



EAST PARK ENERGY

East Park Energy

EN010141

Applicant Response to Deadline 2 Submissions – Host Authorities and Statutory Environmental Bodies

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Procedure) Regulations 2009: Regulation 5(2)(q)

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This document sets out the responses of BSSL Cambsbed 1 Limited (‘the Applicant’) to the Deadline 2 submissions submitted by the Host Authorities and Statutory Environmental Bodies in relation to the Development Consent Order (DCO) application for the East Park Energy project (the ‘Scheme’).
- 1.1.2 The documents submitted with the application and at previous examination deadlines are referenced using the reference number assigned by the Planning Inspectorate (PINS) i.e. **[APP-XXX]**. Where application documents have been updated based on feedback received at Deadline 3, this response document sets out that the relevant updated document is “**[as updated alongside this submission]**”.
- 1.1.3 The Applicant has generally only elected to respond to comments raised by the Host Authorities and Statutory Environmental Bodies at Deadline 2 where matters are not yet agreed.

1.2 Note about National Policy Statements

- 1.2.1 Section 1.6 of the 2026 NPS EN-1 confirms that for schemes accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect. East Park Energy was accepted for examination in October 2025 prior to the final publication of the 2025 amendments. The 2024 NPSs therefore have effect for decision making.
- 1.2.2 All references to the NPSs in this document made by the Applicant are to the 2024 NPSs unless stated otherwise.
- 1.2.3 The Applicant has prepared a separate **Note on updated National Policy Statements EN-1, EN-3 and EN-5 [PDA-018]**.

2.0 NOTE ON USE OF THE TERM ‘IN SUBSTANTIAL ACCORDANCE WITH’...

- 2.1.1 The Applicant notes that a number of the comments raised by the Host Authorities relate to the use of the phrase “in substantial accordance with” within the requirements of the draft DCO. As this is a recurring point made through the Host Authority responses, the Applicant has chosen to provide a single response here, which is then referenced accordingly through the responses in Section 3.
- 2.1.2 The phrase “*in substantial accordance with*” when used as part of the Requirements in Schedule 2 of the draft DCO is appropriate because it preserves the securing function of the outline management plan, while allowing the final plan to accommodate detailed design, site conditions, consultee input and construction methodology developed post-consent.
- 2.1.3 An outline plan submitted with the DCO application is intended to establish the principles, controls and mitigation commitments assessed through the ES and relied upon by the Secretary of State. Requiring the final plan to be prepared in “*substantial accordance with*” that outline ensures those assessed parameters cannot be departed from in any material respect, thereby maintaining the integrity of the environmental assessment and the basis on which the DCO is granted.
- 2.1.4 By contrast, requiring the final plan to be “*in accordance with*” the outline plan can be unnecessarily rigid. Outline plans often contain a framework of details, indicative measures, draft wording or assumptions which are to be refined once contractors are appointed and detailed design is progressed. Absolute conformity could prevent beneficial refinements, create ambiguity where the outline document expressly anticipates further detail, or require disproportionate variation procedures for non-material changes.
- 2.1.5 Equally, a looser formulation than “*in substantial accordance with*” would provide insufficient certainty. It could allow material dilution of commitments,

undermining enforceability and weakening confidence that the mitigation assessed in the ES will be delivered.

2.1.6 “*Substantial accordance*” therefore strikes the correct balance. It secures the essential mitigation, management principles and environmental controls relied upon at examination, while allowing proportionate and controlled evolution of the final plan, subject to the approval of the relevant planning authority under the applicable Requirement.

2.1.7 The approach taken is well-precedented and legally orthodox in the drafting of DCOs.

3.0 RESPONSE TO HOST AUTHORITIES

3.1 Response to Bedford Borough Council

Table 1: Response to Bedford Borough Council Deadline 2 Submission [REP2-048]

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
Applicant's Response to Relevant Representations [REP1-055]				
BBC-D2-01	BBC-RR-02	The Scheme	<p>While the Applicant states that 'associated development' has been refined (Ref. [AS-008] Schedule 1 '<i>comprising such other works as may be necessary or expedient for the purpose of or in connection with the relevant part of the authorised development within the Order limits</i>'), there remains an extensive list of works that could be undertaken as set-out in [AS 008] Schedule 1, Clause 3(a)(b)(c) which are either not works associated with such Proposed Development, or are significant works in their own right which need to be defined as part of this Application.</p> <p>It is strongly suggested that the Applicant reviews the Schedule 1 Clause 3(a)(b)(c) list and refines accordingly to ensure clarity of intent.</p>	<p>The Applicant has considered the works listed in Schedule 1 of the draft DCO [REP1-005] defined as "further associated development" in great detail at the time of drafting the statutory instrument. The refinement referred to in the Applicant's Responses to Relevant Representations [REP1-055] alludes to the clarification provided to the Examining Authority in response to the Section 51 Advice [AS-001] on the extent of what constitutes principal development and what constitutes associated development.</p> <p>As set out in the Explanatory Memorandum [REP1-007], in assessing the extent of the works listed as "further associated development" in the draft DCO, the Applicant followed the principles set out in Guidance on associated development issued by the Department for Communities and Local Government titled "Planning Act 2008 - Guidance on associated</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>development applications for major infrastructure projects” (April 2013).</p> <p>Associated development is defined in Section 115(2) Planning Act 2008 as development which is associated with the principal development. This is determined on a case-by-case basis taking into account its relationship with the principal development, the fact that it is entirely subordinate and dependent from the principal development and proportional in relation to the nature and extent of the principal development.</p> <p>These works cannot be considered in isolation; it is essential to understand the extent and limitations applicable to the carrying out any of the works listed as “further associated development” in Schedule 1 of the draft DCO.</p> <p>Firstly, works listed as “further associated development” can only be carried out in connection with the principal development. This means that they would be permitted to the extent that they aid or facilitate Works No. 1 to 10 of Schedule 1 of the DCO.</p> <p>Secondly, the full extent of the “further associated development” has been assessed in the Applicant’s environmental impact assessment as described in the ES submitted with the Application.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>The “further associated development” works form part of the authorised development and necessitate the discharge the requirements the Applicant must comply with under the DCO. This means, for example, that its detail design must be in accordance with requirement 3 of the draft DCO: in accordance with the design parameters and principles statement (which is a certified document) and approved by the local planning authority.</p> <p>This “further associated development” includes such other works as may be necessary or expedient to deliver the authorised development. These items are broadly defined and may occur across the Order Limits as required, but only insofar as they do not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p> <p>The list of “further associated development” included in Schedule 1 of the draft DCO is well preceded and can be found in the following development consent orders: The Byers Gill Solar Order 2025, The Heckington Fen Solar Park Order 2025, The Oaklands Farm Solar Park Order 2025 and The Sunnica Energy Farm Order 2024.</p>
BBC-D2-02	BBC-RR-03	The Scheme	The Council notes that while the Scheme Components have been set out in [APP 038] para 2.4.6 (Work	The Applicant notes that the Scheme is essentially submitted in ‘outline’, and the

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>Packages), [APP-122] Indicative Engineering Drawing, and [APP-153] Design Parameters, the final materials and colour of components remains open for discussion/ unresolved; namely:</p> <ul style="list-style-type: none"> a) Indicative Centralised Inverter or Solar Transformer ('assumed grey'); b) Indicative Battery Storage Unit or Battery Transformer (white); c) Indicative BESS Control Building (undefined); d) Indicative Water Storage Tank (undefined); e) Indicative East Park Substation Control Building (undefined); f) Indicative Storage, Operations and Maintenance Building (white roof; no infrastructure services to support staff noted); and, g) 'agrisolar' structures (undefined). <p>As a matter of principle, the Council are NOT supportive of white buildings/structures in the landscape.</p>	<p>final materials and colour of components are deliberately not yet finalised. The indicative drawings provided in ES Vol 3 Figure 2-2 Indicative Engineering Drawings [APP-122] are to give an idea of scale and how design parameters are applied, rather than as detailed drawings of the final appearance of each component. Each Local Planning Authority has control over the final design and appearance through Requirement 3 of the draft DCO [REP1-005].</p>
BBC-D2-03	BBC-RR-04	The Scheme	<p>The Applicant is referred to same comment made against BBC-RR-02: it is strongly suggested that the Applicant reviews the Schedule 1 Clause 3(a)(b)(c) list and refines accordingly to ensure clarity of intent.</p>	<p>Please see response at BBC-D2-01.</p>
BBC-D2-04	BBC-RR-05	The Scheme	<p>The Applicant is referred to same comment made against BBC-RR-02: it is strongly suggested that the Applicant reviews the Schedule 1 Clause 3(a)(b)(c) list and refines accordingly to ensure clarity of intent.</p>	<p>Please see response at BBC-D2-01.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-05	BBC-RR-06	The Scheme	The Applicant is referred to same comment made against BBC-RR-02: it is strongly suggested that the Applicant reviews the Schedule 1 Clause 3(a)(b)(c) list and refines accordingly to ensure clarity of intent.	Please see response at BBC-D2-01.
BBC-D2-06	BBC-RR-07	The Scheme	<p>(1) The Applicant is referred to same comment made against BBC-RR-03.</p> <p>(2) [APP-038] para2.4.149 – 2.4.152: the Applicant sets out a list of work components but: a) inherent within the wording of ‘temporary’ does not clarify if this is for the temporary construction, replacement and decommission phases, or temporary for the duration of the Proposed Development; and, b) does not reflect if these are typical mobile/ porta-cabin style buildings with self infrastructure, or more permanent structures connected to the Council/ other mains: i.e. this needs clarity.</p> <p>(3) For the purposes of reading a ‘worst case scenario’, it is assumed that the replacement phase’ would be the same or less than the construction compounds but this requires confirmation from the Applicant;</p> <p>(4) It is therefore read that the Agrisolar facility will if required use the other buildings listed for storage and staff wellbeing.</p>	<p>(1) The Applicant has provided a response to this point above with reference to BBC-D2-02.</p> <p>(2) The temporary construction and decommissioning compounds set out under Work No. 7 would be for the construction phase, and the decommissioning phase only. They would not be required for the operational phase or for any replacements. This is set out at paragraph 2.4.150 of ES Vol 1 Chapter 2 [REP2-008].</p> <p>The compounds would contain typical mobile / porta-cabin style buildings with self infrastructure, and not permanent structures.</p> <p>(3) This is correct, the operational phase (including for any replacements) would not require the construction and decommissioning compounds. The Applicant has prepared a separate ‘Technical Note on Replacement Works’ for submission at Deadline 3 to provide clarity on this matter.</p> <p>(4) This is correct, storage and staff wellbeing would utilise the adjacent</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				Storage, Operations and Maintenance Building. This is the principal reason the Agrisolar area is sited where it is.
BBC-D2-07	BBC-RR-08	The Scheme	As these terms have legal weight, it is suggested that there is a consistency of definition and use to aid clarity and enforcement as required. It is noted that the Council has instructed a legal review of the DRAFT DCO for discussion.	<p>The Applicant considers the approach taken to be consistent not only within the application documents, but also consistent with the approach taken on other made DCOs.</p> <p>If there are any specific uses of these terms that BBC have concern about, then the Applicant invites them to set these out in a schedule with paragraph and document number and the Applicant will consider and make amendments if necessary.</p>
BBC-D2-08	BBC-RR-09	Draft DCO	<p>It is noted that the Council has instructed a legal review of the DRAFT DCO, including use of terms, for discussion. The Council reserves the right to comment further on this collective Aspect.</p> <p>The Council note that the matter of restricting the working width to a MAXIMUM of c.12m is not responded to. This will be required to allow for assessment of harm to existing and instated hedgerows/ landscaping (the matter of cable/ haul route landscape removal, buffer, and corridor widths is addressed collectively in [BBC-RR-49]).</p>	A maximum parameter of 12m working width for the grid connection corridor is not necessary. The works to install the cable are restricted by the limits of deviation set by the Order limits and the area shown as Work No. 4 on the Works Plan [APP-009] – they cannot extend beyond this corridor. The extent of hedgerow clearance that can be undertaken along this corridor is controlled by Schedule 12 of the draft DCO [REP1-005] , and this does not include hedgerow clearance up to 12m wide. Any additional hedgerow clearance beyond that set out in Article 41 and Schedule 12 of the draft DCO would

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				require prior approval from the relevant local highway authority.
BBC-D2-09	BBC-RR-10	Draft DCO	As per BBC-RR-08, it is noted that the Council has instructed a legal review of the DRAFT DCO, including use of terms, for discussion. The Council reserves the right to comment further on this collective Aspect.	The Applicant awaits BBC's review of the draft DCO.
BBC-D2-10	BBC-RR-13	EIA	<p>It is the Council's preference that the Replacement Phase is controlled/ enforceable through its own Replacement Phase Environmental Management Plan and a Replacement Phase Construction Traffic Management Plan rather than inferred within another Management Plan as a 'no worse than' scenario. This Matter was raised at the pre-examination hearing as a matter for further discussion.</p> <p>The Council seeks clarity with regards to the 20% and how this figure was derived and how this may relate to other components of the Proposed Development that may require replacement (e.g. BESS units).</p>	<p>The Applicant has prepared a separate 'Technical Note on Replacement Works' for submission at Deadline 3 to provide clarity on this matter.</p> <p>In summary, the Applicant considers that the impacts of the operational phase (including replacements) of the Scheme are appropriately controlled through Requirement 9 in Schedule 2 of the draft DCO [REP1-005] and the outline Operational Environmental Management Plan [REP1-036], which is a certified document as set out in Schedule 15 of the draft DCO, in operation by way of Article 39.</p>
BBC-D2-11	BBC-RR-14	EIA	<p>(1) This does not address the effect of the Replacement Phase works (see BBC-RR 13);</p> <p>(2) The Councils notes that some of the haul routes for the construction phase were viewed as temporary to that phase only and would be removed on completion</p>	(1) The outline Landscape and Ecological Management Plan [REP2-032] addresses the operational phase of the Scheme, which includes for replacements. The Applicant has prepared a separate 'Technical Note on

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			<p>of construction; i.e. how the Applicant gains access across the Site for replacement works is not defined and may require removal of landscaping.</p> <p>(3) The Council would need a 'live review' as part of any replacement works phase.</p> <p>(4) As (1) above.</p> <p>(5) As read across the Council and Applicants' response, and as set-out by the Applicant in the DCO Agreement and Management Plans, the Council suggests that the wording 'substantial accordance' must be read against the finally agreed DRAFT DCO Agreement and Management Plans</p>	<p>Replacement Works' for submission at Deadline 3 to provide clarity on this matter.</p> <p>(2) The operational phase would not require vegetation clearance for access. Access to the Site is covered in the Technical Note referenced above.</p> <p>(3) The Applicant notes that this is already allowed for within the existing oLEMP and oOEMP.</p> <p>(4) As (1) above.</p> <p>(5) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>
BBC-D2-12	BBC-RR-18	Order Limits	<p>(1) To aid reading, the matter of cable/ haul route landscape removal, buffer, and corridor widths is addressed collectively in [BBC-RR-49]).</p> <p>(2) As will be noted across this response, the wording 'in substantial accordance with' is not acceptable as in principle there are matters/ issues within the Management Plans that the Council is NOT in agreement with and will need revision prior to forming a reference document (see [BBC RR-14] (pt5)).</p> <p>(3) The Council seeks final review of the PRoW and Permissive Route(s) network's corridor widths and related landscape screening and suggests that this requires agreement as part of any draft Management Plans prepared – the Council is not in agreement</p>	<p>(1) The Applicant has provided a response with reference to BBC-D2-31, below.</p> <p>(2) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p> <p>(3) The Applicant notes this comment. The LPA would get final review and approval of the relevant measures in accordance with requirement 11 in Schedule 1 of the draft DCO.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			regarding a post-Examination ‘oversight and sign-off’. The Council remains open for discussion on the above issues.	
BBC-D2-13	BBC-RR-21	Landscape and Visual	<p>(1) For absolute clarity, the statement ‘To provide clarity, the Applicant confirms that the five-year establishment period will commence from the date of planting within each relevant phase, rather than being tied solely to the operational year.</p> <p>‘Landscaping will be implemented as early as practicable’ should be reworded as landscaping will be implemented no later than following the first year of construction within each relevant phase. Consequently, the Establishment Period would also be staggered. It is suggested that if this clarification is acceptable to the Applicant, then this matter is resolved.</p> <p>(2) As per BBC-RR-08, it is noted that the Council has instructed a legal review of the DRAFT DCO, including use of terms, for discussion. The Council reserves the right to comment further on this collective Aspect.</p>	<p>(1) The Applicant has amended the oLEMP [as updated alongside this submission] to provide an update around establishment within Section 6.5 for each proposed landscape element.</p> <p>(2) The Applicant notes this comment.</p>
BBC-D2-14	BBC-RR-22	Landscape and Visual	<p>On the basis that:</p> <p>(1) The vegetation clearance/ removal is defined as no more than 12m in relation to temporary/ haul routes (Ref. BBC-RR-09 & 49);</p> <p>(2) That the detailed design of all access routes’ visibility splays will identify the full extent of vegetation clearance/ removal and related replacement planting required; and,</p>	<p>(1) The extent of hedgerow clearance that can be undertaken for temporary access is controlled by Article 41 and Schedule 12 of the draft DCO [REP1-005], and this does not include any hedgerow clearance up to 12m wide. Any additional hedgerow clearance beyond that set out in Schedule 12 of the draft DCO would require prior approval from the relevant highways</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(3) Clarification is set-out regarding the nature of temporary haul routes for the all phases (Ref. BBC-RR 14), and related mitigation measures to the landscape if so required, is set-out in the Landscape and Ecological Management Plan, it is suggested that this matter can be resolved.</p>	<p>authority. The Applicant considers this point is agreed.</p> <p>(2) The required visibility splays would not involve the removal of any hedgerows, but could involve annual pruning of hedgerows should foliage grow out to obstruct visibility; this is covered in Section 5.4 of the oCTMP [REP1-034].</p> <p>(3) The Applicant has prepared a separate 'Technical Note on Replacement Works' for submission at Deadline 3 to provide clarity on this matter. The operational phase would not require vegetation clearance for access. Access to the Site is covered in the Technical Note.</p>
BBC-D2-15	BBC-RR-23	Landscape and Visual	<p>(1) The Council notes that this commitment is caveated, which is not acceptable. The Scheme has an extensive landscape impact and requirement/commitment to mitigate harm which needs dedicated, committed resourcing and management commitment – refer to Applicant's commitment in [APP-159] para 4.1.5.</p> <p>(2) It should be noted within the oLEMP that these roles will also be required during the 5 year landscape establishment periods and during the Replacement Phase works.</p> <p>(3) This matter should be cross-referenced with Matter 36 [BBC-RR-68]. On the basis that the above can be agreed it is suggested that this matter can be resolved.</p>	<p>(1) The commitment to manage the existing and proposed landscape elements is not caveated. The only 'caveat' is whether the roles supporting land management would be direct employees of the Scheme, or an appointed third-party contractor. In either case the commitment is there to undertake the land management operations.</p> <p>(2) The oLEMP already covers the full operational phase of the Scheme, which includes establishment periods, and any replacement works.</p>

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				(3) The Applicant notes this comment and has provided additional response below at BBC-D2-44.
BBC-D2-16	BBC-RR-28	Landscape and Visual	<p>(1) The methodology as set out in ES Vol 2 Appendix 5-1 LVIA Assessment Methodology [APP-069] does not provide a clear narrative on which significance of effect ratings are deemed to be significant or not significant. Although it is acknowledged that borderline levels of significance of effect can be either significant or not significant as long as a clear narrative is provided to explain this. Typically, methodologies used for LVIA as part of EIA, generally set out moderate to major effects to be significant. There is no clear narrative within paragraph 2.2.32 of ES Vol 2 Appendix 5-3 [APP-071] to clarify why a moderate significance of effect is not classified as significant.</p> <p>(2) The assessment heavily relies on the establishing landscape mitigation for the Year 10 assessment and the reduction in visibility of the Scheme, and gives very little weighting to the long-term change in land use associated with the Scheme.</p>	<p>(1) The Applicant does not agree that effects assessed as ‘moderate’ should automatically be interpreted as constituting significant effects. GLVIA3 does not prescribe fixed thresholds of significance and instead recognises that professional judgement is required in determining whether effects are significant in the context of the assessment process.</p> <p>ES Vol 2 Appendix 5-1 LVIA Assessment Methodology [APP-069] explains that the assessment of significance reflects a combination of receptor susceptibility/value and magnitude of change, together with professional judgement applied on a case-by-case basis. Paragraph 5.1.4 of the methodology states that the relationship between sensitivity and magnitude “<i>can be complex and is not linear</i>”, and that the final assessment of level of effect is one of “<i>professional judgement</i>”.</p> <p>The methodology also clearly explains the approach to determining significance. Paragraph 5.2.6 states that:</p> <p><i>“Greater than ‘moderate’ effects are more likely to be significant. This does not preclude a ‘moderate’ effect or lower being</i></p>

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				<p><i>significant or a greater than 'moderate' effect not being significant. This judgement will depend on the specific circumstances being considered."</i></p> <p>This approach is consistent with GLVIA3, which states that:</p> <p><i>"There are no hard and fast rules about what effects should be deemed 'significant'..." and that "It is not essential to establish a series of thresholds for different levels of significance..."</i></p> <p>The Applicant therefore considers that ES Vol 2 Appendix 5-1 [APP-069] provides a clear explanation of the approach to determining significance and appropriately reflects established LVIA practice and the guidance contained within GLVIA3. The detailed assessment narrative within ES Vol 2 Appendix 5-3: Landscape Character Assessment [APP-071] and ES Vol 2 Appendix 5-4: Effects at Viewpoints [APP-072] also clearly explains how the judgements on level and significance of effect have been reached for individual receptors, including consideration of susceptibility, value, scale of change, extent, duration and reversibility.</p> <p>(2) The Applicant does not agree that the assessment "<i>heavily relies</i>" on the establishment of landscape mitigation or fails to appropriately consider the long-term</p>

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				<p>change in land use associated with the Scheme, albeit the landscape and visual mitigation proposals form a fundamental part of the Scheme design and have been developed in response to the likely landscape and visual effects identified through the iterative design process.</p> <p>The LVIA provides a clear assessment of likely effects at different stages of the Scheme, including construction, the opening year of operation and Year 10 of operation, with the assessment identifying significant effects where these are considered likely to occur. The assessment therefore does not rely solely on a post-mitigation scenario, but instead transparently explains how effects would evolve over time as the Scheme becomes established within the landscape.</p> <p>The inclusion of both opening year and Year 10 operational assessments reflects established LVIA practice and guidance within GLVIA3, which recognises that landscape mitigation planting matures over time and that the assessment should consider the likely progression of effects throughout the operational life of a development. The Year 10 assessment therefore does not replace or override the opening year assessment, but provides an additional assessment point which considers the anticipated influence of established mitigation planting following a</p>

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				<p>reasonable period of growth. In this regard, the Year 10 assessment represents the anticipated residual landscape and visual effects of the Scheme once the proposed mitigation planting has become established, consistent with standard LVIA practice</p> <p>The Applicant also does not agree that insufficient weight has been given to the long-term change in land use associated with the Scheme. In this regard, the Applicant notes that the introduction of solar development within agricultural land does not automatically equate to significant landscape and visual effects, and that the LVIA distinguishes between the physical change in land use and the resulting landscape and visual effects arising from that change. The LVIA expressly considers the introduction of solar infrastructure into a predominantly rural landscape, including the extent to which the Scheme would alter landscape character, views, landscape elements and perceptual characteristics. This includes assessment of the influence of the Scheme on openness, field pattern, landscape structure and the relationship between settlements and the surrounding countryside.</p> <p>The methodology within ES Vol 2 Appendix 5-1 [APP-069] also makes clear that the assessment of effects is not based solely on visibility, but on a combination of</p>

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				<p>receptor sensitivity and magnitude of effect, including consideration of susceptibility, value, scale, extent, duration and reversibility. The assessment further recognises that the Scheme would introduce a long-term, albeit reversible, change within the landscape over the operational lifetime of the development.</p> <p>The Applicant therefore considers that the LVIA provides a proportionate and transparent assessment of both the operational effects of the Scheme and the role of embedded mitigation over time, consistent with GLVIA3 and established LVIA practice.</p>
BBC-D2-17	BBC-RR-29	Landscape and Visual	<p>(1) The Council would appreciate some further information from the Applicant on how they have calculated assumed growth for areas of mitigation to support their conclusion of establishment of mitigation planting at the identified viewpoint locations.</p> <p>(2) The landscape mitigation scheme removes longer distance views for users of the PRoW as represented by viewpoint 33 and this adverse impact would continue for the duration of the Scheme.</p> <p>(3) The Council consider that the conclusion of 'not significant effect' for visual receptors assessed to result in moderate adverse effects for Year 10 is not fully justified. There is no clear narrative within ES Vol 2 Appendix 5-4 [APP-072] to clarify why a moderate significance of effect is not classified as significant.</p>	<p>(1) The Applicant notes the Council's request for further clarification regarding the assumptions applied to the establishment and growth of mitigation planting within the LVIA and viewpoint assessments.</p> <p>The assessment methodology set out within ES Vol 1 Chapter 5 [APP-041] explains that the operational assessment considers the influence of proposed mitigation planting as it becomes established over time. The Year 10 operational assessment therefore reflects a scenario where mitigation planting has had an appropriate period to establish and mature following implementation and ongoing management secured through the</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(4) As stated for the point above, the methodology as set out in ES Vol 2 Appendix 5-1 LVIA Assessment Methodology [APP-069] does not provide a clear narrative on which significance of effect ratings are deemed to be significant or not significant. Although it is acknowledged that borderline levels of significance of effect can be either significant or not significant as long as a clear narrative is provided to explain this. Typically, methodologies used for LVIA as part of EIA, generally set out moderate to major effects to be significant. There is no clear narrative within paragraph 2.2.32 of ES Vol 2 Appendix 5-3 [APP-071] to clarify why a moderate significance of effect is not classified as significant.</p> <p>(5) The Applicant is referred to Matter 13 (Heritage setting of All Saints Church) [BBC-RR 39] as a detailed matter regarding impact on setting.</p>	<p>outline Landscape and Ecological Management Plan (OLEMP) [REP2-032].</p> <p>Paragraph 5.4.15 of ES Vol 1 Chapter 5 [APP-041] states that:</p> <p><i>“For the purpose of assessment, mitigation planting growth and height assumptions have been defined in Table 5.5 subsequently. The figures set out in Table 5.5 are based on experience of the competent expert and colleagues, including previous DCO and public inquiry experience. They are reasonable estimates of growth rates which are subject to the variables of ground conditions, general climatic influences and individual species growth rates.”</i></p> <p>Subsequently, Table 5.5 of ES Vol 1 Chapter 5 [APP-041] sets out the assumed planting growth rates applied within the assessment. In relation to hedgerow planting, the Year 10 assessment assumes maintained hedgerows would typically establish to between 2.5m and 3.5m in height, with unmanaged hedgerows establishing to between 3m and 5m. These assumptions are considered realistic and proportionate within the context of a 10-year establishment period, particularly having regard to the generally favourable agricultural growing conditions across the Site.</p>

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				<p>The Applicant also notes that the assumed rates of hedgerow establishment are consistent with assumptions applied within other solar NSIP and DCO landscape assessments, including Mallard Pass Solar Farm, which applied assumed hedgerow growth rates in the order of approximately 0.5m per annum.</p> <p>Further to this, and to clarify a point regarding the use of growth rates within the LVIA, the assessment does not assume immediate screening benefits from new planting and distinguishes between the opening year of operation, where planting would be in the early stages of establishment, and Year 10 of operation, where planting would provide a materially greater contribution to filtering and screening views. The LVIA also adopts a precautionary approach in that viewpoint photography and visual assessments were undertaken during winter conditions, when deciduous vegetation is not in leaf and vegetation filtering is reduced. Whilst some visualisations were also produced to illustrate summer conditions, the assessment of effects was undertaken on the basis of the winter photography set.</p> <p>The Applicant therefore considers that the assumed level of planting establishment represented within the LVIA and visualisations is realistic, reasonable and</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>consistent with established landscape and visual assessment practice.</p> <p>(2) It is acknowledged that the proposed mitigation planting would reduce some longer distance views currently available from the PRow network in the vicinity of Viewpoint 33. However, baseline views from this location are already partly filtered and enclosed compared to other viewpoints, largely by existing hedgerow. Whilst it is not considered to be subject to a Significant effect, partly based on these reasons, the assessment concludes with a Moderate Adverse effect would remain following establishment of mitigation planting, clearly acknowledging adverse change to the view.</p> <p>(3) and (4) The Applicant does not agree that the LVIA methodology lacks clarity regarding the identification of significant effects.</p> <p>ES Vol 2 Appendix 5-1: LVIA Methodology [APP-069] clearly explains that the assessment has been undertaken in accordance with the principles of GLVIA3, which relies on the application of professional judgement rather than fixed or formulaic thresholds of significance. The methodology also explains the sequential</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>approach used to combine susceptibility, value, scale, extent, duration and reversibility in order to reach an overall judgement on the level and significance of effects, and confirms that professional judgement is applied transparently in reaching final conclusions.</p> <p>In practice, the methodology and assessment make clear that effects assessed as Moderate to Major or Major would typically be regarded as significant in EIA terms i.e. “Greater than ‘moderate’ effects are more likely to be significant.” The methodology nevertheless retains professional flexibility in relation to Moderate effects, consistent with GLVIA3, recognising that there may be circumstances where a Moderate effect could reasonably be considered significant depending on the particular receptor and nature of the effect.</p> <p>In this instance, the Applicant considers that the LVIA clearly explains the professional judgements reached in relation to effects assessed as Moderate, including through the detailed assessments presented within ES Vol 2 Appendix 5-3 [APP-071] and Appendix 5-4 [APP-072]. These appendices transparently set out the assessment of susceptibility, value, scale, extent, duration and reversibility for each receptor before arriving at the overall</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>judgement on level and significance of effect.</p> <p>The Applicant also notes that the LVIA clearly identifies and reports significant landscape and visual effects where these are considered likely to occur, including during construction, Year 0 of operation and Year 10 of operation. The Applicant therefore considers that the methodology and assessment provide a clear, proportionate and robust explanation of how significance conclusions have been reached, fully consistent with the principles of GLVIA3.</p> <p>(5) Noted. Please refer to the response to BBC-D2-21.</p>
BBC-D2-18	BBC-RR-30	Landscape and Visual	<p>This point is covered by response at [BBC-RR-28] and [BB-RR-29] above.</p> <p>On the basis that this matter remains under discussion.</p>	The Applicant notes this comment.
BBC-D2-19	BBC-RR-32	Landscape and Visual	<p>The Council notes that the Scheme presents a significant, long-term effect/ change to the countryside and landscape setting, for which the Applicant has set out mitigation measures. While the Proposed Development applied for is defined as temporary, it is suggested by the Council that the instated landscape, habitats created, and network of improved PRoW and Permissive Routes will over the 40year period become part of the existing yet changed landscape and countryside to be read and used by the surrounding</p>	<p>The Applicant notes this comment. The Applicant's position was set out with reference to BBC-RR-32 in the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055].</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>communities as such. That such improvements etal could be removed, their permeance residing within the gift of third-parties (landowners) means that potentially there are NO benefits to the local community and Council in perpetuity following a 40 year Scheme imposition.</p> <p>Due to the significant scale and duration of this Scheme (c. 773 hectares), the Council states that it finds this position unacceptable.</p> <p>The Council would be open to discussions with the Applicant to identify which improvements etal would be acceptable to said third parties and then identified them within any binding agreement between parties. It is recognised that this is a matter for the Examining Authority to weigh and determine.</p> <p>Agreement on the basis that the Council as Host Authority have no further influence on the matter.</p>	
BBC-D2-20	BBC-RR-35	Cultural Heritage and Archaeology	<p>(1) Clarification of Applicant's position accepted (subject to final wording of this aspect, the DCO Agreement, and agreed Archaeological Mitigation Strategy).</p> <p>(2) The Council agrees that additional evaluation work is required following the granting of any DCO and that this second stage will be set out in a new WSI informed by fresh design brief.</p> <p>(4) The Council welcomes an acknowledgement that the current outline Archaeological Mitigation Strategy will require updating. The final form of the document will need to draw on the results of the completed evaluation and should cover elements of the scheme</p>	<p>(1) (2) The Applicant notes this comment.</p> <p>(4) The Applicant agrees that amendments to the oAMS would be required as part of the final document. The Applicant considers that this is addressed in paragraph 7.2.3 of the oAMS [REP1-048].</p> <p>(5) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>including any maintenance works necessary during the operational phase and any works required during decommissioning phase in detail. Amendments are likely to be required, the phrase 'substantial accordance' may be misleading as it suggests only minor edits (see [BBC-RR 14] (pt5)).</p> <p>(5) For clarification, the phrase 'prepared in substantial accordance with' needs greater focus and definition of what the deliverables are; this general issues will be addressed in the legal review of the draft DCO Agreement (see [BBC-RR-14] (pt5)).</p> <p>On the basis that this matter remains under discussion</p>	
BBC-D2-21	BBC-RR-39	Cultural Heritage and Archaeology	<p>(1) Agreed.</p> <p>(2) Agreed.</p> <p>(3) No further response made.</p> <p>(4) The Council agrees with the Applicant that the 'relative sensitivity' of the asset is 'High' as setting makes a "major contribution to the understanding, appreciation and experience' of the Church.</p> <p>(5) The Council agree that the Scheme will not affect the entirety of the asset's setting as set out in para 8.6 of [RR 111].</p> <p>(6) The Council acknowledge that land closer to the Church was excluded at the early stage of the design stage as per paragraph 5.6.28 – development within these areas would clearly have increased the harm caused to this asset (and others). The Council also consider this approach inconsistent with the arguments raised further below – if a 'Medium' impact</p>	<p>(1) to (5) The Applicant notes and welcomes these comments.</p> <p>(6) The Applicant would highlight that it is not suggested in their assessment that the only potential impacts to the significance of the church are related to its prominence in the landscape. As previously raised [BBC-RR-39] the Applicant notes that the disagreement with regard to the assessment of impacts upon the setting of the Church of All Saints is based upon a differing professional opinion in relation to the contribution that views from the church and churchyard make to its overall cultural significance. It is not suggested, however, that views outward from the churchyard make no contribution and the visibility of parts of the Scheme in these views is not disputed by the Applicant. The deliberate</p>

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			<p>to the significance of the Church would only arise in the event that the prominence of the church in its landscape were challenged (as argued below), why restrict development in this area? This needs address by the Applicant.</p> <p>(7) It is accepted by the Council that the hedgerow immediately to the west of Footpath 1 restricts views of the church, but this depends on the retention and maintenance of the hedgerow to its current height. A few steps to the right of the footpath provides views of the church, and Figure 2-1f of [APP-121] indicates that the grassed area next to the footpath will be publicly accessible or at least not fenced off.</p> <p>(8) This is a historic and important footpath linking the church with Cretingsbury. The impact on this view will be significant as it will largely remove the rural setting of the church in views from this perspective and replace it with panels which will have a jarring effect in the experience of the asset. Whilst the panels would not compete with the church in terms of scale (if the proposed development did it would invite a greater degree of harm), it would radically alter the experience of the asset and to the detriment of its significance.</p> <p>(9) Agreed.</p> <p>(10) The planting falls outside the red line boundary and is not afforded any statutory protection. There are also breaks in the planting north of the nave to facilitate views out towards the tranquil landscape. Therefore, and whilst the future removal of the planting would have a negative impact, there is no mechanism open to the Applicant to require its retention in-situ for the lifespan of the Scheme. Furthermore, the planting</p>	<p>exclusion of land closest to the church at an early stage of the design is not inconsistent with the Applicant's position that the church derives some significance from outward views, but was also included to remove panels from areas directly to the north of the church which, in the Applicant's view, would have had a more severe impact on views towards the church from the north.</p> <p>(7) The Applicant notes this comment. This area of grassland is not fenced off, but is not proposed as public open space and is not part of the public right of way.</p> <p>(8) The Applicant agrees that this view is along a historic and important footpath linking the church with Cretingsbury. As previously noted (BBC-RR-39) the Applicant considers this view, from east of the church and containing a backdropped view of the elements of the Scheme in the northern part of Site B (with very limited glimpse of elements within Site A) to represent the largest and worst case change to any views within which All Saints Church sits as the most significant, prominent feature. The Applicant agrees that the solar panels within this view would represent a change within the church's largely rural setting, but disagree that these would '<i>radically</i>' alter the experience of the asset to the detriment of its significance as the low lying nature of the development still</p>

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			<p>provides only partial screening of views to the north and this reduces further in winter months.</p> <p>(11) The panels located in the fields south of New Farm will be visible from the churchyard towards the spire as well as views out from the churchyard. The development will replace a largely original agricultural landscape with areas of solar panels facing back towards the viewer.</p> <p>(12) The impact of the Scheme is not limited to views from the church and churchyard but also includes other views from its surroundings, including the approach from the north, east and west.</p> <p>(13) The Council disagrees that views out from the churchyard make a lesser contribution to the significance of the church. Given its place on the ridge, the church was built to be experienced from a wide area and there is no evidence by the Applicant to suggest that the planting around the church has been planted to establish a separate sanctuary from the wider area. Rather, gaps in that planting and the elevated location of the church allows for a full appreciation of the church's prominence within the bucolic landscape from the churchyard. This enhances the way in which the asset is experienced and makes a strong contribution to its significance.</p> <p>(14) The Council disagree with the conclusion that the Scheme would have a 'Low' impact on the significance of the asset. The Council is of the view that the Scheme would "affect the ability to understand, appreciate or experience the contribution that setting makes to the asset's overall significance", and that the key characteristics of the asset's setting (i.e. the ability</p>	<p>allows for an appreciation of the still, predominantly, rural landscape in these views. A photomontage of the impact on this view is included at ES Vol 3 Figure 5-58c [APP-139] – a predominantly rural landscape context is still appreciable.</p> <p>(9) The Applicant notes this comment.</p> <p>(10) The Applicant acknowledges that this planting falls outside the red line boundary and is not automatically afforded any protection.</p> <p>(11) The Applicant acknowledges that there will be visibility of elements of the Scheme, particularly in the eastern part of Site B, included within views from the churchyard. The Applicant maintains that although these views would represent a change within the church's largely rural setting, the low lying nature of the development allows for an appreciation of the still, predominantly, rural landscape in these views.</p> <p>(12) The Applicant acknowledges that there will be visibility of elements of the Scheme in views from the church's surroundings, including on approach from the north, east and west.</p> <p>(13) The Applicant acknowledges the council's disagreement in relation to the contribution that views out of the churchyard make to the significance of the</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>to appreciate the asset's prominence within a largely unspoiled rural setting) would be "eroded". As such, the Scheme cannot be said to have a 'Low' impact. Rather, the Scheme would alter the asset's setting and would affect the ability to understand, appreciate and experience its significance. The impact is therefore considered to be 'Medium' when using the criteria used in the ES.</p> <p>(15) As noted elsewhere, this is a matter for the Examining Authority. The clarification of Applicant's position/ statements noted: no further response made – concluded.</p>	<p>church. As previously raised [BBC-RR-39] the Applicant notes that the disagreement with regard to the assessment of impacts upon the setting of the Church of All Saints is based upon a differing professional opinion in relation to the contribution that views from the church and churchyard make to its overall cultural significance. The Applicant would highlight that it is quite typical for churchyards to be surrounded by planting (or more formal boundary structures, though this does not apply in this case) to create a clear separation of space. The Applicant would maintain that the primary function of a churchyard is to provide a space for quiet reflection and memorial and that any modern day observer can understand that separation and the different expected behaviours within that space. The Applicant would also add that although it is acknowledged that views out of the break in vegetation along the church's northern edge are possible, this gap in the vegetation does not appear to be part of any deliberate design and, as noted above, disagree that these views make a strong contribution to the church's significance.</p> <p>(14) The Applicant acknowledges that the council disagrees with the assessed level of impact upon the significance of the church. The Applicant stands by the assessment of a Low impact during the</p>

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				<p>operational phase upon the setting of the church. The Applicant would reiterate that despite the difference in professional opinion above, the Council's position in relation to the assessment of <i>'less than substantial harm'</i> is very similar to the Applicant's [BBC-RR-39]</p> <p>(15) The Applicant acknowledges that this is a matter for the examining authority.</p>
BBC-D2-22	BBC-RR-40	Cultural Heritage and Archaeology	<p>(1) The Council agrees that the final Archaeological Mitigation Strategy should be updated in consultation with the Council's BBHET based on the results of the full evaluation once complete.</p> <p>(2) Agreed</p> <p>(3) The Council highlights that the oAMS is likely to require amendments and question whether 'substantial accordance' could be misleading as it suggests only minor changes will be required (see [BBC RR-14] (pt5)).</p>	<p>(1) (2) Agreed</p> <p>(3) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>
BBC-D2-23	BBC-RR-41	Cultural Heritage and Archaeology	<p>(1) Agreed that a second stage of trenching will take place.</p> <p>(2) The Council would highlight that the evaluation is not yet complete. The Council agrees with an approach that focused much of the initial trenching on areas with geophysical anomalies in order to better characterize those anomalies. It is well known that certain types of archaeological features and remains do not lend themselves to detection by geophysical survey. It is the Council's opinion that until the full</p>	<p>(1) The Applicant acknowledges this comment.</p> <p>(2) The Applicant understands that the evaluation is not yet complete. The Applicant acknowledges that certain types of archaeological features and remains do not lend themselves to detection by geophysical survey. It is highlighted by the Applicant, however, that the trenching completed to date, which represents a</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>evaluation is complete the archaeological potential of areas without geophysical anomalies is currently 'Unknown' rather than 'Low'.</p> <p>(3) Wording of 'substantial accordance' as raised (1) (see [BBC-RR-14] (pt5)).</p> <p>On the basis that this matter remains under discussion.</p>	<p>1.5% sample (at minimum) across the Scheme, has resulted in a clear correlation between the features uncovered during the evaluation and the geophysical survey. The majority of areas presumed blank by the geophysical survey generally matched the findings within the evaluations, with a small number of archaeological features present in trenches not targeting geophysical anomalies, hence the potential of areas without geophysical anomalies is considered by the Applicant to be 'Low' rather than 'Unknown'.</p> <p>(3) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>
BBC-D2-24	BBC-RR-42	Cultural Heritage and Archaeology	<p>(1) The Council welcomes this acknowledgement that alternative mitigation measures where No Dig solutions are not viable.</p> <p>(2) The Council are pleased that this is acknowledged and note that this suggests the final AMS may in fact differ considerably from the oAMS.</p> <p>(3) The Council would highlight that the oAMS is likely to require amendments and question whether 'substantial accordance' could be misleading as it suggests only minor changes will be required. Please see (2) above which seems to confirm this. On the basis that this matter remains under discussion.</p>	<p>(1) The Applicant notes this comment.</p> <p>(2) Agreed; although the Applicant considers that detail around approach in each Area of Archaeological Constraint (AAC), or the identification of further AACs, are matters of detail to be addressed in the final AMS by agreement with the LPA, rather than a considerable departure from the overall framework set out in the proposed strategy.</p> <p>(3) Agreed. In addition, refer to text in Section 2 of this document that addresses</p>

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				the use of the term 'in substantial accordance with' within the draft DCO.
BBC-D2-25	BBC-RR-43	Cultural Heritage and Archaeology	<p>(1) The additional detail provided within the oAMS covering unexpected works during the operational and decommissioning phases is welcome. The Council notes however there is still no detail on the measures that will be undertaken to control vegetation and scrub in areas where remains are proposed to be preserved by No Dig solutions. Further to this, no information is provided on species to be planted and their rooting depths etc. Finally, the Council should highlight that the Council would not be onsite directly monitoring works as implied in the Applicant's response, this is not part of the Council's role. The Council would, however, monitor the archaeological contractor undertaking the works.</p> <p>(2) Wording of 'substantial accordance' as raised (see [BBC-RR-14] (pt5)).</p> <p>On the basis that this matter remains under discussion.</p>	<p>(1) The Applicant welcomes the comment regarding the clarification provided within the oAMS covering unexpected works within the operational and decommissioning phases.</p> <p>Measures to control scrub and vegetation in areas proposed to be covered by no dig solutions are set out in the outline Landscape and Ecological Management Plan [REP2-032] in relation to grassland management – by managing the grassland effectively these areas would not succeed to scrub or vegetation.</p> <p>Paragraph 5.3.5 of the oLEMP [REP2-032] was updated at Deadline 2 at the request of Historic England to set out that “<i>In areas of archaeological constraint, species should be selected with consideration to Assessing the Impact of Tree Roots on Archaeology (Oxford Archaeology, 2024)</i>”.</p> <p>The Applicant understands that the Council would not directly monitor works, but would monitor the archaeological contractor undertaking the works.</p> <p>(2) Refer to text in Section 2 of this document that addresses the use of the</p>

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				term 'in substantial accordance with' within the draft DCO.
BBC-D2-26	BBC-RR-44	Cultural Heritage and Archaeology	<p>(1) No response required</p> <p>(2) The Council welcomes confirmation that the further intrusive investigation will be separate to the mitigation for the area of proposed woodland planting.</p> <p>(3) The Council welcome acknowledgement that a final HES is required, this should be informed by the results of the complete evaluation together with the mitigation work that it is assumed will take place in advance of subsequent investigations proposed in the HES.</p> <p>(4) Wording of 'substantial accordance' as raised (see [BBC-RR-14] (pt5)).</p> <p>On the basis that this matter remains under discussion.</p>	<p>(1) (2) The Applicant notes this comment.</p> <p>(3) Agreed</p> <p>(4) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>
BBC-D2-27	BBC-RR-45	Cultural Heritage and Archaeology Draft DCO	<p>(1) As worded Requirement 15 is not overly clear which elements of the requirement apply to which parts of the work which will make the process of discharging the requirement difficult.</p> <p>(2) This seems to be suggesting the paragraphs 1, 2, and 3 are related to the remaining evaluation work still to take place. If this is the case then reference to these being WSIs for evaluation should be included in the wording.</p> <p>(3) The Council note that the wording 'substantial accordance' is included in paragraph 4, this is problematic for reasons already highlighted. This paragraph requires individual AMS for each phase but</p>	<p>The Applicant notes that the drafting of a DCO requirement is inherently different to the drafting of a traditional planning condition, reflecting a 'requirement' status as part of a statutory instrument.</p> <p>Requirement 15 broadly operates in two stages. First, sub-paragraphs 15(1) to 15(3) secure the detailed methodology for archaeological investigation through a Written Scheme of Investigation (WSI). No phase of the authorised development, and no site preparation works for that phase, may commence until a WSI for that phase has been submitted to and approved by the</p>

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			<p>no updated overarching AMS for the scheme that should be submitted after completion of the evaluation(see [BBC RR-14] (pt5)).</p> <p>(4) It has already been clarified that this outline AMS will require reworking once the evaluation is complete. The requirement should reflect this in acknowledging that an updated overarching AMS will need to be submitted.</p> <p>(5) The Councils reading of the requirement as drafted is confused, it is not clear what elements relate to evaluation, what elements relate to mitigation, and does not require submission of an updated overarching AMS. The Council would welcome communication with the Applicant to work on requirement wording that better addresses the archaeological work that will take place.</p> <p>On the basis that this matter remains under discussion.</p>	<p>relevant local planning authority in consultation with the county archaeologist. Any archaeological works or programme of archaeological investigation must then be undertaken by an appropriately qualified archaeological organisation or ClfA member, and must be carried out in accordance with the approved WSI, including post-excavation analysis, reporting, publication and archiving. That is the appropriate control for the evaluation stage, because a WSI is the standard mechanism for defining the scope, methodology, staffing, reporting and archiving requirements for intrusive archaeological fieldwork.</p> <p>Secondly, sub-paragraphs 15(4) and 15(5) secure the mitigation stage. They require an archaeological mitigation strategy for the relevant phase to be submitted to and approved by the local planning authority in consultation with the county archaeologist and Historic England, and then implemented as approved. This is the mechanism by which the results of the further evaluation will be translated into the final mitigation measures for the relevant works.</p> <p>The certified oAMS is not intended to be the final word on mitigation before the remaining evaluation has been completed. It expressly recognises that further archaeological investigation is required</p>

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				<p>before construction, and that the purpose of that further work is to establish the final archaeological mitigation measures to be embedded into the detailed design of the Scheme. It also identifies the remaining survey and trial trenching work, including areas not previously accessible, and confirms that final trench locations and further works will be determined in consultation with CHET, BBHET and Historic England.</p> <p>The oAMS also confirms that, once the further archaeological investigation has been completed, the extent of the archaeological resource across the whole Scheme will be fully established and final mitigation measures will be applied. It expressly provides that the final number, size and layout of the Areas of Archaeological Constraint may change depending on the results of further investigations, and that the final proposals for archaeological mitigation will be determined based on those results and following consultation with CHET, BBHET and Historic England.</p> <p>For that reason, the reference to “substantial accordance” is appropriate. It does not allow the Applicant to depart from the oAMS in an uncontrolled way. Rather, it secures the principles, mitigation hierarchy and minimum framework established by the oAMS, while allowing the final AMS to</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>be refined in response to the results of the remaining evaluation. A requirement for strict accordance with the oAMS would be too rigid, because the oAMS itself anticipates that the final mitigation strategy will need to respond to further evaluation results. Conversely, a looser formulation would not provide the Council with the same level of control. The current wording therefore strikes the correct balance between enforceability and necessary archaeological flexibility.</p> <p>In relation to the request for an updated overarching AMS, the Applicant's position is that the requirement already secures the necessary updated AMS. The Scheme is capable of being brought forward in phases and it is therefore appropriate for the DCO to require an AMS for the relevant phase, rather than requiring a single scheme-wide document in all circumstances. A phase-specific AMS is more precise and enforceable because it can respond directly to the archaeological resource, construction methodology and mitigation requirements for the works being brought forward in a particular phase. That does not prevent a single overarching updated AMS being submitted where that is the most practical approach. The key point is that no relevant works can proceed unless the approved AMS, whether scheme-wide or phase-specific, has been prepared in</p>

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				light of the completed evaluation and approved following consultation with the county archaeologist and Historic England.
BBC-D2-28	BBC-RR-46	Cultural Heritage and Archaeology	Applicant's comment and update noted in the above. On the basis that this matter remains under discussion.	The Applicant has provided a response in the row above.
BBC-D2-29	BBC-RR-47	Hedgerows	<p>(1) The Council is in agreement subject to rather than as stated by the Applicant.</p> <p>(2) The matter of cable/ haul route landscape removal, buffer, and corridor widths is addressed collectively in [BBC-RR-49]. Matters relating to the protection of hedgerows should be read in conjunction with this matter.</p> <p>The Council has reviewed:</p> <p>(3) [APP-043] Assessment: in-principle agreement.</p> <p>(4) [APP-056] Arb Report; note that the Council requires confirmation that the tree protected zones (Fig4. 4 of 16) are not affected by the proposed site access routes (there is considerable encroachment/conflict), and the temporary haul routes (which are not illustrated); and, that this protection is set-out in the oCEMP and oLEMP.</p> <p>(5) That hedgerow and PRoW Corridors widths as set-out/agreed are protected (it is suggested that Fig. 4 &5 well illustrates that this is unclear). In this regard the</p>	<p>(3) The Applicant notes this comment.</p> <p>(4) The assessment of tree impacts set out in Table 2 of the Arboricultural Impact Assessment (AIA) [APP-056] accounts for the embedded mitigation measures described in the AIA including within the Arboricultural Method Statement at Appendix 3 of the document. The application of these measures is described through Sections 4.4 to 4.6 of the AIA [APP-056].</p> <p>The temporary access roads shown on ES Vol 3 Figure 2-5 [APP-125] are shown on the Tree Impacts Plan (Figure 4 within [APP-056]).</p> <p>(5) The Scheme drawing presented within the AIA is extracted from the illustrative layout presented on ES Vol 3 Figure 2-1 [APP-121] which accounts for the required buffers and offsets secured in Section 3.4 of the oLEMP [REP2-032]. It is confirmed that the bold magenta/purple line</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>bold purple line on these drawings is read as the hedgerow protection zone/ RPA.</p> <p>(6) The Council expresses strong concern regarding the [APP-056] Fig. 4 &5's method statement wording regarding mitigation measures proposed within areas of potential tree and hedgerow conflict – as a starting point, the protection of the landscape within this zone should be a priority as per bullet (a), with bullet (d) being unacceptable.</p> <p>(7) Fig. 5 Arb Method Statement – the Council seeks confirmation that this text is replicated in the oLEMP with clear paragraph numbering to aid reading and possible enforcement; further,</p> <p>(7a) As a starting point, NO 'permanent boundary fencing', utilities and services and/or ground level works should be installed/ undertaken within the RPA; this should be considered as the Construction Exclusion Zone (CEZ) as stated by the Applicant – with no ambiguity.</p> <p>(7b) The Applicant suggests that all tree and hedgerow works are undertaken in consultation with the Council – this will require some s106/other funding mechanism.</p> <p>(7c) The Applicant states extensive engagement of a project arboriculturist – refer to BBC-RR-23 regarding committed resourcing.</p> <p>(8) It is considered that this issue needs to be read in conjunction with the Management Plans' review which will be addressed separately.</p>	<p>represents the RPA, as per the drawing legend.</p> <p>(6) The Applicant notes that these measures follow a typical mitigation hierarchy and are typical of an arboricultural method statement. In relation to point (d) – such measures are common for a construction site and provide for safe working within the RPA of a tree (where essential) without resulting in removal of the tree, whilst protecting the roots (e.g. using common no-dig solutions such as geogrids).</p> <p>(7) This is described at paragraphs 5.2.6 to 5.2.7 of the oLEMP [REP2-032]. In addition, Tables 5.1 and 5.3 of the oCEMP [REP2-028] secure the mitigation set out in the AIA for the construction phase.</p> <p>(7a) The Applicant does not consider a blanket exclusion to be appropriate, as it is acceptable to undertake such works within the RPA of a tree when undertaken sensitively, and in accordance with the arboricultural method statement, and under the guidance of a qualified arboriculturist.</p> <p>(7b) The Applicant notes that the AIA sets out that there may be a requirement for an LPA Tree Officer to review the proposed works or attend site if they wish, but not that all works are undertaken with oversight from the LPA Tree Officer.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>On the basis that this matter remains under discussion.</p>	<p>(7c) The Applicant notes this comment and has updated paragraph 4.1.2 of the oLEMP [as updated alongside this submission] to identify the need for a project arboriculturalist.</p> <p>(8) The Applicant notes this comment.</p>
BBC-D2-30	BBC-RR-48	Legislation	<p>The Applicant is referred to Appendix A with sets out the Council’s position regarding this matter.</p> <p>On the basis that this matter remains under discussion.</p>	<p>The Applicant notes the Council’s comments set out at Appendix A of their written representation [REP2-048]. The Applicant maintains the position stated in its previous response to the Council’s relevant representation [REP2-044] that the Inclosure Act 1845 is not directly relevant to the authorised development but acknowledges that the Hedgerow Regulations 1997 are of relevance.</p> <p>The draft DCO [REP1-005] manages ‘important hedgerow’ consent through Article 8(2) which modifies Regulation 6 of the Hedgerow Regulations so that the list of permitted reasons for removal includes development authorised by the DCO, by inserting a new limb “(k) for carrying out development which has been authorised by the East Park Energy Order”. This is needed because, without the modification, the normal exception (for development permitted by planning permission) would not apply to development authorised by a DCO.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>'Important' hedgerow surveys and assessments are not routinely requested on applications under the TCPA or PA2008 regimes just because hedgerows are affected. They are typically only requested where hedgerow removal is substantial in the context of the individual site or proposal, or where the loss of a particular hedgerow or section of hedgerow could be an important consideration in the planning balance when determining an application. It is the Applicant's position that neither is the situation as part of this Scheme.</p> <p>On the East Park Energy project, the Applicant has taken a design approach that has explicitly sought to avoid impacts on hedgerows as far as practicable by providing adequate stand-off buffers, and utilising existing access points within hedgerows for cabling and access where possible. As a result, the extent of hedgerow loss is exceptionally limited for a project of this scale. The proposed hedgerow removals and the purpose are described in paragraphs 2.5.23 to 2.5.35 of <i>ES Vol 1 Chapter 2: The Scheme [APP-038]</i>, and also set out in Table 2-34 [APP038]. In summary, it is anticipated that a total of 84m of hedgerow (cumulatively across 14 separate locations) would need to be removed to facilitate construction of the Scheme, with 42m of this to be reinstated at the end of the construction</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>phase. No individual section of hedgerow removal is anticipated to be greater than 6m in width. This is a patently limited extent of hedgerow removal which is both justified, and necessary to deliver the project. To mitigate for the impacts of the Scheme and to compensate for the loss of hedgerow the Applicant is proposing approximately 17.4km of new native species hedgerow, which substantially outweighs the very limited removals.</p> <p>In the context of the limited extent of hedgerow removal, it is considered by the Applicant that undertaking further important hedgerow surveys and important hedgerow assessments would be disproportionate to the level of anticipated impact, and that such surveys and assessment are not necessary to reach a reasonable and informed decision on the harm and benefits caused by the Scheme. One could assume (under a worst case scenario) that each of the 14 hedgerows where clearance works are proposed is an 'important hedgerow' and the level of impact would nonetheless demonstrably be limited, justified, and acceptable.</p> <p>The application documents do not identify any significant adverse effects that result from a loss of hedgerow. The Applicant has prepared a framework of environmental management plans that cover each phase of the Scheme and set out how hedgerows</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>will be protected during construction-related activities. The management regime for retained and proposed hedgerows is provided in the outline Landscape and Ecological Management Plan [REP1-040].</p> <p>For the avoidance of doubt the Applicant considers that many if not all of the 14 hedgerows where works are proposed could be classified as 'important' hedgerows under the Regulations. However the Applicant is not seeking to benefit from any of the 'exceptions' to working on an important hedgerow (as set out under Regulation 6) other than through the grant of development consent for works described and assessed in the ES and proposed for removal through the draft DCO [REP1-005]. The works are clearly defined and impacts transparently assessed.</p> <p>In choosing to grant development consent, the Secretary of State would authorise works to hedgerows through Article 41(4) of the draft DCO [REP1-005] which allows removal only of those hedgerows (or parts) that are within the Order limits and specifically listed in Schedule 12, with Schedule 12 identifying the hedgerow sections proposed for removal by reference to the Hedgerow Plan [APP-015]. The amendments to the Hedgerow Regulations introduced by Article 8(2) of the draft DCO</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>[REP1-005] would authorise the works under the Hedgerow Regulations.</p>
BBC-D2-31	BBC-RR-49	The Scheme	<p>(1) As noted, the Council is not supportive of the term/s 'prepared in substantial accordance with', this general issues will be addressed in the legal review of the draft DCO Agreement(see [BBC-RR-14] (pt5)).</p> <p>(2) The Council will address the Matter of habitat/ landscape/ PRow corridor widths here (as this matter is across the responses):</p> <p>(2a) PRow Corridor: as set out in [APP-043] para 7.7.7(2) and [APP-159] para3.4.1 – '<i>public rights of way are retained within open 20m wide corridors bounded by hedgerows</i>'. It is unclear if this corridor width would also apply to Permissive Routes.</p> <p>(2b) [APP-159] para3.4.1 – '<i>A minimum 6m buffer between the fenceline of the solar farm and the outer edge as acceptable to the Council of the surrounding hedgerows, Higher value habitats, Priority and Irreplaceable Habitats, and/or substantial areas of vegetation unless this includes RTZ dimensions in which case the greater dimension would apply</i>'. It is noted that the Applicant states in BBC-RR-64 '6m is only a minimum, and that greater buffers could be included at the detailed design stage in relation to tree or woodland habitats' – the Council appreciates this flexibility within the revised wording suggested above.</p> <p>(2c) [APP-159] para3.4.1 – '<i>A minimum 10m buffer between the fenceline of the solar farm and the centre-line of the watercourses unless this includes RTZ</i></p>	<p>(1) Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p> <p>(2a) The buffer applies to formal public rights of way, and not the permissive paths. The Applicant considers the locations of the permissive paths (as shown in Appendix A of the oLEMP [REP2-032]), are such that the buffers which are proposed to the formal public rights of way are unnecessary. This is because the permissive access in Site B is either along existing PRow, or within open fields, or providing connections between existing PRow where a buffer is not appropriate.</p> <p>(2b) (2c) The Applicant recognises the intent of BBC's suggested amendments, and the need to ensure trees are protected from damage or harm that hasn't been assessed within the ES. However, the Applicant does not consider a blanket exclusion to works within root protection areas to be appropriate, as it is acceptable to undertake such works within the RPA of a tree when undertaken sensitively, and in accordance with an arboricultural method statement, and under the guidance of a</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p><u>dimensions in which case the greater dimension would apply</u>'. It is suggested that the above underlined clarification is set out in the oLEMP for absolute clarity on intent.</p> <p>If the above is acceptable to the Applicant: issue resolved.</p>	<p>qualified arboriculturalist. The Applicant reiterates that trees would be protected during construction in accordance with BS:5837 (as set out in both the oCEMP and the oLEMP).</p> <p>The Applicant has amended paragraph 5.2.7 of the oLEMP [as updated alongside this submission] to state that: "Where works under any proposed phase include construction within the RPA of a tree, a specific Arboricultural Method Statement for the work will be prepared as part of the final LEMP for that phase of the works". The Applicant has additionally updated Tables 5.1 and 5.3 of the oCEMP [as updated alongside this submission] to make this commitment.</p>
BBC-D2-32	BBC-RR-51	Access	<p>On the basis that the Applicant expands/defines [App-038] para2.4.163's intent to read '<i>...if required then existing verges and vegetation sitting within or adjacent to visibility splays will be managed to maintain visibility by coppicing vegetation to one metre in height</i>' then this clarification is acceptable: matter resolved.</p> <p>Further, in extremus, it is taken that this same intent would apply to any new/ un-identified as yet access points required (over the 40year duration).</p> <p>Confirmation by Applicant accepted: matter resolved.</p>	<p>The Applicant has amended ES Vol 1 Chapter 2 [as updated alongside this submission] to include the amendment proposed by BBC. This is also already reflected within Section 5.4 of the oCTMP [REP1-034].</p> <p>The Applicant notes that based on the current Site context there would not be any new or as yet unidentified access points over the operational life of the Scheme.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-33	BBC-RR-55	Ecology	<p>Matter(s) addressed against [BBC-RR-56] to [BBC-RR-60] below.</p> <p>Amber status pending full review of additional documentation.</p>	<p>The Applicant has provided responses in the rows below.</p>
BBC-D2-34	BBC-RR-56	Ecology	<p>Additional documentation has been provided (Outline Farmland Bird Mitigation Strategy) by the Applicant. The Council welcomes the provision of the Outline Farmland Bird Mitigation Strategy (oFBMS) and the additional of breeding bird reasonable avoidance measures to the oLEMP.</p> <p>Further clarification is sought on a number of points relating to the oFBMS which are required to provide reassurance that the measures proposed are appropriate:</p> <ul style="list-style-type: none"> a. A clear summary of the losses and gains in suitable habitat (in ha) b. Further information to confirm the existing value of the areas identified for habitat creation for the target species c. Explanation of how impact of Public Rights of Way (PRoW) have been considered in the areas of suitable habitat creation claimed. <p>Amber status pending full review of additional documentation.</p>	<p>The Applicant has updated the oFBMS [as updated alongside this submission] to reflect these comments.</p> <p>A table is now included as Table 4.2 outlining the baseline habitats and baseline ground nesting bird use (species of open ground only) within areas identified as grassland creation for the benefit of ground nesting bird species.</p> <p>Additional detail is provided regarding public rights of the way. The Applicant confirms that Public Rights of Way are present within some of these fields, although are typically (but not always) restricted to field boundaries.</p> <p>It would not be expected that irregular walkers, principally located at field boundaries less favoured by the species, would significantly deter skylark nesting attempts. The Applicant will install signage encouraging walkers to keep dogs on leads where footpaths are located within areas identified for skylark mitigation.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>The locations of Public Rights of Way have been added to Figure 1 of the oFBMS [as updated alongside this submission].</p>
BBC-D2-35	BBC-RR-57	Ecology	<p>As per the Council's original comment without knowing if trees are PRF-I or PRF-M it is not possible to verify that the buffer zones proposed around trees are sufficient to prevent the disturbance of any roosts that may be present. The 6m standard buffer around hedgerows would not for example be sufficient to prevent disturbance of a tree containing a potential maternity roost. This issue does not appear to have been considered within the buffer included in the Arboricultural Impact Assessment, and the Reasonable Avoidance Measures added to the oLEMP are concerned with approach to mitigate works to trees subject to direct works, rather than potential for disturbance.</p> <p>Matter requires further address by Applicant.</p>	<p>The Applicant maintains their position that surveys are not required in this instance and that works are unlikely to result in disturbance of a sufficient scale to justify detailed survey or result in an offence. While the standard 6m buffer is applied to all hedges, several trees have a larger buffer in line with root protection areas. This would particularly apply to mature trees which are most likely to support roosts.</p> <p>The Bat Mitigation Guidelines Appendix 5 specifically addresses the risk of disturbance from noise on bats. This states that <i>'disturbance which results in no observable change in behaviour, or which results in changes which have no adverse implications for bats, is unlikely to be licensable'</i></p> <p>It also highlights that bats are more likely to be disturbed by high frequency noise than that audible to humans, but that higher frequency noise is more likely to be dampened by the presence of a structure (or tree).</p> <p>It is also noteworthy that bats using trees tend to show a high degree of roost switching behaviour, even where a tree is</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>categorised as PRF-M, and as such the chance of a bat using a tree at any given point in works is low, even where suitable features are present.</p> <p>The assessment has considered the baseline disturbance (agricultural use), timing of works (daytime) and duration of works (short term, intermittent).</p> <p>It is concluded that while noise generating activities may occur within proximity to roosts, it is unlikely to result in disturbance to such a level that a licence would be required. It is considered unlikely that such activities would result in roost abandonment (permanent or temporary)</p> <p>Natural England has issued an Advice Note 'Guidance on bat disturbance and appropriate licencing responses', with the overarching aim of reducing precautionary licencing. This splits impacts into four broad levels:</p> <ol style="list-style-type: none"> 1. Negligible disturbance, no licence required 2. Low level disturbance (e.g., to individuals with no population level effects), NE expects applicants to rely on the 'incidental result defence'. No licence required but prior notification 3. Disturbance to population level, but not meeting thresholds under

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>habitats regulations. Wildlife and Countryside Act licence required.</p> <p>4. Disturbance causing effect under Habitat Regulations (e.g., population level impacts affecting local distribution)</p> <p>It is anticipated that any works in proximity to trees would result in disturbance to level one or two only, accounting for the short timeframes of works, baseline disturbance and typical bat behaviours (i.e., frequent roost switching in trees) As a precaution, the Applicant commits to notify Natural England prior to the onset of construction works within each of the sites (A, B, C and D).</p> <p>The oCEMP [as updated alongside this submission] Table 5.3 has been updated to reflect this requirement.</p>
BBC-D2-36	BBC-RR-59	Ecology	<p>The Council accepts the Applicant's clarification regarding the extent of the baseline surveys.</p> <p>In relation to the proposed enhancement works the Council maintains that baseline surveys should be undertaken at all ditches that will be subject to enhancement works in advance of those works. The Council requests that the Reasonable Avoidance Method Statement for water vole and otter is updated to secure this action. Matter requires further address by Applicant.</p>	<p>The oLEMP [REP2-032] section 6.4.12 includes for pre-works survey for water vole for all maintenance work within 10m of a ditch. Should evidence of water vole be found, the EcoCoW would advise on appropriate actions.</p> <p>It is however maintained that enhancement works are to bank top habitat only with negligible potential to affect water vole. Landscaping works are not considered to meet any of the criteria triggering survey</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>outlined within Box 1 of the Water Vole Mitigation Handbook¹. All landscaping works with the potential to affect water voles or ditch habitats (i.e., within 10m of a ditch/ watercourse) would be undertaken at a time appropriate to avoid or minimise any impacts to water vole (e.g., de-silting between mid-September and January).</p> <p>While survey would identify water vole populations currently present, proposed ditch enhancements would be undertaken throughout the lifetime of the Scheme, supporting water voles in the event of future colonisation.</p>
BBC-D2-37	BBC-RR-61	Ecology	<p>(1) The Councils considers that the references to lighting in [APP-155] and [APP-159] to be too generic. Clarity is required regarding what lighting is proposed per Phase; how this addresses environmental requirement; and, how this addresses impact on neighbouring properties. As this is a potential harm, this should be addressed in a 2nd draft oLEMP not the final oLEMP.</p> <p>(2) The issue that any lighting measures form part of the DCO's Schedule of Requirements is not responded to by the Applicant.</p> <p>(3) The Council has reverted on BNG Matters in BBC-RR-69. It is noted that additional documentation has been provided and will be subject to full review.</p>	<p>(1) (2) The Applicant has updated Requirement 3 of the draft DCO [as updated alongside this submission] to include lighting as a specific detail requiring detailed design approval prior to commencement of any phase of the authorised development. The detailed design of the Scheme has not yet been completed; the outline management plans therefore provide a framework by which the detailed design of the Scheme (including lighting) must come forward. The Applicant considers these measures to be</p>

¹ Dean, M.; Strachan, R.; Gow, D.; Andrews, R.M. (2016) *Water Vole Mitigation Handbook*.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>However, the Council notes that there likely remains a point of difference between Parties as there is no indication of a change in position in securing such enhanced and created habitats in perpetuity.</p> <p>It is noted that additional documentation has been provided and will be subject to full review. However, the Council notes that there likely remains a point of difference between Parties as there is no indication of a change in position in securing such enhanced and created habitats in perpetuity.</p> <p>(4) No further information has been provided on the site specific measures that would be employed to ensure adverse effects on adjoining habitats of importance will be avoided. Relevant content in the oCEMP is now at paragraphs 4.1.30 to 4.1.33.</p> <p>(5) The Council requests that the oCEMP is updated to clearly acknowledge the sensitive receptors adjacent to the Site that should be of key consideration in developing the lighting design for the construction phase of the project.</p> <p>(6) The Council welcomes the addition of the commitment to maximise BNG as far as is practicable within the oLEMP (new paragraph 3.6.2).</p> <p>(7) The Council acknowledges that the ongoing management of habitats meets the BNG guidance requirements. However, continue to advocate that measures should be included in the DCO to secure the permanent retention of those habitats outside of the area occupied by the operational arrays.</p>	<p>proportionate, and justified in terms of avoiding significant adverse effects.</p> <p>(3) BNG matters specifically are responded to as BBC-D2-45.</p> <p>(4) Construction operations would generally be limited to 08.00 to 18.00hrs, and as such it is expected that this is the period in which lighting would be required. This broadly corresponds to the period of mid-October through to March, although certain tasks may require lighting outside of this period. This corresponds with a period of reduced activity for most ecological receptors, including bats and badgers.</p> <p>The lighting strategy has been designed to follow the mitigation hierarchy, with avoidance the principal management measure employed. This includes using lighting only where required for health and safety requirements (i.e., task specific) and also ensuring it is directed away from sensitive ecological (and residential) receptors with directional fittings installed.</p> <p>The EcoCoW would monitor lighting usage and make recommendations for modifications to the Environmental Manager or Construction Project Manager with the authority to take corrective action.</p> <p>(5) Sensitive ecological receptors at which lighting control measures should be specifically implemented are now included</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			On the basis that this matter remains under discussion.	within the oCEMP [as updated alongside this submission] at paragraph 4.1.33. (6) The Applicant notes this response. (7) The Applicant notes this response.
BBC-D2-38	BBC-RR-62	Ecology	Notwithstanding the generic comment regarding the phrase 'in substantial accordance with' (see [BBC-RR-14] (pt5)), the clarification of the Applicant's position is accepted: matter resolved.	Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.
BBC-D2-39	BBC-RR-63	Ecology	<p>(1) The Council has set-out a detailed response to the matter of potential habitat and landscape loss post-decommissioning – refer to response Matter 11 (Legacy) [BBC-RR-32].</p> <p>(2) This is a topic that the Council considers requires further discussion. The Council maintains that securing the long-term retention and management of these habitats is required to ensure beneficial effects identified in the ES are permanent. While it appreciates this may not form the current basis of the Applicant's agreements with the current landowners, it is unclear why there would be a barrier to achieving this with agreement of all parties.</p> <p>(3) This is likely to remain a point of difference as the Council's view is that this matter should be secured through the DCO. It is recognised that this is a matter for the Examining Authority to weigh and determine.</p> <p>On the basis that this matter remains under discussion.</p>	The Applicant maintains that it is not in their power to agree to the areas of species-diverse grassland being retained following the decommissioning of the Scheme. The land would be returned to the landowners, and it would be at their discretion what to do with the land in the future (post-decommissioning), but the assumption is that these areas would revert to agricultural production. The exception to this is the area designated as a scheduled monument within Site C, where the land could not be reverted to agricultural production or 'ploughed' without consent from Historic England.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-40	BBC-RR-64	Ecology	<p>(1) The Council does not feel that the current oLEMP wording makes clear the need for the hedgerow buffer to extend to reflect the root protection zones of retained trees where these extend beyond 6m.</p> <p>(2) The following amendment to the oLEMP wording at Table 5.3. page 41 is requested: 'Hedgerows to include a minimum 6m buffer, extending beyond this to include the full root protection zone for retained trees where this extends beyond 6m, and excluding any locations where points of widening or crossing points, in which no works (other than landscaping) are to occur'.</p> <p>(3) Cross-reference to Council's response in [BBC RR-49].</p> <p>(4) The Council suggests amendment to the wording to make clear that 6m is a minimum and that final design should respond to requirements of individual trees and other ecological feature of interest.</p> <p>On the basis that this matter remains under discussion.</p>	The Applicant has responded to these points with reference to BBC-D2-31 above.
BBC-D2-41	BBC-RR-65	Ecology	<p>(1) It is noted that the responses focus on nutrient levels in the soil but it will also be important to demonstrate that the measures proposed are compatible with the proposed bird mitigation approach. Applicant to review and confirm.</p> <p>(2) The Council notes the Applicant's requirement for on-site staff resourcing to manage the works – refer to Council's response Matter 9 (Employment) [BBC-RR-23].</p>	(1) The oFBMS has been designed to complement the oLEMP [REP2-032] as both are grounded in establishment of species diverse grassland. As well as soil sampling and introduction of yellow rattle to parasitise grass species, the oLEMP requires cut and collect regime to reduce soil fertility. Cutting would be undertaken

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(3) In relation to the method of establishment the Council welcomes the additions to the oLEMP to reflect the Council's previous comments. The Council request that results from the soil analysis are provided in the information supplied to the LPAs when the final LEMP is submitted for approval.</p> <p>(4) It is noted that agreement is yet to be reached in relation to the overall bird mitigation approach and points regarding the suitability of created habitats for birds and how this links to the proposed approach to management continues to be an area where the Council has requested further information.</p> <p>On the basis that this matter remains under discussion.</p>	<p>outside of the skylark nesting period to ensure no harm to nesting birds.</p> <p>(2) The Applicant has responded to this point with reference to BBC-D2-15 above.</p> <p>(3) The Applicant can confirm that the results of the soil sampling will be submitted as part of the final oLEMP, and has updated paragraph 5.3.35 of the oLEMP [as updated alongside this submission] to provide this commitment.</p> <p>(4) The Applicant notes this comment.</p>
BBC-D2-42	BBC-RR-66	Ecology	<p>(1) The Council welcomes this commitment. It requests that for consistency the wording of the two documents is aligned. We request the oLEMP is updated to reflect the oCEMP wording of <i>“Protect and retain existing trees and vegetation (in accordance with British Standard (BS) 5837:2012), and following an Arboricultural survey undertaken to the same standard prior to construction commencing) via construction exclusion zones and tree protective fencing”</i>.</p> <p>(2) The Council would like the statement expanded/ changed to ‘all construction related activity across any Phase’ to address potential harm that could be created within other Phases.</p> <p>On the basis that this matter remains under discussion.</p>	<p>(1) (2) The Applicant has updated paragraph 5.2.7 of the oLEMP [as updated alongside this submission] to reflect this suggestion by BBC.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-43	BBC-RR-67	Ecology	<p>The Council expects to see a comprehensive monitoring strategy for the Site including appropriate species monitoring from inception to that agreed point of habitat maturity/ stability as to be defined.</p> <p>On the basis that this matter remains under discussion.</p>	<p>The Applicant commits to the implementation of a monitoring strategy broadly following Solar Energy UK Guidance 'A standard approach to Monitoring Biodiversity on Solar Farms'. Details have been included as Section 8.2 in the oLEMP [as updated alongside this submission].</p>
BBC-D2-44	BBC-RR-68	Operation Staffing	<p>(1) The Council notes the Applicant's requirement for on-site staff resourcing to manage the works – refer to Council's response Matter 9 (Employment) [BBC-RR-23].</p> <p>(2) The Council notes that [BBC-RR-159] para4.1.5 should be amended as suggested to reflect a clear commitment to staff resourcing: 'the Applicant will engage 20 full-time equivalent (FTE) roles for the Scheme covering the various activities, this would breakdown broadly as:</p> <ul style="list-style-type: none"> ▪ 12No.FTE roles working on-site maintenance; ▪ 5No. FTE roles working in management and administrative roles; and, ▪ A minimum of 3No. FTE roles working on-site in land management including landscape and habitat maintenance'. <p>On the basis that the Council's response is acceptable to the Applicant: issue resolved.</p>	<p>(1) The Applicant has responded to this point with reference to BBC-D2-15 above.</p> <p>(2) The Applicant is not in a position to provide a firm and binding commitment to a minimum number of staff to be engaged or contracted as part of the Scheme for the operational phase. The Applicant has committed to manage the existing and proposed habitats as part of the oLEMP [REP2-032], and it is the meeting of the oLEMP objectives that should be measured and enforced, rather than the number of staff required to deliver them.</p>
BBC-D2-45	BBC-RR-69	Biodiversity Net Gain	<p>The Council considers that the distinction between mitigation and BNG delivery proposed by the Applicant</p>	<p>The Biodiversity Net Gain Report [REP1-052] has been updated at Deadline 1 to</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			is not yet demonstrated and should be provided. (see [BBC-RR-14] (pt5))	reflect licenced mitigation measures, and updated at this submission to reflect farmland bird mitigation. Combined, the great crested newt and farmland bird mitigation contribute 1041.42 units, which is below the baseline of 1835.93 units, and so can be counted towards a position of no net loss with all gains additional.
BBC-D2-46	BBC-RR-70	Biodiversity Net Gain	The Council considers that the distinction between mitigation and BNG delivery proposed by the Applicant is not yet demonstrated and should be provided.	This has been addressed as BBC-D2-45 above.
BBC-D2-47	BBC-RR-74	Biodiversity Net Gain	The Applicant's explanation is noted; however, absence of parcel-level condition data limits the ability to verify consistency of condition assessments across the Site. This should be read as part of [BBC-RR-69]. On the basis that this matter remains under discussion.	The Applicant is to provide the shapefiles used for the BNG assessment directly to the Council to review the parcel-level condition data.
BBC-D2-48	BBC-RR-77	Biodiversity Net Gain	As noted, the Council is not supportive of the term/s 'prepared in substantial accordance with', this general issues will be addressed in the legal review of the draft DCO Agreement (see [BBC RR-14] (pt5)). This should be read as part of [BBC-RR-69]. The Applicant's response is noted and the Council is content that this matter is addressed.	Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.
BBC-D2-49	BBC-RR-78	Biodiversity Net Gain	The Applicant's response signposts to BBC-RR-32 but does not directly address how habitats created to	The Applicant notes this comment and considers that the creation of over 17km of

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>deliver biodiversity gains would be treated at decommissioning.</p> <p>It is understood that, while certain landscape features such as woodland, hedgerows and trees are likely to be retained, the long-term retention of other habitats that contribute to biodiversity gains would be subject to landowner discretion following decommissioning.</p> <p>The Council acknowledges that it may not be reasonable for the Applicant to secure retention of all habitats beyond the operational life of the Scheme, particularly where land is returned to third party ownership. It is also recognised that many habitats would be established early and would therefore deliver biodiversity benefits over a substantial period, potentially up to 40 years. However, in the absence of secured measures for post-decommissioning retention, there remains uncertainty as to whether these biodiversity gains would persist in the longer term. While any future change in land use may be subject to separate planning controls, this does not guarantee retention of habitats established as part of the Scheme.</p> <p>On this basis, further clarification is required to confirm how this uncertainty has been taken into account in the assessment of biodiversity benefits and the weight attributed to these within the planning balance.</p> <p>This should be read as part of Matter 11 (Legacy) [BBC-RR 32]'s Council's response.</p> <p>On the basis that this matter remains under discussion.</p>	<p>new hedgerows, as well as 19 hectares of woodland would provide considerable improvements in habitat connectivity and function that would persist beyond the lifetime of the Scheme. The Applicant cannot guarantee that these components would be retained in perpetuity, but considers it extremely unlikely that they would be removed post-decommissioning.</p> <p>The Applicant acknowledges it is more likely that the areas of grassland would be removed at the end of the operational phase, and it is fair to assume that these areas would revert to agricultural production. The exception to this is the area designated as a scheduled monument within Site C, where the land could not be reverted to agricultural production or 'ploughed' without consent from Historic England.</p> <p>Whilst Biodiversity Net Gain (BNG) is not mandatory for the Scheme, the Applicant has elected to provide a BNG assessment as part of the application, and commit to achieving the net gains set out in Section 3.6 of the oLEMP [REP2-032]. BNG is measured over a 30 year period, which is less than the operational life of the Scheme. The Applicant notes that it would not be an action of the Scheme to reverse any of the habitats implemented.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-50	BBC-RR-79	Biodiversity Net Gain	<p>(1) Issue remains unclear, the Council needs an emphatic answer. In light that the Application is temporary, the state of 'permanent' cannot apply.</p> <p>(2) Issue not resolved.</p> <p>(3) As this matter will contribute to the [APP-165] outline Surface Water Management Plan, the Council suggests that further discussions to set-out these post-consent matters should be engaged as part of the Examination and avail themselves accordingly.</p>	<p>(1) The crossings listed in Table 2-25 [APP-038] will be retained through the construction, operation and decommissioning phases of the Scheme. Those which are listed as 'proposed' in Table 2-25 would be removed at the end of the decommissioning phase.</p> <p>The crossings listed in Table 2-27 [APP-038] would be required during construction, but removed by the end of the construction phase as they are not required for the operational phase of the Scheme (including any replacements).</p> <p>(2) This matter is addressed by the response to (1) above.</p> <p>(3) The Applicant is yet to undertake detailed design of the watercourse crossings. Paragraphs 4.1.15 to 4.1.21 of the oSWMP [REP1-046] set out the approach that will be taken to watercourse crossings post consent, including that the <i>"detailed design of crossings would be confirmed by a survey of the watercourse prior to construction and would be agreed upon with the LLFA prior to construction"</i>. This will be provided as part of the final SWMP submitted pursuant to Requirement 14 of the draft DCO [REP1-005].</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-51	BBC-RR-81	Flood Risk and Drainage	<p>The issue of firewater containment and associated drainage lagoon capacity should be read as part of Matter 76 (BESS) [BBC-RR-132].</p> <p>On the basis that this matter remains under discussion.</p>	The Applicant has responded to this point with reference to BBC-D2-78 below.
BBC-D2-52	BBC-RR-82	Flood Risk and Drainage	<p>For absolute clarity, can the Applicant confirm that the oSWMP recognises/ addresses that considerable parts of the site are soil type 1 – heavy clay loam - and that [APP-155] para3,12 notes '<i>This clay is slowly permeable and restricts the downward drainage of water</i>' which may result in surface ponding/ poor infiltration.</p> <p>On the basis that this matter remains under discussion.</p>	<p>The limited infiltration capacity of the site is recognised and is reflected in the runoff rate calculations for the Site (Table 2 of the oSWMP [REP1-046]). Section 6.4 of the oSWMP further describes how the 'expected ground conditions with poor infiltration' has guided the SuDS design away from infiltration solutions, with attenuated discharge to watercourses proposed at this stage (pending confirmation from BRE365 infiltration testing to be undertaken as part of site preparation works).</p> <p>A detailed assessment of flood risk within the site, including surface water and groundwater risks, is found within ES Vol 2 Appendix 8-1 Flood Risk Assessment [AS-018].</p>
BBC-D2-53	BBC-RR-84	Flood Risk and Drainage	<p>For absolute clarity, the Applicant is referred to the Council's comment/request made in Matter 39 [BBC-RR 82].</p> <p>(1) It is suggested that filter drains / swales are provided for every five or six rows of solar panels to help address these impermeable areas at source and</p>	The comment made in regard to the provision of filter drains/ swales for panelled areas was responded to previously by reference to the anticipated negligible impacts of the panel

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>to minimise overland flows especially on sloping ground. The Council seeks a response to the matter of filter drains / swales as raised.</p> <p>On the basis that this matter remains under discussion.</p>	<p>infrastructure upon either rainfall runoff rates or volumes.</p> <p>Vegetated groundcover would be established and maintained (see maintenance plans secured by the oSWMP and oLEMP), and as such, additional mitigation such as swales would not be required. It was noted in previous responses, that this will improve upon existing landcover found across the Site, which seasonally includes significant areas of fallow (bare soil) and furrowed land, which will have adverse impacts on rainfall runoff.</p> <p>Further justification for the current strategy is provided within Section 6.5 of the oSWMP [REP1-046].</p>
BBC-D2-54	BBC-RR-86	Flood Risk and Drainage Draft DCO	It is noted that the Council has instructed a legal review of the DRAFT DCO, including use of protective provisions, for discussion. The Council reserves the right to comment further on this collective Matter.	The Applicant notes the Council's comments and looks forward to receiving comments from the Council's legal team in relation to this.
BBC-D2-55	BBC-RR-87	Flood Risk and Drainage	As this matter will contribute to the [APP-165] outline Surface Water Management Plan, the Council suggests that further discussions to set-out these post-consent matters should be engaged as part of the Examination and avail themselves accordingly.	The Applicant notes that detailed drainage plans are to be confirmed at the detailed design stage post-consent. The oSWMP sets the principles by which surface water will be managed across the Scheme which will inform the final detailed design. BBC

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>confirm at BBC-RR-87 that this approach is acceptable.</p> <p>The Applicant invites BBC to set out its specific comments which require address in relation to the deliverables, programme, and consenting regime on this matter.</p>
BBC-D2-56	BBC-RR-89	Traffic and Transport	<p>It is noted that the Council has instructed a legal review of the DRAFT DCO, including use of powers requested, protective provisions, for discussion. The Council reserves the right to comment further on this collective Matter.</p> <p>As a matter of principle, the Council are NOT support of the powers the Applicant is requesting regarding works to the Public Highways and PRoW and have noted this elsewhere in comments made to the Examination.</p> <p>(2) As will be noted across this response, the wording 'in substantial accordance with' is not acceptable as in principle there are matters/ issues within the Management Plans that the Council is NOT in agreement with and will need revision prior to forming a reference document(see [BBC RR-14] (pt5)) .</p> <p>On the basis that this matter remains under discussion.</p>	<p>The Applicant notes this comment and is continuing to engage with BBC on this matter.</p> <p>Refer to text in Section 2 of this document that addresses the use of the term 'in substantial accordance with' within the draft DCO.</p>
BBC-D2-57	BBC-RR-90	Waste	<p>(1) The Council DO NOT support the Applicant's position that all infrastructure more than one meter below ground level will be left in-situ. The Council draws the Applicant's attention to the matter that as set-out within adopted national to local legislation and</p>	<p>(1) (2) The Applicant notes that the oDEMP [REP1-038] was updated at Deadline 1 to strengthen the requirement at decommissioning such that (as per paragraph 2.4.2): "<i>Cable conduit and</i></p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>planning policy, the Applicant remains responsible for all effects and harms arising/ caused by their Application on the Site and surrounding environmental setting. The Applicant is introducing a foreign industrial material into this landscape, the long term effects which are at best unknown. The onus rests with the Applicant to mitigate harm. Consequently, the Council takes the most precautionary approach that such materials could cause long-term, permanent harm and should be removed. It is suggested that this is a reasonable position and interpretation of policy.</p> <p>(2) Research on High Density Polyethylene (HDPE) products evidences that they do undergo long-term breakdown. While HDPE is considered chemically inert and safe, its long-term environmental presence contributes to significant pollution, specifically through the creation of microplastics and the leaching of additives. As this suggests harm, irrespective of the scale of harm caused, the requires address by the Applicant.</p> <p>(3) The Applicant note that they ARE prepared to remove high-valued cabling metals which suggests that the Applicant's stated position relates to their business case, rather than environmental responsibilities.</p> <p>(4) The EA statement is one of Best Practice but suggests continual review:</p> <p><i>'We accept this is current standard practice, but allowance should be made for removal of all elements of the scheme if that is best practice at the time. While legislation should always be followed, works in</i></p>	<p><i>casing will only be left in place where the damage caused by recovering them is considered greater than the environmental benefits of recovering and recycling them", and that "Confirmation of the approach to be taken including a benefits/impacts analysis of the impacts of the preferred approach will be set out in the final DEMP, and will take account of any contemporary legislation, regulatory guidance or best practice at the time of decommissioning."</i></p> <p>The above approach allows for a sensitivity test to be undertaken at the time of decommissioning and to be approved alongside the final DEMP by the relevant LPA in consultation with the Environment Agency. It is unlikely in most instances that where cable conduit or other infrastructure is simply buried beneath grassland at a depth of 1m or more that it would be considered the environmental impact of excavation is greater than leaving in-situ, and thus it would need to be removed from the ground. However, there could be scenarios where planting or other sensitive habitats have established above the infrastructure, and its recovery in these locations could consequently cause more harm than good. The Applicant's proposed approach allows for future uncertainty, whilst ensuring that any contemporary legislation, regulatory guidance or best</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p><i>addition to this may be required to ensure the best environmental outcomes.'</i></p> <p>Clarification of Applicant's position is NOT accepted: matter unresolved.</p>	<p>practice at the time of decommissioning us followed.</p> <p>The Applicant has updated Paragraph 2.4.2 of the oDEMP [as updated alongside this submission] to amend the presumption about infrastructure more than 1m below ground level being left in situ.</p> <p>(3) The Applicant disagrees with this statement; the comment made by the Applicant on value related to the value of metals as a resource in manufacturing supply chains, rather than financial value to the Applicant.</p> <p>(4) The Applicant notes that the EA, which has statutory functions in relation to this matter, has no objection to the Applicant's proposed approach following the amendments made at Deadline 1.</p>
BBC-D2-58	BBC-RR-91	Traffic and Transport	<p>(1) This should be read in conjunction with protective provisions sought by the Council to enable approval and enforcement of such condition surveys.</p> <p>(2) The condition surveys on Public Highways should include those for PRoW, should the Applicant attain rights to use these.</p>	<p>(1) The Applicant notes this comment.</p> <p>(2) Paragraphs 5.8.3 and 5.8.4 of the oCTMP [REP1-034] confirms that PRoW will be included in the condition survey.</p> <p>(3) The Applicant has added a new paragraph 6.4.16 to the oLEMP [as updated alongside this submission] to</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(3) This should be read to include the Replacement Phase(s).</p> <p>Issue to be resolved as part of the review of the oCTMP.</p>	<p>provide additional detail on monitoring of PRow across the operational phase of the Scheme. The Applicant has also updated Section 7.1 and 9.1 of the oPRowMP [as updated alongside this submission] to provide equivalent detail on monitoring of PRow through the operational phase.</p>
BBC-D2-59	BBC-RR-92	Traffic and Transport	<p>It is taken as read that this would apply to all Scheme phases.</p> <p>Clarification of Applicant's position accepted: matter resolved.</p>	<p>The Applicant can confirm that this applies to all phases.</p>
BBC-D2-60	BBC-RR-93	Traffic and Transport	<p>On the basis that this matter remains under discussion.</p>	<p>The Applicant notes this comment.</p>
BBC-D2-61	BBC-RR-94	Traffic and Transport	<p>(1) As this matter was raised at the pre-examination hearing, it is suggested that this remains discussion-in-progress and will be reviewed as part of the review of the oCTMP.</p> <p>(2) It is noted that the Applicant has not responded to the request for a Travel Plan Monitoring Fee typical for any planning application. Matter to be resolved as part of the review of the oCTMP.</p>	<p>(1) The Applicant notes these comments. The outline Construction Workers Travel Plan (oCWTP) provided within Appendix B of the outline Construction Traffic Management Plan (oCTMP) [as updated alongside this submission] has been updated accordingly to take into account the points raised by BBC in comment BBC-D2-65 below.</p> <p>(2) The Applicant is consulting with the Local Highway Authorities about the most appropriate mechanism to cover post-consent monitoring.</p>
BBC-D2-62	BBC-RR-95	Traffic and Transport	<p>(1) It is suggested that to attain a simple illustrative understanding of Site haul routes, access points, the</p>	<p>A plan showing the proposed construction access routes, including haul routes</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>use of Public Highways and PRoW for all phases, the Traffic Flow Diagrams as submitted are meaningless. It would assist the Council if this was illustrated in the context of the Application's Red Line, gaps requested in hedgerows, etc.</p> <p>Matter to be resolved as part of the review of the oCTMP.</p>	<p>through the Site, is included as Appendix C provided within the oCTMP [REP1-034]. A similar plan illustrating the proposed access routes for vehicular traffic during the operational phase has been prepared within the Technical Note on Replacement Activities also submitted at Deadline 3.</p> <p>The site access arrangement drawings included within Appendix D of the oCTMP [as updated alongside this submission] have been updated to illustrate the extent of hedgerow that would be impacted by the Site access points.</p>
BBC-D2-63	BBC-RR-96	Traffic and Transport	On the basis that this matter remains under discussion.	<p>As discussed with BBC, the use of Manual for Streets visibility splays is proposed at accesses SA14, SA15, SA17, SA18 and SA19 on the basis that it is not possible to achieve full DMRB visibility splays at these locations. These accesses would only be used during the construction phase, and it is proposed that vehicle movements at these accesses would be controlled through the implementation of temporary speed limits on Moor Road, Duloe Lane and Bushmead Road, alongside temporary traffic management, as shown in the Traffic Regulation Measures Plan [REP1-004] and the access arrangement plans included in Appendix D of the oCTMP [REP1-034].</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-64	BBC-RR-97	Traffic and Transport	<p>(1) Pending.</p> <p>(2) Refer to Matter 49 [BBC RR-95] regarding routes.</p> <p>(3) It is suggested that this remains discussion-in-progress as matters in this regard were raised at the pre-examination hearing. Matter to be resolved as part of the review of the oCTMP.</p>	<p>(1) The Applicant is not clear what is pending in this regard. The baseline traffic flows in the highway peak hours on roads within Bedford Borough are shown in Figures 2 and 3 of ES Vol 2 Appendix 9-2 [APP-102]. Following further discussion with BBC Highways Officers (as per Teams meeting held on 12th May 2026), no further concerns were raised by BBC with regard to the need for junction capacity modelling.</p> <p>(2) As per response to comment BBC-D2-62 above.</p> <p>(3) The Applicant notes this comment.</p>
BBC-D2-65	BBC-RR-102	Traffic and Transport	<p>The Applicant is also referred to Matter 48 [BBC-RR-94]. The oCWTP does not currently provide sufficient confidence that the construction period traffic generation will be managed in line with the envelope of the assessment of Scheme's impact. Specifically:</p> <p>a) The target with respect to car occupancy should be two workers per car on average at any point in time, i.e the average is not an average over time. While it is recognised that there would be some fluctuation of that figure, it is important to be clear that achieving lower occupancies at one point in the programme cannot be offset against higher occupancies at other points.</p> <p>b) Para 7.1.5 refers to 'regular' monitoring. The frequency of monitoring and reporting should be better defined.</p>	<p>The Applicant notes these comments and welcomes this input. The oCWTP at Appendix B of the oCTMP [as updated alongside this submission] has been updated accordingly to incorporate the points raised by BBC.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>c) The restriction of parking on site could potentially lead to verge parking or parking in nearby villages. The Applicant should identify how this will be monitored/prevented.</p> <p>d) Monitoring is particularly important in months 7 to 22 of the programme when the number of staff will be consistently high (over 700).</p> <p>e) The oCWTP is currently silent on mitigation measures that would be implemented should the target of two people per car be missed. The oCWTP should provide greater confidence that remedial measures will be implemented should the occupancy of two not be achieved and what those measures would include.</p> <p>f) It is suggested that this remains discussion-in progress as the matter of vehicle occupancy was raised at the pre-examination hearing..</p> <p>The Council requests that further information regarding this be provided by the Applicant.</p> <p>Matter to be resolved as part of the review of the oCTMP.</p>	
BBC-D2-66	BBC-RR-103	Traffic and Transport	<p>A number of issues raised with regard to the design of the access points have been addressed by the Applicant in the updated drawings included in Appendix D of the oCTMP. However, several issues still remain, including reference to MfS standards. Matter to be resolved as part of the review of the oCTMP.</p>	<p>The access arrangement drawings in Appendix D of the oCTMP [as updated alongside this submission] have been amended to address the issues raised by BBC, as per responses BBC-D2-104 to BBC-D2-115 below.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-67	BBC-RR-106	Traffic and Transport Draft DCO	As responded in [BBC-RR-89 & 91] (Condition surveys), this should be read in conjunction with protective provisions sought by the Council to enable approval and enforcement of such condition surveys et al. Matter to be resolved as part of the review of the oCTMP and DCO.	The Applicant notes this comment. Please see responses BBC-D2-56 and BBC-D2-58 above.
BBC-D2-68	BBC-RR-108	Public Rights of Way	(1) This matter should be read in conjunction with the Council's response to [BBC RR-49] (Corridor widths). (2) Matter to be resolved as part of the review of the oPRoWMP and DCO. (3) The Council notes that in referred [APP-159] and [APP- 160] paragraphs no dimensions/widths are given other than for grassland paths. Consequently, in this regard, the Council will apply its PRoW and Bridleway technical (width and materials) specifications (cross-reference with Matter 64 [BBC-RR-116]): a) Public footpath corridor widths - 8m. b) Public bridleway corridor widths - 9m (The Council notes the Applicant's 10m). c) Existing, retained, enhanced/ proposed surface material to be submitted (refer to conditions survey). d) Provision should be made to address Active Travel/ disability users.	(1) The Applicant has provided a response on this point at BBC-D2-31, above. (2) The Applicant notes this comment. (3a / 3b) The Applicant does not recognise the corridor widths stated by BBC, noting that BBC guidance ² on PRoW widths states that: <ul style="list-style-type: none"> for footpaths they should be a minimum of 1.5m width when crossing a field, or 2m when along a field edge; and for bridleways they should be a minimum of 3m width when crossing a field, or 4m when along a field edge. The Applicant has updated paragraph 6.4.15 of the oLEMP [as updated alongside this submission] to include

² <https://www.bedford.gov.uk/files/bbc-ppo-guidance-notes-2026.pdf/download?inline>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>e) Vegetation edges/ corridor frame should be maintained to ensure that it does not hinder passage for users.</p> <p>On the basis that this matter remains under discussion.</p>	<p>reference to maintaining minimum width of 4m for bridleways across the Site.</p> <p>(3c) This is covered by paragraphs 5.1.6 to 5.1.8 of the oPRoWMP [REP1-042].</p> <p>(3d) The Applicant is maintaining the existing accessibility along the PRoW network.</p> <p>(3e) Paragraph 6.3.11 of the oLEMP [REP2-032] sets out that PRoW would be kept free from obstruction.</p>
BBC-D2-69	BBC-RR-111	Public Rights of Way Draft DCO	<p>It is noted that the Council has instructed a legal review of the DRAFT DCO to inter alia address PRoW matters.</p> <p>As a first action, it is suggested that:</p> <p>a) The Applicant re-reviews the Council's RR as set-out adjacent and</p> <p>b) comments on a to g accordingly; Clarify exact works to a to g; and,</p> <p>c) Clarify Works No.8 'improvements to existing rights of way' [APP-016].</p> <p>The Council reserves the right to comment further on this collective Aspect and associated Plans/ Management Plans.</p> <p>On the basis that this matter remains under discussion.</p>	<p>The Applicant notes that the Council has instructed a legal review of the draft DCO.</p> <p>The Applicant stands by its original response to the Council's relevant representation [REP1-055], which explains that the details of works to be undertaken in the Street Works, Rights of Way and Access Plan [APP-010] must be read in conjunction with the relevant provisions of the draft DCO [REP1-005]. This includes Articles 10 to 17 of the draft DCO, which contain the key powers relating to streets, and Schedules 4 to 8 of the draft DCO, which set out further details of where these powers are to be exercised where relevant. Nonetheless, the Applicant has re-reviewed the Council's relevant representation as requested and considers that it would be helpful to provide further explanation of the interaction between the</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>Street Works, Rights of Way and Access Plan and the provisions of the draft DCO.</p> <p>The Applicant notes that the Council's relevant representation refers to the following matters indicated on the Street Works, Rights of Way and Access Plan (shown in bold) and has provided further explanation of the interaction with the draft DCO below—</p> <p>(a) 'Temporary prohibition or restriction of use of public right of way' ('temporary stopping')</p> <p>The power to temporarily close public rights of way is contained in Article 15 (temporary closure of streets and public rights of way) of the draft DCO. This should be read with Part 1 of Schedule 6 to the draft DCO, which sets out each public right of way that will be affected (see column (2)) and the extent of the public right of way to be stopped up with reference to the relevant sheets of the Street Works, Rights of Way and Access Plan (see column (3)). The draft DCO secures the power for additional public rights of way to be temporarily closed by the undertaker if required for the authorised development; however, this power is subject to a requirement that the undertaker has first obtained the consent of the street authority, who may attach reasonable conditions to such consent, which is considered to</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>enable flexibility whilst ensuring sufficient oversight by the local authorities.</p> <p>(b) 'Proposed managed crossing point'</p> <p>The proposed managed crossing points are described within Section 6.0 of the outline Public Rights of Way Management Plan [REP1-042], for example at paragraph 6.2.4.</p> <p>(c) 'Permanent use of motor vehicles over public rights of way'</p> <p>The power to authorise the use of motor vehicles over public rights of way is contained in Article 15 (temporary closure of streets and public rights of way) of the draft DCO. This should be read light with Part 2 of Schedule 6 to the draft DCO, which sets out each public right of way that will be affected (see column (2)) and the length of public right of way that may be used for this purpose with reference to the relevant sheets of the Street Works, Rights of Way and Access Plan (see column (3)). The draft DCO secures the power for motor vehicles to be used on other public rights of way if required for the authorised development; however, this power is subject to a requirement that the undertaker has first obtained the consent of the street authority, who may attach reasonable conditions to such consent, which is considered to enable flexibility</p>

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				<p>whilst ensuring sufficient oversight by the local authorities.</p> <p>The term “permanent” in the context of these measures refers to the lifespan of the Scheme.</p> <p>(d) ‘Extent of temporary public right of way management measures’</p> <p>The extent of temporary public right of way management measures are described within Section 6.0 of the outline Public Rights of Way Management Plan [REP1-042], for example at paragraph 6.5.2.</p> <p>(e) ‘Alteration of streets – permanent’</p> <p>The power to permanently alter the layout of, or to carry out works in, a street is contained in Article 12 (power to alter layout, etc., of streets) of the draft DCO. This should be read light with Part 1 of Schedule 5, which sets out each street that will be affected (see column (2)) and a description of the alterations with reference to the relevant sheets of the Street Works, Rights of Way and Access Plan (see column (3)). The draft DCO secures the power for other alterations to be made to the layout of a street under Article 12(2) if required for the authorised development; however, this power is subject to a requirement that the undertaker has first obtained the consent of the street authority, which is considered to enable flexibility</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>whilst ensuring sufficient oversight by the local authorities.</p> <p>Article 12 is subject to Article 13(1), which sets out the requirement to complete such works to the reasonable satisfaction of the highway authority, including a requirement to maintain the street for a 12 month period at the undertaker's expense, until it becomes maintainable at the expense of the relevant highway authority.</p> <p>The term "permanent" in the context of these measures refers to the lifespan of the Scheme.</p> <p>(f) 'Alteration of streets – temporary'</p> <p>The power to temporarily alter the layout of, or to carry out works in, a street is contained in Article 12 (power to alter layout, etc., of streets) of the draft DCO. This should be read with Part 2 of Schedule 5, which sets out each street that will be affected (see column (2)) and a description of the alterations with reference to the relevant sheets of the Street Works, Rights of Way and Access Plan (see column (3)). The draft DCO secures the power for other alterations to be made to the layout of a street under Article 12(2) if required for the authorised development; however, this power is subject to a requirement that the undertaker has first obtained the consent of the street authority, which is considered to enable flexibility</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>whilst ensuring sufficient oversight by the local authorities.</p> <p>Article 12 is subject to Article 13(3) and (4), which sets out the requirement to complete such works to the reasonable satisfaction of the street authority, including a requirement to maintain the street at the undertaker's expense until it is restored and has been maintained for a period of at least 12 months.</p> <p>The term "temporary" in the context of these measures refers to the construction phase.</p> <p>(g) This should also be understood in terms of DCO Schedule 4 'cable works'.</p> <p>Article 10 of the DCO contains a power to enter onto the streets specified in Schedule 4 (see column (2)) and carry out cable works (defined in Schedule 4 as "works to place, retain and maintain underground apparatus") beneath those streets. A full description of these works is set out in column (3) of Schedule 4 and is shown on the Street Works, Rights of Way and Access Plan. This is a separate set of works to those considered at (a) to (f) above and would involve the laying of cable below the public highway.</p> <p>Work No. 8</p> <p>Paragraphs 5.1.6 to 5.1.8 of the oPRoWMP [REP1-042] set out that</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>surfacing changes may need to be made to public rights of way either on a temporary or permanent basis, which would comprise <i>'improvements to existing public rights of way'</i> delivered under Work No. 8.</p> <p>Conclusion</p> <p>The Applicant hopes that this provides sufficient clarity on the interaction between the Street Works, Rights of Way and Access Plan and the draft DCO and is willing to discuss this further with the Council if required.</p> <p>The Applicant has updated the Street Works, Rights of Way and Access Plan [as updated alongside this submission] to provide greater clarity on the key for the drawing as to how each of the items shown on the drawing are referenced within the application.</p> <p>The Applicant also intends to update the draft DCO at Deadline 4 to amend the Schedules to provide greater clarity over the use of the terms 'temporary' and 'permanent'.</p>
BBC-D2-70	BBC-RR-112	Public Rights of Way	The Council has read the Applicant's response, which in all cases relies on on-site personnel management, which may not always be present or ensure that measures are enforced – in all cases to the detriment of the PROW and Bridleway user.	The Applicant disagrees that the approach to managing PROW through the construction phase in all cases relies on on-site personnel management; the measures proposed are broader and include temporary diversions, fencing and

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			<p>Consequently, the Council reiterant their position that they are NOT supportive of using the PRow Footpaths of any construction, maintenance, and other vehicle use.</p>	<p>signage (as appropriate) – banksmen are only proposed at three of the PRow, namely:</p> <ul style="list-style-type: none"> • Pertenhall 2 (footpath); • Pertenhall 26 (bridleway); and • Bolnhurst and Keysoe 37 / 40 intersection (bridleway). <p>In each case, the need for a banksman is due to vehicles requiring the use of the PRow. These PRow align with existing farm tracks used by agricultural vehicles within Site A. Sections of the bridleway have also been used previously in the construction of the Manor Farm Solar Array, and are used for its maintenance and operation.</p> <p>The Applicant amended the oPRowMP [REP1-042] at Deadline 1 to give greater priority to PRow users along the bridleways, following feedback from the Council and the British Horse Society.</p> <p>The Applicant’s position is that the use of these PRow is justified, and that the measures set out within the oPRowMP [REP1-042] will ensure that access is safe across the PRow network through all phases of the Scheme.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-71	BBC-RR-113	Public Rights of Way	<p>(1) The amendment is noted and appreciated – refer to [BBC-RR-91] regarding condition surveys.</p> <p>(2) Refer to [BBC-RR-49] regarding required and maintained widths.</p> <p>(3) The Council will require that the management, maintenance regime, condition surveys, reporting , and means of enforcement and clear timeline of actions are set out clearly in the oLEMP and oPRoWMP – currently the intent is too generic to give the Council confidence or abilities of enforcement.</p> <p>4) The Council will prepare a more comprehensive response to this matter as part of their review of the oPRoWMP.</p> <p>Issue needs to attain in principle agreement between Parties leading to resolution.</p>	<p>(1) The Applicant notes this comment and has also provided separate response at BBC-D2-58, above.</p> <p>(2) The Applicant has provided a response to BBC-D2-31.</p> <p>(3) The oLEMP and oPRoWMP provide the framework and overarching commitments for how the final LEMP and PRoWMP will come forward, prior to works commencing on site. The final LEMP and PRoWMP will provide more specific detail on the points set out by BBC, including for instance a detailed programme containing a timeline for condition surveys, reporting, works, and management interventions. BBC will have approval of the final LEMP and PRoWMP in accordance with the requirements in Schedule 2 of the draft DCO [REP1-005]. The Applicant considers the oLEMP [REP1-040] and oPRoWMP [REP1-042] provide a suitable framework to develop the final plans.</p> <p>(4) The Applicant notes this comment and awaits BBC's further comments.</p>
BBC-D2-72	BBC-RR-114	Public Rights of Way	<p>(1) oPRoWMP [APP-160] para7.1.4 states that the Permissive Pathways will be <i>'cut to a minimum width of 2m, or in accordance with the definitive width of the public right of way, whichever is wider. These strips will be maintained such that the grasses do not exceed</i></p>	<p>(1) Paragraph 7.1.4 of the oPRoWMP [REP1-042] refers to public rights of way, rather than permissive paths. Paragraph 7.2.2 [REP1-042] confirms that <i>"The final route, surfacing material and widths of</i></p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p><i>150mm by regular cutting across the summer months’.</i> The Council would suggest that these are an absolute minimum enhancement and would not be accessible to other modes of Active Travel; they should therefore be afforded nil weight in terms of planning gain.</p> <p>(2) Refer to [BBC-RR-49] regarding widths et al.</p> <p>(3) The surfacing of permissive routes must be addressed to provide active travel routes and access for those with disability. The Applicant must provide details of what structures are intended to be erected to prevent anti-social behaviour, way-finding, turn gates or similar to provide access for users, etc.</p> <p>On the basis that this matter remains under discussion.</p>	<p><i>proposed permissive paths will be defined in the final LEMP.”</i> The Applicant notes however that the Scheme is not proposing to surface the public rights of way across the Site, instead retaining the existing surface type and access rights (with the exception of Permissive Path 1 (Table 2, [REP1-040]) where additional equestrian rights will be granted). The permissive paths connect with the existing public right of way network, and consistency must therefore be applied in terms of legal access rights between connecting routes. The Applicant disagrees that the permissive paths should be afforded nil/neutral weight in the planning balance as they will increase recreational opportunities in the landscape, but accepts that the benefit which should be attached is limited, as per Table 3 of the Planning Statement [APP-031].</p> <p>(2) The Applicant has provided a response to BBC-D2-31.</p> <p>(3) The Applicant has addressed surfacing and access rights under (1), above. In terms of the detail of structures such as signage, way-finding etc, paragraphs 6.3.18 to 6.3.21 of the oLEMP [REP1-040] set out that the details of interpretation panels, signage, waymarking, benches/seating will be provided in the</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				final LEMP to be approved pursuant to Requirement 4 of the DCO.
BBC-D2-73	BBC-RR-115	Public Rights of Way	<p>(1) The Council has reviewed [REP1-041] oLEMP and suggest:</p> <p>a) Table 2 include minimum widths.</p> <p>b) Suggest that the statement ‘are in keeping with the existing character of public rights of way’ is misleading and should be removed.</p> <p>c) (para5.3.45) technical specification should be agreed as part of the Outline.</p> <p>d) Para 5.3.45 needs clarification on how antisocial behaviour is recorded, reported, and triggers for closure – currently the statement is unclarified.</p> <p>(2) This statement would contradict the Applicant’s statement [APP-031] Chp 5.0 Benefits of the Scheme and Chp5.3 ‘Project benefits addressing identified local needs’ para5.4.22 which states ‘Permissive paths have been proposed to create additional opportunities for recreational access’.</p> <p>(3) i.e. the Council and Host Authorities see this Scheme’s potential in delivering, and aiding in the delivery of, a NETWORK of PRow to promote all forms of Active Travel. Rather, the Council is presented with a fragmented response on limited improvements to existing PRow and temporary permissive routes (which will be extinguished).</p>	<p>(1a) The Applicant has updated Table 2 of the oLEMP [as updated alongside this submission] to include minimum widths.</p> <p>(1b) The Applicant disagrees that this is misleading – the existing public rights of way through and along field edges (which the permissive paths would also be) are not surfaced. The Applicant has however amended the wording in paragraph 5.3.43 of the oLEMP [as updated alongside this submission].</p> <p>(1c) The Applicant has amended Table 2 of the oLEMP [as updated alongside this submission] to confirm the proposed surfacing of each permissive path.</p> <p>(1d) The Applicant has updated paragraph 5.3.45 of the oLEMP [as updated alongside this submission] to provide additional detail.</p> <p>(2) The Applicant disagrees that this contradicts the statement at paragraph 5.4.22 of the Planning Statement [APP-031]. The permissive paths provide additional opportunities for recreational access, but not are not mitigation (for the purposes of EIA); thus, they are an enhancement offered by the Applicant and</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(4) As currently tabled, the oPRoWMP's intent et al is NOT acceptable to the Council. Issues to be raised:</p> <ul style="list-style-type: none"> i. Host Authorities' PRoW Network: delivery, funding, resourcing. ii. Legal cost – diversion, material changes to PRoW. iii. Potential s106 PROW Officer(s) Monitoring Fee. Issue needs to attain in principle agreement between Parties leading to resolution. The Council therefore requests a Special Issues Hearing on the Matter. <p>(5) As part of a collective on-going policy strategy, aspiration, and delivery between the three Host/ Local Authorities to develop a PRoW network to secure 'access to the countryside for local communities' and enable Active Travel:</p> <ul style="list-style-type: none"> (a) It is suggested that some of this network to create significant major connections to the wider environment and promote active travel within/ through their Scheme IS within the gift of the Applicant (By way of example: enhancements and links to FP2 in Pertenhall and the proposed route through the Scheme at Little Staughton - this routes would provide local value and would add strategic value and enhance connectivity to the Public Rights of Way network); (b) Some of these routes are currently defined by the Applicant as 'permissive routes' but it would aid the network if these were secured, upgraded and designated as PRoW (noting the landowner issue); and, (c) There are routes/ links outside the Scheme that could be delivered in consultation with the local 	<p>can be recognised as providing planning benefit.</p> <p>(3) The Applicant notes this comment but was not presented with these suggested rights of way enhancements during the pre-application consultation phase, and therefore they were not included with the application. The Applicant notes the aspirations of the Council to deliver this wider network of public rights of way, but is restricted on where within the Order limits the Applicant can propose new or upgraded public rights of way, or permissive access. The Applicant cannot just impose new access rights on land outside of the Order limits and outside of the Applicant's control without agreement from the respective landowners.</p> <p>(4i) The Applicant would be responsible for delivering and funding the creation of permissive paths, and for any other amendments to the PRoW.</p> <p>(4ii) The temporary diversion or any changes to PRoW set out within the oPRoWMP [REP1-042] would be delivered through the draft DCO [REP1-005]. There would be no direct legal cost for the Council.</p> <p>(4iii) The Applicant is consulting with the Council in relation to the most appropriate means to provide support for monitoring</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>authorities, local landowners and Parish Council to add significant local access value (some of these enhanced connections could potentially be funded through the Community fund). These would then connect to routes/ links that can be delivered by the Scheme but may have no current onward link, or are fragmented across the Schemes' Order Area.</p> <p>It is noted that the Council is working actively with other solar farm applications in the immediate area to secure the links/ routes as suggested above. The Host Authorities strongly suggest that these incentives / network routes could be delivered over the 40-year period of this Scheme and deliver a significant legacy.</p> <p>Issue needs to attain in principle agreement between Parties leading to resolution. The Council therefore requests a Special Issues Hearing on the Matter.</p>	<p>and enforcement should the Scheme be granted consent.</p> <p>(5) The Applicant is willing to work with the Council and other stakeholders (including landowners) to bring forward further enhancements to the PRoW network, insofar as the Applicant is able. The Council must understand that the enhancements to PRoWs both within and outside of the Order limits are not at the sole discretion of the Applicant.</p> <p>The Applicant notes that the Community Benefit Fund (East Park Legacy Fund) could be used for the creation or enhancement of PRoW, should the beneficiaries of the fund choose to fund such improvements.</p>
BBC-D2-74	BBC-RR-116	Public Rights of Way	<p>(1) As stated, the Council will require that the management, maintenance regime, condition surveys, reporting , and means of enforcement and clear timeline of actions are set out clearly in the oLEMP and oPRoWMP – currently the intent is too generic to give the Council confidence or abilities of enforcement cross-reference with Matter 57 [APP-RR-108]).</p> <p>(2) The Council will prepare a more comprehensive response to this matter as part of their review of the oPRoWMP.</p> <p>To be read as part of the PRoW Aspect.</p>	<p>The Applicant has responded to these points in relation to BBC-D2-68, BBC-D2-71, BBC-D2-72, and BBC-D2-73, above.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-75	BBC-RR-117	Public Rights of Way	<p>As noted across the Council's PRoW and permissive pathway response, until the actual enhancements, measures, enforcements et al over the 40year period are finally confirmed, suggested through the ISH, the Council suggests that any enhancements to the PRoW should be afforded limited weight; and, nil be afforded to the permissive pathways as they do not address the full requirements of Active Travel.</p> <p>Ultimately, and on the basis that this will be a decision for the Examining Authority: matter concluded.</p>	The Applicant notes this comment, but disagrees in relation to the planning benefit point as set out in our response above at (1) in BBC-D2-72.
BBC-D2-76	BBC-RR-118	Public Rights of Way DCO	To be read as part of the PRoW Aspect.	The Applicant notes this comment.
BBC-D2-77	BBC-RR-119	Noise and Vibration	<p>As noted across the Council's response, the inferred reference to the replacement activity as 'no more than the construction phase' is not acceptable as this requires a value-assessment across Aspects and Matters that should rest with the Applicant, rather than the Council through any enforcement.</p> <p>As stated, the Council would like to see a suite of Management Plans specifically related to the Replacement Phase.</p> <p>On the basis that this matter remains under discussion.</p>	The Applicant has prepared a separate 'Technical Note on Replacement Works' for submission at Deadline 3 to provide clarity on this matter.
BBC-D2-78	BBC-RR-132	Ground Conditions BESS	The Council notes that the Retention Basin is shown on the Illustrative Environmental Masterplan [APP-121] Sheet 10 as a blue oval but no further technical details have been submitted regarding response to potent	The detailed design of this basin would be provided post-consent and submitted for approval pursuant to Requirements 3 and 14 of the draft DCO [REP1-005] . The land

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			<p>sloping Site, possible earthwork bunding, and depth of basin, to give the Council the clarification that this matter is evidenced sufficiently: matter unresolved.</p> <p>As noted in the Council's RR, there is request for common terminology across all Management Plans and the DCO to what this basin is to be called/ identified.</p> <p>On the basis that this matter remains under discussion.</p>	<p>identified for Work No 6B is suitable, with an average gradient across the full extent of the land being circa 1 in 50. Additional indicative details have been provided within Section 6.4 of the oSWMP [as updated alongside this submission] including surface area, side slopes and depth of the basin. Calculations supporting these details have been provided as Appendix 2 to the oSWMP [as updated alongside this submission].</p>
BBC-D2-79	BBC-RR-135	Ground Conditions	<p>(1) As noted across the Council's responses, the Council are not in agreement that the replacement effect/ harm and activities in totality are defined as 'no-more than' within the Operational Phase and related Management Plans, but rather this should form a separate Phase with its own related Management Plans to aid clarity, benchmarking harm/ effect, and enforcement.</p> <p>(2) In response to [APP-038] Table 2-35 it is suggested that each Scheme component is identified in terms of threshold % as by example 5% replacement of the BESS may be more disruptive than the 20% for the solar panels. Currently, the Applicant's statement is too open-ended.</p> <p>(3) The Council notes their concern regarding the Applicant's vague address/ commitment regarding the post-Scheme treatment/ recycling of the BESS lithium batteries ([APP-52] para16.3.41 'it is unlikely that current capacity could accommodate some of the more specialised wastes'; Chp16, [APP-157] oOEMP and [APP-158] oDEMP do not once mention lithium;</p>	<p>(1) The Applicant has prepared a separate 'Technical Note on Replacement Works' for submission at Deadline 3 to provide clarity on this matter.</p> <p>(2) The Applicant notes this comment and considers the matter to be addressed it by the Technical Note referenced above.</p> <p>(3) The Council is correct in relation to the nature of the batteries and the requirements for their recycling / recovery in accordance the Waste Batteries and Accumulators Regulations 2009. They cannot be landfilled or incinerated and must be sent for recycling first. However, in making these comments there appears to have been a misinterpretation of what the Applicant set out in their application documents regarding the re-use, recycling, recovery and disposal requirements for the 'Battery Storage Units'.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>[APP-157]; oOEMP Table 5.12 '<i>Battery Energy Storage Systems (BESS) will be refurbished, repurposed, or recycled where feasible,..</i>'; etc.</p> <p>It should be noted that lithium batteries are classified in the UK as hazardous/special waste because they are flammable, toxic, and pose a severe fire risk if damaged or mixed with general waste. They are strictly regulated, often categorized under Class 9 Dangerous Goods. Disposing of lithium batteries in landfill or by incineration is prohibited in the UK under the Waste Batteries and Accumulators Regulations 2009. When any lithium-ion battery reaches the end of its useful life it must be recycled. This ensures safe and legal lithium-ion battery disposal. Consequently, the Applicant's statement in [APP-52] Tables 16.5 & 6 of battery storage units '10% landfill' and other vague commitments regarding lithium battery recycling requires review.</p> <p>Under legislation, the safe recycling commitment rests solely with the Applicant in perpetuity, rather than as stated by the Applicant as some recycling operator. This requires address.</p> <p>On the basis that this matter remains under discussion.</p>	<p>In this case the main document to reference is the oWMP [APP-164] which, when setting an anticipated recovery/disposal rate of 10%, is referring to the 'whole' BESS container unit and other associated equipment, rather than just the battery components themselves.</p> <p>For a typical containerised grid-scale BESS, the main recyclable mass is not simply just the battery cells, there is much more to it than that:</p> <ul style="list-style-type: none"> • Battery system - Cells, modules, racks, trays, busbars, BMS sensors, fuses/contactors • Battery Cell metals - Aluminium, copper, nickel/cobalt/manganese or iron/phosphate/lithium, graphite • Container/enclosure - Steel ISO-style container or cabinet, doors, blast/weather protection, structural frame • Racks and mechanical supports - Steel/aluminium racks, module trays, fasteners • Power conversion system - Inverters/PCS, DC/DC equipment, capacitors, filters, cabinets

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				<ul style="list-style-type: none"> • Thermal management - HVAC, chillers, fans, coolant loops, heat exchangers • Fire and safety systems - Smoke/heat/off-gas detection, alarms, ventilation, fire suppression or containment systems • Controls/communications - EMS, plant controller, SCADA, HMI, telecoms, UPS <p>Whilst a number of these scheme elements (such as the metal container itself) are relatively straightforward to recycle others are much more difficult, including certain plastics, separators, foams, filters, electronic boards and any contaminated material.</p> <p>Thus, whilst the BESS is expected to be substantially recyclable / recoverable by mass, not everything is, and it is therefore reasonable to assume that around 90% of the containerised BESS equipment (by mass) is technically recyclable or recoverable and that the remainder will need to be the subject of some other form of recovery or disposal in accordance with the waste hierarchy.</p> <p>The Applicant has updated the section of the oWMP [as updated alongside this submission] on the 'Re-use and Recycling of Equipment' in the operational phase to</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				provide greater certainty that the correct waste management procedures would be followed in the context of replacement equipment.
BBC-D2-80	BBC-RR-136	Ground Conditions	<p>(1) The Council welcomes the Applicant's commitment to a watching brief/ Contamination Remediation Scheme/ Unexpected Contamination Protocol but suggests that a DRAFT should be tabled for discussion as part of the oOEMP.</p> <p>(2) Similarly, the Council suggests that a DRAFT Incident Management and Pollution Prevention Plan is tabled for discussion.</p> <p>(3) The Council suggest that all committed Scheme resourcing should be tabled within the relevant management plans to ensure that subject-specific resources are identified and committed.</p> <p>On the basis that the Council's requests, which are not seen as unreasonable, are engaged: matter resolved.</p>	<p>(1) The Applicant does not consider that a detailed Unexpected Contamination Protocol is required as part of the oCEMP. The purpose of the oCEMP is to establish the framework, principles and commitments that will inform the final CEMP, rather than to provide every detailed construction stage method statement or protocol at the examination stage.</p> <p>The oCEMP [REP2-028] already secures the key commitment that a watching brief will be maintained and documented for unexpected land contamination, and that this will be undertaken in accordance with an agreed Unexpected Contamination Protocol. It also identifies the core response mechanism, namely that works would stop within the identifiable bounds of any affected area if unforeseen gross or widespread contamination is encountered, and that an appropriately qualified contaminated land specialist would be contacted to inspect, advise and, where necessary, arrange sampling and further action.</p> <p>The detailed content of the Unexpected Contamination Protocol is appropriately</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>addressed through the approval of the final CEMP, once the contractor is appointed and detailed construction methodologies, phasing, working areas and ground investigation information are available. This provides the relevant LPA with an approval role at the appropriate stage, while ensuring that the protocol is tailored to the final construction approach.</p> <p>(2) As for (1) above, the Applicant considers that a detailed Incident Management and Pollution Prevention Plan is not required at this stage, with the relevant LPA having approval of this document as part of the final CEMP.</p> <p>(3) The Applicant has identified the key roles and responsibilities that will be provided within the relevant management plans. Section 6.0 of the oCEMP [REP2-028] (as an example) sets out that the final document will include “The team roles and responsibilities, and the named individuals fulfilling those roles. An organogram and contact directory will also be included”. The Applicant considers this matter will be adequately addressed in the final management plans.</p>
BBC-D2-81	BBC-RR-138	Land and Soils	(1) A review of [APP-161] oSoilMP Chp8 does not give the explicit commitment as required by EN5;	(1-4) The Applicant has updated the oSMP [as updated alongside this submission] to provide additional measures around

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(2) It does not set out any management strategy at the Decommissioning Phase to 'bringing the soil back to its baseline ALC' (which was established and should be benchmarked against the soil survey work).</p> <p>(3) It does not set out measures, resource, enforcement in the Decommissioning Phase should the initial works fail to attain the baseline ALC during this phase.</p> <p>(4) A review of [APP-158] oDEMP presents as similar lack of detail/ commitment as set-out above.</p> <p>(5) It is acknowledged that the Council's comments were provided at an earlier stage and that subsequent documentation has addressed some of the points raised. The PEIR had indicated that some soil and land survey information would be included in the ES, but this was subsequently revised in consultation with Natural England. It is however essential that the missing information informs the final detailed Soil Management Plan.</p> <p>(6) It is suggested that the 'Agrisolar research area' and commitment in terms of infrastructure elements, resourcing, financial commitment, and duration are currently not specified in the Application beyond a headline statement – the term has no reference in the [APP-016] DCO Agreement beyond Work No.10. Whilst the principle of the Agrisolar Research Area is supported, there remains little detail on the aims and objectives. Clarity over how the findings could support active management of an operational scheme or subsequent decommissioning. Where research</p>	<p>restoring soils to its original agricultural land classification grade.</p> <p>(5) The Applicant updated the oSMP [REP1-044] at Deadline 1 to provide the additional commitment for further soil investigations prior to construction. Natural England has raised no objection to the approach taken.</p> <p>(6) The Applicant and Rothamsted Research are discussing a broad programme of agrisolar initiatives focused on research. The proposed agrisolar research area in Site D would provide flexibility to test alternative panel arrangements, including different heights, densities and configurations. The research is intended to consider agrisolar productivity, soil quality over time, microclimates, wildflowers, pests and diseases, and invertebrates. The Applicant has set out at a high-level the approach to research alongside Rothamsted within Section 2.1 of the outline Skills, Supply Chain and Employment Plan [APP-163].</p> <p>The infrastructure elements of the Agrisolar research area are detailed in the Design Parameters and Principles Statement [REP1-030] and secured by way of requirement 3 within Schedule 2 of the draft DCO [REP1-005] in the same way any the design of all works comprising the Scheme are committed. The duration of the</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>findings are to be recorded and how they might be applied practically is not yet clear and should be confirmed by the Applicant. This requires considerable clarity if it is to be viewed as a potential planning benefit.</p> <p>Suggest matter unconcluded.</p>	<p>Agrisolar research area does not differ from the duration of the Scheme. In terms of financial commitments, please see the Funding Statement [AP-020] where the Applicant has set out estimated costs for the delivery of the Scheme as well as any compensations arising from the exercise of compulsory acquisition powers.</p>
BBC-D2-82	BBC-RR-139	Land and Soils	<p>(1) The Council welcomes the Applicant's commitment.</p> <p>(2) The Applicant's acknowledgement that the extent and intensity of soil survey data would hinder the final detailed Soil Management Plan is welcomed. The Applicant has updated the oSMP to commit to undertaking further detailed soil surveys of the Order limits prior to the construction phase. This commitment should be for areas missing any data and to bring survey intensity across the entire site to the standard survey intensity of one sample per hectare. (3) As noted in Matter 80 [BBC-RR138], the Council would want to see and review a Decommissioning Soil Management Plan as part of the Examination. On the basis that this matter remains under discussion.</p> <p>(3) As noted in Matter 80 [BBC-RR138], the Council would want to see and review a Decommissioning Soil Management Plan as part of the Examination.</p> <p>On the basis that this matter remains under discussion.</p>	<p>(1) The Applicant notes this comment.</p> <p>(2) This commitment is made under the third bullet of paragraph 8.1.4 of the oSMP [REP1-044] submitted at Deadline 1.</p> <p>(3) The oDEMP [REP2-030] sets out at paragraph 1.3.1 that a Soil Management Plan will be prepared for the decommissioning phase. Requirement 7 of the draft DCO [REP1-005] states that no phase of the authorised development may commence until a soil management plan for that phase has been submitted to and approved by the LPA in consultation with the EA and Natural England – this would include the decommissioning phase. The principles of a Decommissioning Soil Management Plan are established within the oSMP [REP1-044], including at Section 5.3.</p>
BBC-D2-83	BBC-RR-140	Land and Soils	<p>(1) The Council considers that it is not the case that woodland and grassland are analogous in respect of</p>	<p>The Applicant agrees that the reversibility of woodland and grassland are not</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>permanency. National policy is for woodland retention. Whilst a felling licence may be applied for to remove timber this would be accompanied by conditions for re-establishment of trees. Grubbing out of established woodland is unlikely to be approved for reversion of land to agriculture after a period of 60-years. Furthermore, it would not be solely at discretion of the landowner post-decommissioning.</p> <p>(2) The Council considers that this does not necessarily represent an adverse outcome in terms of all environmental effects but potential benefits are captured elsewhere within the ES. This may include benefits to soil function for inclusion in ES Vol 1 Chapter 13 Land and Soils [APP-049]. Nonetheless, it is also relevant to ES Vol 1 Chapter 13 Land and Soils [APP-049] to capture a permanent reduction in agricultural land use.</p> <p>On the basis that this matter remains under discussion.</p>	<p>analogous, and that woodland cannot be reversed as easily as grassland due to both legislation and national policy.</p> <p>The Applicant disagrees however that planting woodland constitutes a ‘permanent and <u>irreversible</u> loss’ of land from agricultural use. Whilst it may be unlikely to revert to agricultural use due to environmental legislation and policy, it is capable of reversion should felling / deforestation be pursued. Consequently, it is not ‘irreversible’ in a manner comparable to hard development such as housing. In extremis, woodland could be deforested and the land/soils could be farmed again.</p> <p>IEMA draws an important distinction between loss of land use and loss of soil resource or soil function. It states that hard development seals or isolates soil and is therefore treated as permanent land-use change, whereas soft development retains soils within the site. IEMA also recognises that some land-use changes, including tree planting and habitat creation on agricultural land, can occur where soils are ‘not necessarily displaced’. In those circumstances, the soil remains in situ and capable of continuing to perform functions.</p> <p>The Applicant’s professional opinion is that the assessment methodology has been applied correctly, and that areas of woodland should not be assessed as a</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>permanent and <u>irreversible</u> loss. The magnitude of impact has been assessed as 'low' for planting, meaning a 'temporary, reversible loss of soil-related features'. Whilst the Applicant acknowledges that 'temporary' is potentially debatable, 'reversible' (in the strict sense) is not.</p>
BBC-D2-84	BBC-RR-141	Land and Soils	<p>The Applicant has responded above to the issue of woody vegetation, but it does not reflect policy [JH2.1] [EB2.2] for protection of woodland and important hedgerows. Decisions on deforestation are made under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. Applications are managed by the Forestry Commission. Application to the LPA is required for removal of hedgerows under the Hedgerows Regulations 1997.</p> <p>The inclusion of permanent land use change from agriculture in areas of woody vegetation should be incorporated within these calculations. Its inclusion has the potential to increase the magnitude of effects from low to medium, in relation to Subgrade 3a land. In so doing, the reported minor (not significant) adverse effect is potentially a moderate adverse (significant) effect.</p> <p>On the basis that this matter remains under discussion.</p>	<p>The Applicant has provided a response on this point in the row above.</p> <p>The Applicant notes the Council's comment in relation to the assessment of effects on Subgrade 3a land, but disagrees for the reasons set out above that the proposed woodland should be assessed as a 'medium' impact (i.e. a permanent, <u>irreversible</u> loss).</p>
BBC-D2-85	BBC-RR-142	Land and Soils	(1) The Council views this as minor beneficial effect.	The Applicant stands by its assessment for the reasons set out in its response at BBC-

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(2) The Council considers that improvement to soil resources is possible during the operational phase. However, it contends that the calculation of a moderate beneficial effect to soil resources applies an overly simplified algorithmic approach which makes certain assumptions. It is assumed that improvement builds on the existing baseline conditions. Baseline conditions post-construction may require a recovery period to return to the existing baseline. The Applicant is selecting a long term outcome (to be realised principally toward the end of the operational phase, potentially by third-parties/ landowners), and the benefit is not reflective of the whole operational phase. As such the Council continues to consider this benefit to have been over-stated by the Applicant.</p> <p>(3) There is insufficient data presented in ES Vol 1 Chapter 13 Land and Soils [APP-049] to support the claim for a moderate (significant) benefit. The Applicant's proposal and advocacy for the 'Agrisolar Research Area' reflects the uncertainty over this claim.</p> <p>(4) Applicant's position noted.</p> <p>On the basis that this matter remains under discussion.</p>	<p>RR-142 in the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055].</p> <p>The Applicant notes the Council has reached a different professional opinion that this should be considered a minor beneficial effect (the Applicant's position is moderate beneficial effect). The Applicant has no further comment on this matter.</p> <p>The Applicant set out in paragraph 8.3.45 of the Planning Statement [APP-031] that in their view this beneficial effect should only be afforded limited positive weight in the planning balance, which would appear to be consistent with the Council's view on this matter, although the difference in professional opinion on the precise level of effect is recognised.</p>
BBC-D2-86	BBC-RR-145	Socio Economics	Noted; the Council response to the matters/ issues below. On the basis that this matter remains under discussion.	The Applicant notes this comment.
BBC-D2-87	BBC-RR-146	Socio Economics	On the basis that this matter remains under discussion.	The Applicant has provided an assessment that addresses these matters in ES Vol 1 Chapter 14 [APP-050] and thus has no further response to make against this

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				comment. The Applicant has provided responses in relation to the specific points raised by the Council in the rows below.
BBC-D2-88	BBC-RR-147	Socio Economics	<p>(1) The Council welcomes the clarification provided by the Applicant in respect to the geographic scale at which economic effects of the Scheme constitute local and regional impacts. The Council accepts the Applicant's justification that local impacts can be attributed within a 90 minute drive-time Travel-to Work Area and is not seeking to see employment impacts disaggregated further. However, the Council considers that the need for specialist skills is likely to necessitate a significant degree of employment from outside of this study area, and, coupled with the demand for these skills likely coinciding with needs arising by a number of other solar PV developments within the same area, it considers that the moderate beneficial effect concluded by the Applicant is overstated. Notwithstanding this the Council considers that if appropriate provision is made in the DCO to deliver employment and skills benefits/opportunities locally then the Council considers that a beneficial economic effect could be realised.</p> <p>(2) The Council requests if the [APP-016] Schedule 2, Part 1 Requirement 19 should not be expanded to include employment et al within 'associated development' or is this read within 'authorised development'?</p> <p>Subject to review as set-out above.</p>	<p>(1) The Applicant notes this comment but stands by their assessment.</p> <p>(2) This is read within 'authorised development'. The authorised development is as set out within Schedule 1 of the draft DCO.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-89	BBC-RR-148	Socio Economics	<p>As explained in its response to the Applicant's response to [BBC-RR-147], the Council considers that for the moderate beneficial effect on the local economy attributed by the Applicant to be realised appropriate provision must be made in the DCO to deliver employment and skills benefits/opportunities locally. Whilst the Council continues to welcome the inclusion of an Outline Skills Supply Chain and Employment Plan (oSSCEP), it considers that, even as an outline document, it:</p> <p>a) Lacks necessary reference and detail to local skills gaps, existing provision of skills training and specific initiatives that would be addressed/used by the Applicant and its contractors.</p> <p>b) Lacks specific measures and outputs for delivering employment and skills benefits/opportunities. Without such information the Council contends that the potential for the Scheme to have positive economic benefits for its residents is not fully supported by the oSSCEP.</p> <p>The Council requests that the Applicant updates its oSSCEP with such details for the Council's consideration of this matter within the Examination.</p> <p>Subject to review as set-out above.</p>	<p>The Applicant is undertaking a review and update of the outline Skills Supply Chain and Employment Plan (oSSCEP) [APP-163] to address the Council's comments, and expects to provide an updated document to the Examination at Deadline 4.</p>
BBC-D2-90	BBC-RR-150	Socio Economics	<p>The Applicant's response is noted. However this appears to be contradicted in Table 14.19 which indicates that Great Staughton Surgery is within 300m of the Order Limits. The Council therefore requests that the Applicant provides information, if no impacts on this community facility are expected, justifying why</p>	<p>An assessment of impacts on community assets during the construction phase is presented in Chapter 14 Socio Economics, Land Use and Tourism of the ES, at paragraphs 14.8.21-26 [APP-050] and for the operational phase at paragraphs</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>this will be the case, with reference to any mitigation measures as appropriate Subject to response as set-out above.</p>	<p>14.8.48-53 [APP-050]. The Great Staughton Surgery has been identified in the baseline and considered as part of this assessment.</p> <p>In terms of impacts on the availability of healthcare facilities as a result of the construction or decommissioning workforce the Applicant would note the following:</p> <ul style="list-style-type: none"> • All of the construction workers will have their own GPs / GP practices and this will therefore not place any greater burden on local GP practices; • Larger construction contractors generally offer private healthcare to their workers; and • On site first aid provision would be provided for minor injuries. <p>The Scheme would not seek to utilise the Great Staughton Surgery as a healthcare facility.</p>
BBC-D2-91	BBC-RR-152	Climate Change	<p>The Applicant's response is welcomed and the Council is content that this matter is addressed. As a point of consistency it is noted that it is Table 5 of APP-116 which contains the information requested, not table 15.</p> <p>Clarification of Applicant's position accepted: matter resolved.</p>	<p>The Applicant notes this comment.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-92	BBC-RR-158	Waste	The Council would like to draw the Applicant's attention to the Aspect of Waste addressed within matters of this report that may require address.	The Applicant notes this comment and will keep the oWMP [APP-164] under review, as appropriate.
BBC-D2-93	BBC-RR-159	Minerals	The Council has been in contact with the Minerals and Waste team (21.04.2026) who have issued an extensive response to this matter. This is attached as Appendix B.	<p>The Applicant has reviewed the representation provided at Appendix B of BBC's submission [REP2-048] and provides the following response.</p> <p>The Order limits are located in part within two MSAs (located in Cambridgeshire and Bedford Borough). In terms of relevant policy context, Paragraph 5.11.19 of NPS EN-1 states:</p> <p><i>"Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place."</i> (our emphasis). This is in clear recognition of the fact that the longer-term potential for the site to enable mineral extraction, post decommissioning, is critical in determining its suitability. This central provision is reflected within relevant Development Plan Policy.</p> <p>The Principal Planning Officer's representation acknowledges that there would be no permanent sterilisation of mineral resource. Temporary solar installations do not permanently lock away</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>mineral assets, and any finite mineral resource is fully recoverable.</p> <p>Nonetheless, the representation questions the reliance that can be placed upon the fact that it is applied for temporarily, on the basis that an application could come forward in the future to extend the period of operation. This should be given no weight in the determination of the DCO. The DCO is time limited, and consequently includes requirements for the solar array to be removed, and the land restored, within a defined period of time. Any effects are temporary and fully reversible, and any suggestion that there is no evidence that a consent may be secured to extend the duration of the development is completely irrelevant.</p> <p>Central to the representation, reference is made to Policy MSP12 of the MWLP³ which states:</p> <p><i>“Surface development will only be permitted within a Mineral Safeguarding Area where it has been demonstrated that...”</i> The policy then lists four exception criteria where development would be permitted. Critically, the representation only considered three of the criteria, and</p>

³ Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>fails to reference the fourth, which states that:</p> <p><i>“The development will not inhibit extraction if required in the future.”</i></p> <p>This criterion is with specific recognition to the fact that development can come forward that is temporary and reversible, but which the policy should not seek to preclude. Given the temporary and fully reversible nature of the Scheme, it would demonstrably meet the objective of the criterion, and accordingly the requirements of Policy MSP12 would be met. This is contrary to the conclusions of the representation.</p> <p>The representation concludes by stating that it would not be possible to allocate the land for “much needed” mineral extraction in a new local Plan until 2066, and that the overriding need for minerals is clearly greater than the overriding need for a solar farm. As set out elsewhere, the Scheme is CNP infrastructure. NPS EN-1 paragraph 3.3.62-3.3.63 states that:</p> <p><i>“Government has concluded that there is a critical national priority for the provision of nationally significant low carbon infrastructure...the urgent need for CNP infrastructure... will in general outweigh any other residual impacts...and it should be progressed as quickly as possible.”</i></p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>Set against this urgent need for low carbon infrastructure, there are no plans to seek sand and gravel extraction from within the Order limits during the plan period. The sand and gravel MSA lies within the northern extent of East Park Sites A and B. The land uses proposed within the area of East Park Site A and B covered by the sand and gravel MSA are Solar PV, as well as some landscaping features, access track and inverters / transformers.</p> <p>Nonetheless, and irrespective of the above, paragraph 226 of the NPPF requires MPAs to plan for a steady and adequate supply of aggregates by (amongst other things); <i>“...maintaining landbanks of at least 7 years for sand and gravel.”</i></p> <p>As of 2023⁴ the landbank period (extant permissions divided by annual apportionment) within Cambridgeshire / Peterborough is 13 years. As of 2024⁵, the landbank in Bedford / Central Bedfordshire / Luton is 9 years.</p> <p>In both instances this is well above the statutory landbank requirement, and consequently it is simply not true that there is an overriding ‘urgent’ need for additional</p>

⁴ Published May 2025

⁵ Published April 2026

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				mineral reserve, as advocated by the representation.
BBC-D2-94	BBC-RR-160	Decommissioning phase	(1) Noted; refer to Council's response [BBC-RR-90].	The Applicant has responded on this point with reference to BBC-D2-57 above.
BBC-D2-95	BBC-RR-161	Utilities	(1) The Council welcomes the amendments to the Plan and Management Plan. (2) The Council has reviewed [APP-155] and [REP1-032] and can not find the letter – if the Applicant could review. Amendments by Applicant accepted: matter resolved.	The letter is attached as Appendix A of the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055] , on page 393 of the PDF.
BBC-D2-96	BBC-RR-163	BESS	(1) The Council refers the Applicant to the Council's response at Matter 76 [BBC RR-132]. (2) The position statement by the Applicant that the 'basin does not exceed the footprint' is currently unproven as per Matter 76. (3) The Council notes that the [App-165] oSWMP does not refer to water safety, potential drowning, nor the CDM Regulation which should be included/ addressed. On the basis that this matter remains under discussion.	(1) The Applicant has provided a response with reference to BBC-D2-78, above. (2) Further details regarding the expected land take and sizing of the attenuation feature is now provided within an updated Section 6.4 of the oSWMP [as updated alongside this submission] . (3) The Applicant has updated the oSWMP [as updated alongside this submission] to make reference to safety in design.
BBC-D2-97	BBC-RR-164	BESS	(1) The Council notes the Applicant's statement. (2) The request was raised as a matter of courtesy; the Applicant's response is noted.	The Applicant notes this comment.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<p>(3) The Applicant's response is noted.</p> <p>(4) Issue closed.</p> <p>(5) The Council notes that there are alternative title used across the Applicant's material and seeks consistency of term with respect to 'drainage lagoon'.</p> <p>It is suggested that these points of clarity are addressed within the other responses raised against the BESS facility.</p> <p>On the basis that this matter remains under discussion.</p>	
BBC-D2-98	BBC-RR-165	Draft DCO	<p>It is noted that the Council has instructed a legal review of the DRAFT DCO, including use of terms, for discussion. The Council reserves the right to comment further on this collective Aspect.</p> <p>The Council concurs with the Applicant's statement regarding working together.</p>	The Applicant notes this comment and awaits the Council's further comments on the draft DCO.
BBC-D2-99	BBC-RR-168	Design	<p>The Council's point still stands.</p> <p>It is suggested that this is read against the Council's respond to Matter 11 [BBC-RR-32]. It is recognised that this is a matter for the Examining Authority to weigh and determine.</p>	The Applicant notes this comment.
Outline Construction Environmental Management Plan (Tracked) P02 [REP1-033]				
BBC-D2-100	Table 5.3 (Watercourses)	Ecology	Clarification that watercourses to include a minimum 10 buffer from bank top is welcomed.	The Applicant notes this comment.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-101	Table 5.3 (Hedgerows)	Ecology	In order to ensure that the 6m hedgerow buffer is dealt with in as a minimum the Council request the following rewording in Table 5.3 page 41: <i>'Hedgerows to include a minimum 6m buffer, extending beyond this to include the full root protection zone for retained trees where this extends beyond 6m, and excluding any locations where points of widening or crossing points, in which no works (other than landscaping) are to occur'</i>	The Applicant has responded to this point with reference to BBC-D2-31 above.
BBC-D2-102	Appendix B Ecology Reasonable Avoidance Measures	Ecology	The Council welcomes the addition of the outline Reasonable Avoidance Measures method statements as an Appendix to the oCEMP. These measures should be reviewed and approved by the Council before construction commences.	The Applicant notes this comment. The final CEMP would be approved by the relevant LPAs in accordance with Requirement 5 of the draft DCO [REP1-005] .
BBC-D2-103	Table 5.11, p64	Climate Change	Release of greenhouse gas emissions during construction: <ul style="list-style-type: none"> • Consideration should be given to using biofuels, e.g. HVO, in construction equipment to minimize emissions from plant use • Adopt the carbon reduction hierarchy during the design process, applying innovative design techniques to reduce the embodied carbon content of materials and components, as well as sourcing lower-carbon materials as stated • Specify SF6-free switchgear and other components, or ensure that any GIS equipment is sealed for life to minimize any fugitive emissions of SF6 	The Applicant has updated the oCEMP [as updated alongside this submission] to address these matters.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<ul style="list-style-type: none"> • Take steps to reduce emissions from worker travel by incentivizing lower-carbon travel modes and the use of EVs. 	
Outline Construction Traffic Management Plan (Tracked) P02 [REP1-035]				
BBC-D2-104	paragraph 5.1.2, 5.4.2 & Appendix C	Traffic and Transport	<p>Access Points:</p> <p>Due to the nature and setting of the roads in question, visibility splays must be based on DMRB requirements, not MfS (Paragraph 5.4.2 indicates that DMRB has been used, but this is not the case for all access points).</p> <p>Where existing accesses are utilised, it is necessary to demonstrate that appropriate visibility splays can be achieved as there will be an intensification of use.</p> <p>Where it is proposed that a relaxation of visibility splays below the requirement for the observed speed or the speed limit of the road, the Applicant is required to outline the measures that are intended to be put in place to make the reduced splays appropriate. The provision for HGVs on the public highway and on the haul roads should ensure that there is space for vehicles to pass; such arrangements could include passing places on the haul roads on the approaches to the public highway where marshals could hold HGVs if another HGV was travelling in the opposite direction.</p> <p>As the drawings are based on OS Base Mapping, the existing vegetation is not apparent from the plans. As such, it is not clear to what extent tree/hedgerow removal is required for these splays to be achieved. In order that the effects of the vegetation removal can be</p>	<p>As per response BBC-D2-63 and as discussed with BBC, the use of Manual for Streets visibility splays is only proposed at accesses SA14, SA15, SA17, SA18 and SA19 on the basis that it is not possible to achieve full DMRB visibility splays at these locations. These accesses would only be used during the construction phase.</p> <p>It is proposed that vehicle movements at these accesses would be controlled through the implementation of temporary speed limits on Moor Road, Duloe Lane and Bushmead Road, alongside temporary traffic management, as shown in the Traffic Regulation Measures Plan [REP1-004] and the access arrangement plans included in Appendix D of the oCTMP [REP1-034].</p> <p>The site access arrangement drawings included within Appendix D of the oCTMP [as updated alongside this submission] have been updated to illustrate the extent of hedgerow that would be impacted by the Site access points.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			assessed by the appropriate EIA teams, the Applicant should provide indications of where hedgerow/tree removal is required.	
BBC-D2-105	Section 5.8	Traffic and Transport	<p>Highway Condition Surveys</p> <p>The addition of condition surveys and repair/reinstatement is welcomed. However, any defects that arise to highways assets/verges during the construction phase due to the Proposed Development (as identified through the highway condition surveys) should be reinstated/made good by the Applicant during the construction works (i.e. not only at the end of construction). The Council will expect to be involved as an approver of the final CTMP and the ongoing monitoring, including any need to implement mitigation.</p>	<p>The Applicant notes this comment. The oCTMP [as updated alongside this submission] has been updated to provide further detail with regard to highway condition monitoring / remedial works at intermediate stages during the construction phase.</p> <p>It is set out in para 1.1.6 of the oCTMP that the final CTMP will be prepared in consultation with / for approval by the LHAs and National Highways. Para 9.1.4 sets out that monitoring activities and responsibilities will be agreed with the LHAs and National Highways. This is secured under Requirement 8 of the draft DCO.</p>
BBC-D2-106	Appendix C – General comments	Traffic and Transport	<p>Proposed Construction Access Strategy</p> <p>Prior to any construction works being undertaken within the limits of highway adoption, the detailed design of these works must be submitted to the Council (and CCC where appropriate) for approval. These submissions should include:</p> <ul style="list-style-type: none"> • A programme for the works, details of the construction method and traffic management requirements; 	<p>The requirement to agree the detailed design of the Site accesses with the LHAs is secured by Requirement 3 of the draft DCO [REP1-005].</p> <p>The oCTMP [as updated alongside this submission] has been updated to reflect the specific matters to be agreed, as raised by BBC.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			<ul style="list-style-type: none"> • A detailed design pack of drawings and specifications detailing the works and any service / utility works that may need to be accommodated; • The necessary health and safety information required under the Construction, (Design & Maintenance) Regulations, or their equivalent at the point of submission; • Details of the proposed contractor, including their insurance provisions; • Road Safety Audits (RSA) to a Stage 2 standard; • Details of any necessary road signage and road markings; and, • Details of any proposed remediation proposals should the works not be permanent. <p>The detailed CTMP should detail the exact process for these technical approvals.</p>	
BBC-D2-107	Appendix C – Figure 1	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (40mph) and temporary traffic signals are proposed (TTM1 and TTM2), therefore the general comment above regarding detailed design applies.	As per response BBC-D2-106 above.
BBC-D2-108	Appendix C – Figure 2a/b	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (40mph) and traffic signals proposed (TTM3), therefore the general comment above regarding detailed design applies.	As per response BBC-D2-106 above.
BBC-D2-109	Appendix C – Figure 3a/b	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (40mph) and traffic signals	As per response BBC-D2-106 above.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
			proposed (TTM4), therefore the general comment above regarding detailed design applies.	
BBC-D2-110	Appendix C – Figure 4	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM6), therefore the general comment above regarding detailed design applies.	As per response BBC-D2-106 above.
BBC-D2-111	Appendix C – Figure 5	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM7), therefore the general comment above regarding detailed design applies.	As per response BBC-D2-106 above.
BBC-D2-112	Appendix C – Figure 6	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM9), therefore the general comment above regarding detailed design applies. Visibility splays should be based on DMRB. Details of proposed carriageway widening and how two-way movements/passing can be achieved should be provided.	As per response BBC-D2-106 above. Details of proposed carriageway widening are illustrated on Figure 7 in Appendix D of oCTMP [REP1-034] .
BBC-D2-113	Appendix C – Figure 7	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM8 and TTM9), therefore the general comment above regarding detailed design applies. It is unclear why widening over an extensive length of road been provided, rather than implementing strategically located passing places, and why the proposed carriageway width varies.	As per response BBC-D2-106 above. The road is already wide enough throughout to allow an HGV to pass an oncoming car. Minor widening into the verge where necessary to allow continuous two-way movement of HGVs was considered to be the most appropriate mitigation. The proposed carriageway widths indicated on Figure 7 are the minimum widths required along each section of widening to permit two-way HGV

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				movements. The exact detail of the proposed widening would be agreed at the detailed design stage with the LHA as per Requirement 3 of the draft DCO [REP1-005] .
BBC-D2-114	Appendix C – Figure 13	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM12), therefore the general comment above regarding detailed design applies. Visibility splays should be based on DMRB.	As per responses BBC-D2-104 and BBC-D2-106 above.
BBC-D2-115	Appendix C – Figure 14	Traffic and Transport	Proposed Construction Access Strategy Temporary speed limit reduction (30mph) and temporary traffic signals proposed (TTM13), therefore the general comment above regarding detailed design applies. Visibility splays should be based on DMRB.	As per responses BBC-D2-104 and BBC-D2-106 above.
Outline Operational Environmental Management Plan (Tracked) P02 [REP1-037]				
BBC-D2-116	Table 5.11, p52	Climate Change	Take steps to reduce emissions from worker travel by incentivizing lower-carbon travel modes and the use of EVs. Consider using biofuels, e.g. HVO, in any plant used during routine operations or operational maintenance.	The Applicant has updated the oOEMP [as updated alongside this submission] to include reference to this in Table 5.11.
Outline Decommissioning Environmental Management Plan (Tracked) P02 [REP1-039]				
BBC-D2-117	Table 5.3	Ecology	The Council welcomes additional wording to future proof ecology requirements through adherence to subsequent equivalent standards.	The Applicant notes this comment.

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-118	paragraph 2.4.3	Landscape and Visual	Please consider the inclusion text to align with the comment below for the oLEMP Section 7.0 in relation to post decommissioning hedgerow heights.	The Applicant has responded to this point with reference to BBC-D2-127, below.
Outline Landscape and Ecological Management Plan (Tracked) P02 [REP1-041]				
BBC-D2-119	paragraph 3.4.1	Ecology	Clarification that watercourses to include a minimum 10 buffer from bank top is welcomed.	The Applicant notes this comment.
BBC-D2-120	paragraph 3.6.1 and 3.6.2	Ecology	The revised minimum net gain targets are noted, alongside the commitment to maximized BNG as far as practicable. Given the scale of the scheme it is unclear why only a minimum 5% for watercourses is targeted. To align with local and national guidance the Council request the Applicant is held to a minimum 10% in relation to watercourse units.	<p>Statutory biodiversity net gain is not mandatory for Nationally Significant Infrastructure Projects, however the Scheme has voluntarily demonstrated an uplift in biodiversity units as measured by the statutory biodiversity metric.</p> <p>The biodiversity metric user guide advises ditches should only be included if they hold water for >4 months a year. It is not known if ditches would meet this criteria and as such have been discounted from the metric following a precautionary approach. Should created ditches and swales be included, this would increase the net gains of watercourse units for the Scheme.</p> <p>The Applicant will endeavour at the detailed design stage to meet or even exceed the higher BNG totals as assessed in the BNG Report [REP1-052], particularly with regard to watercourse units.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-121	paragraph 5.3.35 and paragraph 5.3.40	Ecology	<p>The Council welcome the addition of pre-construction soil sampling to inform establishment method and seed mixes, and the use of yellow rattle and scarification where appropriate.</p> <p>The Council request confirmation baseline data from soil sampling will be provided to the Council when seeking their approval of the final LEMP prior to construction.</p>	<p>The Applicant can confirm that the results of the soil sampling will be submitted as part of the final LEMP, and has updated paragraph 5.3.35 of the oLEMP [as updated alongside this submission] to provide this commitment.</p>
BBC-D2-122	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	<p>The Council request that a table is included in the oFBMS to summarise the losses and gains.</p>	<p>A table (Table 4.2) has been included within the Appendix C oFBMS of the oLEMP [as updated alongside this submission] outlining baseline habitats and ground nesting breeding bird baseline within the 125ha farmland bird mitigation area.</p>
BBC-D2-123	Appendix C Outline Farmland Bird Mitigation Strategy (Paragraph 5.2.4)	Ecology	<p>The Council welcome commitment to the creation of grassland habitats north of Site C in advance of works commencing on Site A.</p> <p>However, the Council request further detail on when the other areas of mitigation are expected to be provided relative to the overall construction programme. In addition, the Council request the oFBMS quickly reflects the need for both the habitats to be both created and established sufficiently to fulfill their intended bird mitigation purposes in advance of the first season their use is assumed within the mitigation strategy.</p>	<p>The Applicant has updated the oLEMP [as updated alongside this submission] to set out that the areas identified as 'Open Grassland suitable for Ground Nesting Birds' on Figures 1a to 1d of the oFBMS will be seeded as part of the Site Preparation Works, prior to construction.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-124	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	<p>The Council request clarification on how Public Rights of Way (PRoW) have been considered in the development of the oFBMS. In particular, within the 125ha area assumed to form mitigation for ground nesting birds.</p>	<p>This point has been responded to as BBC-D2-34</p> <p>The Applicant confirms that Public Rights of Way are present within some of these fields, although are typically (but not always) restricted to field boundaries.</p> <p>It would not be expected that irregular walkers would significantly deter skylark nesting attempts. The Applicant will install signage encouraging walkers to keep dogs on leads where footpaths are located within areas identified for skylark mitigation.</p> <p>The locations of Public Rights of Way have been added to Figure 1 of the oFBMS [as updated alongside this submission].</p>
BBC-D2-125	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	<p>The oFBMS sets out the areas of habitat creation proposed, however it is not currently clear within the strategy what suitability (if any) these habitats have for the species of interest. It is not currently clear if the figures for habitat creation provided amount to areas of additional habitat creation, or if some represent enhancement of areas that are already utilised by these species. The Council request:</p> <ul style="list-style-type: none"> • A clear summary of the losses and gains in suitable habitat (in ha) • Further information to confirm the existing value of the areas identified for habitat creation for the target species 	<p>This point has been responded to as BBC-D2-34.</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
BBC-D2-126	Appendix C Outline Farmland Bird Mitigation Strategy (Section 6)	Ecology	<p>Current monitoring proposals in relation to habitats and bat boxes outlined in Section 6 are welcomed. However, for a scheme with impacts of this scale bird monitoring surveys (replicating those undertaken during the baseline) are considered appropriate. These surveys will be necessary to demonstrate that the mitigation measures set out in the oFBMS are proving effective and objectives set out are being met.</p> <p>The Council request that that these are included within the oFBMS and cross referenced alongside wider species monitoring requirements in the oLEMP.</p>	<p>Preparation of a monitoring strategy is addressed as BBC-D2-43 and includes breeding bird survey which is now included within the oFBMS and oLEMP [as updated alongside this submission].</p>
BBC-D2-127	paragraph 3.4.1	Landscape and Visual	<p>Please clarify if the 10m buffer between the fenceline of the solar farm and the public right of way is to the edge of the public right of way or to the centre line? The Council would request a 10m buffer to the edge of the public right of way. Section 7.0 –It is recommended that a review of post operation hedgerow heights is undertaken to deal with the loss of openness in views and change in landscape character arising from tall hedgerows. It is accepted that this is an appropriate mitigation in operation, but the Councils considers that a more appropriate agriculturally based management regime of lower hedgerows (approximately 1.5m) should be implemented on a rotational basis post operation. Please include a statement that aligns with the above.</p>	<p>The Applicant confirms that the referenced 10m buffer relates to the distance between the solar infrastructure fencing and the centreline of the definitive public right of way.</p> <p>In relation to hedgerow management, the Applicant acknowledges the Council's comments regarding the potential influence of mature hedgerow growth on openness and views over the longer term. The landscape design for the Scheme seeks to achieve an appropriate balance between the provision of mitigation planting, integration of the Scheme within the landscape, retention of landscape character and retention of openness and visual connectivity where appropriate.</p> <p>The Applicant agrees that hedgerow management would form an important</p>

Our Ref.	BBC Ref.	Theme	BBC Comments	Applicant Response
				<p>component of the ongoing landscape management regime during operation of the Scheme. The oLEMP [REP2-032] therefore provides for the management and maintenance of hedgerows and planting over the operational lifetime of the Scheme. The Applicant considers that the appropriate management approach, including the maintenance of hedgerow heights in particular locations, should respond to the differing landscape, ecological and visual objectives across the Site, rather than applying a single uniform hedgerow height across all areas.</p>
Outline Soil Management Plan (Tracked) P02 [REP1-045]				
BBC-D2-128	8.1.4 Further Site Investigations	Land and Soils	<p>The additional commitment to further agricultural land classification and soil resource surveys to be undertaken post consent is recognised. That the surveys would be prior to commencement of construction to inform the detailed Soil Management Outline Soil Management Plan is important. This will include surveying any land currently identified as 'Ungraded' due to access limitations and undertaking additional survey work across the remainder of the Order limits to achieve an observation density of approximately one survey point per hectare. The results of these surveys will be used to validate ALC grading and to refine the detailed SMP measures for stripping, segregation, storage and reinstatement of soils. No further developments of the oSMP were proposed or provided.</p>	The Applicant notes this comment.

3.2 Response to Cambridgeshire County Council

Table 2: Response to Cambridgeshire County Council Deadline 2 Submission [REP2-049]

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
Applicant's Response to Relevant Representations [REP1-055]				
CCC-D2-01	CCC-RR-10 to 18	Ecology and Biodiversity	The general responses are welcomed and noted, however, we request the applicant refer to the Council's Local Impact Report [REP1-075] which provides details of the specific elements of ecological impact assessment for which we have concerns. The Council notes that some documents have been revised to address some points and submitted at Deadline 1 – our comments are provided individually to each document below.	The Applicant notes this comment.
CCC-D2-02	CCC-RR-12	Ecology and Biodiversity – Great Crested Newt	<p>The Council awaits the submission of the draft licence application information / letter of no impediment to the examination.</p> <p>It will be important to clearly set out the areas on-site that will be allocated for protected species licences to help inform the biodiversity net gain assessment. If traditional licences are to be obtained, it will be important to understand how this can be achieved without access to off-site ponds for which there will be impacts to great crested newt terrestrial habitats within 250m of the pond. And why these have not been surveyed to inform the draft licence / planning application. We recommend the Great Crested</p>	<p>A letter of no impediment from Natural England has now been obtained and submitted into the examination [REP2-047].</p> <p>The Biodiversity Net Gain assessment has been updated at Deadline 1 [REP1-052] to reflect licenced mitigation measures. This specifies that 84.3ha of other neutral grassland (i.e. all other neutral grassland created within 500m of occupied or assumed occupied ponds) as mitigation for this species. This contributes 564.36 biodiversity units, which is below the baseline of 1835.93 units and so can be counted towards a position of no net loss.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			<p>Newt report is updated to encompass these elements.</p> <p>The Council has provided comments to the updated Great Crested Newt Survey Report [REP1-027] below.</p>	<p>Access was not available to all ponds within 250m as the relevant landowners did not grant access. While the Applicant notes the need for robust survey data, this cannot be obtained without consent or via trespass, and so a precautionary approach of assumed presence has been taken.</p>
CCC-D2-03	CCC-RR-13	Ecology and Biodiversity – Farmland Bird Mitigation Strategy	<p>The outline Farmland Bird Mitigation Strategy is considered inadequate – please see the Council’s comments to the updated Outline Landscape and Ecological Management Plan [REP1-041] below.</p>	<p>These comments are responded to at CCC-D2-62 to CCC-D2-65.</p>
CCC-D2-04	CCC-RR-14	Ecology and Biodiversity – Biodiversity Net Gain (watercourse)	<p>Clarification regarding how the enhancements to the tributary of the River Kym have been calculated is welcomed. We recommend this clarification is also provided within the Biodiversity Net Gain report.</p> <p>Please see detailed comments in the Council’s Local Impact Report [REP1-075] and the Council’s comments relating to the revised Biodiversity Net Gain Report [REP1-053] below.</p>	<p>The Applicant welcomes this comment and has updated section 4.1.5 of the Biodiversity Net Gain Report [as updated alongside this submission] accordingly.</p>
CCC-D2-05	CCC-RR-14	Ecology and Biodiversity – Biodiversity Net Gain (watercourse)	<p>The Council is disappointed that the applicant has failed to maximise opportunities to deliver watercourse restoration. We refer the applicant and examiner to paragraph 4.7.6 of National Policy Statement for Energy (EN-1) 2025 which states that “Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process.” We consider the applicant has failed to adequately</p>	<p>The Applicant assumes this comment is in reference to the watercourse tributary to the River Kym which crosses Site C (which is in the CCC area). The Applicant notes that the extent of this watercourse within the Order limits lies largely within the boundary of the scheduled monument – planting or other in-channel improvements would therefore not in the Applicant’s opinion be appropriate given</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			<p>incorporate enhancement to watercourses within this scheme, namely the omission of in-channel improvements to watercourses (tributary to the River Kym).</p> <p>The Council seeks an update to the Outline Landscape and Ecological Management Plan [REP1-041] to include a commitment to investigating opportunities to provide in-channel improvements to watercourses, including tributary to the River Kym as part of detailed LEMP.</p>	<p>the sensitive nature of the archaeology. Historic England has advised that planting within the scheduled area would not be appropriate.</p> <p>Elsewhere, the Applicant has sought opportunities for nature in design, including with proposed bankside improvements to the Pertenhall Brook and the watercourse through Site B.</p> <p>The Applicant notes that one of the design principles the Applicant must address in preparing the final design is Design Principle 5.2 to '<i>Enhance watercourses through the provision of green infrastructure to provide more natural bankside environments</i>', as set out in Table 13 of the Design Parameters and Principles Statement [REP1-030].</p>
CCC-D2-06	CCC-RR-17	Ecology and Biodiversity – Biodiversity Net Gain	<p>The Council welcomes the commitment to engage with host authorities regarding a post consent planning performance agreement or other funding mechanism to deliver the steering group. The Council considers funding commitment is best secured within a Section 106 agreement for the relevant host authorities.</p>	<p>The Applicant acknowledges that the monitoring and enforcement of the DCO requirements will involve an ongoing resource commitment for the Council. However, the Applicant does not consider that a section 106 agreement would be an appropriate or necessary mechanism in this case.</p> <p>The provision of BNG is not mandatory for the Scheme, nor would it qualify as such under the new BNG guidance for NSIPs which will only apply to schemes submitted after November 2026. As such, it is not necessary</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
				<p>for the Applicant to be held to a requirement that mandates delivery of 10% BNG. The provision of BNG remains discretionary for the Applicant.</p> <p>On that basis, the monitoring of BNG should be considered as monitoring of compliance with any other requirements included in the DCO and the Applicant is not satisfied that such payment would meet the statutory test for it to be secured by way of a section 106 agreement.</p> <p>The Applicant would welcome further discussions with the Council in relation to a Planning Performance Agreement or other agreement covering the post consent phase as this is considered to be the appropriate and well-established mechanism to ensure that the Council is adequately resourced to carry out their monitoring and enforcement functions.</p>
CCC-D2-07	CCC-RR-35	Traffic and transport	<p>The council notes that updated drawings have been provided within the outline Construction Traffic Management Plan (oCTMP) but as part of the review some amendments are requested in relation to accesses SA14, SA15 and SA16 as well as dimensions for the Spring Hill junction within Cambridgeshire's area. Please see below comments on the oCTMP.</p>	<p>The Applicant has updated the drawings within Appendix D of the oCTMP [as updated alongside this submission] as requested by CCC.</p> <p>The Applicant has responded to the individual points raised by CCC in relation to these drawings with reference to responses CCC-D2-38 to CCC-D2-42 below.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-08	CCC-RR-48	Traffic and transport	The Applicant refers to Figure 3 at Appendix A of the outline Landscape and Ecological management Plan (oLEMP). The first figure 3 shows permissive access in Bedford Borough and not Cambridgeshire. There is a second figure 3 (which the council queries whether this should be labelled figure 4) which shows permissive access in Cambridgeshire. The council requests that the applicant corrects the Figure references.	The Applicant has updated Appendix A of the oLEMP [as updated alongside this submission] as requested by CCC.
CCC-D2-09	CCC-RR-48, 50,51, 58	Traffic and transport	The permissive route shown is only a footpath and approximately 2km long. Given the larger extent of the broad species grassland here, the permissive access should be extended both to the northwest and southeast. Extending permissive access to the southeast would enable connection with the public highway, enabling permissive bridleways to be provided instead of a permissive footpath. These would still be unsurfaced, as proposed for the permissive footpath. Interpretative boards are welcomed.	The Applicant has engaged with Historic England in relation to the positioning of the permissive access in this area, and for reasons of site security both to the Scheme and the archaeology is not seeking to extend the permissive access to the highway to the south.
CCC-D2-10	CCC-RR-49	Traffic and transport	The council understands that the Applicant is restricted in where new access can be provided. However, in order to show commitment to providing wider benefits to Public Rights of Way (PROW) users, funding improvements could be made to pre-existing PROW infrastructure.	The Applicant notes that the Community Benefit Fund (East Park Legacy Fund) could be used for the creation or enhancement of PROW, should the beneficiaries of the fund choose to fund such improvements.

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-11	CCC-RR-20, 21	Hydrology and Flood Risk	<p>The council acknowledges that full detail will be provided at the detailed design stage; however, a sufficient level of information is still required at this stage. While the applicant's response is acknowledged, we wish to reiterate that the requested information relates to the Outline Surface Water Management Plan for the Battery Energy Storage System (BESS) compound.</p> <p>Paragraph 6.4 states that estimated storage volumes for the BESS compound and access track have been calculated using the hydraulic modelling software Causeway Flow. It therefore remains unclear why these hydraulic calculations have not been provided for review. Section 6.4.2 states that the modelling is based on the 1% AEP storm event with a 25% climate change allowance. Given the expected lifetime of the development, the design must incorporate a 40% climate change allowance.</p> <p>The council acknowledges the calculations provided in relation to the greenfield runoff rates. The current volume estimates, which are only based on the 1 in 100 year + 25% climate change indicate that the total volume required is 2,096m³. Although the proposed use of a detention basin and swale is supported in principle, the indicative drainage plan does not clearly demonstrate that the required storage volumes can be accommodated within the Order Limits while meeting key design standards set out in the Construction Industry Research and Information Association (CIRIA) Sustainable</p>	<p>Causeway Flow calculations have now been provided as Appendix 2 to the oSWMP [as updated alongside this submission]. These calculations have been provided based upon the 40% climate change allowance. Section 6.4 of the oSWMP has also been updated to provide further details in regards to including freeboard, side slopes and maximum water depths.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			<p>Drainage Systems (SuDS) Manual, including freeboard, side slopes and maximum water depths etc.</p> <p>Without the hydraulic calculations, the council is unable to determine whether the parameters used to calculate the required attenuation volumes are appropriate. These design principles must be demonstrated and agreed at this stage and then carried through to the detailed design stages. In the absence of this information, the Lead Local Flood Authority (LLFA) are unable to support the proposals.</p>	
CCC-D2-12	CCC-RR-23	Hydrology and Flood Risk	<p>Whilst the council accepts the applicant's desire to remove possible delays and have certainty of the outcome of their consents, as LLFA we still maintain the importance of this. This is an important safeguard to ensure that flood risk is not inadvertently increased through default consent arising from resourcing constraints rather than technical acceptability. There is currently nothing to prevent the applicant from submitting a large volume (or even all) of their consent applications simultaneously, which could exceed the LLFA's capacity to assess them within the statutory timeframe. This scenario has occurred on previous Development Consent Order (DCO) projects and presents a material risk to effective flood risk management. A deemed refusal approach ensures that consent is only granted following proper technical scrutiny and provides an appropriate incentive for early engagement and realistic</p>	<p>The Applicant maintains that the deemed consent mechanism proposed at paragraph 19(3)(b) is appropriate for the reasons set out in the Applicant's response to CCC-RR-23 (see the Applicant Response to Written Representations P01[REP2-044]).</p> <p>Moreover, it is noted that the standard position under section 23 of the Land Drainage Act 1991 is that an application to a drainage board for consent to erect an obstruction etc. in a watercourse must be determined by that drainage board within two months with consent being deemed to be granted if no decision is notified to the applicant in this timeframe. While the disapplication of section 23 of the Land Drainage Act 1991 under Article 8 of the draft DCO [REP1-005] means that this would not apply to the authorised development, it does show that the Applicant is not seeking to alter the baseline position</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			programming. As a potential compromise, the LLFA would be willing to consider mechanisms to secure the phased submission of land drainage consent applications, aligned with construction phasing and agreed timescales, provided this is set out clearly within the DCO.	through these protective provisions. It is therefore submitted that this helps to demonstrate that the current deemed consent provision is appropriate and reasonable.
CCC-D2-13	CCC-RR-02	Cultural Heritage and Archaeology	The council is of the view that the details provided are appropriate. The council welcomes that Historic England and the council will have sign off over the exact final location of the track via the proposed archaeological mitigation strategy, and that the location will follow further archaeological investigation	The Applicant notes this comment.
CCC-D2-14	CCC-RR-04	Cultural Heritage and Archaeology	The assessment of effects in Table 6.14 of the Environmental Statement will still be lacking some accuracy if edits based on the final Site D report are not made, but the council is content that the applicant has provided a satisfactory response to our comment, and that the Archaeological Mitigation Strategy will provide updated details via Requirement 15(4).	The Applicant notes and welcomes this comment.
CCC-D2-15	CCC-RR-03, 05-09	Cultural Heritage and Archaeology	The council is satisfied with the Applicant's remaining responses regarding Cultural Heritage and Archaeology.	The Applicant notes and welcomes this comment.
CCC-D2-16	CCC-RR-63	Socio Economic	The Community Benefit Fund (also referred to as East Park Legacy Fund) is much welcomed for resourcing future community enhancements, should the scheme proceed, led/driven by the very community affected by its implementation.	The Applicant agrees that the proposed East Park Legacy Fund would provide important resources for community initiatives. The Applicant listened to feedback received during statutory consultation and increased the fund

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			<p>Whilst the council notes that the sum committed to this fund by the applicant (£6.4million or £400/MW/year) has increased from that proposed earlier in the consultation process, it continues to remain below the £500/MW/year as advocated by other local authorities that host comparable large scale solar projects. The Applicant points out that their offer is made without claiming any planning benefit, but it is important to note this is something the government consulted on last year to mandate for low carbon energy infrastructure. Therefore, we continue to seek a further increase in the fund to ensure it is commensurate with that provided by similar energy schemes elsewhere in England/the UK.</p>	<p>offering to £400/MW/year, which the Applicant views is consistent with or higher than other comparable projects in the UK.</p> <p>The Applicant has now engaged a third party to assist with designing the governance and delivery of the Legacy Fund and will endeavour to provide further information at a future examination deadline.</p>
Revised Construction Traffic Management Plan [REP1-035]				
CCC-D2-17	1.1.5	Introduction	<p>It is indicated to keep the construction traffic movements to a minimum during peak network periods to reduce the impact on the highway network – the council is of the view that this should be a requirement wherever possible.</p>	<p>The outline Construction Traffic Management Plan (oCTMP) [as updated alongside this submission] has been updated accordingly.</p>
CCC-D2-18	1.1.6	Introduction	<p>Final Construction Traffic Management Plan (CTMP) will be prepared in consultation with the Local Highway Authority (LHA) to ensure that what is proposed is acceptable.</p>	<p>This is secured under Requirement 8 of the draft DCO [REP1-005].</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-19	-	Introduction	Contractor and visitor parking is proposed within the site and parking will take place remote from the public highway 350 spaces within the main site compound and 50 vehicles spaces at site A, B and C - these will need to be clearly indicated within the finalised CTMP	The oCTMP [as updated alongside this submission] has been updated to reflect this commitment.
CCC-D2-20	4.5.6	Collection / Drop-off Service	It is recommended that this para is revised to give more certainty collection and drop off services will be provided.	The oCTMP [as updated alongside this submission] has been updated to reflect this commitment.
CCC-D2-21	4.5.3	Sustainable Travel Strategy	The detailed Construction Workers Travel Plan will be assessed by the council's Transport Assessment Team.	The Applicant notes this comment.
CCC-D2-22	5.1	Construction access strategy	<p>It is indicated that the construction traffic accessing the site from the highway network would do so by use of the A1 and the B645 - the highest classification of road in the vicinity of the project. The council is of the view that this is suitable to cater for vehicles associated with the scheme.</p> <p>We note in the Construction Traffic Management Plan [REP-], paragraph 5.1.1 the applicant has outlined HGVs will be directed to access the B645 from the A1 using the northbound exit slip, and to access the A1 using the northbound entry slip when departing the Site to minimise the impact of construction traffic for the residential area of Eaton Ford. The council welcomes this addition.</p>	The Applicant notes this comment.

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-23	5.1.7	Construction access strategy	The main site access (SA16) would see all movements, with larger loads to smaller compounds using mostly internal roads to the satellite locations. It is described as 'likely that a number of deliveries would be unloaded within the main site compound in Site D and would then be transferred on to the satellite compounds by smaller vehicles. The council requests that the Applicant quantifies the number and route that these movements will use, ensuring they do not go through Great Staughton.	The Applicant notes this comment. The oCTMP [as updated alongside this submission] has been reworded accordingly to provide more clarity on this point. It should be noted that all HGVs would route through Site D and on into Sites C, B and A as per the proposed construction access routes illustrated in Appendix C of the oCTMP [REP1-034] . No HGVs would route through Great Staughton during the construction phase. The number of HGV movements to the various areas of the Site are as identified in the traffic flow diagrams included in Figures 14, 15 and 16 in ES Vol 2 Appendix 9-2 [APP-102] . The intention of the wording of para 5.1.7 is to highlight that not all of these internal movements would utilise 16.5m articulated HGVs.
CCC-D2-24	5.1.8	Construction access strategy	It is indicated that the majority of daily staff movements will arrive at site D, although a small number of daily staff movements would access sites A and B without passing through the main site access. The council requests that the Applicant quantifies the number and route that these movements will use, ensuring they do not go through Great Staughton.	It is anticipated that the number of staff trips that would bypass the internal haul route network would be extremely limited, probably in the region of 2-3 trips per day, likely comprising pick-up/Transit van type vehicles carrying work teams setting up traffic management, and a minibus carrying banksmen to man access gates / crossing points.
CCC-D2-25	5.1.10.	Construction access strategy	Site C access will be taken from an existing Heavy Goods Vehicle (HGV) access (SA12) where vehicles will follow the existing public highway to access site B. No details of two-way	The Applicant notes this comment. Figure 8 in Appendix D of the oCTMP [as updated

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			tracking have been provided in relation to the suitability of this route for the largest construction vehicles to pass each other. The council requests that this is provided.	alongside this submission] has been updated accordingly.
CCC-D2-26	5.1.13	Construction access strategy	Minor Road widening works are required along Spring Hill Road between Great Staughton Road and access SA10 during the construction phase. The same should be required along Great Staughton Road to facilitate two-way movements of the largest vehicle for access to Spring Hill Road and access SA12 - the council requests that details of this tracking are submitted.	The Applicant notes this comment. Figure 9 in Appendix D of the oCTMP [as updated alongside this submission] has been updated accordingly.
CCC-D2-27	5.2.4	Standard Access Designs and Types	The existing bell-mouth access SA13 is indicated to be used through the operational phase of the scheme – the council requests that the applicant provides details of proposed use to ensure it is no greater than that which use it at present. Whilst splays have been indicated there are no corresponding speed surveys to show its acceptable for any intensification.	Access SA13 would only be used during the operational phase. Regular movements during this period are anticipated to be around 1 vehicle per week using a pick-up / small van for maintenance activities. All movements would be to and from the north along Moor Road. Movements along Moor Road during any replacements would also be relatively limited, as is discussed in the Technical Note on Replacement Works submitted at Deadline 3.
CCC-D2-28	5.2.8	Standard Access Designs and Types	Car share scheme and guaranteed ride home is acknowledged and welcomed.	The Applicant notes and welcomes this comment.
CCC-D2-29	5.2.10 and 5.2.9	Standard Access Designs and Types	The use of minibuses to travel from site to site is welcomed as is the proposed use of minibuses to transport workers to the site from designated	Further details of designated minibus pick up / drop off points will be provided in the final CTMP once the make-up of construction staff

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			pick up / drop off points. Further details will be required in subsequent submissions.	origins is known. The oCTMP [as updated alongside this submission] has been updated accordingly to reflect this commitment.
CCC-D2-30	5.3	Temporary Construction Access	Temporary construction access designed in accordance with Design Manual for Roads and Bridges (DMRB) criteria which is in accordance with the speed of the road is acceptable.	The Applicant notes and welcomes this comment.
CCC-D2-31	5.5.1	General Construction Traffic Management/Mitigation	Traffic regulation measures are proposed at accesses/ Road crossing SA14 and SA15 because the visibility splays achievable are not conducive with the measured speeds of vehicles provided and therefore will require a temporary traffic regulation order to 30mph and or traffic management to facilitate access/egress.	The Applicant notes this comment. Figure 10 in Appendix D of the oCTMP [REP1-034] indicates the proposed TM to be provided at this location.
CCC-D2-32	5.7	Access Road Signage	Access Road Signage proposed to provide construction vehicles directions to appropriate access. Signage should also indicate where construction vehicles are not permitted, such as 'no construction vehicles past this point' etc.	The Applicant notes this comment. The full proposed signage strategy would be agreed at the detailed design stage and set out within the final CTMP. The oCTMP [as updated alongside this submission] has been updated accordingly to reflect this commitment.
CCC-D2-33	5.8	Highways Condition Survey	A pre and post condition survey is proposed on public highways which are to be used by construction vehicles, however details of any issues during construction which are highlighted by the LHA or members of the public should also be addressed indicating proposed timescales of	The Applicant notes this comment. The oCTMP [as updated alongside this submission] has been updated accordingly.

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			any repairs, should damage become evident because of construction vehicle activity.	
CCC-D2-34	6.1.2	Delivery Management System	Deliveries are indicated to be programmed and planned in advance with a booking system and delivery time slot, and to avoid peak-time traffic. This is acceptable to the council.	The Applicant notes and welcomes this comment.
CCC-D2-35	6.1.8	Delivery Management System	For deliveries of materials restricted to vehicles that can enter and leave in forward gear, dedicated turning areas should be located close to all access points.	Turning areas would be provided within each of the construction compounds. All vehicles would enter and leave the public highway in forward gear at all times.
CCC-D2-36	7.1.1	Vehicle wheel washing facilities	It is proposed that debris will be prevented from being taken onto the highway by means of appropriate wheel wash facilities, these have been indicated as either jet washers or wheel wash rumble strips with any residual dust and dirt being removed by brushes and vacuum road sweepers. Wheelwash facilities should be sufficient to prevent mud etc being transferred from site onto the highway. However, the council would support sweepers if needed as a last resort, as the applicant should ensure the wheelwash facilities are sufficient and effective. The method of keeping the highway clean should be reviewed monthly so as further methods may be employed if the initial methods fail to prevent residual dust and dirt on the highway.	It is proposed that sweepers would be deployed in addition to wheel wash facilities as supplementary measure to remove any residual dust/dirt that may be deposited onto the public highway, as stated in the oCTMP. The oCTMP [as updated alongside this submission] has been reworded accordingly to provide more clarity on this point.
CCC-D2-37	7.1.1	Vehicle wheel washing facilities	Each access should have a non-granular surface for a reasonable distance from the road	The Applicant notes this comment. The formation of Site accesses, including surfacing

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			edge where, if required, cleaning stations may be located.	materials, will be agreed with the LHA at the detailed design stage, as secured by Requirement 3 of the draft DCO [REP1-005] .
CCC-D2-38	SA14 and SA15 Construction only accesses / crossing point	Access drawing comments.	<p>Visibility requirement has not been met as indicated before, the recorded speeds are above those required to assess by Manual for Streets requirements i.e. above 37mph. It is noted, however, that the speed surveys were carried out remote from the location of this crossing. Therefore, either further speed surveys will be required, or temporary traffic regulation orders would be required to reduce the speeds of vehicles with appropriate warning signage.</p> <p>With regards to the access width, it is noted that two vehicles are unable to pass at the location of the crossing with a 4m width. The crossing should be of sufficient width to allow two-way simultaneous movements at locations adjacent to the highway. While it is indicated within the CTMP that vehicles will be controlled so that none should meet, this safeguard should be built in as standard to mitigate for such instances.</p> <p>A width of 7.3m for a distance of 20m from the road edge should be sufficient.</p> <p>The council queries why 4m radii have been applied to the design. As no vehicles are proposed to use Moore Road, the inclusion of these would only seem to allow manoeuvres. The council requests that the applicant removes these to ensure straight across movements only.</p>	<p>As per response CCC-D2-31 above, temporary traffic management is proposed at this location.</p> <p>The indicative design of accesses SA14 and SA15 have been updated accordingly in Figure 10 in Appendix D of the oCTMP [as updated alongside this submission] to incorporate the points raised by CCC.</p>

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			Moore Road has limited width to accommodate construction traffic for the project.	
CCC-D2-39	SA13 operational access	Access drawing comments.	<p>Whilst this is an existing access, the council has not seen any information relating to the existing use and or proposed use, so requests clarity on whether there will be additional volume.</p> <p>The proposed splays are also indicated but no speed measurements have been undertaken in this location to ascertain if they are adequate.</p> <p>The tracking has been undertaken with a 10m rigid vehicle – the council requests clarity as to whether this is the largest vehicle likely to use the access, with details provided of the frequency to ensure the single width nature is acceptable.</p> <p>The council also notes that it is not a balanced junction regarding radii, and requests further information as to whether any vehicles using the access will only enter and leave from the North.</p>	<p>As per response CCC-D2-27, there would be no intensification of the use of this access compared to the present level of use for agricultural purposes, anticipated to be a single movement per week in and out of the access for the purpose of maintenance activities.</p> <p>The indicated visibility splays are the maximum achievable at this location. These are considered to be adequate for the anticipate frequency of use of this access during the operational phase.</p> <p>The vehicle type indicated in the tracking is the largest vehicle that is anticipated to be required for ad hoc maintenance / replacement activities. More intensive movements through this access during periods of replacement activity would be subject to a separate management plan which would be agreed with the LHA at the appropriate time, as identified in the Technical Note on Replacement Works submitted at Deadline 3. This would include the use of suitable traffic management as required to control the safe passage of larger vehicles along Moor Road between access SA13 and the B645.</p> <p>All movements would be to and from the north along Moor Road.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-40	SA16 Main construction access	Access drawing comments.	In the tracking plan provided, the vehicles appear to clash when manoeuvring in the location below. The council requests that the applicant provides tracking or alters the geometry so that this does not occur.	The Applicant notes this comment. The indicative design of access SA16 has been updated accordingly in Figure 12 in Appendix D of the oCTMP [as updated alongside this submission] .
CCC-D2-41	SA12 Zantra access	Access drawing comments.	The council notes that this access has already got approval for HGV use and there is no damage evident on Google Earth.	The Applicant notes and welcomes this comment.
CCC-D2-42	Springhill junction widening, Figure 7	Access drawing comments.	Figure 7 Rev P01 – this area is within the council’s jurisdiction. No dimensions have been indicated at the junction for Radii or widths etc. Can these be added. Between Great Staughton Road and Spring Hill two-way tracking must be provided, including accurate road widths.	Figures 8 and 9 in Appendix D of the oCTMP [as updated alongside this submission] have been updated accordingly. Two-way tracking of HGVs along Great Staughton Road between Spring Hill and access SA12 is illustrated on Figure 9.
CCC-D2-43	9.13	Monitoring and Compliance	The council is of the view that it is unclear why Automatic Number Plate Recognition (ANPR) or Geofencing would be considered unfeasible. Similar schemes have been proposed as part of the Cambridge Waste Water Treatment Plant Relocation Project DCO to the north-east of Cambridge without any perceived issues.	This is a misunderstanding. The wording of the oCTMP was intended to convey that investigations were ongoing as to which of the potential monitoring systems was the most feasible for use at the Site. It is proposed that one or other of these methods of monitoring would be implemented. The oCTMP [as updated alongside this submission] has been reworded accordingly to provide more clarity on this point.
CCC-D2-44	Appendix B	Monitoring and Compliance	The council suggests that it would be unlikely to see workers walking or cycling to the site given the nature of the site location, in that it is rural	The Applicant notes this comment, and this point is reflected in the measures set out in the oCWTP.

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			with low quality cycle/walking facilities. Concentration should therefore be on Car Sharing and Staff Buses.	
Traffic Regulations Measures Plan [REP1-004]				
CCC-D2-45	-	Traffic Regulations Measures	The council notes and welcomes the update to remove the lifting of weight restriction along the B645.	The Applicant notes and welcomes this comment.
Draft Development Consent Order [REP1-006]				
CCC-D2-46	-	-	The council, alongside the other host authorities are in continued discussion with the applicant relating to the DCO. This has included meetings and exchange of notes. We anticipate future versions of the DCO will include changes to reflect these discussions.	The Applicant notes this comment and awaits further comments from the Council on the draft DCO.
ES Vol 1 Chapter 8: Hydrology and Flood Risk [REP1-010]				
CCC-D2-47		Flood Risk and Hydrology	In its capacity as the Lead Local Flood Authority the council has no further comments on this matter. However, as it relates to ecology please see comments below.	The Applicant notes this comment, and has provided responses in relation to ecology below.
CCC-D2-48	Table 8.7 - High sensitivity Ecological Criteria, page 8-44	Ecology	'High sensitivity' for ecological receptors should also include irreplaceable habitat (e.g. ancient woodland & veteran trees, which are of national importance).	Table 8.7 of ES Vol 1 Chapter 8 [as updated alongside this submission] has been updated to include irreplaceable habitats.

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CCC-D2-49	Major magnitude - Ecological Criteria, Table 8.8, p8-49	Ecology	<p>The council considers that this does not adequately consider the ecological receptors that could meet the “long-term impact of more than district importance or in breach of recognised standards, policy or legislation” criteria for ‘major’ magnitude impacts (set out at paragraph 8.5.7). Currently, it infers consideration has only been given to loss / significant impact to European Sites and protected species. The council therefore requests this is expanded to also include County Wildlife Sites (sites of county importance); Sites of Special Scientific Interest (nationally important / statutory protection) and ancient woodland and veteran trees (irreplaceable habitat and set out in National Planning Policy Framework (NPPF / Biodiversity Net Gain (BNG) legislation).</p> <p>In light of the above, the council seeks that Huntingdon Wood County Wildlife Site / Ancient Wood (site of county importance and an irreplaceable habitat) is considered within the hydrological assessment.</p>	<p>The list of designated sites provided within Table 8.8 of ES Vol 1 Chapter 8 [REP1-009] was not exhaustive. SAC, SPA and RAMSAR were referenced by way of example. Huntingdon Wood ancient wood/ County Wildlife site, has now been identified as a specific receptor within ES Vol 1 Chapter 8 [as updated alongside this submission].</p>
CCC-D2-50	Moderate magnitude - Ecological Criteria, Table 8.8, p8-49	Ecology	<p>‘Moderate’ magnitude should consider “long-term impact of more than local importance” (see criterial set out at paragraph 8.5.7) and therefore, should also include reduction in biodiversity value of Sites of Special Scientific Interest (nationally important / statutory protection) and ancient woodland and veteran trees (irreplaceable habitat and set out in NPPF / BNG legislation).</p>	<p>The Applicant has updated ES Vol 1 Chapter 8 [as updated alongside this submission] to include Huntingdon Wood County Wildlife Site / Ancient Woodland within the hydrological assessment.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			In light of the above, the council seeks that Huntingdon Wood County Wildlife Site / Ancient Wood (site of county importance and an irreplaceable habitat) is considered within the hydrological assessment.	
CCC-D2-51	8.6.14 - 8.6.16	Land-use and designations	This section does not consider impact to non-statutory designated sites, ancient woodland, or irreplaceable habitat. As explained above, the council requests that the assessment includes Huntingdon Wood County Wildlife Site / Ancient Woodland (located immediately adjacent to the site) and veteran trees.	The Applicant has updated ES Vol 1 Chapter 8 [as updated alongside this submission] to include Huntingdon Wood County Wildlife Site / Ancient Woodland within the hydrological assessment.
CCC-D2-52	Table 8.11 Baseline Sensitivity, p8-64	Summary of Baseline, and Sensitivity of Receptors	As per the comment above, the table should be updated to assess hydrological impact to Huntingdon Wood County Wildlife Site / Ancient Woodland and veteran trees.	Table 8.11 of ES Vol 1 Chapter 8 [as updated alongside this submission] has been updated accordingly.
CCC-D2-53	Table 8.12	Construction Phase Impact Assessment	The table should be updated to assess the impact to Huntingdon Wood County Wildlife Site / Ancient Woodland; and veteran trees.	Table 8.12 of ES Vol 1 Chapter 8 [as updated alongside this submission] has been updated accordingly.
CCC-D2-54	Table 8.13	Operational Phase Impact Assessment	The table should be updated to assess the impact to Huntingdon Wood County Wildlife Site / Ancient Woodland; and veteran trees.	Table 8.13 of ES Vol 1 Chapter 8 [as updated alongside this submission] has been updated accordingly.
ES Vol 2 Appendix 7-1: Ecological Baseline Report [REP1-025]				
CCC-D2-55	2.3.2 & 2.3.5	Limitations	The council has reviewed Figure 7-3 of [APP-145] and cannot see any information either within the key or on the drawings to indicate “areas of limited access” The council asks the	The Applicant has submitted the updated Figure 7-3 at Deadline 3 alongside this submission.

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			Applicant to clarify how this has been shown – or to add a different symbol / boundary showing the surveyed areas.	
ES Vol 2 Appendix 7-5: Great Crested Newt Survey Report [REP1-027]				
CCC-D2-56	Table 2.1: Summary of Pond Access	Pond 46	The council notes that table 2.1 has been updated to confirm that ‘no access’ to Pond P46 during the surveys. No reason has been given as to why the pond could not be accessed. The council requests that the Applicant attempts to access all of the ponds listed in Table 2.1 to survey them during the 2026 survey season (until June 2026), especially Pond 46 which is located immediately adjacent to the access track.	<p>Access was not available to all ponds within 250m as the relevant landowners did not grant access. While the Applicant notes the need for robust survey data, this cannot be obtained without consent or via trespass, and so a precautionary approach of assumed presence has been taken.</p> <p>This approach has been considered sufficient for Natural England to issue a Letter of No Impediment [REP2-047] with respect to the grant of a European Protected Species Mitigation Licence for great crested newt.</p>
ES Vol 3 Figure 2-3: Indicative Crossings Plan [REP1-29]				
CCC-D2-57	-	Flood Risk and Hydrology	The Indicative Crossings Plan would benefit from the inclusion of county boundaries, as this would enable clear distinction of which consents (and how many) fall under each authority.	The Applicant has updated ES Vol 3 Figure 2-3 [as updated alongside this submission] to include the local authority boundaries, as requested.
Outline Construction Environmental Management Plan [REP1-033]				
CCC-D2-58	-	Flood Risk and Hydrology	In its capacity as the Lead Local Flood Authority the council has no further comments on this matter. However, as it relates to ecology please see comments below.	The Applicant notes this comment, and has provided responses in relation to ecology below.

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CCC-D2-59	2.1.1, Appendix B	Reasonable Avoidance Measures Method Statement – breeding birds	Pre-commencement breeding bird checks should also be completed of land that has been left fallow / bare (e.g. halt to groundwork / construction activities) during the breeding bird seasons, so that the nests of birds that create nests on bare earth will be protected.	The Applicant notes this comment and has included this requirement within Table 5.3 of the oCEMP [as updated alongside this submission] .
CCC-D2-60	2.2.3, Appendix B	Page 19 of 24 Reasonable Avoidance Measures Method Statement – bats	The council is unclear as to why tree with Potential Roost Feature – Multiple (PRF-M) are not covered by the 'Reasonable Avoidance Measures Method Statement for bats'. The council requests clarity on how these will be covered.	<p>No tree loss is anticipated as set out within the Arboricultural Impact Assessment [APP-056]. These RAMS would only be employed in the unlikely event of design changes or safety requirements requiring tree loss.</p> <p>In line with best practice guidance (Collins, 2023) trees with PRF-I can be compensated for through the roost resource approach and felling under avoidance measures.</p> <p>As specified within the oCEMP [REP2-028] Appendix B paragraph 2.2.3, and in line with Collins (2023) a tree with PRF-M would require detailed climb and inspect or presence/ likely absence (emergence) surveys to determine the approach taken.</p> <p>The results of any such surveys would then inform the approach taken, which could include the requirement to obtain a licence from Natural England prior to works or downgrading to PRF-I and mitigating through the roost resource approach if on detailed inspection the feature is found to be unsuitable for large numbers of bats.</p>

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Outline Operational Environmental Management Plan [REP1-037]				
CCC-D2-61	2.4.10	At Scale Replacement	<p>It is noted the further definition of large scale replacement provided in the revised oOEMP. The council wished to understand better the nature of the works and duration of replacement at scale from the Applicant to inform the appropriate trigger and details to be submitted to the local authorities. This to include any management plans for approval. Such procedures need to be included in the DCO.</p>	<p>The Applicant has prepared a separate 'Technical Note on Replacement Works' for submission at Deadline 3 to provide clarity on this matter.</p>
Outline Landscape and Ecological Management Plan [REP1-041]				
CCC-D2-62	4.2.7, Appendix C	Outline Farmland Bird Mitigation Strategy (OFBMS)	<p>The council is of the view that insufficient evidence has been provided to demonstrate how ground-nesting farmland birds of open-habitat will be adequately mitigated.</p> <p>The mitigation for ground-nesting farmland birds that require open ground (e.g. skylark, lapwing and yellow wagtail) is based on the assumptions that the solar farm will create an ideal situation and that it can support "highly suitable nesting habitat and promote multiple successful broods over the course of a breeding season" when compared with the current situation (modern agricultural landscapes). However, no evidence has been provided to substantiate these claims.</p> <p>The council has been unable to find research that shows this to be the case. Therefore, the council requests that the Applicant provides evidence to demonstrate large solar farms of the</p>	<p>It is acknowledged that research on skylark use of natural grassland is limited, however there is extensive research on skylark use set aside, usually either sown with grass or allowed to regenerate naturally, which is considered a suitable proxy.</p> <p>The key conclusions of a number of studies are presented below, but broadly present better outcomes across a range of metrics for skylarks on set aside when compared with arable land.</p> <p>Chamberlain and Gregory (1999) analysed breeding bird survey data across approximately 1500 1-km grid squares and found semi-natural grassland habitats held the highest mean density of skylark.</p>

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			<p>same size / magnitude as the current application have achieved this, particularly for the case of skylarks.</p> <p>The council would expect the scheme to deliver the same number of territories for ground nesting farmland birds as that being lost (as set out in our Local Impact Report), which has been / is the approach taken for other DCO solar farm schemes in our area.</p>	<p>The below studies assess set-aside in agricultural environments, which is considered a suitable proxy for semi-natural grassland in the absence of other research.</p> <p>Wilson et al (1997)⁶ found:</p> <ul style="list-style-type: none"> • Nest survival was higher in set-aside than both organic and intensive cereal crops. • Territory densities were higher than cereals across the full breeding season (April to June). • Both grass sown and natural regeneration set aside had a wide distribution of egg laying over the breeding season (March to June and April to June, respectively) than spring sown arable land (May to June) • Young survival required for population stability is lower in set aside than cereal crop. <p>Wilson and Browne (1993)⁷ found:</p> <ul style="list-style-type: none"> • High territory densities and breeding success on set aside fields. • 'Striking' 'high productivity on set aside land contrasting with the rarity of nesting

⁶ Wilson, J. D., Evans, J., Browne, S. J., & King, J. R. (1997). Territory Distribution and Breeding Success of Skylarks *Alauda arvensis* on Organic and Intensive Farmland in Southern England. *Journal of Applied Ecology*, 34(6), 1462–1478. <https://doi.org/10.2307/2405262>

⁷ Wilson, J.D. and Browne, S. J. (1993) BTO Research Report No. 129: *Habitat Selection and Breeding Success of Skylarks Alauda Arvensis on Organic and Conventional Farmland*

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				<p>attempts and failure to fledge any chicks on conventional cereal fields’.</p> <ul style="list-style-type: none"> • Much wider spread of dates in which clutches were reared in set aside. <p>Poulsen et al⁸ found the following key conclusions</p> <ul style="list-style-type: none"> • Territory density was 2-3 times higher in set aside than winter and spring-sown cereals, • Nesting began in April with a late-May peak in set aside, contrasted with spring barley in which nesting did not commence until late-may. • The density of successful nests in set-aside was over double any arable crop type • Average clutch size at hatching was 3.91 eggs in set aside but 3.27 in spring barley. • Productivity measured as fledglings produced per hectare, was 0.50 in set-aside, 0.13 in silage grass, and 0.21 in spring barley <p>The aims of skylark mitigation strategy are also supported by RSPB land management</p>

⁸ Poulsen, J.G., Sotherton, N.W., & Aebischer, N.J. (1998). Comparative nesting and feeding ecology of skylarks *Alauda arvensis* on arable farmland in southern England with special reference to set-aside. *Journal of Applied Ecology*, 35: 131-147.

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
				<p>advice⁹ which states ‘unimproved grasslands can be particularly valuable. Minimise the amount of topping to maintain taller patches’. The RSPB also advises land managers to ‘make some areas of permanent grassland more skylark-friendly by shutting it up over the spring and early summer, or grazing it only very lightly during this period’. This is essentially the grassland management regime employed by the oFBMS.</p> <p>It is also important to note that the oFBMS is intended as a holistic document, with the Scheme providing a benefit for a range of bird species of equal conservation status to skylark, alongside a range of other species including mammals and invertebrates. The Applicant considers it misguided to focus on preserving ecologically poor arable farmland for the sole benefit of skylark (as would be required to implement conventional skylark plots), at the expense of a diverse range of other species, when a holistic approach can be taken delivering overall greater conservation outcomes for both skylark and other species.</p>
CCC-D2-63	6.1.1, Appendix C	Outline Farmland Bird Mitigation Strategy (OFBMS) - monitoring	The council is of the view that the proposed monitoring scheme will not adequately monitor the success of the proposed OFBMS because it only proposes to monitor “proposed habitat	The oFBMS and oLEMP [as updated alongside this submission] have been updated to include monitoring of breeding birds in line with Solar Energy UK ‘A

⁹ <https://base-prod.rspb-prod.magnolia-platform.com/dam/jcr:44bad286-4223-4e60-b94b-12d9e2a2f0e6/LMA%20skylark%202017.pdf>

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			<p>features to ensure they are establishing as expected are meeting the target habitat type” or monitor nest boxes and does not consider whether farmland bird population will respond as assumed at paragraph 4.2.7.</p> <p>Paragraph 4.2.7 assumes that the habitat created will deliver “highly suitable nesting habitat and promote multiple successful broods over the course of a breeding season.” With the argument here being that the scheme will deliver higher number of broods, particularly for skylark, when compared to the current agricultural practices.</p> <p>The council therefore requests that the monitoring scheme is updated to include monitoring of overall success of ground-nesting breeding season, by surveying the number of broods and number of young that have managed to successfully fledge in a breeding season. This would also need to include a baseline survey, to determine the current farmland bird breeding / fledging success. Without this data, the success of the Outline Farmland Bird Mitigation Strategy (OFMS) cannot be determined.</p>	<p>standardised Approach to Monitoring Biodiversity on solar Farms’ guidance.</p> <p>It is however expected that a monitoring scheme that details the number of broods and fledging success of young would be difficult to achieve outside of a research setting, and would not be in line with standard monitoring protocols.</p> <p>Skylark is a species subject to extensive research, and it is well established that agricultural intensification is a key driver for declines.</p> <p>Given existing relevant research outlined in CCC-D2-62 above, it is considered that the outcomes of the oFBMS can be predicted with sufficient certainty and that intensive monitoring of chick survival at individual nests represents a disproportionate effort.</p>
CCC-D2-64	Appendix C	Outline Farmland Bird Mitigation Strategy (OFMS)	The OFMS does not include any proposed remedial action, if the bespoke measures for ground-nesting birds (open ground) are not able to support the current population levels; then, off-site measures will be required to address any shortfall.	Remedial actions would initially rely on ensuring habitats are achieving their stated habitat type and condition, including achieving the objectives stated within the oFBMS. If required, this would initially be implemented through changes to the management, with the oLEMP [REP2-032] requiring maintenance and monitoring reports to be made available to

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
				<p>the local planning authorities, alongside similar reporting required in relation to overlapping biodiversity net gain objectives.</p> <p>It is clarified that the objective is not to support current population levels as measured by number of territories, but is to maintain the local population as a whole. This may be achieved by a smaller number of territories but with higher levels of productivity.</p> <p>Further, following a precautionary approach ES Vol 1 Chapter 7 [APP-043] has assessed impacts on ground nesting birds as minor adverse, not significant.</p>
CCC-D2-65	Ground nesting – open ground (skylark), Table 7.1, Appendix C	Outline Farmland Bird Mitigation Strategy (OFMS) - skylark	The council is of the view that the information for skylarks is very vague. The Applicant should quantify the values for anticipated (a) overall number of expected territories and (b) increase in breeding productivity and output.	<p>It is not considered appropriate to set anticipated values for the overall number of territories, as many factors governing this (positively or negatively) would be outside of the Applicants control. This could include factors including surrounding development, climactic factor and government policy influencing farming practices.</p> <p>As set out in response to CCC-D2-62 above, research has found productivity measured as fledglings produced per hectare, was 0.50 in set-aside, 0.13 in silage grass, and 0.21 in spring barley. This number accounts for both the density of skylark territories, number of broods and also chick survival so is considered the most holistic metric, indicating</p>

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				<p>productivity increases on set aside of up to 2.5x that of spring cereal.</p> <p>The Applicant considers it misguided to focus on preserving ecologically poor arable farmland for the sole benefit of skylark (as would be required to implement conventional skylark plots), at the expense of a diverse range of other species, when a holistic approach can be taken delivering overall greater conservation outcomes for both skylark and other species.</p>
Outline Public Rights of Way Management Plan [REP1-043]				
CCC-D2-66	5.1.7	Surfacing and Reinstatement of PRow	Any permanent change of surface to Public Rights of Way needs to be agreed by both the relevant planning authority and the relevant highway authority. In other words, agreement by the local planning authority through consultation is considered insufficient.	<p>Paragraph 5.1.6 of the oPROWMP [REP1-042] states that “<i>Where the implementation of the final PROWMP requires any temporary or permanent change to the surfacing of a public right of way (including, but not limited to, temporary surface protection, temporary surfacing to facilitate a diversion, surface strengthening where a PRow is used as a construction access route, and reinstatement following trenching/crossings), the final PROWMP submitted pursuant to Requirement 11 must include full details of such surfacing works.</i>”</p> <p>A final PRowWMP must be submitted to the local planning authority in accordance with Requirement 11 of the draft DCO [REP1-005]. The local planning authority must consult the local highway authority prior to approval of</p>

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				<p>the plan, as per Requirement 11. The Applicant would also have been required to consult with the local highway authority prior to submitting an application to discharge Requirement 11, as per Requirement 22 of the draft DCO [REP1-005].</p> <p>If the local highway authority was not satisfied with the changes set out in the final PRowMP, then it would be assumed the LPA would request amendments from the Applicant or else refuse the application.</p>
CCC-D2-67	2.3.6	Site access	With the main site access being provided through Site D, all the main construction traffic for sites A, B and C will be crossing the affected PRow in Cambridgeshire. Consideration should be given to provide managed crossings where construction traffic volumes is expected to be high.	The Applicant notes that the construction traffic to Sites A and B would cross Great Staughton 213/2, but there are no PRow in Sites C or D which will be crossed by <u>all</u> construction traffic. The control measures for Great Staughton 213/2 are set out in Section 6.16 of the oPRowMP [REP1-043] , and also addresses in the row below.
CCC-D2-68	6.16.3 This comment also applies to: 6.17.6 6.18.3 6.19.3	Great Staughton 2 (Footpath 213/2) and all other PRow in Cambridgeshire where construction routes cross.	Warning signage must also be placed on either side of the crossing points to warn construction traffic to be aware of the presence of PRow users. The current wording is that only PRow users will be warned of construction traffic, and not the other way round.	The Applicant has amended the oPRowMP [as updated alongside this submission] as suggested.
CCC-D2-69	6.17.1	Hail Weston 7 (Bridleway 112/7)	Any temporary diversion must be of an equivalent quality or better than the path it is replacing and must be approved by the Local	The Applicant notes this comment, with the detail of such a diversion to be set out in the final PRowMP. A final PRowMP must be submitted to the local planning authority in

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			Authority's Rights of Way Officer before it comes into use.	accordance with Requirement 11 of the draft DCO [REP1-005] . The local planning authority must consult the local highway authority prior to approval of the plan, as per Requirement 11. The Applicant would also have been required to consult with the local highway authority prior to submitting an application to discharge Requirement 11, as per Requirement 22 of the draft DCO [REP1-005] .
CCC-D2-70	7.2.3	Management of PROW During the Operational Phase	Should any closure of a permissive path be proposed, then the local Highway Authority's Rights of Way officer or equivalent must also be consulted, in addition to the Local Planning Authority.	The Applicant has amended the oPRoWMP [as updated alongside this submission] as suggested.
Biodiversity Net Gain Report [REP1-053]				
CCC-D2-71	2.1.5	Limitations	The council welcomes additional clarification about how the estimating of Biodiversity Net Gain scores for areas not accessed / surveyed and welcomes a 'precautionary' approach having been taken by scoring these habitats as 'good condition'.	The Applicant welcomes this response.
CCC-D2-72	2.1.6	Limitations	It is stated "areas of limited access shown on ES Vol 3 Figure 7-3 [EN010141/DR/6.3]". However, the council has reviewed Figure 7-3 of [APP-145] and cannot see any information either within the key or on the drawings to indicate areas that have not been surveyed. The council	The Applicant has submitted the updated Figure 7-3 at Deadline 3 alongside this submission.

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			requests that a boundary is used to show the surveyed area; or a different symbol is used in the key to demarcate these inaccessible areas.	
CCC-D2-73	2.3.13	Ancient and Veteran trees	The council does not agree with this approach. The council would expect ancient / veteran trees assessments to be completed as part of habitat surveys for an ecological assessment to provide an accurate baseline and ensure that all irreplaceable habitats will be protected as part of the scheme.	<p>Given all trees will be retained and protected as part of the proposed development a detailed survey of all trees for veteran features is considered disproportionate.</p> <p>The full root protection zones of ancient and veteran trees identified within the Arboricultural Impact Assessment [APP-056], as well as those assessed as possessing veteran features but not achieving veteran status are included as irreplaceable habitat in the BNG metric and are all retained. This represents a proportionate and precautionary approach.</p> <p>It is relevant that under recently announced guidance for biodiversity net gain on NSIP projects, such retained habitats would likely be excluded from the BNG boundary and so not included in any such calculations.</p> <p>As irreplaceable habitats have no biodiversity unit value within the BNG metric it does not affect the BNG baseline or overall percentage gain.</p> <p>All trees are protected and due to be retained as part of the Proposed Development and so there is no risk to ecologically valuable habitats.</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
				Additional survey would not materially change the BNG assessment, require changes to the scheme design, nor result in greater protection for biodiversity.
CCC-D2-74	2.3.8 – 2.3.9 & 4.1.6	Strategic significance	The council notes that baseline “condition data for habitats is available on request in GIS format on request”. The council requests that this information is shared with us.	The Applicant notes this comment and commits to share GIS data with CCC.
CCC-D2-75	3.1.2	Baseline BNG Assessment	The council welcomes the update of the document to incorporate the publication of the Cambridgeshire & Peterborough Local Nature Recovery Strategy and notes that strategic significance for pre-development and post-development has been revised to low.	The Applicant welcomes this response.
CCC-D2-76	4.1.4	Watercourse	The council notes clarification that “no direct interventions are proposed to watercourses and ditches” - this is considered a missed opportunity to maximise biodiversity opportunities within the site and deliver 10% BNG uplift.	<p>The Applicant notes this response. The Applicant has sought opportunities for nature in design, including with proposed bankside improvements to the Pertenhall Brook and the watercourse through Site B.</p> <p>The Applicant notes that one of the design principles the Applicant must address in preparing the final design is Design Principle 5.2 to ‘<i>Enhance watercourses through the provision of green infrastructure to provide more natural bankside environments</i>’, as set out in Table 13 of the Design Parameters and Principles Statement [REP1-030].</p>

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
CCC-D2-77	Appendix 3	River Condition Assessment	<p>The council welcomes the submission of the river condition assessment sheets, however, there is no context as to what these mean and how the values have been calculated, including what baseline information has been utilised etc.</p> <p>The council seeks that a river condition assessment report is submitted.</p>	The applicant confirms that all data was collected in the standard river condition assessment sheets via Cartographer. This is the only data collection platform able to used for river condition assessments at this time.
Technical Note on Impact on A1 / B645 St Neots Junction [REP1-066]				
CCC-D2-78	3.2.1	Traffic and Transport	The use of 1.4 persons per car should be considered as the realistic scenario and not a 'Sensitivity test' albeit that the modelling as submitted appears to show that there will be no unacceptable impacts using this occupancy figure.	The Applicant notes this comment. The targets set out within the oCWTP included in Appendix B of oCTMP [as updated alongside this submission] have been updated to reflect this.
CCC-D2-79	Appendix C	Traffic and Transport	The LHA would usually require Junctions modelling to be carried out using the 'DIRECT' profile rather than the 'HOUR' profile to take account of fluctuations over the peak hours. However, in this case the LHA would defer to National Highways as to acceptability of the modelling which has been undertaken as the LHA did not specifically request modelling of these junctions.	The Applicant notes this point. National Highways have not raised any issues with the methodology used to undertake the junction capacity modelling.
Hydraulic Modelling Report [REP1-067]				
CCC-D2-80	-	Hydrology and Flood Risk	The Environment Agency (EA) requested the pluvial modelling, and the council therefore has no comments to make on this aspect. Once	The Applicant notes this comment.

Our Ref.	CCC Ref.	CCC Theme	CCC Comments	Applicant Response
			agreed with the EA, this modelling should be used to inform Chapter 8 Hydrology and Flood Risk.	

3.3 Response to Huntingdonshire District Council

Table 3: Response to Huntingdonshire District Council Deadline 2 Submission [REP2-051]

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
Applicant's Response to Relevant Representations [REP1-055]				
HDC-D2-01	HDC-RR-03	Landscape and Visual Impact	<p>The methodology as set out in ES Vol 2 Appendix 5-1 LVIA Assessment Methodology [APP-069] does not provide a clear narrative on which significance of effect ratings are deemed to be significant or not significant. Although it is acknowledged that borderline levels of significance of effect can be either significant or not significant as long as a clear narrative is provided to explain this. Typically, methodologies used for LVIA as part of EIA, generally set out moderate to major effects to be significant. There is no clear narrative within paragraphs 2.4.33 and 2.4.34 of ES Vol 2 Appendix 5-3 [APP-071] to clarify why a moderate significance of effect for operation is not classified as significant.</p> <p>The assessment heavily relies on the establishing landscape mitigation for the Year 10 assessment and the reduction in visibility of the Scheme, and gives very little weighting to the long-term change in land use associated with the Scheme.</p>	This has been responded to as BBC-D2-16 in Table 1.
HDC-D2-02	HDC-RR-09	Cultural Heritage and Archaeology	<p>NPS EN-1 paragraph 5.9.12 states:</p> <p><i>“As part of the ES the applicant should provide a description of the significance of the heritage</i></p>	The Applicant is in the process of capturing additional viewpoint photography to support the assessment of impacts made at Warren

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p><i>assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance.”</i></p> <p>Warren House was initially scoped out of the EIA as being further than 3km from the proposed development boundary. Historic England and HDC requested that it be included due to its Grade II* listing and commanding location. The Local Planning Authority Statutory Consultation Scoping Response dated 28th November 2023 (HDC reference 23/70097/SCOP) states: <i>‘All Grade I and Grade II* heritage assets should be subject to Viewpoint Assessment and special attention given to views from heritage assets that are either tall structures or those in elevated locations.’</i></p> <p>It is considered that a full assessment of the visual impact of the solar panels and infrastructure in views from Warren House towards Site B to the south is still required to understand the potential impact of the solar farm upon the significance of Warren House. Within the Settings Impact Assessment [APP 083] on page 40-41, the Applicant bases their assessment on <i>“a visualisation taken from the elevated ridgeline to the east of Little Staughton (VP51ii) [which] shows a potential heavily obscured (by mature vegetation and trees)</i></p>	<p>House, and will provide an update on this at Deadline 4.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p><i>glimpse of the location of Warren House on the elevated ridge to the north of the Scheme</i>". The assessment of the views from Warren House is therefore based on an inference of potential harm rather than on a viewpoint from the heritage asset itself. An additional viewpoint from Warren House is required to confirm the level of harm identified by the initial assessment.</p> <p>Both parties agree that the proposed development would have an impact on the setting of Warren House during the operational phase. The unresolved issue is the magnitude of impact and therefore the level of effect.</p>	
HDC-D2-03	HDC-RR-13	Ecology and Nature Conservation	<p>The Council welcomes the provision of the Outline Farmland Bird Mitigation Strategy (oFBMS) and the additional of breeding bird reasonable avoidance measures to the oLEMP.</p> <p>Further clarification is sought on a number of points relating to the oFBMS which are required to provide reassurance that the measures proposed are appropriate:</p> <ul style="list-style-type: none"> - A clear summary of the losses and gains in suitable habitat (in ha) - Further information to confirm the existing value of the areas identified for habitat creation for the target species 	This has been responded to as BBC-D2-34 in Table 1

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			- Explanation of how impact of Public Rights of Way (PRoW) have been considered in the areas of suitable habitat creation claimed.	
HDC-D2-04	HDC-RR-14	Ecology and Nature Conservation	<p>As per the Council's original comment, without knowing if trees are PRF-I or PRF-M it is not possible to verify that the buffer zones proposed around trees are sufficient to prevent the disturbance of any roosts that may be present. The 6m standard buffer around hedgerows would not for example be sufficient to prevent disturbance of a tree containing a maternity roost.</p> <p>Please refer to Table 2 for comments on the oCEMP.</p>	This has been responded to as BBC-D2-35 in Table 1
HDC-D2-05	HDC-RR-16	Ecology and Nature Conservation	<p>The Council accepts the Applicant's clarification regarding the extent of the baseline surveys.</p> <p>In relation to the proposed enhancement works, the Council maintains that baseline surveys should be undertaken at all ditches that will be subject to enhancement works in advance of those works. The Council requests that the Reasonable Avoidance Method Statement for water vole and otter is updated to secure this action.</p>	This has been responded to as BBC-D2-36 in Table 1
HDC-D2-06	HDC-RR-18	Ecology and Nature Conservation	No further information has been provided on the site specific measures that would be employed to ensure adverse effects on adjoining habitats of importance will be avoided. Relevant content	This has been responded to as BBC-D2-37 in Table 1

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>in the oCEMP is now at paragraphs 4.1.30 to 4.1.33.</p> <p>It is requested that the oCEMP is updated to clearly acknowledge the sensitive receptors adjacent to the Site that should be of key consideration in developing the lighting design for the construction phase of the project.</p> <p>The Council welcomes the addition of the commitment to maximise BNG as far as is practicable within the oLEMP (new paragraph 3.6.2).</p> <p>It is acknowledged that the ongoing management of habitats meets the BNG guidance requirements. However, continue to advocate that measures should be included in the DCO to secure the permanent retention of those habitats outside of the area occupied by the operational arrays.</p>	
HDC-D2-07	HDC-RR-20	Ecology and Nature Conservation	<p>This is a topic that the Council considers requires further discussion. The Council maintains that securing the long-term retention and management of these habitats is required to ensure beneficial effects identified in the ES are permanent. While it appreciates this may not form the current basis of the Applicant's agreements with the current landowners, it is unclear why there would be a barrier to achieving this with agreement of all parties.</p>	<p>The Applicant maintains that it is not in their power to agree to the areas of species-diverse grassland being retained following the decommissioning of the Scheme. The land would be returned to the landowners, and it would be at their discretion what to do with the land in the future (post-decommissioning), but the assumption is that these areas would revert to agricultural production. The exception to this is the area designated as a scheduled monument within Site C, where the land could not be reverted</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
				to agricultural production or 'ploughed' without consent from Historic England.
HDC-D2-08	HDC-RR-22	Ecology and Nature Conservation	<p>The Council does not feel that the current oLEMP wording makes clear the need for the hedgerow buffer to extend to reflect the root protection zones of retained trees where these extend beyond 6m.</p> <p>The following amendment to the oLEMP wording at Table 5.3. page 41 is requested: <i>Hedgerows to include a minimum 6m buffer, extending beyond this to include the full root protection zone for retained trees where this extends beyond 6m, and excluding any locations where points of widening or crossing points, in which no works (other than landscaping) are to occur.</i></p>	<p>The Applicant recognises the intent of HDC's suggested amendments, and the need to ensure trees are protected from damage or harm that hasn't been assessed within the ES. However, the Applicant does not consider a blanket exclusion to works within root protection areas to be appropriate, as it is acceptable to undertake such works within the RPA of a tree when undertaken sensitively, and in accordance with an arboricultural method statement, and under the guidance of a qualified arboriculturalist. The Applicant reiterates that trees would be protected during construction in accordance with BS:5837 (as set out in both the oCEMP and the oLEMP).</p> <p>The Applicant has amended paragraph 5.2.7 of the oLEMP [as updated alongside this submission] to state that: "<i>Where works under any proposed phase include construction within the RPA of a tree, a specific Arboricultural Method Statement for the work will be prepared as part of the final LEMP for that phase of the works</i>". The Applicant has additionally updated Tables 5.1 and 5.3 of the oCEMP [as updated alongside this submission] to make this commitment.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-09	HDC-RR-23	Ecology and Nature Conservation	<p>In relation to the method of establishment the Council welcomes the additions to the oLEMP to reflect our previous comments. The Council request that results from the soil analysis are provided in the information supplied to the LPAs when the final LEMP is submitted for approval.</p> <p>It is noted that agreement is yet to be reached in relation to the overall bird mitigation approach and points regarding the suitability of created habitats for birds and how this links to the proposed approach to management continues to be an area where the Council has requested further information.</p>	<p>The Applicant can confirm that the results of the soil sampling will be submitted as part of the final oLEMP, and has updated paragraph 5.3.35 of the oLEMP [as updated alongside this submission] to provide this commitment.</p> <p>The oFBMS has been designed to complement the oLEMP [REP2-032] as both are grounded in establishment of species diverse grassland. As well as soil sampling and introduction of yellow rattle to parasitise grass species, the oLEMP requires cut and collect regime to reduce soil fertility. Cutting would be undertaken outside of the skylark nesting period to ensure no harm to nesting birds.</p>
HDC-D2-10	HDC-RR-24	Ecology and Nature Conservation	<p>The Council welcomes this commitment. It requests that for consistency the wording of the two documents is aligned. It is requested that the oLEMP is updated to reflect the oCEMP wording: <i>“Protect and retain existing trees and vegetation (in accordance with British Standard (BS) 5837:2012), and following an Arboricultural survey undertaken to the same standard prior to construction commencing) via construction exclusion zones and tree protective fencing”.</i></p>	<p>The Applicant has updated paragraph 5.2.7 of the oLEMP [as updated alongside this submission] to reflect this suggestion by HDC.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-11	HDC-RR-25	Ecology and Nature Conservation	The Council expects to see a comprehensive monitoring strategy for the site including appropriate species monitoring.	This has been responded to as BBC-D2-43 in Table 1
HDC-D2-12	HDC-RR-26	Ecology and Nature Conservation	The Council considers that the distinction between mitigation and BNG delivery proposed by the Applicant is not yet demonstrated and should be provided.	This has been responded to as BBC-D2-45 in Table 1
HDC-D2-13	HDC-RR-27	Ecology and Nature Conservation	The Council considers that the distinction between mitigation and BNG delivery proposed by the Applicant is not yet demonstrated and should be provided.	This has been responded to as BBC-D2-45 in Table 1.
HDC-D2-14	HDC-RR-30	Ecology and Nature Conservation	The Applicant's response in confirming this is welcomed. The Council notes that delivery of this will be dependent on detailed design. The Council also notes the Applicant's response to BBC RR-72 [REP1-055] on the same point confirming BNG delivery is presumed to be delivered within the Order limits through the proposed landscape design.	The Applicant welcomes this comment.
HDC-D2-15	HDC-RR-32	Ecology and Nature Conservation	The Applicant's explanation is noted; however, absence of parcel-level condition data limits the ability to verify consistency of condition assessments across the Site.	This has been responded to as BBC-D2-47 in Table 1.
HDC-D2-16	HDC-RR-36	Ecology and Nature Conservation	The Applicant's response in to BBC RR-78 signposts to BBC-RR-32 but does not directly address how habitats created to deliver	The Applicant notes this comment and considers that the creation of over 17km of new hedgerows, as well as 19 hectares of woodland would provide considerable improvements in habitat connectivity and

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>biodiversity gains would be treated at decommissioning.</p> <p>It is understood that, while certain landscape features such as woodland, hedgerows and trees are likely to be retained, the long-term retention of other habitats that contribute to biodiversity gains would be subject to landowner discretion following decommissioning.</p> <p>The Council acknowledges that it may not be reasonable for the Applicant to secure retention of all habitats beyond the operational life of the Scheme, particularly where land is returned to third-party ownership. It is also recognised that many habitats would be established early and would therefore deliver biodiversity benefits over a substantial period, potentially up to 40 years.</p> <p>However, in the absence of secured measures for post-decommissioning retention, there remains uncertainty as to whether these biodiversity gains would persist in the longer term. While any future change in land use may be subject to separate planning controls, this does not guarantee retention of habitats established as part of the Scheme.</p> <p>On this basis, further clarification is required to confirm how this uncertainty has been taken into account in the assessment of biodiversity benefits and the weight attributed to these within the planning balance.</p>	<p>function that would persist beyond the lifetime of the Scheme. The Applicant cannot guarantee that these components would be retained in perpetuity, but considers it extremely unlikely that they would be removed post-decommissioning.</p> <p>The Applicant acknowledges it is more likely that the areas of grassland would be removed at the end of the operational phase, and it is fair to assume that these areas would revert to agricultural production. The exception to this is the area designated as a scheduled monument within Site C, where the land could not be reverted to agricultural production or 'ploughed' without consent from Historic England.</p> <p>Whilst Biodiversity Net Gain (BNG) is not mandatory for the Scheme, the Applicant has elected to provide a BNG assessment as part of the application, and commit to achieving the net gains set out in Section 3.6 of the oLEMP [REP2-032]. BNG is measured over a 30 year period, which is less than the operational life of the Scheme. The Applicant notes that it would not be an action of the Scheme to reverse any of the habitats implemented.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-17	HDC-RR-42 HDC-RR-43	Land and Soils	<p>The Applicant's acknowledgement that the extent and intensity of soil survey data would hinder the final detailed Soil Management Plan is welcomed. The Applicant has updated the oSMP to commit to undertaking further detailed soil surveys of the Order limits prior to the construction phase. This commitment should be for areas missing any data and to bring survey intensity across the entire site to the standard survey intensity of one sample per hectare.</p>	<p>This commitment is made under the third bullet of paragraph 8.1.4 of the oSMP [REP1-044] submitted at Deadline 1.</p>
HDC-D2-18	HDC-RR-45	Land and Soils	<p>The Council considers that it is not the case that woodland and grassland are analogous in respect of permanency. National policy is for woodland retention. Whilst a felling licence may be applied for to remove timber this would be accompanied by conditions for re-establishment of trees. Grubbing out of established woodland is unlikely to be approved for reversion of land to agriculture after a period of 60 years. Furthermore, it would not be solely at discretion of the landowner post decommissioning.</p> <p>The Council considers that this does not necessarily represent an adverse outcome in terms of all environmental effects but potential benefits are captured elsewhere within the ES. This may include benefits to soil function for inclusion in ES Vol 1 Chapter 13 Land and Soils [APP-049]. Nonetheless, it is also relevant to ES Vol 1 Chapter 13 Land and Soils [APP-049] to capture a permanent reduction in agricultural land use.</p>	<p>The Applicant agrees that the reversibility of woodland and grassland are not analogous, and that woodland cannot be reversed as easily as grassland due to both legislation and national policy.</p> <p>The Applicant disagrees however that planting woodland constitutes a 'permanent and irreversible loss' of land from agricultural use. Whilst it may be unlikely to revert to agricultural use due to environmental legislation and policy, it is capable of reversion should felling / deforestation be pursued. Consequently, it is not 'irreversible' in a manner comparable to hard development such as housing. In extremis, woodland could be deforested and the land/soils could be farmed again.</p> <p>IEMA draws an important distinction between loss of land use and loss of soil resource or soil function. It states that hard development seals or isolates soil and is therefore treated</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
				<p>as permanent land-use change, whereas soft development retains soils within the site. IEMA also recognises that some land-use changes, including tree planting and habitat creation on agricultural land, can occur where soils are 'not necessarily displaced'. In those circumstances, the soil remains in situ and capable of continuing to perform functions.</p> <p>The Applicant's professional opinion is that the assessment methodology has been applied correctly, and that areas of woodland should not be assessed as a permanent and <u>irreversible</u> loss. The magnitude of impact has been assessed as 'low' for planting, meaning a 'temporary, reversible loss of soil-related features'. Whilst the Applicant acknowledges that 'temporary' is potentially debatable, 'reversible' (in the strict sense) is not.</p>
HDC-D2-19	HDC-RR-46	Land and Soils	<p>The Applicant has responded to the issue of woody vegetation against BBC-RR-140, but it does not reflect policy for protection of woodland and important hedgerows. Decisions on deforestation are made under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. Applications are managed by the Forestry Commission. Application to the LPA is required for removal of hedgerows under the Hedgerows Regulations 1997.</p>	<p>The Applicant has provided a response on this point in the row above.</p> <p>The Applicant notes the Council's comment in relation to the assessment of effects on Subgrade 3a land, but disagrees for the reasons set out above that the proposed woodland should be assessed as a 'medium' impact (i.e. a permanent, <u>irreversible</u> loss).</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>The inclusion of permanent land use change from agriculture in areas of woody vegetation should be incorporated within these calculations. Its inclusion has the potential to increase the magnitude of effects from low to medium, in relation to Subgrade 3a land. In so doing, the reported minor (not significant) adverse effect is potentially a moderate adverse (significant) effect.</p>	
HDC-D2-20	HDC-RR-47	Land and Soils	<p>The Council considers that improvement to soil resources is possible during the operational phase. However, it contends that the calculation of a moderate beneficial effect to soil resources applies an overly simplified algorithmic approach which makes certain assumptions. It is assumed that improvement builds on the existing baseline conditions. Baseline conditions post-construction may require a recovery period to return to the existing baseline. The Applicant is selecting a long-term outcome (to be realised principally toward the end of the operational phase), and the benefit is not reflective of the whole operational phase. As such the Council continues to consider this benefit to have been over-stated by the Applicant</p> <p>There is insufficient data presented in ES Vol 1 Chapter 13 Land and Soils [APP-049] to support the claim for a moderate (significant) benefit. The Applicant's proposal and advocacy for the 'Agrisolar Research Area' reflects the uncertainty over this claim.</p>	<p>The Applicant stands by its assessment for the reasons set out in its response at BBC-RR-142 in the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055].</p> <p>The Applicant notes the Council has reached a different professional opinion that this should be considered a minor beneficial effect (the Applicant's position is moderate beneficial effect). The Applicant has no further comment on this matter.</p> <p>The Applicant set out in paragraph 8.3.45 of the Planning Statement [APP-031] that in their view this beneficial effect should only be afforded limited positive weight in the planning balance, which would appear to be consistent with the Council's view on this matter, although the difference in professional opinion on the precise level of effect is recognised.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-21	HDC-RR-48	Land and Soils	<p>It remains the case that despite different considerations over how the calculation of permanent land use change of BMV land should be presented, the total area of permanent loss is limited.</p> <p>The Council accepts that the applicant recognises that limited positive weight should be afforded to the condition of soils following the operational phase.</p>	The Applicant notes this comment and agrees with the Council.
HDC-D2-22	HDC-RR-52	Socio Economics	<p>The Council welcomes the clarification provided by the Applicant in respect to the geographic scale at which economic effects of the Scheme constitute local and regional impacts. The Council accepts the Applicant's justification that local impacts can be attributed within a 90-minute drive-time Travel-to-Work Area and is not seeking to see employment impacts disaggregated further. However, the Council considers that the need for specialist skills is likely to necessitate a significant degree of employment from outside of this study area, and, coupled with the demand for these skills likely coinciding with needs arising by a number of other solar PV developments within the same area, it considers that the moderate beneficial effect concluded by the Applicant is overstated. Notwithstanding this the Council considers that if appropriate provision is made in the DCO to deliver employment and skills benefits/opportunities locally then the Council</p>	The Applicant notes this comment but stands by their assessment.

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			considers that a beneficial economic effect could be realised.	
HDC-D2-23	HDC-RR-53	Socio Economics	As explained in its response to the Applicant's response to HDC-RR-52, the Council considers that for the moderate beneficial effect on the local economy attributed by the Applicant to be realised appropriate provision must be made in the DCO to deliver employment and skills benefits/opportunities locally. Whilst the Council continues to welcome the inclusion of an Outline Skills Supply Chain and Employment Plan (oSSCEP), it considers that, even as an outline document, it 1) lacks necessary reference and detail to local skills gaps, existing provision of skills training and specific initiatives that would be addressed/used by the Applicant and its contractors 2) specific measures and outputs for delivering employment and skills benefits/opportunities. Without such information the Council contends that the potential for the Scheme to have positive economic benefits for its residents is not fully supported by the oSSCEP. It requests that the Applicant updates its oSSCEP with such details for the Council's consideration of this matter within the Examination.	The Applicant is undertaking a review and update of the outline Skills Supply Chain and Employment Plan (oSSCEP) [APP-163] to address the Council's comments, and expects to provide an updated document to the Examination at Deadline 4.
HDC-D2-24	HDC-RR-55	Socio Economics	The Applicant's response is noted. However this appears to be contradicted by Table 14.19 which indicates that Great Staughton Surgery is within 300m of the Order Limits. The Council therefore requests that the Applicant provides	An assessment of impacts on community assets during the construction phase is presented at paragraphs 14.8.21-26 [APP-050] and for the operational phase at paragraphs 14.8.48-53 [APP-050] . The Great

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>information, if no impacts on this community facility are expected, justifying why this will be the case, with reference to any mitigation measures as appropriate.</p>	<p>Staughton Surgery has been identified in the baseline and considered as part of this assessment.</p> <p>In terms of impacts on the availability of healthcare facilities as a result of the construction or decommissioning workforce the Applicant would note the following:</p> <ul style="list-style-type: none"> • All of the construction workers will have their own GPs / GP practices and this will therefore not place any greater burden on local GP practices; • Larger construction contractors generally offer private healthcare to their workers; and • On site first aid provision would be provided for minor injuries. <p>The Scheme would not seek to utilise the Great Staughton Surgery as a healthcare facility.</p>
HDC-D2-25	HDC-RR-69	Draft DCO	<p>HDC has addressed this point further in paragraph 6.105 and 6.106 of the Local Impact Report [REP1-078].</p> <p>HDC maintains that an appropriate fee is secured for the ongoing monitoring of BNG as well as ecology, and landscape mitigation works. This would need to be secured either through a Section 106 agreement or via the proposed Landscape and Ecological</p>	<p>The Applicant acknowledges that the monitoring and enforcement of the DCO requirements will involve an ongoing resource commitment for the Council. However, the Applicant does not consider that a section 106 agreement would be an appropriate or necessary mechanism in this case.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>Management Plan Steering Group mechanism outlined in section 4.2 of the oLEMP.</p>	<p>The provision of BNG is not mandatory for the Scheme, nor would it qualify as such under the new BNG guidance for NSIPs which will only apply to schemes submitted after November 2026. As such, it is not necessary for the Applicant to be held to a requirement that mandates delivery of 10% BNG. The provision of BNG remains discretionary for the Applicant.</p> <p>On that basis, the monitoring of BNG should be considered as monitoring of compliance with any other requirements included in the DCO and the Applicant is not satisfied that such payment would meet the statutory test for it to be secured by way of a section 106 agreement.</p> <p>The Applicant would welcome further discussions with the Council in relation to a Planning Performance Agreement or other agreement covering the post consent phase as this is considered to be the appropriate and well-established mechanism to ensure that the Council is adequately resourced to carry out their monitoring and enforcement functions.</p>
HDC-D2-26	HDC-RR-70	Draft DCO	<p>The Council notes the Applicant's response regarding post-decommissioning arrangements and notes the position that responsibility for planting and landscape measures would revert to landowners, with no Section 106 agreement</p>	<p>The Applicant notes that the land will predominantly be leased for the operational phase and, following decommissioning, will be returned to the landowners in accordance with the relevant commercial agreements.</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>or other secured mechanism proposed. Where post-decommissioning retention of landscape and environmental enhancements is not secured or otherwise clearly confirmed, HDC considers that such measures should not be afforded full weight as planning benefits in the overall planning balance.</p>	<p>For that reason, the Applicant cannot provide an absolute commitment that all enhancements will be retained in perpetuity once the land has been handed back to landowners.</p> <p>Notwithstanding the above, paragraphs 7.1.2 and 7.1.3 of the oLEMP [APP-159] confirm that proposed native species woodland and woodland belt planting, proposed native species hedgerow planting, and proposed native species individual tree planting would be retained at decommissioning and handed back to landowners as mature landscape features.</p> <p>The Planning Statement [APP-031] makes clear that these benefits are assessed as being delivered for the duration of the Scheme's operational lifespan. In particular, it records at paragraph 8.3.34 that the operational ecology benefits "<i>would be realised for the duration of the Scheme's operational lifespan (40 years)</i>". The planning balance presented by the Applicant is therefore not contingent on permanent retention beyond decommissioning.</p> <p>Once the Scheme is decommissioned and removed, the Scheme-related effects which the mitigation and enhancements are designed to address will no longer arise; the planning weight therefore reflects the fact that both the harms and the associated mitigation and enhancement framework are</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
				<p>... tied to the operational lifetime, and that it would not be the actions of the Applicant or the Scheme to remove such enhancements following decommissioning.</p>
<p>Environmental Statement Vol 2 Appendix 7 1 Ecological Baseline Report (Tracked) P02 [REP1-025]</p>				
HDC-D2-27	For example: paragraph 2.3.2	Ecology	Several updated references to areas of limited access being shown in ES Volume 3 Figure 3 (EN010141/DR/6.3). However, this does not appear to be provided as an amended document. Applicant to clarify if this document has been updated.	The Applicant has submitted the updated Figure 7-3 at Deadline 3 alongside this submission.
<p>Outline Construction Environmental Management Plan (Tracked) P02 [REP1-033]</p>				
HDC-D2-28	Table 5.3 (Watercourses)	Ecology	Clarification that watercourses to include a minimum 10 buffer from bank top is welcomed.	The Applicant notes this comment.
HDC-D2-29	Table 5.3 (Hedgerows)	Ecology	In order to ensure that the 6m hedgerow buffer is dealt with in as a minimum the Council request the following rewording in Table 5.3 page 41: <i>'Hedgerows to include a minimum 6m buffer, extending beyond this to include the full root protection zone for retained trees where this extends beyond 6m, and excluding any locations where points of widening or crossing points, in which no works (other than landscaping) are to occur'</i>	The Applicant has responded to this point with reference to BBC-D2-31 above.
HDC-D2-30	Appendix B Ecology	Ecology	The Council welcomes the addition of the outline Reasonable Avoidance Measures	The Applicant notes this comment. The final CEMP would be approved by the relevant

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
	Reasonable Avoidance Measures		method statements as an Appendix to the oCEMP. These measures should be reviewed and approved by the Council before construction commences.	LPAs in accordance with Requirement 5 of the draft DCO [REP1-005] .
HDC-D2-31	Table 5.11, p64	Climate Change	<p>Release of greenhouse gas emissions during construction:</p> <ul style="list-style-type: none"> • Consideration should be given to using biofuels, e.g. HVO, in construction equipment to minimize emissions from plant use • Adopt the carbon reduction hierarchy during the design process, applying innovative design techniques to reduce the embodied carbon content of materials and components, as well as sourcing lower-carbon materials as stated • Specify SF6-free switchgear and other components, or ensure that any GIS equipment is sealed for life to minimize any fugitive emissions of SF6 • Take steps to reduce emissions from worker travel by incentivizing lower-carbon travel modes and the use of EVs. 	The Applicant has updated the oCEMP [as updated alongside this submission] to address these matters.
Outline Operational Environmental Management Plan (Tracked) P02 [REP1-037]				
HDC-D2-32	Table 5.11, p52	Climate Change	Take steps to reduce emissions from worker travel by incentivizing lower-carbon travel modes and the use of EVs.	The Applicant has updated the oOEMP [as updated alongside this submission] to include reference to this in Table 5.11.

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			Consider using biofuels, e.g. HVO, in any plant used during routine operations or operational maintenance.	
Outline Decommissioning Environmental Management Plan (Tracked) P02 [REP1-039]				
HDC-D2-33	paragraph 2.4.3	Landscape and Visual	Please consider the inclusion text to align with the comment below for the oLEMP Section 7.0 in relation to post decommissioning hedgerow heights.	The Applicant has responded to this point with reference to BBC-D2-127.
Outline Landscape and Ecological Management Plan (Tracked) P02 [REP1-041]				
HDC-D2-34	paragraph 3.4.1	Ecology	Clarification that watercourses to include a minimum 10 buffer from bank top is welcomed.	The Applicant notes this comment.
HDC-D2-35	paragraph 3.6.1 and 3.6.2	Ecology	The revised minimum net gain targets are noted, alongside the commitment to maximized BNG as far as practicable. Given the scale of the scheme it is unclear why only a minimum 5% for watercourses is targeted. To align with local and national guidance the Council request the Applicant is held to a minimum 10% in relation to watercourse units.	This has been responded to as BBC-D2-120 in Table 1
HDC-D2-36	paragraph 5.3.35 and paragraph 5.3.40	Ecology	The Council welcome the addition of pre-construction soil sampling to inform establishment method and seed mixes, and the use of yellow rattle and scarification where appropriate. The Council request confirmation baseline data from soil sampling will be provided to the	The Applicant can confirm that the results of the soil sampling will be submitted as part of the final oLEMP, and has updated paragraph 5.3.35 of the oLEMP [as updated alongside this submission] to provide this commitment.

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			Council when seeking their approval of the final LEMP prior to construction.	
HDC-D2-37	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	The Council request that a table is included in the oFBMS to summarise the losses and gains.	This has been responded to as BBC-D2-122 in Table 1
HDC-D2-38	Appendix C Outline Farmland Bird Mitigation Strategy (Paragraph 5.2.4)	Ecology	<p>The Council welcome commitment to the creation of grassland habitats north of Site C in advance of works commencing on Site A.</p> <p>However, the Council request further detail on when the other areas of mitigation are expected to be provided relative to the overall construction programme. In addition, the Council request the oFBMS quickly reflects the need for both the habitats to be both created and established sufficiently to fulfill their intended bird mitigation purposes in advance of the first season their use is assumed within the mitigation strategy.</p>	This has been responded to as BBC-D2-123 in Table 1
HDC-D2-39	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	The Council request clarification on how Public Rights of Way (PRoW) have been considered in the development of the oFBMS. In particular, within the 125ha area assumed to form mitigation for ground nesting birds.	This has been responded to as BBC-D2-124 in Table 1

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-40	Appendix C Outline Farmland Bird Mitigation Strategy (General)	Ecology	<p>The oFBMS sets out the areas of habitat creation proposed, however it is not currently clear within the strategy what suitability (if any) these habitats have for the species of interest. It is not currently clear if the figures for habitat creation provided amount to areas of additional habitat creation, or if some represent enhancement of areas that are already utilised by these species. The Council request:</p> <ul style="list-style-type: none"> • A clear summary of the losses and gains in suitable habitat (in ha) • Further information to confirm the existing value of the areas identified for habitat creation for the target species 	This has been responded to as BBC-D2-125 in Table 1
HDC-D2-41	Appendix C Outline Farmland Bird Mitigation Strategy (Section 6)	Ecology	<p>Current monitoring proposals in relation to habitats and bat boxes outlined in Section 6 are welcomed. However, for a scheme with impacts of this scale bird monitoring surveys (replicating those undertaken during the baseline) are considered appropriate. These surveys will be necessary to demonstrate that the mitigation measures set out in the oFBMS are proving effective and objectives set out are being met.</p> <p>The Council request that that these are included within the oFBMS and cross referenced alongside wider species monitoring requirements in the oLEMP.</p>	This has been responded to as BBC-D2-126 in Table 1
HDC-D2-42	paragraph 3.4.1	Landscape and Visual	Please clarify if the 10m buffer between the fenceline of the solar farm and the public right	The Applicant confirms that the referenced 10m buffer relates to the distance between

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
			<p>of way is to the edge of the public right of way or to the centre line? The Council would request a 10m buffer to the edge of the public right of way. Section 7.0 –It is recommended that a review of post operation hedgerow heights is undertaken to deal with the loss of openness in views and change in landscape character arising from tall hedgerows. It is accepted that this is an appropriate mitigation in operation, but the Councils considers that a more appropriate agriculturally based management regime of lower hedgerows (approximately 1.5m) should be implemented on a rotational basis post operation. Please include a statement that aligns with the above.</p>	<p>the solar infrastructure fencing and the centreline of the definitive public right of way.</p> <p>In relation to hedgerow management, the Applicant acknowledges the Council’s comments regarding the potential influence of mature hedgerow growth on openness and views over the longer term. The landscape design for the Scheme seeks to achieve an appropriate balance between the provision of mitigation planting, integration of the Scheme within the landscape, retention of landscape character and retention of openness and visual connectivity where appropriate.</p> <p>The Applicant agrees that hedgerow management would form an important component of the ongoing landscape management regime during operation of the Scheme. The oLEMP [REP2-032] therefore provides for the management and maintenance of hedgerows and planting over the operational lifetime of the Scheme. The Applicant considers that the appropriate management approach, including the maintenance of hedgerow heights in particular locations, should respond to the differing landscape, ecological and visual objectives across the Site, rather than applying a single uniform hedgerow height across all areas.</p>
Outline Soil Management Plan (Tracked) P02 [REP1-045]				

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
HDC-D2-43	8.1.4 Further Site Investigations	Land and Soils	The additional commitment to further agricultural land classification and soil resource surveys to be undertaken post consent is recognised. That the surveys would be prior to commencement of construction to inform the detailed Soil Management Outline Soil Management Plan is important. This will include surveying any land currently identified as 'Ungraded' due to access limitations and undertaking additional survey work across the remainder of the Order limits to achieve an observation density of approximately one survey point per hectare. The results of these surveys will be used to validate ALC grading and to refine the detailed SMP measures for stripping, segregation, storage and reinstatement of soils. No further developments of the oSMP were proposed or provided.	The Applicant notes this comment.
Biodiversity Net Gain Report (Tracked) P02 [REP1-053]				
HDC-D2-44	Biodiversity Net Gain Report – para 4.1.3	Biodiversity Net Gain	The Council requests that a post-development BNG figure is provided showing infrastructure alongside proposed habitats, to demonstrate how the assessment has been derived.	<p>It is clarified that the 5% land take for infrastructure is to account for small scale and localised interventions such as panel framework which cannot be easily measured. This approach is in line with industry standard practice, and land would still be available for plant growth under the framework.</p> <p>Infrastructure such as access tracks, the BESS site, control building and operations</p>

Our Ref.	HDC Ref.	HDC Theme	HDC Comments	Applicant Response
				and maintenance buildings are accounted separately within the metric.

4.0 RESPONSE TO STATUTORY ENVIRONMENTAL BODIES

4.1 Response to Environment Agency

Table 4: Response to Bedford Borough Council Deadline 2 Submission [REP2-053]

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
EA-D2-01	EA004	Draft Development Consent Order [APP-016]	<p>The Applicant had expressed their interest in applying to disapply the Flood Risk Activity Permits (FRAPs) required for the Pertenhall Brook crossing point. After further discussions with the Applicant, they have expressed they no longer wish to apply for the disapplication of the FRAPs into the DCO.</p> <p>The Applicant has confirmed they are now going to apply for a FRAP (Flood Risk Activity Permit), to resolve this issue the Applicant should:</p> <ul style="list-style-type: none"> • Remove from the draft DCO [REP1-006] the disapplication of regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016. • Remove the Protective Provisions for the Environment Agency from Schedule 13 of the draft DCO [REP1-006]. 	<p>The Applicant has updated Article 8 the draft DCO [as updated alongside this submission] to remove the disapplication of regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016.</p> <p>The Applicant has consequently also removed Schedule 14 Part 4 (Protective Provisions for the Protection of the Environment Agency) from the draft DCO [as updated alongside this submission].</p> <p>The Applicant will therefore be required to apply for a Flood Risk Activity Permit (FRAP) for non-exempt activities at the Pertenhall Brook. The Applicant has no concerns that a FRAP would be granted for the works, but is not at this stage in a position to provide the detailed design and construction methodology required by the EA to disapply the legislation through the DCO.</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
EA-D2-02	EA007	ES Vol 1 Chapter 2 The Scheme [APP-038]	<p>We required the applicant to confirm the impermeable areas will be created in areas where the storage of chemicals, fuels etc during construction and decommissioning.</p> <p>The applicant has outlined in document [REP1-055] that the heavy matting will be impermeable and that appropriate secondary containment systems will be used. We consider this response acceptable in principle.</p> <p>We request this information be included as a commitment in the oCEMP, oEMP and oDEMP to ensure the measures are secured in the control documentation.</p>	<p>The Applicant considers this matter is already addressed within the oCEMP [REP2-028] at Table 5.8 which states in relation to ‘Leaks and spillages of fuel and chemicals required for construction phase’ that <i>“The storage of fuels or chemicals required during the construction phase will be limited to diesel generators to provide power to the compound area and above ground diesel and ad-blue tanks / fuel tankers for re-fuelling Site plant. Such fuel storage would be housed appropriately in covered areas to prevent the accumulation of rainfall. These areas will be covered with impermeable surfacing and bunded, with an appropriate valve outlet to allow any standing water to be released. An oil separator will be used on the outlet from these bunded areas. The bunded areas will have a minimum capacity of 110% of the capacity of the containers. Refuelling would be limited to designated re-fuelling areas and a suitably stocked spill-kit will be retained within the compound areas as part of a standard construction compound requirement. Fuel storage and refuelling areas will be located at least 10 m away from the top of bank of watercourses.”</i></p> <p>The Applicant has however updated the oDEMP [as updated alongside this</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
				submission] to include the same commitment within Table 5.8.
EA-D2-03	EA015	ES Vol 2 Appendix 8-1 FRA [APP-098]	<p>We required the Applicant to review the freeboard allowances for solar panels and provide evidence that the Risk of Flooding from Surface water mapping is a representative or conservative proxy for the fluvial design flood event and credible maximum scenarios.</p> <p>The Applicant updated Chapter 8 Hydrology and Flood Risk [REP1-010]. The outputs of the modelled flood have led to the appropriate mitigation measures (which include allowances for climate change) outlined below, these are considered acceptable:</p> <ul style="list-style-type: none"> • The extent of flooding affecting proposed solar panels is minor and mostly mitigated by the 800mm panel raise providing at least 300mm freeboard above maximum water level. Small areas show greater depths of flooding and additional raising is proposed to mitigate this and maintain 300mm freeboard. <p>However, to resolve this issue the Applicant should include details within the Appendix 8-1: Flood Risk Assessment of Chapter 8 Hydrology and Flood Risk [REP1-010] regarding the volume of storage lost from solar panel support frames and the effect on flood risk elsewhere. This will demonstrate the development is compliant with policy, in particular paragraph 5.8.12 within the Overarching National Policy Statement for Energy (EN-1).</p>	<p>The Applicant has updated ES Vol 2 Appendix 8-1 [as updated alongside this submission] to include post development modelling in order to quantify the impact of the panels on flood risk.</p> <p>The post development and baseline modelled flood depths for the design event are compared within Figures 12a and 12b. They show the change in depth caused by the flow constrictions is less than +/- 0.01 m (10 mm) across most of the Site. The maximum depth change is an increase of 0.032 m (32 mm) within the west of East Park Site B. The results show no change in flood depth greater than +/- 0.01 m outside of the Order limits.</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
EA-D2-04	EA016	ES Vol 2 Appendix 8-1 FRA [APP-098] ES Vol 1 Chapter 12 Ground Conditions [REP1-012]	<p>The reporting of groundwater receptors sensitivities is not consistent. For completeness we request these sensitivities be addressed in the reporting. This has no effect on the conclusions of the assessments but should be accurately represented.</p> <p>We have reviewed the updates made to Chapter 8 Hydrology and Flood Risk [REP1 010]and Chapter 12 Ground Conditions [REP1-012] as outlined in the Applicant Response. The updates are not quite as stated:</p> <ul style="list-style-type: none"> • Table 8.7, Moderate sensitivity – “Groundwater Catchment Source Protection Zone (SPZ) 3 and Secondary A Aquifers. Above a Principal Aquifer.” <ul style="list-style-type: none"> ○ We suggest that “Above a Principal Aquifer” be removed, as this should be High or Very High. • Table 8.7, Low sensitivity, still states “Above a Secondary Aquifer.” ○ This does not align with Table 12.6. 	<p>Table 8.7 of ES Vol 1 Chapter 8 [as updated alongside this submission] has been updated as requested and now aligns with Table 12.6 found in ES Vol 1 Chapter 12 [REP1-011].</p>
EA-D2-05	EA019	ES Vol 2 Appendix 8-1 FRA [APP-098]	<p>The Applicant's water quality monitoring schedule is inadequate.</p> <p>We recognise that Table 5.4 of the oCEMP [REP1-033] and oOEMP [REP1-037] stated that “<i>Requirements for a detailed watercourse quality monitoring plan will be agreed with the regulator. This would include details of all baseline, construction phase and post construction (operational phase) monitoring, which will involve both visual assessments and quality testing</i>”. Water quality monitoring is also included in Table 5.4 of the oDEMP [REP1-038].</p> <p>We are named as a consultee in Requirement 5 of the CEMP in the draft DCO [REP1-006], however considering that “Any</p>	<p>Table 5.4 of the oCEMP [REP1-033] has been updated to provide commitment to water quality monitoring, as requested.</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
			<p>CEMP submitted for approval must be in substantial accordance with the outline construction environmental management plan” we are mindful that some further details should be included.</p> <p>To resolve this issue, in line with best practice with other project developments, we request there is a commitment that establishes:</p> <ul style="list-style-type: none"> • The frequency of sampling for each stage. • Outline that monitoring plan will detail the proposed locations, quantity and methodology of monitoring for pre-construction, during construction, and post construction water quality monitoring will be. <p>Monitoring locations for water quality monitoring should include upstream and downstream of any surface water outfalls or watercourse crossings. Monitoring frequency should begin prior to construction, six months before construction starts to ensure an accurate baseline. Frequency of monitoring should be once per month. However, during certain construction activities (like earthworks or concrete work) this frequency of sampling may increase. Monitoring should continue all throughout construction, and into the first few months of operation. Monitoring will then resume during decommissioning. This water quality monitoring during post construction, and decommissioning, is to ensure that water quality returns to a pre-construction baseline.</p>	
EA-D2-06	EA020	ES Vol 1 Chapter 12 Ground	We request the maximum parameters for BESS foundations are consistent across all reports. It was not clearly presented in Chapter 12 Ground Conditions [REP1-012]. The Applicant	The Applicant has updated ES Vol 1 Chapter 12 [as updated alongside this

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
		Conditions [APP-048]	has now provided clarification that the 0.5m below ground level is for the internal access roads of the BESS. While this is a minor issue, we suggest that paragraph 12.8.22 could be updated to provide clarity as there is no mention of access roads, and the proposed design depth of 0.5m immediately follows sentences about concrete pad and strip foundations.	submission] to provide the suggested amendment.
EA-D2-07	EA023	ES Vol 1 Chapter 12 Ground Conditions [APP-048]	<p>We request the Applicant ensure the risk to PWS are assessed in each phase of works.</p> <p>The response to Issue EA018 is sufficient to resolve this issue. For completeness it would be beneficial for similar information to be given in Chapter 12 Ground Conditions [REP1-012].</p> <p><i>Additional information</i> In Chapter 4 EIA Methodology [APP-040], Table 4.2, the Zone of Influence for Ground Conditions is identified as being 500m. We note that it states in paragraph 4.5.7 that ZOIs may exceed the study area, but this was not immediately clear. The Water Resources ZOI is 1km, and PWS should be considered within this Topic.</p> <p>We do not consider 50m to be an appropriate study area radius for ground conditions. However, we did not identify this statement during previous phases of consultation.</p> <p>Chapter 12 Ground Conditions [REP1-012] Paragraph 12.8.33 states: “<i>The Site is not located within a Source Protection Zone, there are no groundwater abstractions for drinking water within the surrounding area.</i>”. While this could include PWS, it does not explicitly mention PWS and there was no indication that PWS had been considered in this statement.</p>	<p>Paragraph 12.8.33 of ES Vol 1 Chapter 12 [as updated alongside this submission] has been amended and now states:</p> <p><i>The Site is not located within a Source Protection Zone. There are no groundwater abstractions for drinking water on the Site or registered within a 1 kilometre radius of the Site. This includes water abstractions that are licensed by the Environment Agency and private water abstractions registered with either BBC or HCC.</i></p> <p>Information to support paragraph 12.8.33 is within Appendix F within ES Vol 2 Appendix 12-1: Phase 1 Geo-Environmental Assessment [APP-114].</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
EA-D2-08	EA-032	oSWMP [APP 165] oCEMP [REP1-033]	<p>We requested the Applicant provide further mitigation measures be added to the oSWMP and the oCEMP to ensure refuelling and storage of fuels and oils are appropriately managed and not decrease water quality.</p> <p>The updates to 4.1.26 of the oSWMP [REP1-047] and Table 5.8 of the oCEMP [REP1-033] are acknowledged.</p> <p>To resolve this issue, we request that a sentence be added to:</p> <ul style="list-style-type: none"> • Table 5.4 for chemicals and fuel spillages of the oCEMP [REP1-033]. • Table 5.8 of the oCEMP [REP1-033]. • Paragraph 4.1.26 of the oSWMP [REP1-047]. <p>To clarify the mitigation measures will protect surface water quality, as well as ground conditions.</p>	<p>The Applicant has updated the oSWMP [as updated alongside this submission] and oCEMP [as updated alongside this submission] to provide the suggested amendments.</p>
EA-D2-09	EA033	oSWMP [APP 165] oCEMP [REP1-033]	<p>We requested the Applicant provide further mitigation measures be added to the oSWMP and the oCEMP, to explain how vehicle and concrete wash out will be managed.</p> <p>The updates to 4.1.26 of the oSWMP [REP1-047] and Table 5.8 of the oCEMP [REP1-033] are acknowledged.</p> <p>To resolve this issue, we request that a sentence be added to:</p> <ul style="list-style-type: none"> • Table 5.4 for chemicals and fuel spillages of the oCEMP [REP1-033]. • Table 5.8 of the oCEMP [REP1-033]. 	<p>The Applicant has updated the oSWMP [as updated alongside this submission] and oCEMP [as updated alongside this submission] to provide the suggested amendments.</p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
			<ul style="list-style-type: none"> Paragraph 4.1.26 of the oSWMP [REP1-047]. <p>To clarify the mitigation measures will protect surface water quality, as well as ground conditions.</p>	
EA-D2-10	EA035	oBSMP [APP 162]	<p>We are concerned that it is unclear how batteries will be removed and stored at the end of life, or after a fire-event, and how the impermeably lined areas will be thoroughly cleaned.</p> <p>The update to Table 6 to change the sluice maintenance schedule to be inspected quarterly is noted in the oSWMP [REP1-047].</p> <p>There was not an updated oBSMP submitted at Deadline 1, we recommend that there is an updated at the next Deadline to include the details contained within the Applicant's comments.</p> <ul style="list-style-type: none"> Section 4.5.5. of the oBSMP [APP-162] outlines that valves are connected to the BESS fire alarm system, but it doesn't specify that valves will be activated to close by the BESS fire alarm system if the alarm starts to sound. There is no mention with the oBSMP [APP-162] of valves having a manual override facility. The storage and disposal of damaged or end-of-life batteries is still unclear. The Applicant should confirm where damaged and end-of-life batteries will be stored prior to removal from site. <ul style="list-style-type: none"> This may be within the BESS units, according to manufacturer recommendations. 	<p>Section 4.5.5 of the outline Battery Safety Management Plan (oBSMP) [APP-162] states: "<i>Outfalls from the BESS drainage system will be fitted with automatically actuated valves, which are connected to the BESS fire alarm system. In the event of a fire, these self-actuating valves will close, isolating the BESS drainage system and containing firewater runoff locally.</i>" The Applicant can confirm that this means that valves are actuated directly by the fire alarm.</p> <p>Regarding the mention of valves having a manual override facility, the Applicant will amend the oBSMP to confirm the following requirement "<i>Isolation will be capable of automatic activation (from the BESS fire alarm system) during an incident, with manual override provided as a secondary control. Isolation valves will be designed to operate on a failsafe basis, such that in the event of power loss, system fault or damage during an incident, the default position is closed to maintain containment. Power supply arrangements may include independent or solar-backed systems</i></p>

Our Ref.	EA Issue ID	Document Ref.	BBC Comments	Applicant Response
			<ul style="list-style-type: none"> ○ However, if it is outside of the BESS units, the storage area must be impermeable, covered and bunded, and a fire watch should be implemented. ○ We note that section 2.6.13 of the oBSMP [APP-162] states that “A fire watch will be present until all potentially damaged BESS equipment batteries are removed from the area following a fire event”, however this does not cover un-damaged batteries removed for maintenance or replaced. Whilst we recognise the Applicant’s response that the batteries are ‘expected to be safe’ and ‘not leaking chemicals’, they can still pose a risk unless adequately contained. • A sentence that provides clarification that the detention lagoon and retention basin are the same features. • The Applicant states they will obtain necessary permits to discharge to watercourses or local drainage networks. We request clarification on which discharge location will be used as this will require different assessments. <ul style="list-style-type: none"> ○ Section 4.3.7 of the oBSMP [APP-162] states “discharge to the local watercourses” ○ Section 4.5.7 of the oBSMP [APP-162] says “released to the local drainage network”. • Section 4.4.3 of the oBSMP [APP-162] describes the Emergency Response Plan (ERP) and post-incident recovery plan. However, there is no inclusion of containment areas being inspected and cleaned following any fire event, prior to any isolation valves being re-opened for normal operation. This should be updated in the oBSMP for a future deadline. 	<p><i>where appropriate, ensuring that valve operation is resilient and not reliant solely on the primary site power infrastructure.”</i></p> <p>Regarding the storage and disposal of damaged or end-of-life batteries being unclear, the Applicant can confirm that the oBSMP will be amended as follows at paragraphs 3.2.17 and 3.2.18:</p> <p><i>“In the event of a defective battery module or cell being identified, the defective module shall be immediately placed out of service and be electrically disconnected from the system. A specific risk assessment shall be conducted prior to the removal of the defective module to ensure the safety of employees and contractors. Specific protocols for storage and removal will fully align with the supplier’s maintenance, decommissioning, and warranty stipulations. Protocols will ensure that all credible pollution, fire and explosion protection safety risks are fully mitigated.</i></p> <p>Once a defective module is safely discharged or removed in accordance with the specific risk assessment, it shall be stored in an approved protective container suitable for the safe storage of BESS battery components prior to being transported from the defective unit to a dedicated safe location for inspection by an</p>

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			<ul style="list-style-type: none"> ○ In relation to the ERP, we recommend that it should identify the importance of notifying any downstream river/groundwater abstractors in the event of a fire should impacts to surface water and/or groundwater occur. ○ The ERP should be developed in consultation with the Environment Agency to ensure that incident response personnel are made aware of this as a priority. 	<p>authorised manufacturer’s representative. Storage location and protective container design will be approved at the detailed design stage by CFRS and the EA, detailed safety protocols will be included in the final BSMP.”</p> <p>In relation to the Emergency Response Plan (ERP), the proposed BESS will have a robust and validated emergency response plan (ERP), developed in consultation with CFRS and EA. Where an incident has the potential to affect surface water or groundwater, the ERP will include priority notification and escalation procedures for the Environment Agency (EA) and, where applicable, downstream receptors such as licensed abstractors. All relevant incident response parties, including the EA, the lead local flood authority and the site operator, will be made aware of the ERP and will have immediate access to it. Notification procedures will be activated at the earliest practicable stage of any incident with the potential to affect controlled waters.</p> <p>Section 4.4.3 of the oBSMP [APP-162] describes the Emergency Response Plan (ERP) and post-incident recovery plan. However, there is no inclusion of containment areas being inspected and cleaned following any fire event, prior to</p>

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				<p>any isolation valves being re-opened for normal operation. This will updated in the oBSMP for Deadline 4.</p> <p>The drainage of the BESS area including discharge location is set out within Section 6 of the outline Surface Water Management Plan [REP1-046].</p>
EA-D2-11	EA036	ES Vol 2 Appendix 8-2 WFD Assessment [APP-099]	<p>We are concerned the applicant had not referenced all available management plans in the WFD assessment.</p> <p>The applicant has confirmed the mitigation measures are considered and set out in the framework of environmental management plans.</p> <p>These management plans are secured by Requirements of the Draft Development Consent Order [AS-008] and therefore must be delivered.</p> <p>We agree that the WFD Assessment [APP-099] should be read alongside the outline environmental management plans.</p> <p>However, the conclusions of the WFD Assessment are that the residual effects of potentially reduced water quality are assessed as having no adverse impact on the water body's current WFD status or its status objective due to the mitigation measures included within the oCEMP. This only remain true for the duration of the project if the oOEMP, oDEMP and oBSMP which secure the relevant mitigation measures are also named.</p>	<p>ES Vol 2 Appendix 8-2 WFD Assessment [as updated alongside this submission] has been updated to reference all relevant management plans (including oOEMP, oDEMP and oBSMP).</p>

