

## Sunnica Solar Farm proposal

To: Environment and Green Investment Committee

Meeting Date: 3rd March 2022

From: Steve Cox, Executive Director, Place & Economy

Electoral division(s): Soham North and Isleham; Burwell

Key decision: No

Forward Plan ref: N/a

Outcome: The Committee's endorsement of Cambridgeshire County Council's Relevant Representations produced by technical officers in response to the Sunnica proposals, to allow a submission to be made to the Planning Inspectorate (PINS) in line with the formal consultation deadline of 17<sup>th</sup> March 2022.

Recommendation: It is recommended:

- (a) To endorse the draft Relevant Representations in Appendix 3 for submission to the Planning Inspectorate; and
- (b) Delegate to the Executive Director (Place and Economy) in consultation with the Chair and Vice Chair of the Committee the authority to make minor changes to the Relevant Representations.

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## 1. Background

- 1.1 Sunnica Limited are proposing a solar energy farm to the east of the County and crossing the border into Suffolk. The proposed development is considered to be a nationally significant infrastructure project (NSIP) by virtue of the fact that the generating station is located in England and has a generating capacity of over 50 megawatts (see section 15(2) of the 2008 Act).
- 1.2 As an NSIP application (for which a Development Consent Order (DCO) is required) the proposed solar farm will be determined by Secretary of State (for Business, Energy and Industrial Strategy). Responsibility for accepting and examining the NSIP applications rests with The Planning Inspectorate (PINS) on behalf of the Secretary of State.
- 1.3 The County Council has a distinct role in this process as one of the four 'host' authorities (with the others being Suffolk County Council, East Cambridgeshire District Council, and West Suffolk Council). The Local Authorities have a role in informing the process and providing local specialist knowledge.
- 1.4 The Sunnica Energy Farm Project has already undertaken its pre-application consultations with the general public, alongside pre-application discussions with key specialisms within the four 'host' authorities, to help inform their proposal prior to the submission of their application to PINS.
- 1.5 Appendix 1 sets out the six stages involved with a NSIP application and Appendix 2 clarifies the role of the local authority at each of the stages (excluding the decision). PINS guidance<sup>1</sup> is clear that a local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.
- 1.6 The Environment and Sustainability Committee that took place on 11<sup>th</sup> March 2021 approved delegated authority for submitting documents to PINS where there is insufficient time to take them to Committee. This aligns with PINS guidance to local authorities. Some of the deadlines in the process can be as short as 14 days. It is noted that PINS as the Examining Authority may disregard late responses.
- 1.7 Sunnica submitted to PINS their application for a DCO in November 2021. PINS accepted the application for examination on 16<sup>th</sup> December 2021. As part of the

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<sup>1</sup> Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes;

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

current pre-examination stage of the process there is a relevant representation period. This is the first time during which comments on an application can be submitted to PINS for consideration by the inspector/inspectors (referred to as the Examining Authority (ExA)). For local authorities the relevant representation should include a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be, and their impact. The content of relevant representations is used by the Examining Authority to help inform their initial assessment of principal issues for examination.

- 1.8 Relevant representations have been able to be submitted to PINS since the 3<sup>rd</sup> February 2022, with a closing date of 17<sup>th</sup> March 2022. Sunnica publicised these dates (in a Section 56 notice) in local and national newspapers, and the London Gazette on 27<sup>th</sup> January 2022. A second Section 56 notice was published in local newspapers on the day the relevant representation period began i.e. 3<sup>rd</sup> February 2022. The four host authorities whilst continuing to co-ordinate together to best inform the process are submitting separate representations.
- 1.9 A draft of Cambridgeshire County Council's relevant representation produced by technical officers can be found in Appendix 3 of this report for the committee's consideration. If the recommendations within this paper are approved, it will allow officers to submit the Council's relevant representations to PINS to meet the deadline of 17<sup>th</sup> March 2022.

## 2. The Proposal

- 2.1 Sunnica proposals are for a new energy farm with solar photovoltaic (PV) and energy storage infrastructure connecting to the Burwell National Grid Substation. This seeks to provide 500MW of electricity which is equivalent to providing for approximately 100,000 homes.

- 2.2 The proposed solar energy development spans four 'Sites':
  - Sunnica East Site A, near Isleham
  - Sunnica East Site B, near Freckenham and Worlington
  - Sunnica West Site A, near Chippenham and Kennett
  - Sunnica West Site B, near Snailwell

These four sites are proposed to be linked by a cable corridor to the National Grid at Burwell Substation.

- 2.3 Sunnica's DCO application can be found on The Planning Inspectorates web site<sup>2</sup>.

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<sup>2</sup> PINS Project Page for Sunnica Energy Farm NSIP Project;  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/?ipcsection=overview>

### 3. Planning Policy

- 3.1 The policy framework for determining an NSIP application is set out in Section 104 of the Planning Act 2008 (as amended)<sup>3</sup>, set out below:

In deciding the application the Secretary of State must have regard to:

- (a) any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”);
- (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- (b) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);
- (c) any matters prescribed in relation to development of the description to which the application relates; and
- (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State’s decision.

- 3.2 The relevant documents in relation to this application from the Cambridgeshire perspective are the National Policy Statements for Energy; the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); the East Cambridgeshire Local Plan (2015); and any Local Impact Report submitted during the Examination. The National Planning Policy Framework (NPPF) 2021<sup>4</sup> is also a material consideration.

### 4. Main issues

- 4.1 The following is a summary of the main issues raised by technical officers that are included in full in the draft Relevant Representations response set out in Appendix 3.
- 4.2 Cambridgeshire County Council (CCC) has a number of concerns relating to the quality of the information shared in the Environmental Statement. More evidence is required to allow CCC to fully understand the impacts of the scheme and have a view to whether the mitigation measures proposed are sufficient. There are a number of issues related to the quality of the assessments and assumptions used. In addition, more detail is needed at this stage of the process to assure

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<sup>3</sup> Planning Act 2008 (as amended);

<http://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>4</sup> The National Planning Policy Framework (NPPF) (2021)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

the county council aspects of the scheme are deliverable.

- 4.3 The County Council seeks these matters to be resolved ahead of any consent given to the scheme.

Key concerns

- 4.4 The following is a summary of the key concerns identified by technical officers:

- 4.4.1. Transport and Access. There is a lack of evidence supporting assumptions made and the conclusions to assessments provided. Consequently, there are several impacts CCC is of the opinion are not sufficiently assessed.
- 4.4.2. The draft DCO has not got sufficient highway provisions to ensure the local highway authority is adequately engaged and protected.
- 4.4.3. Cultural Heritage Archaeology. CCC's Historic Environment Team (Archaeological Service) has been working with the applicant on the design and carrying out of archaeological evaluation work since the early stages of the project. The mitigation strategy is currently vague and requires development. Relevant documents in the submission pack will need to be revised once an agreed mitigation strategy has been developed: for example, APP-257 Schedule of Environmental Mitigation, and APP-123 ES Appendix 16C Framework Construction Environmental Management Plan (FCTMP) and Travel Plan. An Historic Environment Management Plan should be prepared to provide a mechanism by which specific sites will be suitably protected.
- 4.4.4. Ecology and Nature Conservation. The ES provides inadequate detail in its assessments. This includes insufficient evidence to demonstrate the Biodiversity Net Gain (BNG) for the scheme. More supporting information and clarification is required. Until such time as these details are provided, CCC cannot be satisfied the scheme has adequately mitigated its impacts.
- 4.4.5. Flood Risk, Drainage and Water Resources. There is a lack of data to evidence the feasibility of the approach adopted and measures proposed. There is no flood zone compensation proposed. More detail of the Sustainable Drainage Systems (SuDS) features is required.
- 4.4.6. Socio-Economic and Land Use. Whilst the Agricultural Land Classification (ALC) has been provided, the capability to produce crops seems to be understated. Grade 3 soils in Cambridgeshire can produce a great deal more than a Grade 3 soils in other areas of the country. The assessment needs to reflect this. Also suitable mitigation measures need to be in place to address soil compaction on sites during construction, operation and decommissioning.

- 4.5 Appendix 3 has the full draft of the Relevant Representations that has been produced by technical officers, which expands upon that above.

## 5. NSIP Application Process

- 5.1 The DCO application has been accepted by PINS for examination which will be carried out in public. As part of this pre application stage the local authorities will be notified of the preliminary meeting to discuss procedural matters. After which an Examination timetable should be set, including deadlines for when information needs to be submitted to PINS. Agreement on any remaining issues should be sought and/or negotiations continued. There may also be the need to continue negotiation in respect of any compulsory acquisition affecting any local 'host' authority's land holdings or interests. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process for all participants.
- 5.3 During the Pre Examination and examination stages, the local authorities will:
- Respond to the Examining Authority's (ExA's) written questions which are normally based on an initial assessment of the application, (including the principal issues of the proposed scheme), and the representations received from interested parties;
  - Prepare and submit to PINS a Local Impact Report (LIR), setting out the likely impacts of the proposed scheme on the County Authority's area, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance;
  - Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between the applicant and the County Council and/or other parties or 'host' authorities, setting out matters that they agree or are in disagreement on; and
  - Represent the County Council and make oral representation at the issue specific hearing(s) and if necessary the open floor hearing(s). The subject of the hearings is based on specific elements / issues of the application that are raised during the NSIP process.
- 5.4 There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.
- 5.5 To avoid any undue delay to the NSIP process and Examination it is important that the tight deadlines set out in the Examination Timetable are met. The delegated authority approved by Environment and Sustainability (E&S) Committee in March 2021 enables the County to meet tight deadlines. Irrespective of delegations passed to officers to meet the necessary timescales set by legislation, the following is proposed to be followed to ensure good practice and ensure an open and transparent decision making process:
- Key documentation and updates to be provided to members of the Environment and Green Investment (E&GI) Committee that replaced the former E&S

Committee and local County Councillors by e-mail at the earliest opportunity to ensure that key deadlines are known in advance and any comments on the documentation provided as early as possible, particularly during the 14 and 28 day deadlines;

- Responses to PINS to either be circulated to members of E&GI Committee and local County Councillors by e-mail for their records, or where time is permitting the draft response taken to E&GI Committee for endorsement; and
- Where deemed necessary, member briefings or specific topic meetings will be set up to provide guidance on the NSIP process and technical responses provided.

## 6. Alignment with corporate priorities

### 6.1 Communities at the heart of everything we do

As this is not a County Council proposal there are no specific significant implications identified by officers for this priority. However, Local Authorities are statutory consultees in their own right for any proposed NSIP within their area. Cambridgeshire County Council is a statutory consultee in the NSIP process. Any NSIP response provided by the County Council will (where applicable) ensure that the information produced is capable of assessing this priority before a recommendation is provided by PINS and a decision reached by the Secretary of State.

### 6.2 A good quality of life for everyone

As set out in paragraph 6.1.

### 6.3 Helping our children learn, develop and live life to the full

As set out in paragraph 6.1.

### 6.4 Cambridgeshire: a well-connected, safe, clean, green environment

As set out in paragraph 6.1.

### 6.5 Protecting and caring for those who need us

As set out in paragraph 6.1.

## 7. Significant Implications

### 7.1 Resource Implications

The following bullet points set out details of significant implications identified by officers:

- Finance – As the application is handled by PINS no planning application fee is received from the applicant. Officers are currently negotiating a Planning Performance Agreement with Sunnica for both these latter pre examination discussions following the submission of the DCO and the examination stages, to recover the costs of resources to the project. Mechanisms to recover costs associated with any discharge requirements (like planning conditions) that would arise from any consent granted are also actively being sought as part of the discussions for the DCO. This is in addition to existing pressures from other NSIP projects in Cambridgeshire. Unfortunately, confirmation of the formal PPA agreements is still outstanding so the financial risks to the Council are yet unknown.
- Staff – As a statutory consultee in the initial NSIP process and post NSIP decision if granted, the resources to deal with the application are taken from the County Council statutory consultee staffing resources that are already stretched.

#### 7.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The following bullet points set out details of significant implications identified by officers:

- Procurement – Where specialist officer advice does not exist within the Council(s) relevant specialists may be procured to ensure that the Council(s) has guidance on the key specialist areas. This is to ensure the authorities have the relevant specialist advice to allow officer comments to be provided on technical matters.
- Contractual / Council Contract Procedures – Any specialist advice required to inform this project will need to ensure it meets Council procedures, in addition to the financial implications discussed in paragraph 7.1 above.

#### 7.3 Statutory, Legal and Risk Implications

There are no significant implications for this priority, other than the financial and resource implications required to support this project, which has the potential to include significant legal advice. Officers are currently discussing the potential to share legal resources with colleagues at East Cambridgeshire District Council, but to date this has not been confirmed. As such, there is the potential for additional financial pressures to be placed on the Council if we need to procure separate legal advice for this scheme.

#### 7.4 Equality and Diversity Implications

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO application. The applicant

is required to satisfy the Equality Impact Assessment requirements as part of their DCO submission.

#### 7.5 Engagement and Communications Implications

There are no significant implications for this priority that were not addressed as part of the Council's response on the Adequacy of Consultation to the Planning Inspectorate.

#### 7.6 Localism and Local Member Involvement

The following bullet points set out details of implications identified by officers:

- Localism – As this proposal is deemed to be a Nationally Significant Infrastructure Project (NSIP) the decision will not be made by the County Council. It will be essential therefore that the Council as a statutory consultee provides the 'local' knowledge to help inform the Secretary of State's decision.
- Local Member Involvement – PINS guidance sets out the role of the local authority, and officers will ensure that local members are kept informed at key stages in the NSIP process.

#### 7.7 Public Health Implications

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO submission.

#### 7.8 Environment and Climate Change Implications on Priority Areas

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO submission.

Have the resource implications been cleared by Finance? Yes  
Name of Financial Officer: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? Yes  
Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes  
Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your Service Contact? Yes Name of Officer: Elsa Evans

Have any engagement and communication implications been cleared by Communications? Yes Name of Officer: Ken McErlain

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes Name of Officer: Emma Fitch

Have any Public Health implications been cleared by Public Health? Yes Name of Officer: Kate Parker or Iain Green

## 8. Source documents

Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes;  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

NSIP Energy Policy Statements;  
<https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

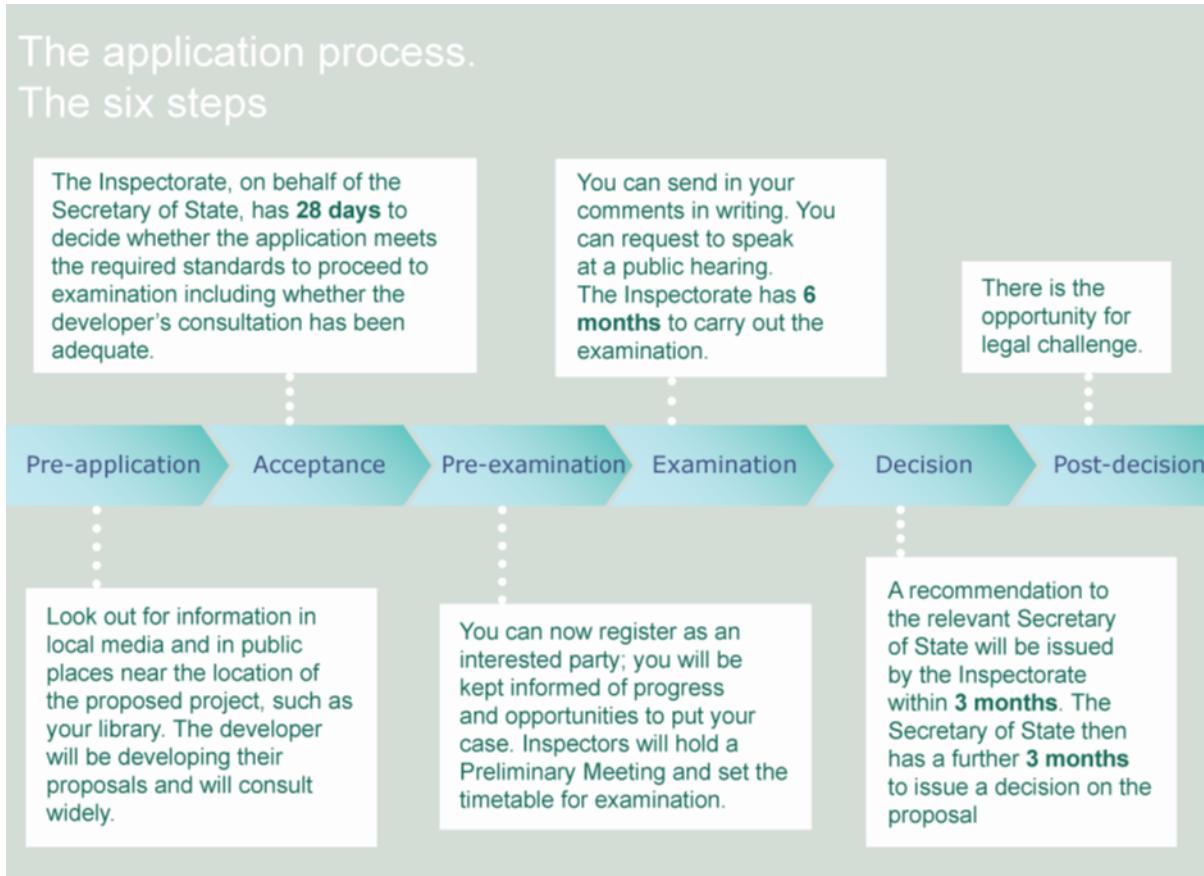
Planning Act 2008 (as amended);  
<http://www.legislation.gov.uk/ukpga/2008/29/contents>

Sunnica Energy Farm Project website;  
<https://www.sunnica.co.uk/>

PINS Project Page for Sunnica Energy Farm NSIP Project;  
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/?ipcsection=overview>

The National Planning Policy Framework (NPPF) (2021)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

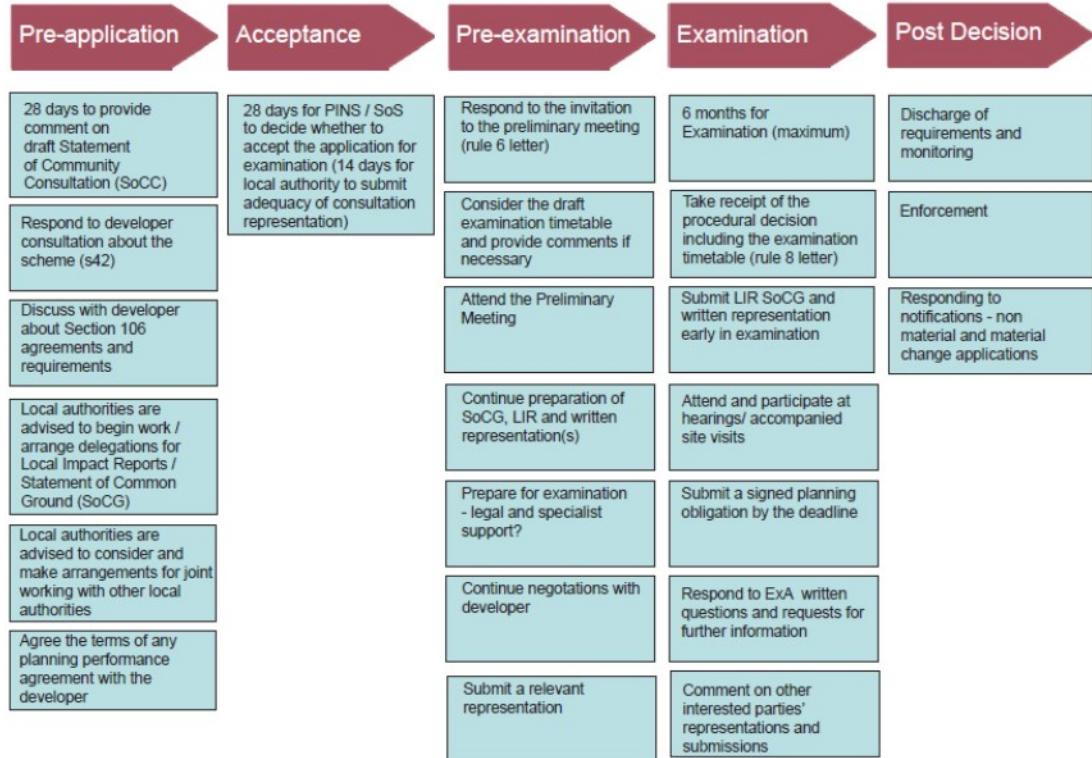
## Appendix 1 - The six steps of the NSIP DCO process under the 2008 Act



Source PINS website <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png>

## Appendix 2 - The role of local authorities

# The role of local authorities



Source PINS Advice Note 2 [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice\\_note\\_2.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice_note_2.pdf)

## Appendix 3 – Cambridgeshire County Council Draft Relevant Representations

### Contents

- 1 Introduction
- 2 Summary
- 3 Cultural Heritage
- 4 Ecology and Nature Conservation
- 5 Flood Risk, Drainage and Water Resources
- 6 Landscape and Visual Amenity
- 7 Socio-Economic and Land Use
- 8 Transport and Access
- 9 Air Quality
- 10 Human Health

Appendix 1: Detailed Transport and Access Comments

## 1 Introduction

- 1.1 Throughout the pre-submission period Cambridgeshire County Council (CCC) has worked closely with the other host local authorities: Suffolk County Council (CCC), East Cambridgeshire District Council (ECDC) and West Suffolk Council (WSC). The four local authorities have submitted joint responses to the applicant's non-statutory and statutory consultations. To simplify matters for the Examining Authority (ExA) and all parties, the four local authorities intend to submit a joint Local Impact Report (LIR) at Deadline 1.
- 1.2 We will also endeavour to pool resources during the examination to the extent possible, with one local authority taking the lead on topics which relate to their functions or expertise in their geographical area. These arrangements are for practical purposes to avoid undue duplication, and all local authorities will reserve the right to express their views individually if they consider it necessary.
- 1.3 Notwithstanding this, each authority is submitting their relevant representation on an individual basis to ensure that the ExA is fully informed of the matters of concern to those authorities and the communities and interests that they represent.

## 2 Summary

- 2.1 Cambridgeshire County Council has a number of concerns relating to the quality of the information shared in the Environmental Statement. More evidence is required to allow CCC to fully understand the impacts of the scheme and have a view to whether the mitigation measures proposed are sufficient. There are a number of concerns related to the quality of the assessments and assumptions used. In addition, more detail is needed at this stage of the process to assure the county council aspects of the scheme are deliverable.
- 2.2 The County Council seeks these matters to be resolved ahead of any consent given to the scheme.

### Key concerns

- 2.3 The following is a summary of the key concerns identified by technical officers. More details are provided in the following chapters.
  - 2.3.1. Transport and Access. There is a lack of evidence supporting assumptions made and the conclusions to assessments provided. Consequently, there are several impacts CCC is of the opinion are not sufficiently assessed.
  - 2.3.2. The draft Development Consent Order (DCO) has not got sufficient highway provisions to ensure the local highway authority is adequately engaged.
  - 2.3.3. Cultural Heritage Archaeology. CCC's Historic Environment Team (Archaeological Service) has been working with the applicant on the design and carrying out of archaeological evaluation work since the early stages of the project. The mitigation strategy is currently vague and requires

development. Relevant documents in the submission pack will need to be revised once an agreed mitigation strategy has been developed: for example, APP-257 Schedule of Environmental Mitigation, and APP-123 ES Appendix 13C Framework Construction Environmental Management Plan and Travel Plan. An Historic Environment Management Plan should be prepared to provide a mechanism by which specific sites will be suitably protected.

- 2.3.4. Ecology and Nature Conservation. The ES provides inadequate detail in its assessments. This includes insufficient evidence to demonstrate the Biodiversity net gain. More supporting information and clarification is required. Until such time CCC cannot be satisfied the scheme has adequately mitigated it's impacts.
- 2.3.5. Flood Risk, Drainage and Water Resources. There is a lack of data to evidence the feasibility of the approach adopted and measures proposed. There is no flood zone compensation proposed. More detail of the SUDS features is required.
- 2.3.6. Socio-Economic and Land Use. Whilst the Agricultural Land Classification (ACL) has been provided, the capability to produce crops seems to be understated. Grade 3 soils in Cambridgeshire can produce a great deal more than a Grade 3 soils in other areas of the country. The assessment needs to reflect this. Also suitable mitigation measures need to be in place to address soil compaction on sites during construction, operation and decommissioning.

2.4 The remainder of this document gives further details of CCC's comments. Further detail of which will follow in the LIR to be provided jointly with the other host authorities.

2.5 The headings below align with the Environmental Statement chapter headings. The comments under these headings may make reference to other relevant parts of the application.

### **3 Cultural Heritage (*Chapter 7 of the Environmental Statement*)**

#### Archaeological Mitigation

- 3.1 The archaeological mitigation strategy is incomplete. However, the scheme will adopt the 'Rochdale Envelope approach', which allows flexibility in the approach to mitigation and fixing the design after submission of the DCO application. This approach is understood for Sunnica Solar Energy Farm (SEF) for three reasons:
  - 3.1.1. The evaluation reports for the scheme had not been completed by the time of the submission of the DCO application.
  - 3.1.2. The cable routes within the solar farm do not yet have fixed locations and there is subsequent scope to alter the design and layout of the panel strings.

- 3.1.3. Archaeological and other assessments of the cable route to Burwell National Grid Substation have not yet taken place.
- 3.2 While the archaeological mitigation strategy is still in development, the trench-based evaluation results will be assessed alongside the geophysical survey plots to validate or change the scope and areas where diverse archaeological mitigation work is needed. Currently areas for protection have only been developed from geophysical survey data.
- 3.3 Relevant documents in the submission pack will need to be revised once an agreed mitigation strategy has been developed: for example, **APP-257** Schedule of Environmental Mitigation, and **APP-123** ES Appendix 16C Framework Construction Environmental Management Plan and Travel Plan.
- 3.4 Positive Embedded Design Mitigation for archaeology includes the removal of ten areas of significant (high value) archaeological sites from construction impacts: seven in Cambridgeshire and three in Suffolk (APP-039 7.6.2). Although they constitute non-designated heritage assets, the character of some of the sites (particularly in ECO5) suggests that they may be of equivalent status to designated heritage assets. An Historic Environment Management Plan should be prepared to provide a mechanism by which these sites will be suitably protected under pasture, managed and maintained - indicating by whom throughout the life of the solar farm, along with proposals for what will happen to them should the site be decommissioned and dismantled.
- 3.5 According to **APP-039** (6.1 ES Chapter 7 - Cultural Heritage), a Detailed Archaeological Mitigation Strategy (DAMS) will be prepared and will respond to the requirements of the local authority archaeology brief (see 7.6.8). The Mitigation Design Brief is available from CCC upon request. We look forward to discussions to finalise and agree the mitigation strategy with the Applicant.
- 3.6 There is currently little to agree or disagree with at this stage as the mitigation concept is vague and requires development.
- 3.7 The post-consent programme of archaeological investigation, monitoring and reporting will need to be secured through DCO Requirements and Conditions.

**APP-019 3.1 Draft Development Consent Order**

**Part 4 Supplemental Powers: Section 15: Removal of human remains**

- 3.8 We recommend that this section is amended as it does not cover provisions for the removal of archaeological human remains (over 100 years old). The Applicant is advised to insert provisions to ensure this is covered including reference to the need to acquire relevant exhumation licences from the Ministry of Justice.

**Section 17: Authority to survey and investigate the land**

3.9 Part 1 (a) and (c) provide welcome authorisation for archaeological investigation work and to demarcate areas for long term protection of archaeological sites and monuments, where no landscaping or construction impacts are to occur. Access to areas of archaeological protection should also be included for future management and maintenance proposes. Who will be responsible for the management of these areas is to be clarified.

APP-035 ES 6.1 ES - Chapter 3 - Scheme Description

3.5 Electricity Export Connection to National Grid

3.10 The cable will be constructed in two concurrent phases over 30 weeks within the cable route corridor, which is not yet fixed. Should Sunnica Energy Farm gain consent, the timing of the advance archaeological programme including the procurement of a professional archaeological contractor to survey and evaluate the cable corridors and the Burwell NG Substation expansion site, and to conduct advance excavations where needed, is critical.

#### **4 Ecology and Nature Conservation (*Chapter 8 of the Environmental Statement*)**

4.1 The Council is concerned that the proposed scheme does not adequately avoid, mitigate or compensate adverse impacts to biodiversity, including designated sites, protected species, priority habitats and notable species. Further details are required to demonstrate how the scheme accords with requirements to protect biodiversity within the Overarching National Policy Statement for Energy (EN-1).

4.2 The scheme will result in adverse impact to functional land of the Brecklands Special Protection Area (SPA) and its population of Stone Curlews (for which it is designated). It is unclear why the scheme has not been designed to avoid destruction of Stone Curlew habitat. The Councils are concerned that the proposed compensatory measures are not sufficient to off-set this adverse impact.

4.3 Impact to Chippenham Fen and Snailwell Poor's Fen, including Fenland Special Area of Conservation (SAC), Chippenham Fen Ramsar / National Nature Reserve (NNR), Chippenham Fen and Snailwell Poor's Fen Site of Special Scientific Interest (SSSI) has not been adequately considered / justified. For example, insufficient evidence has been provided to demonstrate that the impact to the sites' aquatic invertebrates and potential effect on ground water.

4.4 The Council is concerned that the proposed mitigation measures are inadequate to mitigate adverse impact to Havacre Meadows and Deal Nook County Wildlife Site.

4.5 The Council is concerned that the impact of Battery Energy Storage System (BESS) fire safety measures on watercourses and hydrologically linked wildlife

sites, wetland habitats and associated species has not been adequately assessed.

- 4.6 The scheme does not adequately avoid, mitigate or compensate the losses of priority habitat. For example, the scheme does not protect arable field margins supporting notable arable plants of county and district importance.
- 4.7 The scheme does not provide sufficient details to determine whether adverse impacts on protected species will be adequately mitigated / compensated. For example, it is not clear how the proposed landscape scheme will create habitat to support breeding bird populations of district / county importance. In addition, the environmental statement does not accurately reflect the impact of the scheme on protected species (e.g. the loss of bat roosts at Burwell Substation).
- 4.8 Adverse impact to invertebrates from solar panels has not been adequately assessed / justified. Further mitigation measure may be required.
- 4.9 It is not possible to determine whether or not the scheme will deliver Biodiversity Net Gain (or at least no net loss) during either the operational or decommissioning phases.
- 4.10 The Construction Environmental Management Plan (CEMP) does not provide sufficient details to demonstrate that biodiversity will be adequately mitigated through the construction phase.
- 4.11 The proposed landscape scheme does not demonstrate how the scheme will deliver adequate biodiversity mitigation / compensation and deliver biodiversity net gain. For example, the landscape masterplan doesn't show all proposed habitats and the Landscape Environmental Management Plan (LEMP) does not provide any detailed design, management or monitoring of the proposed habitats / key features.
- 4.12 The scheme, including the Decommissioning Environment Management Plan (DEMP), provides insufficient details of the decommissioning phase to determine whether the scheme will result in long-term adverse impact on biodiversity. For example, no landscape masterplan has been submitted to show what habitats will be retained. The Council is concerned there is no long-term management / monitoring for these habitats, as well as any compensatory habitat / reinstatement of original habitats created as part of the decommissioning phase.
- 4.13 More detail will be provided within the Local Impact Report.

## **5 Flood Risk, Drainage and Water Resources (*Chapter 9 of the Environmental Statement*)**

- 5.1 Infiltration rates - It appears that the scheme is to utilise infiltration for the disposal of surface water. However, infiltration testing has not been undertaken to assess the feasibility for this approach across the site. Intrusive ground investigations must be undertaken for the LLFA to accept infiltration. Until this testing has been undertaken, it must be assumed that infiltration is not feasible, and an alternative point of discharge proposed.
- 5.2 The Lead Local Flood Authority (LLFA) would also expect groundwater vulnerability to be reviewed in any areas where groundwater could be at risk from infiltration. This includes a minimum clearance of 1.2m between the base of any infiltration feature and peak seasonal groundwater levels. If infiltration is proposed in areas where groundwater bodies are vulnerable to pollution, this must be suitably considered within the design.
- 5.3 Clarity and delineation of boundary - It would be helpful in the review of the information to clearly delineate where the boundary between Cambridgeshire and Suffolk is, as there are separate LLFA teams reviewing the information.
- 5.4 Attenuation volumes - Quick Storage Estimates (QSE) have been used to review the required level of attenuation for the scheme. It is acknowledged that this is a large site, however there is an uncertainty within the QSE calculation. The current proposals have used a storage requirement of the average for the site, assuming infiltration works. However, the LLFA requests that the maximum level of the QSE is used assuming a worst-case scenario, with no infiltration, to ensure that the capacity is available at the site. Alternatively, a conservative approach to calculate the attenuation required for the proposed impermeable area of the scheme should be undertaken.
- 5.5 FEH (Flood Estimation Handbook) rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.
- 5.6 It also appears that this model has not been made available for review. The system will be required to have a surface water hydraulic model for the proposed system for the LLFA to support the scheme.
- 5.7 Development in Flood Zones - The proposals include development within flood zones. No flood zone compensation appears to have been proposed within the scheme. This must be discussed with the Environment Agency (EA) to address compensation requirements within the scheme.
- 5.8 Drainage layout - whilst it is acknowledged that this is in the early stages of proposals, a more detailed drainage layout plan must be provided to demonstrate the different SuDS features in use across the site. This should also include all proposed drainage management systems for the battery storage and solar station areas.

5.9 Exceedance Plans – Plans demonstrating the exceedance routing of surface water in the event of system exceedance or system failure should be provided. This should ensure that any overland flows do not adversely impact any surrounding land or property.

5.10 Maintenance tracks - No details are currently provided on the maintenance tracks around the solar farm and how water will be managed from these surfaces. As these would be subject to use by vehicles, any surface water management scheme for these surfaces must treat water suitably to ensure that pollutants are not discharged into groundwater.

## **6 Landscape and Visual Amenity (*Chapter 10 of the Environmental Statement*)**

6.1 Cambridgeshire County Council has concerns for the impact of the scheme on the landscape. The scheme is of a significant scale and needs to be appropriately assessed with a mitigation strategy that recognises the number of landscape character types.

6.2 East Cambridgeshire District Council are leading on landscape and visual amenity (including historic landscape heritage) with respect to Cambridgeshire, and will be included in their relevant representations.

6.3 More detail will be included in the joint LIR.

## **7 Socio-Economic and Land Use (*Chapter 12 of the Environmental Statement*)**

7.1 The methodology adopted regarding Agricultural Land Classifications (ALC) appears to be to the Council's satisfaction and reflect the results the County Council has found in the surrounding area. However, the capability to produce crops seems to be understated. Grade 3 soils in Cambridgeshire can produce a great deal more than a Grade 3 soils in other areas of the country. The assessment needs to reflect this.

7.2 The loss of land capable of food production is less well documented and would be significant as is the array of crops, most of which are of high value.

7.3 We disagree with the assumption that construction traffic will be similar to agricultural vehicles and require mitigation measures to be in place to address soil compaction on sites during construction, operation and decommissioning.

7.4 There appears to be a lack of consideration to the cumulative impact of solar farms in the area. There are a number identified in Appendix 5A to be taken forward to stage 3 and 4 of assessment, that is not documented in this and other relevant parts of the ES.

## 8 Transport and Access (*Chapter 13 of the Environmental Statement*)

- 8.1 Consultation by the applicant on transport matters has been minimal. There have been only two meetings since consultation late 2020. These took place in March 2021 and August 2021 for which little detail was provided and no draft documents have been shared.
- 8.2 The current DCO and supporting documents contain insufficient detail to assess the impacts upon the highway network and the general travelling public. We are therefore unable to provide a meaningful and comprehensive assessment of the scheme. The main issues being:
- 8.2.1. The information provided is largely comprised of generic information with little site specific detail. It is therefore difficult for the Local Highway Authority (LHA) to understand the likely impacts and make an informed view in relation to the proposed scheme.
  - 8.2.2. As far as can be determined traffic flows (including deliveries and muck away vehicles) have not been provided for each individual access (including those on the cable route) so it cannot be determined if the locations of compounds and accesses are appropriate, feasible or if mitigation works are needed. It is noted that the applicant claims local operatives will travel directly to local sites and are 'not expected to have a significant impact' (ES Appendix 13B Paragraph 6.3.1) but movements cannot be qualified fully.
  - 8.2.3. What site specific information is provided, is often to such limited detail to be little more than schematic in nature. It does not provide the necessary local detail, and it cannot be determined whether existing highways are geometrically adequate to cater for the intended traffic levels, whether the access arrangements proposed are adequate and safe, or whether off site mitigation is needed.
  - 8.2.4. Other than the indicative layout of the two main carparks, we have been unable to locate specific details of internal arrangements such as internal tracks, buildings, loading area, turning provision etc. While such issues may be considered with respect to the Framework Construction Traffic Management Plan (FCTMP), it is not possible to consider whether adequate capacity (including those on the cable route) that will be available post construction.
  - 8.2.5. The application documents appear to lack a schedule of proposed works meaning it is not possible to meaningfully review the impacts of the scheme. For example, the Works Plan (EN010106/AAP/2.2) and 2.3 Access and Rights of Way Plan indicates broad areas of highway works, but do not clearly indicate what these works comprise to enable full consideration of whether the works are acceptable in layout, geometry, and safety terms. It is

yet to be determined if the works are feasible within the constraints of the public highway or land within the applicant's control.

- 8.2.6. References are made to a minibus for construction staff, but there is no supporting detail relating to routing, frequency, stop locations etc. or any meaningful commitment to this.
  - 8.2.7. 7.2.30 of Appendix 13C indicated that staff will be transported from the main site car parks to other site compounds on internal routes where possible but provides no detail to support what will be achievable internally, nor provide details the impact that internal movements may have on the use of accesses along the cable route.
- 8.3 Whilst it may be conceivable to address some of these issues through later submissions, a certain level of detail should be provided at this time such that the impact of the proposals on the Local Highway network can be determined, and indeed whether the works proposed are adequate and deliverable to mitigate the impact of the development. At a minimum, designs for access and all mitigation within the highway should be provided, supported by the necessary supplementary information (See below).

#### Draft Development Consent Order

8.4 A number of articles (for example Article 9(1)) do not give the local highway authority (LHA) any role in agreeing the design or standard of construction of proposed alterations to the highway. It also makes no reference to any amendments that may be required to the Public Right of Way (PROW) network. This sort of engagement is essential in ensuring that the proposed works are completed to the "reasonable satisfaction" of the LHA as mentioned in article 10(1), by collaboratively developing a framework for the undertaker to work within. Relevant articles are needing to be amended to include a requirement for the consent from the LHA. Equally there is no methodology for how Sunnica will seek approval from the LHA. It is important a process is agreed in the design, inspection, and approval of works.

8.5 There should also be clauses affording protection to the highway authority by permitting it the right to carry out inspections and to certify that the altered highways (including PROW) have been constructed to an acceptable standard.

8.6 See Appendix 1 for comments against specific articles.

8.7 Based on experience with other DCO schemes, the Council recommends that such matters can be dealt with through a legal side agreement, which should be agreed before any Examination of the draft DCO process starts. CCC does not agree with the current draft DCO and requires the insertion of clauses into the draft DCO to ensure it is able to better protect the interests of the public, to clarify

areas of responsibility in relation to the proposed scheme, and to enable it to interact with the undertaker more efficiently during implementation of the proposed works. This will also enable smooth delivery of the scheme and lessen the likelihood of delays.

#### Individual Accesses

8.8 The application is largely comprised of generic information and little site-specific detail. It is therefore difficult for the LHA to understand the likely impacts and make an informed decision in relation to the proposed scheme.

8.9 Indicative access locations have been provided in Annex C to Appendix 13c. Detail of design is insufficient as is the supporting information. Many roads are narrow, have limited visibility, poor surface quality and subject to national speed limit. Mitigation regarding highway safety, particularly large vehicles routed on constrained highways need to be shown in greater detail. This information should include:

- Vehicle tracking and visibility splays are needing to be provided for each access in sufficient detail to allow the LHA to assess.
- Any works need to consider ditches. Detailed designs need to show any work to ditches that would require consent from the LLFA.
- The number of journeys between sites throughout the day to each access. This information is needed to be able to assess if safe accesses are deliverable. Safe access is too fundamental to consider at a later stage in a Construction Traffic Management Plan.

8.10 Section 5.2.5 of Appendix 13c refers to a review being undertaken of road width on key road locations where a majority of HGV trips will occur. It is asked Sunnica seeks clarification from the LHA as to the lateral width of the highways for all routes. This is needed to ensure all impacts are identified and that any works proposed or undertaken within the DCO area do not unlawfully encroach upon the highway or have a negative impact on the users of the network. This applies equally for roads and PROWs.

#### Works within Highways

8.11 Works within the highway (include PROW) must be undertaken to the satisfaction of the LHA and to the relevant specification and standards. The applicant must clarify how this will be secured. Temporary works in the highway must also be undertaken to the same standard and specification.

8.12 Mitigation of the impact of HGVs use on the highway network need to be addressed through a Construction Traffic Management Plan and agreed with the LHA.

8.13 Crossroads are proposed onto the B1085. This would not normally be accepted on a rural high speed road, but may be considered in context of the proposed use and under traffic management during the construction phase, however further information relating to the cross-traffic movement will be required.

Framework Construction Traffic Management Plan and Travel Plan

8.14 The Framework Construction Traffic Management Plan (FCTMP) and the Travel Plan App 6.2 provides daily HGV, cranes and abnormal vehicles single direction movements. Routing and the split across each access has not been provided and therefore consider the data incomplete.

8.15 CCC requires anticipated flows for routes on minor roads linking to each individual cable route/minor access.

8.16 The vehicle occupancy assumption based on the 2020 transport assessment of Sizewell C DCO in Suffolk is not evidenced as being applicable to this scheme that is very different in nature.

8.17 The restricted movements at the A11/A14 junction 38, (vehicles west bound on the A14 are unable join the A11 north, and need to travel on to junction 37 of the A14 to cross over onto the east bound to return to junction 38), means it is likely light vehicles will travel cross country between the A11 and A14 through Red Lodge, Kennet or Tuddenham as reflected in the applicants forecast (Transport Assessment Annex F). The layout of this junction has a significant impact on traffic movements associated with this development which is not reflected in the TA (3.4.3).

Public Rights of Way (PROW)

8.18 The visual impact mitigation measures do not consider temporary mitigation whilst planting grows to a suitable height.

8.19 The Preliminary Environmental Impact Report 4.7.5 predicts the effects of noise to be negligible. This needs to be assessed in the context of inverters, switch gear and associated equipment in proximity to PROW and equestrian users that are sensitive preceptors to such noise. Sufficient detail of the location of such equipment is needed and where necessary mitigation provide.

8.20 There are a number of inaccuracies and missing information associated with the Access and Rights of Way (A&ROW) Plans and Permissive Paths Schedules 1 and 2. These will be amended to CCC's satisfaction.

8.21 Any new roads, footways, or other means of access into the development from the highway maintainable at public expense should, where they meet the highway, be constructed to a standard acceptable to the County Council as

Highway Authority. The Council requires that a Highway Standards specification be agreed with the Applicant that is included in a legal side agreement. The County Council requests liaison with Sunnica regarding this aspect of the development as soon as possible.

## **9 Air Quality (Chapter 14 of the Environmental Statement)**

- 9.1 We do not consider as stated in paragraph 14.2.16 “Exhaust emissions from road vehicles may affect the concentrations of the principal pollutants of concern (NO<sub>2</sub>, PM10 and PM2.5)”. We would suggest that with over 50 HGV movements a day that emissions from road vehicles are very likely to affect concentrations.
- 9.2 Clarity is needed to understand the assumptions for the performance of HGVs behind the modelling exercise referred to in Paragraph 14.6.1 and table 14.6.
- 9.3 More detail is required for how that in the Construction Logistic Plan (CLP) is delivered, and the measure to ensure all contractors and subcontractors and suppliers co-operate.

## **10 Human Health (Chapter 15 of the Environmental Statement)**

- 10.1 Further clarification is needed with regard to the impact on local primary schools and potential safe routes to school for walkers and cyclists. (15, paragraph 15.6.18).
- 10.2 The duration of time for severance of PROW needs to be provided to inform the impact for users.

### Battery and Fire Safety

- 10.3 One concern which has been raised by the local community is over the safety, in the event of a fire, of a considerable number of Battery Energy Storage Systems (BESS).
- 10.4 Suffolk Fire and Rescue Authority has led in responding to the proposals. This included comments made in the host authorities joint consultation response, requesting the risk characteristics of a potential lithium-ion battery fire are considered, and inform the design of BESS and mitigation of the risk.
- 10.5 The applicant has produced an Outline Battery Fire Safety Management Plan.
- 10.6 This will be explored in more detail in the joint Local Impact Response (LIR), to evaluate the submitted appendix on Unplanned Atmospheric Emissions from Battery Energy Storage System.

## **Appendix 1: Detailed Transport and Access Comments**

1. Based on the level information which has been provided, the following commentary is provided, divided into key headings.

### Access

- 2.1 The proposed locations of construction and operational accesses are ambiguous, with all access appearing to be retained for potential future use during the operational period. For the purpose of this application, all accesses will need to be considered as permanent works carried out to CCC's specification.
- 2.2 Indicative access locations have been provided in Annex C to Appendix 13c. These designs appear to be based on high-level mapping and/or aerial imagery. The detail of the design is insufficient as is the supporting information. For each access onto a CCC highway, we would expect to see an outline level of design (at scale) supported by appropriate visibility splays and swept path analysis (vehicle tracking). Further information relating to CCC's requirements for visibility and tracking is outlined below.
- 2.3 Many of the proposed accesses to compounds and construction sites are from minor roads with narrow carriageways, limited visibility, poor surface quality and which are subject to the national speed limit. We are therefore unable to advise, with the information provided, if access can be safely achieved. For example, the designs show accesses which (appear) to be sized for the swept path of construction vehicles, but it is unclear if any accommodation works on the main carriageway would be needed.
- 2.4 Crossroads are proposed onto the B1085. This would not normally be accepted on a rural high speed road, but may be considered in context of the proposed use and under traffic management during the construction phase, however further information relating to the cross-traffic movement will be required.
- 2.5 As indicated in supporting documents, some of these accesses will serve hundreds of daily vehicles. Given the anticipated levels of use, the detail provided is not sufficient. The design of safe accesses is considered too fundamental to be addressed at a later date in a Construction Traffic Management Plan. It is also unclear from the submitted documents if any vehicular trips between the various sites are proposed throughout the working day.
- 2.6 Trunk road slip roads are classified as being 'very low' sensitivity. Being an integral part of the network to be used connecting to the trunk roads these are of strategic importance and the assessment should reflect as much.

### 3 Visibility

- 3.1 At the location of each proposed access, the applicant should demonstrate that inter-vehicle visibility splays can be achieved which are proportionate to the signed speed limit (speed does not appear to have been provided for all access points). Based on the specifics of the access proposals and location, other visibility splays may be

required to ensure highway safety will not be compromised e.g., forward visibility, tangential visibility, pedestrian visibility splays.

3.2 All visibility splays must be achieved fully within land under the control of the applicant or within public highway. Such splays will need to be retained clear from obstruction from at least a height of 0.6m while the access is in place. Visibility has been highlighted in Annex C of the Framework Construction Traffic Management Plan (FCTMP), but it does not appear that all visibility splays shown fall within land under the applicants control or public highway, an example of this being the access to Sunnica West Site B access D, visibility appears to cross significant areas of private land. The plans detailing visibility splays currently provided are too small a scale to assess the achievable visibility or to assess the impact on adjacent land or features. The verified highway boundary must be shown on all submission drawings, details of which can be procured by following the instructions in the link below. It should be noted that ditches do not normally form part of the highway and would normally be expected to be in riparian ownership.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

3.3 Many accesses are proposed for minor rural roads which are subject to the national speed limit. This means that an inter-vehicle visibility splay of 2.4m x 215m. CCC accept reductions in visibility requirements based on the 85th percentile observed speed limit, provided that a speed survey is undertaken in line with the requirements of the DMRB document CA185 'Vehicle Speed Measurement'.

3.4 In other words, the access junction designs and locations cannot be accepted until the applicant has demonstrated that the above visibility requirements can be met.

3.5 While visibility requirements may be reduced during the construction phase with the introduction of reduced speed limits as proposed in table 6-1, or alternative traffic management, sites where appropriate visibility cannot be fully achieved within the public highway or land within the applicant's control would not be considered suitable for any intensification of use or potentially retention during the operational period. It should be noted that any temporary speed limit would be subject to a successful Temporary Traffic Regulation Order.

#### 4 Vehicle Tracking

4.1 Some vehicle tracking has been provided to support this application, but this is considered insufficient to demonstrate the suitability of accesses designs or any necessary mitigation on the public highway network. Vehicle tracking must be shown for the proposed works, not side-by-side imposed on the existing layout.

4.2 Many of the rural accesses proposed utilise existing narrow field access crossing ditches and it is often unclear from the information provided whether the swept path and proposed access arrangements can be accommodated without amendment to the existing ditch, which would require the consent of the LLFA or relevant Water Authority.

4.3 We are unable to determine the exact tracking movements which are necessary in absence of detailed traffic flow diagrams; where sites are reasonably trafficked, the guidelines set out below should be adhered to:

- For accesses with large flows of construction vehicles, deliveries or other HGVs, tracking is needed for two-way flows of the largest vehicles which are anticipated to use the access.
- For accesses with moderate flows of construction vehicles, deliveries or other HGVs, tracking is needed for the largest vehicle which is anticipated to access the site and a car/van exiting the site at the same time (and the reverse).
- For accesses to contractor parking areas, tracking of two large vans entering and exiting at the same time should be provided.
- Tracking for any abnormal vehicle is needed for the entire length of their journey from the Strategic Road Network.
- Tracking of site compounds is needed to demonstrate that turning is achievable off highway for HGVs and other construction vehicles.
- While turning of HGV's in a single direction in/out may be acceptable during the construction phase (providing no onward movements to other sites/accessible will be necessary), the access must be able to accommodate two-way movement in both directions by the largest class of vehicle that can be anticipated to use that access during the operational phase.

4.4 The above is a rough guide only, and we cannot provide further commentary with the level of information with which we have been provided. It's key that the applicant demonstrates through tracking, that no vehicle will be required to reverse on the public highway and that the construction traffic and the access design will not obstruct the operation of the highway.

4.5 Vehicle tracking for a Crane has been provided in Annex D of the FCTMP. A number of movements require temporary removal of highway assets which would require consent from the LHA. Other movements, particularly those through built up areas appear to pose a risk to the public where the vehicle crosses or overhangs footway or verge. Where such movements are necessary, they must be performed under escort and with banksman. Where local widening works are needed, these must be in place prior to the commencement of the development.

4.6 For purposes of feasibility, where any widening works are required to accommodate cranes or other HGV movement, it must be established that the proposal is located within public highway or land within the applicant's control and that any works consider the proximity of any ditches. It is not clear from the plans provided whether this has been considered; for example, Figure 44 of Appendix 13c shows proposed junction works at Weirs Drove, Burwell which appears to indicate works over ditches.

## 5 Traffic Modelling

5.1 CCC considers that there are shortfalls in the Transport Assessment that should be addressed. These include:

- Fundamental issues around the assessment of the development's impact based on 12-hour day shift patterns.

- The assessment of driver delay quantifies impacts in terms of changes to traffic flow but does not in terms of delay (e.g. increasing in journey time).
- There are a number of assumptions made without evidence to support them.
- Concerns remain regarding the accuracy of the ratio used to determine baseline flows in the development peak hours. The data used to calculate these reductions should be submitted for review particularly as Table 3-13 indicates a range of differences between these hours particularly for the AM.
- Dismissing traffic impact of construction traffic on Saturday is not accepted without evidence. The ending of a shift at 1300 may coincide with the peak on Saturday.
- Removing the minibus movements (59 single direction trips i.e. 118 movements) should not be dismissed from the modelling.
- Impacts are often dismissed based on their comparison to the peak hour (such as paragraph 13.8.227), this is not considered a valid reason for dismissing impacts given the assessment is to test the development's impact, not whether the network operates better during certain other periods.

5.2 CCC notes the operational stage is anticipated to require 17 permanent staff which has led to the operational stage being scoped out of the assessment. However, clarity is needed regarding maximum levels anticipated associated with maintenance described in the Chapter 13 Transport and Access, paragraph 13.8.254. "There will also be a requirement for additional staff to attend the sites when required for maintenance and cleaning activities".

## 6 Mitigation

6.1 It is unclear what mitigation is needed on the surrounding highway network.

6.2 Mitigation is based on a number of key measures being implemented, although the mechanisms to ensure these are delivered are not demonstrated. These include staff 12 hour working shift, vehicle occupancy, staff routing, parking access and permits, staff minibus. CCC seeks more supporting documentation to give weight to the mitigations proposed.

6.3 Regarding highway safety, mitigation may be required where large vehicles are routed on constrained highways and could include enlarged junctions, widened carriageways, passing points etc. To advise if mitigation is needed, we would need detailed contractor/construction traffic routing (incl. details of heavy vehicles), vehicle flows and appropriate vehicle tracking in relation to each access.

6.4 Such mitigation that is indicated is shown on high scale mapping/aerial imagery making its suitability impossible to determine. Any resubmission should be provided on a corroborated OS base as a minimum, or topographical survey where necessary to provide appropriate detail.

6.5 It is noted that section 5.2.5 of Appendix 13c refers to a review being undertaken of road width on key local roads where the majority of HGV trips will occur. It is suggested that such a study be extended to all roads effected by these proposals so that this can be considered alongside traffic volume and speed in determining suitable mitigation measures such as road widening or provision/ improvements to passing places. While a 4.8m width may be considered appropriate for two vehicle to pass in

Manual for Streets, this should not be considered suitable for all road and traffic conditions which must be considered in relation to the nature of the road, level of use and speed of traffic. Failure to provide sufficient carriageway width may result in overrunning of verges, damage to the haunch and fabric of the highway, which in turn can contribute to loss of control accidents.

## 7 Works within CCC Highways

7.1 Works within highway must be undertaken to the satisfaction of the LHA and to the relevant specification and standards. The applicant must clarify how this will be secured.

7.2 Further, the reasonable fees of the LHA in approving and inspecting works must be met by the applicant and further clarification and undertaking by the applicant will be required in this respect.

7.3 Temporary works in the highway must also be undertaken to the same standard and specification. The applicant must clarify which works are to be removed post construction and the nature of its reinstatement.

7.4 Where all works within the public highway (even temporary works) will need to conform with CCC's specification, this is available from the link below:

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

7.5 Wherever possible the 132kV cables should be laid in private land, not in the public highway. Where cables have to be laid in the public highway, ie where it laterally crosses the highway, the cables should be adequately protected, marker posts used to indicate the presence of the underground cables and recorded on a publicly available national underground asset register. On decommissioning, any apparatus laid in the public highway should be removed and not left in-situ.

## 8 Framework Construction Traffic Management Plan and Travel Plan

8.1 A Framework Construction Traffic Management Plan (FCTMP) and Travel Plan (EN010106/APP/6.2) has been provided to support this application. Both will need to be agreed with the LHA.

8.2 Tables 2-1 and 2-2 of this documents outlines daily HGV, cranes, and abnormal vehicle single direction movements. The subsequent text (paragraph 2.4.5) detail that during peak construction 1,393 additional staff trips per day (or 937 vehicles) are forecast on the network. Routing and the split across each access which correlates to the above has not been provided. We therefore consider this data to be incomplete.

8.3 The 1,393 additional staff trips per day assumes the busiest month across the two sites according to the phased construction. However, there is the potential for a higher peak if the phasing changes. When adding the peaks for each site the number of trips per day is higher. West month 12 + East month 8 = 1,521. It can be argued this is the worst case scenario against which to assess. Clarification is needed as to peak used in the assessment.

8.4 It is noted that a vehicle occupancy has been assumed based on the 2020 Transport Assessment for Sizewell C's DCO in Suffolk. Due to varied location, the same occupancy does not necessarily apply in this instance. Further information is needed on the workforce for this project to determine the most appropriate vehicle occupancy.

8.5 The FCTMP has been written with reference to CCC's Advisory Freight Map which is welcome. The FCTMP focuses on HGV movements to the two main sites, but it is unclear on the number of movements will be required to serve construction along the cable route or other minor access points. While some indication is given in Figures 8 and 9 of Appendix 13c of HGV routes through this area, we have been unable to locate any details of anticipated flows, nor indication of routes on minor roads linking to each individual cable route/minor access. This must be clarified.

8.6 Any temporary road closure or proposal for speed limit reduction though TTRO will require consent from the Street Works / Policy and Regulations Team under the relevant statutory process.

8.7 While it is acknowledged that this is a framework document, it is strongly advised that a detailed document be provided in relation to each individual site access prior to the determination of the DCO. In addition to the above commentary, it is recommended that such documents should include the following items:

- The routes proposed for HGV access from the nearest A or B class road.
- A condition survey of the route from the nearest A & B class road, the methodology of which is to be agreed.
- The location of any onsite buildings, welfare facilities, parking, loading, and turning areas to be maintained during the operational phase.
- The proposed manoeuvring area for delivery/muck away vehicles, this should include a swept path analysis for the largest vehicle to deliver to the site to demonstrate that this can enter and leave in a forward gear.
- If it is not possible to deliver on site or turn within the same, then details of how such deliveries will be controlled will need to be included, for example if delivering to the site while parked on the public highway how will pedestrian, cycle and motor vehicle traffic be controlled?
- Delivery times. If the site is served off a main route through the county (and this does not necessarily need to be a A or B class road), or other areas of particular traffic sensitivity then delivery and muck away times will need to be restricted to 09.30-16.00hrs Monday to Friday.
- Any access used by vehicles associated with the site be paved with a bound material (for at least 15m for larger sites) into the site from the boundary of the public highway (please note this is not generally the edge of carriageway), to reduce the likelihood of debris entering the public highway.
- Any works within the highway constructed to CCC specification.
- Any temporary gates used for site security must be set back at least 15m from the boundary of the public highway to enable a delivery/muck away vehicle to wait wholly off the public highway while the gates are opened and closed, or they must remain open throughout the entire working day.

- All parking associated with the proposed development should be off the public highway.
- Within the area designated for contractor/staff parking each individual bay must be at least 2.5m x 5m, with a 6m reversing space. However, given the nature of the construction industry i.e., that staff tend to arrive and leave site at approximately the same time spaces may be doubled up, i.e., 10m in length, 2.5 wide with a reversing space. A list of number of operatives, staff and trades that will be on site at any one time should be provided to ascertain if the number of spaces being proposed will be acceptable.
- It is likely that debris may be dragged on to the public highway the applicant should provide details of how this will be prevented. If a wheel wash or similar is proposed, the details of how the slurry generated by this will be dealt with must be provided, please note it will not be acceptable to drain such slurry onto or over the public highway.
- The public highway within the vicinity of the site shall be swept within an agreed time frame as and when reasonably requested by any officer of the Local Highway Authority.
- It is recognised that construction traffic occasionally damages the public highway, and the developer should include a note stating that such damage will be repaired in a timely manner at no expense to the Local Highway Authority.

## 9 Public Rights of Way (PROW) network and Permissive Rights of Way

9.1 The Council requires that the Applicant agrees a *PROW Specification* schedule as part of the Highway Standards specification to cover surface reinstatement of any PROW affected by the scheme and principles for permanent boundary treatment including landscaping. These issues are explained in more detail below.

### Glare and Shielding Landscaping:

9.2 The planning layout shows that the applicant intends to plant additional hedges or woodland alongside these PROW to reduce visual impacts of the development. The Applicant should provide more detail to ensure a minimum width of two metres must be left between the legal boundary of a PROW and any new planting, to allow for growth without unlawful obstruction of the highway. The Council welcomes this measure in principle and requests this is made a planning condition if this application is granted, together with the caveat as to distance from the highway.

9.3 The Council points out that it will take a number of years for hedges to grow to a suitable height to shield the development from path users. Mitigation in the short term is required. Therefore it also requests that temporary fencing with shielding netting is erected alongside all Public Rights of Way and these are maintained by the Applicant until the hedges are of suitable state to shield users from the visual impact of the solar farm. The same consideration is made for the permissive paths, which provide valuable additional Non-motorised User (NMU) connectivity for local communities.

### Noise:

9.4 At this stage there is insufficient detail provided in the documents to consider the location of the Solar Stations containing inverters, switchgear and other associated

equipment. The Preliminary Environmental Information Report in section 4.7.5 predicts the effects of noise to be negligible. However, The British Horse Society advice on Solar Farms noise explains that noise from inverters can be intrusive, and could potentially be disturbing to equestrian users of the Bridleway 204/5. It should be noted that a horse's range of hearing is wider than a humans and sounds are audible at lower decibels. The assessment needs to consider such impact and implement mitigation where appropriate.

Access and Rights of Way plans, version 00, 18 November 2021

9.5 The Council considers a number of changes are needed to the draft DCO in relation to a number of problems with the Access and Rights of Way plans ('A&ROW plans'), as set out below.

9.6 The A&ROW plans' do not show the County Boundary. Displaying the County Boundary on the plans would assist in identifying which affected assets are complete within or straddle the boundary, reducing the potential for gaps or overlaps in comments made by either LHA.

9.7 The A&ROW plans do not show the pre-existing extent of the highway. Nor do they display the effect that the proposed works might have on the extent of the highway once physical changes are delivered on the ground. Therefore, it is difficult for the highway authority to assess if all proposed works are within or will be within the highway, or to determine whether there will be changes to CCC maintenance liability once the proposed works are complete.

9.8 The A&ROW plans also do not show any proposed diversions for temporarily stopped up PROW. Therefore, the highway authority is unable to consider whether the applicant's proposals are acceptable in terms of the impact on the users of the affected PROW.

9.9 A&ROW plan number 10 shows a site for proposed work within the highway with reference AS-20. This reference appears to be missing from Schedule 5 of the draft DCO, so the highway authority cannot fully consider this proposed work.

9.10 A&ROW sheet 19 shows a street labelled as Little Fen Drove, in the parish of Burwell. Please note that this name is not recorded for that section of road in the highway authority's Local Street Gazetteer (LSG). The LSG record for the affected stretch of road uses the name Factory Road. The official street name can be checked with the street naming authority, East Cambridgeshire District Council.

9.11 Site reference AS-40 is incorrectly labelled in Schedule 5 as being within East Cambridgeshire District. In fact, it is within Suffolk and must be corrected in the draft DCO.

9.12 Permissive Paths: Schedule1 – Authorised Development “ *“permissive paths” means new access tracks providing restricted public access within the Order limits along the route shown on the access and rights of way plans;*” The permissive paths are not shown on the Access and Rights of Way plans. It is necessary for the proposed permissive paths to be shown on these plans so that their position and

connectivity with other PROW is clear. Therefore, the highway authority is unable to consider whether the applicant's proposals are acceptable.

9.13 Permissive Paths Schedule 2 – Requirements “*final routing of each permissive path to be provided, such routing to be substantially in accordance with the routing as shown on the plans contained within the outline landscape and ecological management plan;*” The Application plans do not include outline landscape and ecological management plan; and they are not shown on the 2.6 Nature Conservation Habitats of Protected Species and Important Habitats Plan. It is necessary for the proposed permissive paths to be shown on these plans so that their impact on biodiversity can be considered.

Articles within the draft DCO, version 00, 18 November 2021.

9.14 The following comments relate to concerns held by the LHA in relation to certain articles within the draft DCO.

9.14.1 Article 9(1). This article does not give the LHA any role in agreeing the design or standard of construction of any proposed alterations to the layout of streets. It also makes no reference to any amendments that may be required to PROW.

9.14.2 Article 9(2) and 9(4). Article 9(2) No methodology is proposed for how the undertaker should seek approval from the highway authority for such works. The Council requests that the article is amended to include a requirement for the undertaker to engage with the LHA in terms of the design, inspection and approval of works that emerge in addition to those specified by the DCO, in addition to requiring that the LHA consents to the works. Simply requiring the undertaker to seek “consent” (as in article 9(4) ) does not offer the LHA sufficient control over proposals that will affect its network, particularly when the nature of the potential works referenced in article 9(2) are unspecified and may be wide-ranging.

9.14.3 Article 9(3) and Article 11(1). Articles do not specify only those PROW within the order limits, or those that are required to be used for the delivery of the scheme, may be temporarily stopped up. This should be made clear. The Council requests that the article is amended to include ‘How the applicant propose to seek approval from the LHA for making such changes’.

9.14.4 Article 10(1). There should be clauses affording protection to the highway authority by permitting it the right to carry out inspections and to certify that the altered highways (including PROW) have been constructed to an acceptable standard.

9.14.5 Article 11(1)(a). This clause permits the applicant to authorise the use of PROW by motor vehicles. In order to reduce future maintenance liabilities falling on the highway authority, the applicant should also be liable for restoring any such PROW to a condition that is satisfactory to the highway authority, following use by motor vehicles (or if used for temporary works purposes as outlined in article 11(6) ).

9.14.6 Article 11(2). The LHA should have the opportunity to comment on any proposed diversionary routes for temporarily closed PROW, to safeguard against unreasonable

negative impacts on user convenience and safety. Engagement is sought on this matter, and the Council requests that this matter is covered through the FCTMP.

9.14.7 Article 11(4). There is no timeframe for the consultations specified in this article. The highway authority requests that a period of consultation is built into the requirements of the DCO. Typically in other DCOs affecting Cambridgeshire this has been 28 days and is considered reasonable.

9.14.8 Article 13. This article highlights the need for the Applicant to engage with the highway authority to agree procedures related to works they propose to undertake within the highway. This would cover several different aspects of the scheme, from commencement of detailed design through to completion and handover of assets to the LHA, as broadly outlined below.

- Agreement of construction standards for works in the highway and for PROW in a Highway Standards document attached to a legal side agreement;
- Agreement of process for approving detailed design of works proposed within the highway
- Co-ordination of site inspection by the highway authority, and project assurance during construction
- Carrying out RSAs where necessary
- Provision of asset data for amended highways
- Agreement of the asset liabilities once each work is complete
- Agreement of a certification and adoption process whereby works within the highway are returned to the highway authority for operational maintenance.
- Procedures for defects resolution during the 12-month maintenance period outlined in article 10(1) and 10(3).

9.14.9 Based on experience with other DCO schemes, the Council recommends that all these matters can be dealt with through a legal side agreement, which should be agreed before any Examination of the draft DCO process starts. The Applicant may intend to reach a separate legal agreement with the LHA in respect of these matters, as article 13 alludes. However, in the absence of such an agreement at time of writing, CCC requires the insertion of clauses into the draft DCO to cover the above items, to ensure it is able to better protect the interests of the public, to clarify areas of responsibility in relation to the proposed scheme, and to enable it to interact with the undertaker more efficiently during implementation of the proposed works. This will also enable smooth delivery of the scheme and lessen the likelihood of delays.

END