5.1 and 4.5.3), section 6.3 of the Planning Statement [APP-261] and the Design and Access Statement [APP-264] explain that the Scheme's design process has been guided by the criteria for good design, alongside published landscape character assessments and fieldwork analysis. This process has considered the context and setting within which it is located. The design team has worked collaboratively to provide an integrated and responsive design which has been informed by stakeholder engagement.</p> <p>SNTS discuss the avoidance of harm as being an important part of the siting process. In the Applicant's view it has done this at the appropriate level at each stage, as set out in its Alternative Sites Assessment [APP-36 and 54], and Examination submissions (including the Settlement Iteration Note). With reference to policy it has considered protected and designated sites, responded</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>accordingly in its siting; and responded in its design once the site was chosen.</p> <p>SNTS' approach appears to advocate local level full assessments to be undertaken at every stage of the process, which is not proportionate, appropriate, or supported by any legal or policy principle.</p>
Design	Say No to Sunnica Post Hearing Submission paragraph 37	<p>First, the Councils have proposed removal of various plots each because they have significant harms in planning terms which should be avoided. Even if Sunnica is correct that removal of all of these plots cannot be justified, this is not the end of the matter. A plot or plots might still be removed to overall improve the planning balance in favour of the scheme. To take one example, E13 has a peak power rating of 14.7MW.</p> <p>In its response to ExQ 2.0.7 the Applicant said the loss of this would be a 'significant loss of function'. This is not explained. It represents 2.9% of the capacity at Burwell; that is a small figure. The Applicant must engage with the proposition that removal of individual parcels may be necessary in planning terms.</p> <p>[Further], the overall scheme capacity is 630MWp. The capacity at Burwell is 500MW. While 'overbadging' of schemes is common (not least due to losses incurred in the generation and transmission of power internal to the</p>	<p>The Applicant will respond to this point at Deadline 9. This response requires technical input that the Applicant has not been able to finalise in the short gap between deadlines, but will aim to do so for Deadline 9.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
		<p>scheme), there is no explanation in evidence why a drop in peak generating capacity which still remains over the capacity at Burwell would cause significant difficulties for the scheme.</p> <p>Considering E13 again, removal of that plot would result in a 615.3MWp scheme. This peak generation is still 23% above the grid connection capacity at Burwell.</p>	
Ecology	Say No to Sunnica Response to Third Written Questions Appendix C	<p>BNG: SNTS raise concerns that:</p> <ul style="list-style-type: none"> the full workings of the metric tab have not been shared with all parties; how chalk grassland has been treated for the purposes of the assessment; and it is not clear how the microclimate impacts of future shading have been taken into account. 	<p><u>Sharing of workings of the metric</u></p> <p>The species sheets were uploaded with the updated BNG Technical Report submitted at Deadline 7. With respect to the metric tabs, they were annotated and referenced in the BNG Technical Report as dictated by good practice.</p> <p><u>Treatment of chalk grassland</u></p> <p>Where grassland is proposed to be created over soils with a calcareous influence 'Poor' condition 'Lowland Calcareous Grassland' has been selected as a target habitat for creation. Similarly, where underlying soils display an acid influence 'Moderate' condition 'Other Lowland Acid Grassland' is the target habitat for creation. This variation in condition between moderate condition acid grassland and poor condition calcareous grassland has been included in the metric to take into account the lack of an 'other lowland calcareous grassland' category within the metric.</p> <p><u>Accounting for microclimatic impacts</u></p> <p>Grassland under panels have been assigned to the 'Modified Grassland' category. Modified grassland is a 'low distinctiveness' grassland in terms of the Metric and is defined in UKHab as "vegetation dominated by a few fast-growing grasses on fertile,</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>neutral soils... frequently characterised by an abundance of Ryegrass <i>Lolium</i> species and White Clover <i>Trifolium repens</i>".</p> <p>To achieve a moderate condition the grassland must pass 4-5 of 7 assessment criteria, one of which must be 6 species per m². Given the species mix proposed and the management prescriptions presented in the OLEMP, and also taking into consideration impacts arising from shade and drainage, it is considered likely that a 'moderate' condition can be achieved and then maintained over the 30 years of management BNG required.</p> <p>The Applicant has been careful not to propose grasslands of higher distinctiveness and species richness as target habitats for under panel creation. Available data is sparse for under panel grassland creation but the data set is growing. Our projections are pragmatic and in keeping with emerging best practice and other assessments submitted by our peers.</p>
	Say No to Sunnica Response to Third Written Questions Appendix C	<p>Farmland Birds: In the context of continued concerns about impacts to farmland bird assemblages, Bioscan (on behalf of SNTS) notes that verbal assurances were made by the applicant's representatives at ISH2 that, in the face of evidence that their assumptions on this matter were wrong, they would review their evidence sources behind the claim that populations of certain declining farmland bird species within the proposed DCO limits were not significant (and thus any displacement impact upon them was similarly not significant). The ExA is asked to note that this information has not been forthcoming.</p>	<p>The Applicant re-iterates its response at Deadline 6 that it has not identified additional evidence to suggest that the criteria and sources presented in its assessments are incorrect and thus, warrant a re-assessment.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
	Say No to Sunnica Response to Third Written Questions Appendix C	<p>Concerns are raised about:</p> <ul style="list-style-type: none"> • accuracy of the Hedgerow plans; and • whether Natural England are content, with regards to stone curlew, about the Applicant's proposals on grazing of compensation sites, how a poor nutrient soil will be achieved, and timings of when the offsetting land will be provided. 	<p><u>Hedgerow plans</u></p> <p>The apparent discrepancies reflect the differences in definition of hedgerows with respect to biodiversity and arboriculture. From a biodiversity perspective 29.08 km of the 30.82 km of existing 'hedgerows and lines of trees' will be retained with proposals to create an additional 6.09 km. The total length of hedgerow post-construction will be 35.17km.</p> <p><u>Achieving nutrient poor soils</u></p> <p>The plans for grassland creation are based on existing knowledge of the soils [APP-115] and the soil map [REP7-015 – Annex D], the baseline data which will be further expanded prior to construction. The nature of the soils is such that poor nutrient status will be achieved almost immediately enabling the offsetting land to be quickly established.</p> <p>The soils are generally quite basic due to the presence of chalk and are light and sandy with a relatively low surface area for the retention of nutrient cations and phosphate. Nitrate is very weakly retained in these soils such that any unused excess is rapidly leached out. Ammonia is very rapidly consumed and given that fertilisation will cease, nitrogen will decline to a low equilibrium. Phosphate binds very strongly to the narrow edges of clay mineral sheets (cations being held on the larger faces between clay sheets), so the decline in current phosphate availability will be slower. Given that these are sandy soils with low clay content, this leaves relatively fewer sites in a volume of soil to which phosphate can bind (See data tables from page 91 in Appendix 12B).</p> <p>This process will be accelerated by the mowing of the grass and removing the cuttings (OLEMP submitted at Deadline 7).</p>
	Say No to Sunnica Post Hearing Submission	SNTS note that the verges on Short Road, Snailwell, that are proposed to be used for access are 'protected	The location of Short Road Protected Road Verge remains intact and as such will not be impacted by the Scheme (6.3 Figure 8-2 Non-statutory sites within 2km of the Order limits [APP-186]). The

Topic	Document Ref	Summary of issue raised	Applicant's response
	Appendix C Paras 12-16 and Appendices 1 and 2	verges' for biodiversity purposed; and are concerned that the biodiversity impacts of the Scheme's access proposals have not considered that status.	Applicant does not consider that the use of HGVs on a road means that physical damage will necessarily occur to the verges.
Funding	Deadline 7 Say No To Sunnica Post hearing submissions	Lack of information provided in respect of viability and the application of the Vicarage Field. Adequacy of funding statement. Delay in the providing of the UK accounts.	<p>The Applicant has previously responded on the applicability of the Vicarage Field CPO decision at page 16 of the Applicant's Response to Other Parties' Deadline 2, 3 and 3A Submissions [REP4-037] and page 295 Applicant's response to Written Representations [REP3A-035]. Those submissions are not repeated.</p> <p>The Applicant is satisfied that the Funding Statement provides the level of detail required and is consistent with applicable guidance.</p> <p>The policy requirement in the DCLG Guidance (2013) is to demonstrate that "adequate funding is likely to be available within the statutory period" and that blight claims have been taken into account. The Applicant has clearly met those obligations. Major solar schemes are clearly capable of being funded, and there are multiple routes to that funding as identified in the Funding Statement. It is not part of the DCLG Guidance, or any wider principle relating to compulsory purchase, that a viability appraisal needs to be provided. That is because the fundamental question is whether there is a reasonable prospect of delivery of the scheme. There obviously is for the reasons already given. It does not need to be demonstrated that the Applicant has funding in place to deliver the scheme at the time of making the DCO. Rather, the question is whether such funding is likely to be available. For this reason, SNTS is wrong to suggest that there is an analogy to be drawn with the Vicarage Field CPO, where the scheme in question had been shown not to be viable and there was no clear evidence as to how that lack of viability would be overcome. In this case there is clear – and in</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>fact undisputed – evidence that there is a reasonable prospect of funding. The level of detail referred to by SNTS is considerably in excess of what is required for any DCO (e.g. suggesting that it is necessary to provide a viability appraisal or details of funding structure). As the ExA noted in the Cleve Hill Solar Park DCO, “it is good business sense for a developer to reserve its position on a final business model to be determined, if Development Consent is granted, having regard to a variety of commercial, financial and market considerations” (5.5.9).</p> <p>Sunnica notes the comments relating to the decision by the four UK companies to delay submission of its accounts at Companies House until April 2023. We assume this is reference to Sunnica Limited, JIGG FM UK Limited, Padero Solaer Limited and Solaer UK Limited.</p> <p>All four of the companies submitted their accounts for up to April 2021 by April 2022 and therefore the next accounting date is April 2023. Companies House introduced an extension to the accounting deadlines in response to the COVID pandemic and that remains in place. Many companies follow this practice and there is nothing untoward in the aforementioned companies doing the same. The decision to do so is unrelated to the Scheme.</p>
General EIA	Deadline 7 Nick Harvey	Comments on leaving cables in the ground as part of decommissioning, testing for and removing pollution, and payment of costs relating to decommissioning	<p>Decommissioning of the Scheme will be undertaken pursuant to the approved Decommissioning Environmental Management Plan (DEMP) that must be approved prior to decommissioning under Requirement 22 of the draft DCO. The DEMP must be substantially in accordance with the Framework DEMP that has been submitted with the DCO Application in Appendix 16E of the Environmental Statement [REP7-034]. The DEMP will enable the land, once decommissioned, to be returned to agricultural use.</p> <p>Cables</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>As outlined in the Framework DEMP [REP7-034], the underground cables connecting the onsite substations, the underground cable along the cable route to the Burwell National Grid Substation, and any other infrastructure below one metre in depth will remain in situ following decommissioning, unless legislation at the time requires otherwise. Typical ploughing for crops is up to 20cm below the surface while deep ploughing is typically up to 50cm below the surface, therefore, leaving this infrastructure in the ground below one metre in depth would not restrict agricultural use of the land following decommissioning and aligns with current industry practices followed by other transmission distribution network operators.</p> <p>Contamination</p> <p>Table 3-10 of the Framework DEMP [REP7-034] requires the Applicant to consider potential contamination of the sites:</p> <ul style="list-style-type: none"> • <i>Should any potentially contaminated ground, including isolated 'hotspots' of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, the contractor will be required to investigate the areas and assess the need for containment or disposal of the material. Advice should be sought from an environmental specialist should materials suspected of being contaminated be found. The contractor will also be required to assess whether any additional health and safety measures are required;</i> • <i>In the event that contamination is identified, appropriate remediation measures will be taken to protect decommissioning workers, future site users, water resources, structures and services.</i> <p>Payment of fund/bond for decommissioning</p> <p>There is no justification for a decommissioning fund or bond to be put into place as part of this DCO Application. The Applicant has</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			committed to decommissioning the Scheme and this is secured by Requirement 22 of the draft DCO [REP6-013] . If the undertaker does not comply with the terms of the DCO, enforcement provisions in the Planning Act 2008 would enable the relevant planning authorities to enforce and secure compliance. This same approach has been adopted on previous solar DCOs, and the requirement to provide a decommissioning fund is not commonplace. Neither the Little Crow nor Cleve Hill DCOs have such a requirement.
	Deadline 7 CPRE	CPRE considers that alternative, less damaging and more sustainable installations and technologies must be considered and brought into use for energy generation, including installation of solar technology on existing and new commercial buildings.	<p>Whilst the Applicant is supportive of decentralised smaller scale solar developments, such as the installation of solar panels on existing and new commercial buildings, these would not negate the need for the Scheme and do not represent a reasonable alternative to the Scheme.</p> <p>Draft NPS EN-1 paragraph 3.3.13 acknowledges the role that decentralised and community energy systems can play in helping to reduce carbon emissions and achieve energy security. However, it goes on to explain that this alone will not be sufficient to meet the need for renewable energy generation. It states that <i>"the government does not believe they [decentralised and community energy systems] will replace the need for new large-scale electricity infrastructure to meet our energy objectives"</i>.</p> <p>Paragraph 3.3.14 of Draft NPS EN-1 goes on to set out that large-scale centralised electricity generating facilities have numerous economic and other benefits, including the more efficient bulk transfer of power, which enables surplus generation capacity in one area to be used to cover shortfalls elsewhere.</p> <p>Many (possibly most) brownfield and all rooftop solar installations are or will be "Distributed Generation" – because they connect to the electrical Distribution systems, rather than the National Electricity Transmission System (NETS). Section 7.5 of the Statement of Need [APP-260] explains that Distribution networks operate at a lower voltage than the transmission networks, and</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>are located closer to points of final demand, so generators that connect to these systems will have smaller capacities than those that connect to the NETS.</p> <p>The urgent need for large capacities of new solar generation in the UK in order to meet climate change obligations means that brownfield and rooftop sites are highly unlikely to be capable of accommodating a sufficient scale of solar generation to meet decarbonisation needs. Any delay in developing large scale sites therefore places the achievement of Net Zero at a significantly greater risk than would be the case if both were developed with the same priority. Section 7.5 of the Statement of Need [APP-260] concludes that the <i>“need for distribution connected generation is in addition to, not in place of, the need for additional transmission connected generation. The development of distribution connected generation will not do away with the need for further transmission connected capacities”</i>.</p>
Landscape and Visual	CPRE	<p>CPRE fear that the combination of 2m high security fencing, CCTV mounted on 2.5m poles and security lighting will have a major adverse effect upon the landscape. CPRE considers that the use of CCTV in the manner requested will be visually intrusive in this rural landscape and completely out of character with the surrounding countryside. It also represents a significant privacy intrusion and any such use must be in accordance with the GDPR and registered with the Information Commissioner.</p>	<p>As set out in section 4.7 of the Design and Access Statement [REP3A-032], security fencing around fields of solar panels has been designed to respond to the rural countryside character, with timber posts and steel mesh similar to other agricultural fencing in the area. In many cases it will be screened by existing vegetation or proposed planting. This will limit its impact on the character of the landscape and people's views.</p> <p>The design of fencing is secured by Requirement 11. As set out in the Design and Access Statement and secured in the OEMP, operational lighting is minimal and operated by motion sensors.</p> <p>The Applicant considers that the slim profile of the CCTV cameras will mean that limited impacts will be caused to the surrounding environment. Their presence was taken into account in the assessment presented in the LVIA assessment.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
	Say No to Sunnica Post Hearing Submission paragraph 18	SNTS say it would be an error to say that, if a site or designation is regional or local (or non-designated) then no weight should be ascribed to that matter in the planning balance. This is incorrect and a misreading of the policy. The inclusion in both of these paragraphs of 'in themselves' makes the point clear: these issues must be included in the broader planning balance but cannot be the only thing that determines the case against a scheme. Thus, the weight for such regional or local considerations can still be considerable, just it must not be the only determining factor	The Applicant does not assert that there should be no weight given to regional or local (non-designated) biodiversity or landscape sites (referred to in NPS EN-1 paragraph 5.3.13 and 5.9.14) in the planning balance. They are given appropriate weight in accordance with their status as local and regional sites which are not as important as nationally and internationally designated biodiversity and landscape sites. The planning balance is set out in section 7 of the Planning Statement Part 1 [APP-261] and includes consideration of the localised landscape effects against the national benefits of the proposed Scheme. Responses to compliance with NPS paragraphs 5.3.13 and 5.9.14 are provided at in Appendix B of the Planning Statement Part 1 [APP-261] .
	Say No to Sunnica Response to 3WQs Appendix B	<p>Consideration of 'Value' – SNTS agrees with SCC that it considers that the Applicant has:</p> <ul style="list-style-type: none"> not followed guidance in relation to this matter but has taken an approach which 'portrays expressions of value towards the local landscape as mere 'feelings' (Page 3). When following the approach set out in TGN 02/21, and with reference to the evidence considered in our review of the application [REP2-240b] the landscape of the Limekilns and Chippenham Park must be considered to be a valued landscape for the purposes of NPPF Para 174; and 	<p>The Applicant has made its position clear on these matters. This includes the application of best practice and professional judgement in line with GLVIA3 and TGN 02/21 in determining the value attached to the landscape and its sensitivity, including consideration of physical attributes, cultural associations and not mere feelings. The Applicant disagrees with SNTS's assertion that the landscape of the Limekilns and Chippenham Park must be considered to be a valued landscape for the purposes of NPPF Para 174. Nothing in the SCC Local Landscape Review changes this position.</p> <p>NPS EN-1 considers the potential impacts of energy projects on the landscape on a sliding scale with those within nationally designated landscapes given the greatest weight, but nevertheless may still be granted consent in exceptional circumstances. The Scheme is not within a nationally designated landscape. Consideration is next given to developments outside nationally designated areas which might affect them. This is not the case for the Scheme.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
		<ul style="list-style-type: none"> not accounted for the fact SCC's review of Local Landscapes provides 'additional pointers to the value around the area of Chippenham and The Limekilns' (Page 4)'. 	<p>For developments in other areas, paragraph 5.9.15 indicates that it is for the ExA to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. The Scheme has been designed to fit within existing landscape patterns and embeds substantial enhancement and mitigation measures to minimise the effects of the scheme on the landscape and views in line with paragraphs 5.9.21 to 5.9.23 of NPS EN-1.</p>
Noise	Peter Goodyear on behalf of Fordham (Cambs) Walking Group Responses to Examining Authority's Third Written Questions	<p>Comment on ExQ3.9.10 (for the Applicant) that, as NMUs, the Fordham (Cambs) Walking Group are noise receptors potentially affected at both construction and operational phases and believe they should be treated as such in the EIA.</p>	<p>Noise is assessed based on the effect on health and quality of life. Noise generated by the Scheme will only affect NMUs for limited periods of time when they are in close proximity to the noise source and, for the majority of the time, NMUs will continue to be able to enjoy the countryside. NMUs may feel noise is detrimental to their experience during the period of exposure, but the overall quality of experience is unlikely to be diminished.</p> <p>As noted in the Applicant's response to Other Parties' Deadline 6 Submissions [REP7-056] and the Applicant's response to LPA Deadline 6 Submissions [REP7-057], the Applicant acknowledges that short-term exposure to construction noise can cause disturbance to NMUs and result in adverse noise effects. Planning Practice Guidance Noise identifies an adverse noise effect as "<i>Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.</i>" This is considered to describe the level of noise effect that may be perceived by NMUs.</p> <p>However, given the linear nature of PRoW, the range of noise impacts along them forming the ambient noise environment, and the transient usage of a PRoW by NMUs, a material change in the experience of using the PRoW as a whole, which could affect NMUs health or quality of life, is not anticipated. Consequently, no significant adverse effects on PRoW have been identified as arising from the Scheme.</p> <p>The Noise Policy Statement for England provides a means for noise effects to be identified. It allows for adverse effects on</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>health and quality of life to occur given that all reasonable steps have been taken to reduce these effects whilst taking into account sustainable development.</p> <p>In accordance with the Noise Policy Statement, the Applicant has taken all reasonable steps to minimise the effects of noise on NMUs during the construction, operational and decommissioning phases of the Scheme. These measures are set out in the Framework CEMP [REP-026] and the Framework OEMP [REP5-010].</p>
	Deadline 7 Sandie Geddes	Concern raised regarding creaking and groaning noises made by solar panels and impacts on equestrian users and horses.	The solar panels are static and do not generate any noise. Noise emissions from the operational Scheme originate from inverters and transformers. Regular monitoring and maintenance of solar farm infrastructure is secured in the Framework OEMP [REP5-010] so no unnecessary noise, such as creaking or groaning will be produced.
	Deadline 7 Say No To Sunnica	SNTS raise concerns that noise impacts on users of PRow and other local routes have not been assessed. SNTS does not consider noise impacts on users as 'transient'.	<p>Noise is assessed based on the effect on health and quality of life. Noise generated by the Scheme will only affect users of PRow for limited periods of time when they are in close proximity to the noise source and, for the majority of the time, users of PRow will continue to be able to enjoy the countryside. PRow users may feel noise is detrimental to their experience during the period of exposure, but the overall quality of experience is unlikely to be diminished.</p> <p>As noted in the Applicant's response to Other Parties' Deadline 6 Submissions [REP7-056] and the Applicant's response to LPA Deadline 6 Submissions [REP7-057], the Applicant acknowledges that short-term exposure to construction noise can cause disturbance to PRow users and result in adverse noise effects. Planning Practice Guidance Noise identifies an adverse noise effect as "<i>Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.</i>" This is considered to describe the level of noise effect that may be perceived by users of PRow.</p> <p>However, given the linear nature of PRow, the range of noise impacts along them forming the ambient noise environment, and</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>the transient nature of individual NMUs, a material change in the experience of using the PRoW as a whole, which could affect health or quality of life, is not anticipated. Consequently, no significant adverse effects on PRoW have been identified as arising from the Scheme.</p> <p>The Noise Policy Statement for England provides a means for noise effects to be identified. It allows for adverse effects on health and quality of life to occur given that all reasonable steps have been taken to reduce these effects whilst taking into account sustainable development.</p> <p>In accordance with the Noise Policy Statement, the Applicant has taken all reasonable steps to minimise the effects of noise on users of PRoW during the construction, operational and decommissioning phases of the Scheme. These measures are set out in the Framework Construction Environmental Management Plan ([REP-026] and the Framework OEMP [REP5-010].</p>
		<p>SNTS raise concerns that noise impacts on animals, including horses, bats, have not been assessed along the PRoW, particularly U6006.</p>	<p>Horses and humans share the most closely related hearing ranges of any other mammals on the planet. The British Horse Society (BHS) state that <i>"A horse's range of hearing is greater than a human to higher frequencies (over 33 kHz in the horse compared with under 20 kHz in humans) although a horse may not be able to hear the lowest frequencies audible to humans"</i>¹. The BHS go on to state that: <i>"Horses can become difficult to handle in conditions where there is a continuous level of noise because it may mask other sounds that could be a threat"</i>. Examples are provided of noise sources that may affect a horse as <i>"gunshot, motorway, train"</i>, which are all considered to generate high levels of noise. Noise predictions presented in Figure 11-4 of the ES [APP-043] indicate operational noise levels of no higher than approximately 40 dB LAeq,T at bridleway locations. This level of noise is likely to be perceptible but can be compared as equivalent to a quiet residential area.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			<p>Consequently, this level of noise is unlikely to cause disturbance to equestrian bridleway users.</p> <p>Horses may be startled by sudden high levels of construction noise. Consequently, engagement will be undertaken with equestrian groups on scheduling of construction activities with potential for generating high levels of noise in the vicinity of PRoW or other highways frequently used by horse riders. This commitment to engagement is secured in the CEMP submitted at Deadline 2 [REP2-026].</p> <p>Given that noise predictions describe a level of noise equivalent to a quiet residential area (Figure 11-4 of the ES [APP-043]), noise associated with the Scheme will not cause disturbance to bats or interfere with their feeding or other activities. Harrison <i>et al.</i> (2017) in their consideration of bats in a review of the impact of solar farms do not mention noise as a factor of significance for bats.</p> <p>Harrison, C., Lloyd, H. and Field, C. 2017. Evidence review of the impact of solar farms on birds, bats and general ecology. Manchester Metropolitan University. NEER012, Natural England.</p>
		SNTS considers that noise monitoring during construction does not remove the need for noise assessments aimed at minimising the likelihood of noise related accidents involving local horse riders during construction, operation and decommissioning.	<p>Refer to the above response regarding noise impacts on horse riders during the operational phase of the Scheme.</p> <p>Once a Principal Contractor is appointed for the Scheme, applications for Section 61 consents, variations and dispensations under the Control of Pollution Act 1974 (COPA) will be submitted to the relevant local planning authority(ies) for all construction and decommissioning activities. The Section 61 application will include detailed noise predictions, any additional mitigation required, and details on the noise monitoring strategy.</p>
		SNTS considers that NMUs are noise sensitive receptors.	As noted in the Applicant's response to Other Parties' Deadline 6 Submissions [REP7-056] and the Applicant's response to LPA Deadline 6 Submissions [REP7-057], the Applicant acknowledges that NMUs are noise sensitive receptors.

Topic	Document Ref	Summary of issue raised	Applicant's response
PRoW	Deadline 7 Fordham Walking Group	Inaccuracies in the DAS (para 2.3-2.4)	<p>The Applicant respectfully disagrees that paragraph 1.4.1 is inaccurate. A large amount of collaboration with stakeholders was undertaken by the Applicant to allow the design to be informed by local knowledge and expertise. This is also explained in the Consultation Report [APP-026].</p> <p>The Applicant does acknowledge that it did not directly contact the FCWG however Fordham Parish Council were consulted at both the non-statutory and statutory consultation stages.</p>
PRoW	Deadline 7 Fordham Walking Group	Comments on the conclusions of EQiA.	<p>The Applicant respectfully disagrees with FCWG; however, acknowledges that the two parties have a different opinion on the matter. The permissive routes incorporated into the design total approximately 5km in length. All of these permissive routes tie in with existing PRoW routes and to minor roads which the Applicant has been informed by consultees are used by NMUs. This additional 5km is an extensive addition to the existing NMU offering in the vicinity of the Scheme. The Applicant undertook an EIA with the outcomes reported in the Environmental Statement (ES) and the Equality Impact Assessment [REP3-020]. The findings of the ES determine that there are no significant residual effects related to NMU users as a result of the Scheme and the EQIA determined that protected groups are likely to benefit from the positive health outcomes associated with walking.</p> <p>The Applicant acknowledges that FCWG and the Local Councils and interested groups would value more PRoWs within the vicinity of the Scheme given the lack of current provision within the area. Therefore, the Applicant is in detailed discussions with the Local Councils on entering into a S106 agreement which would see the payment of a significant PRoW and Connectivity contribution to the Councils for enhancements to the existing PRoW, creation of new PRoW/permissive paths and the upgrading or providing new connectivity points.</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
Safety (and Design)	Say No To Sunnica Post Hearing Submission Appendix D	SNTS raise concerns that whilst the Applicant has committed to use deer proof fencing, for security reasons it will likely need to have more robust, larger security fencing, the visual impacts of which have not been assessed and which will not work as well in terms of facilitating sheep grazing and movement of fauna.	<p>As outlined in Chapter 3 of the Environmental Statement [AS-249] and the Design and Access Statement [REP3A-032], a security fence will enclose the operational areas of the Sunnica East Site A, Sunnica East Site B and Sunnica West Site A. The fence will be a deer fence, up to 2.5m in height and is shown in see Plate 3-13 of Chapter 3 of the ES. In addition, two other fences are identified within Chapter 3 as follows:</p> <ul style="list-style-type: none"> Outdoor transformers (if required): will be surrounded by a secure wire mesh fence, to comply with British Standard (BS) EN 62271-1:2017, as shown in Plate 3 14 of Chapter 3. This fence will be a maximum of 2.5m in height. BESS and substations: fencing around the BESS and the onsite substations will be standard palisade fencing up to 2.5m in height, as shown in Plate 3 15 of Chapter 3. <p>The fencing will be required in discrete locations within the site to protect specific onsite infrastructure for health and safety reasons. The fencing will exclude sheep and other fauna, but these areas will not support habitat for animals and due to the scale of these fenced areas this is not anticipated to have adverse effects.</p> <p>The fence has been considered in the LVIA assessment within the Rochdale Envelope of the specific infrastructure where it is required.</p>
Soils	Deadline 7, Natural England	1.2 As discussed in our submissions at deadline 5 [REP5-096], Natural England would welcome the provision of the Moisture Balance calculations for each point to accompany the written explanation provided within Appendix A to Written Summary of Applicant's Oral Submissions at the ISH3: Technical Note: Clarification requested by Natural England on ALC [REP4-032].	Information requested by Natural England on Moisture Balances has been provided.

Topic	Document Ref	Summary of issue raised	Applicant's response
		1.3. It is understood that the applicant intends to provide clarification on the above within their submissions at deadline 7 or 8.	
Soils	Deadline 7, Natural England	Concerns relating to restoration of soils on decommissioning – in particular that to demonstrate the development has had no degradation of agricultural land or loss of BMV land, the land needs to be returned to the baseline ALC grade.	The Framework DEMP wording has been updated at Deadline 8 to specifically state that agricultural land returned following decommissioning will remain at its baseline ALC Grade.
Soils	Deadline 7, Natural England	<p>Comments on the CEMP in relation to:</p> <ul style="list-style-type: none"> - implementation measures and appointing an appropriately experienced soil specialist; - Soil handling methods should normally be as specified in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks). - The seed mix referenced on page 16C - 40 should also factor in the soil properties (pH, texture and nutrient status) to optimise successful establishment - soil handling should normally be avoided during November to March inclusive - Natural England advises that the presence of light soils across the site should be 	<p>The Framework CEMP has been updated at Deadline 8 to include the following:</p> <ul style="list-style-type: none"> • Appointment of a suitably qualified soil scientist. • Soil nutrient status and pH assessed to inform appropriate seed mix. • Soil handling operations expected to not occur between November and March inclusive, but period of soil handling to be determined by rainfall and soil consistence, not calendar date. • Construction activity on agricultural land should not begin until the April following autumn sowing of the green cover crop. This is to ensure the cover crop has adequate time to establish before being crossed by vehicles. • Notes on light textured soils added to General Principles to add to existing text under Pre-Work Condition. • Reference ALC survey data for depth of soil stripping. Also recommend use of experienced excavator operators who can distinguish between topsoil and underlying material. • Topsoil material from access tracks to be stored at central bunds, maintaining separation of mapped topsoil units.

Topic	Document Ref	Summary of issue raised	Applicant's response
		<p>acknowledged and the mitigation in place for these soils specifically discussed in the Soil Management Plan (SMP)</p> <ul style="list-style-type: none"> - Natural England advises that topsoil stripping depths should be informed through the soil survey results - Natural England advises that the creation of low bunds adjacent to the access tracks, rather than spreading the excavated topsoil thinly, would make reinstatement more achievable. 	<p>The CEMP references the IoQ Code of Good Practice Guidance for Handling Soils in Mineral Workings – specifying sheets A to D, use of excavators and dump trucks for the stripping, transport and bunding of soils.</p>
Transport	Deadline 7 Hazel Barber	Use of First Drove and Broads Road	<p>The Framework CTMP/TP [REP7-017] at Paragraphs 6.3.1 to 6.3.2 sets out that both First Drove and Broads Road will be crossed by Grid Connection routes, and that this may result in a temporary road closure. Each of the temporary road closures are expected to be no longer than one-week and occur on narrow roads where the use of two-way signals is not possible. Wherever possible, emergency vehicles, pedestrians and cyclists will be permitted to travel in both directions through the road closure. Prior to any road closures, advanced warning will be provided in line with the Local Highway Authority (LHA) guidance with diversions in place. The Applicant confirms that access for residents will be maintained throughout the closure.</p>
Waste	Deadline 7 CPRE	CPRE is concerned that there is currently no recycling process for silicon solar panels, and considers that a clear, fully-funded plan for the decommissioning, removal and recycling of materials from the sites	<p>Where resale or donation is not feasible, solar panels will be recycled in accordance with relevant legislative requirements and good practice at the time of decommissioning. A Framework Decommissioning Environmental Management Plan (DEMP) is provided with the application in Appendix 16E of the Environmental Statement [REP7-034]. The core waste</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
		must be in place before the Scheme is allowed to proceed.	<p>management principles of prevention, reuse, recycle, recover and disposal as defined in the 'Waste Hierarchy' will be embedded within the Decommissioning Resource Management Plan (DRMP), which is a requirement in the Framework DEMP (see Table 3-11). Pursuant to the draft DCO [REP6-013], the Applicant must submit the final DEMP to the local planning authorities prior to decommissioning, and the final DEMP must be substantially in accordance with the framework DEMP.</p> <p>Further detail on the recycling of Scheme components will be identified and provided prior to decommissioning of the Scheme as part of the DRMP. It is expected that, where possible, the solar panels will be able to be readily recycled in the UK at that time (approximately 40 years ahead). Recycling solar PV infrastructure is an emerging industry as the current solar farms are reaching an age where they need to be decommissioned. The technology already exists in UK and Europe to recycle panels, and it is expected that recycling technology for solar equipment will be far more developed in the UK in over 40 years' time (when decommissioning is due to begin). At present, RecycleSolar is the only UK based solar panel recycling service, but more companies are expected to setup in the next decade as the current solar farms begin to be decommissioned.</p> <p>Technology removed prior to the end of the Scheme's operational life will also be recycled as far as possible and will undergo the same process as outlined above. Technology already exists in UK and Europe to recycle the mounts, panels, inverters, and other infrastructure on solar farms.</p> <p>There is no justification for a decommissioning fund to be put into place as part of this DCO Application. The Applicant has committed to decommissioning the Scheme and this is secured by Requirement 22 of the draft DCO [REP6-013]. Among other things, Requirement 22 provides that a DEMP must be submitted and approved by the relevant planning authority/authorities in advance of decommissioning commencing, which must be substantially in accordance with the Framework DEMP submitted</p>

Topic	Document Ref	Summary of issue raised	Applicant's response
			with the Application [REP7-034] . If the undertaker does not comply with the terms of the DCO, enforcement provisions in the Planning Act 2008 would enable the relevant planning authorities to enforce and secure compliance. This same approach has been adopted on previous solar DCOs. Neither the Little Crow nor Cleve Hill DCOs have such a requirement.

