Suffolk County Council

Suffolk County Council's Relevant Representation

Sunnica Energy Farm (EN010106)

MARCH

2022

1. Introduction

1.1. Throughout the pre-submission period Suffolk County Council (SCC) has worked closely with the other host local authorities: Cambridgeshire 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. The councils 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. This representation has been approved by SCC's cabinet.

1.4. In this representation, issues are grouped by Environmental Statement chapter topic in the order in which they appear in the Applicant's Environmental Statement.

2. Summary

<u>Overall position</u>

2.1. SCC is unable to support the proposal as it stands, and considers that development consent should not be granted for the proposal as submitted.

2.2. In general, SCC has adopted a policy of being supportive in principle to renewable and low-carbon energy generation schemes, while working to ensure that the impacts of these schemes are suitably minimised. This is expressed in SCC's Energy Infrastructure Policy. In summary:

> "Suffolk County Council has declared a Climate Emergency and is therefore predisposed to supporting projects that are necessary to deliver Net-Zero Carbon for the UK. However, projects will not be supported unless the harms of the project alone, as well as cumulatively and in combination with other projects, are adequately recognised, assessed, appropriately mitigated, and, if necessary, compensated for."[1]

2.3. The draft DCO is unacceptable as several key assessments are inadequate, making it impossible for a decision-maker to evaluate the significance and degree of impacts. The lack of precision in assessments, if not corrected, would also cause challenges in the post-consent

[1] See SCC Energy and Infrastructure Policy: https://www.suffolk.gov.uk/assets/suffolk.gov.uk/strategic-electricity-networks/SCC-Energy-Policy-230212.pdf

detailed design phase and risk confusion over the limits of materiality for any proposed changes.

2.4. Due to the seriousness of these inadequacies, and the risk they pose to a smooth examination programme, SCC suggest that a date should not be set for a Preliminary Meeting until an action plan to address the evidential issues has been agreed between the applicant and the local authorities.

2.5. SCC remains concerned about the scale of this particular proposal, both physically and temporally, and the resulting impacts, which will be explored fully in the Local Impact Report. SCC considers that the proposed lifespan of the project of 40 years, and the consequent temporal accumulation of adverse effects, has not been justified in the application nor demonstrated to be reasonable and appropriate.

2.6. SCC is concerned that insufficient regard has been had to the mitigation hierarchy, and that all reasonable efforts have not been made to avoid, prevent, and reduce impacts, before turning to mitigation or compensatory/offsetting measures. SCC is also concerned that residual adverse impacts have not been minimised to the greatest extent or offset where further mitigation is not practicable.

SCC's key concerns

2.7. SCC has serious concerns about the environmental and socio-economic impacts, the quality of assessments of these impacts and the lack of mitigation in a number of topic areas.

2.8. SCC considers the current low quality of assessments and evidence within the Environmental Statement (ES) by the Applicant on a number of topics to be unacceptable: many of the assessments are lacking crucial information or are not sound enough to provide useful conclusions on impacts. Consequently, the mitigation package proposed is insufficient and not evidence based - some of the impacts anticipated by SCC are not mitigated at all, whilst, where mitigation is proposed, it often lacks ambition.

2.9. The following issues are of greatest concern at this point:

- Landscape and Visual Amenity: The scale, longevity and geographical distribution of the proposed development are likely to result in significant adverse effects as a result of intra-cumulative and accumulated impacts. SCC is concerned that, due to the way evidence is presented the ES assessment tends to under-estimate impacts. Mitigation proposals are not sufficiently tailored across a variety of landscape character types, and are not ambitious enough to sufficiently deal with the degree of harm caused by the project.

  Notwithstanding the overall concerns about the scale of the development, SCC expects the Applicant to provide a more thorough presentation of key areas of impact, and to work with the local authorities to reduce these impacts on the most sensitive receptors by redesigning elements of the scheme, and propose more ambitions mitigation proposals.

- Transport and Access: As a result of the Applicant not having undertaken pre-submission engagement with SCC on the transport assessment, SCC has not had the opportunity to discuss or provide comments on the methodologies for the Transport Assessment [APP-117] and the ES assessment of Transport and Access impacts [APP-045] pre-submission. The submitted material is not considered by SCC to be acceptable. SCC consider the assessments seriously flawed they fail to evidence conclusions, and SCC disagrees with many of the assumptions used, including the workforce modelling as an input to the transport assessment. There are also deficiencies in the highway-related provisions in the draft DCO.

  SCC expects of the Applicant as a minimum to update the ES chapter on transport and the transport assessment and methodology, in order to provide credible evidence of impact and required mitigation, to accordingly improve the mitigation proposals, and to re-write the highway provisions in the DCO.

- Socio-economics and Land Use: Inappropriate baseline evidence and assumptions mean that the workforce modelling contained in the Socio-economics chapter of the ES [APP-044] is unsound as a basis for the Outline Skills, Supply Chain and Employment Plan [APP-268]. This has implications for any other assessments that would be expected to make use of this modelling, such as Transport.

  Contrary to the Applicant's assessments, SCC does not anticipate employment and socio-economic benefits of any significance. Until sound assessments can be provided, SCC asks the ExA to consider that local and regional socio-economic benefits are negligible for this project.

- Community impacts: A project of the scale and nature proposed, which will radically change the sense of place, the place attachment of the residents, and the recreational amenities of the affected villages and communities, over a long period of time. It will also change the character of an area which has been shaped by a unique combination of agriculture and horse racing. The ES does not recognise this, and the need to mitigate/compensate for these impacts.

  Notwithstanding the overall concerns about the scale of the development, SCC expects an appropriate mitigation/compensation package for local communities.

- Cultural Heritage/Archaeology: SCC Archaeological Service has been working with the Applicant on the design and carrying out of archaeological evaluation work since early stages of the project. While there is potential for SCC to reach agreement with the Applicant on this matter during the examination, at the present time a full evaluation report has not been presented as part of the application, and mitigation has not yet been secured in the draft DCO or through obligations.

SCC must reserve its position pending sight of a full archaeological evaluation report and firm proposals how mitigation can be secured.

- Ecology and Nature Conservation: For this kind of project it should be possible for the Applicant to deliver sufficient ecological mitigation and enhancement, but gaps in the assessment must be corrected and adherence to the mitigation hierarchy should be more clearly evidenced. Outline mitigation proposals are lacking in detail, meaning that at present there is a lack of clarity concerning residual impacts.

SCC requires from the Applicant that gaps in the assessments are closed. Further detail and evidence of the mitigation proposals, in line with the mitigation hierarchy, have to be presented, and mitigation must be appropriately secured in the dDCO or in planning obligations. SCC must reserve its position pending sight of this information.

2.10. SCC acknowledges that for other topics the Applicant has made some progress since the statutory consultation, however further work is required. The issues which in SCC's consideration may be resolvable, if the Applicant is willing to pro-actively engage with the local authorities with appropriate funding for that work, are:

- Flood Risk, Drainage and Water Resources: SCC's review of the submitted materials and well as its local knowledge as Lead Local Flood Authority, indicates that there are few outstanding issues; these are likely be resolved through further technical work.

- Battery Fire Safety: SCC has, in its role as Suffolk Fire and Rescue Authority, outlined to the Applicant its firefighting requirements for dealing with the unique characteristics of Battery Energy Storage System fires. An initial review of the Outline Battery Fire Safety Management Plan [APP-267] indicates that appropriate measures will be put in place. Subject to securing appropriate mechanisms in the DCO, it is likely that agreement can be reached during the examination.

2.11. The body of this response covers SCC's comments on the ES chapters in more detail. More granular comments from the initial review of the Transport and Access materials can be found at Appendix A of this representation. Further detail, in particular on required mitigation will follow in the LIR.

Policy framework

2.12. SCC agrees with the Applicant's planning statement (see 1.4.4 – 1.4.5 of [APP-261]) that National Policy Statement EN-3[2] does not 'have effect' for the purposes of S104 of the

[2] See current EN-3: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37048/1940-nps-renewable-energy-en3.pdf

Planning Act 2008, and that therefore it is appropriate for the application to be decided under S105, unless at some point during the examination the draft EN-3[3] is designated.

2.13. In SCC's view both the current and draft National Policy Statements are likely to be 'important and relevant' for the purposes of S105(2). As the draft EN-3 contains technology-specific policy relating to large-scale solar development SCC thinks it is clearly more relevant in this case than the currently designated EN-3, notwithstanding that it is yet to be designated.

2.14. Given the possibility that draft EN-3 may be designated before either the conclusion of the examination, or the grant of consent, SCC considers that it would be helpful if the Applicant address points raised by draft EN-3 but not covered in their planning statement such as:

- Providing the site capacity on the basis of the AC capacity of inverters as per 2.48.7 of draft EN-3. SCC considers that the capacity of the project would be useful for the decision-maker in contextualising the benefits of the project and weighing them against adverse impacts.
- Justifying the proposed lifetime of the consent with reference to 2.49.9 – 2.49.13. While this is not a determinative policy test, it is clearly relevant to the evaluation of landscape and other impacts against benefits.
- Making clear, given the length of the consent over the typical 25 years envisioned by draft EN-3, whether there will be a substantial replacement of solar array equipment during the operational phase. Dependent on the scale of this operation it may be incorrect to scope out the assessment of operational impacts on themes such as Traffic and Transport and Socio-economics. (see also paragraph 6.4 below)

Detailed comments *(topics in alphabetical order)*

3. Community impacts

3.1. A project of the scale and nature proposed, which will radically change the sense of place, the place attachment of the residents, and the recreational amenities of the affected villages and communities, over a long period of time. The ES does not recognise this, and the need to mitigate/compensate for these impacts. This is further discussed under 7 (Landscape and Visual Amenity.

3.2. Notwithstanding the overall concerns about the scale of the development, SCC expects an appropriate mitigation/compensation package for local communities.

[3] See draft EN-3: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf

4. Cultural Heritage

4.1. SCC has reviewed the Interim Archaeological Evaluation Report for Sunnica East [APP-076]. It is important to note that this document is not a full evaluation report and does not include the results of the final phases of evaluation undertaken in recent months. Whilst SCC would have expected the results of these investigations to be included in the submission, SCC now expect a full evaluation report which includes specialist reports, C14 dates etc. to be submitted into the Examination, and to SCC Archaeological Service for approval and inclusion in the Historic Environment Record (HER), before determination of the application.

4.2. Dependent on the findings in the forthcoming full report, and observations during site monitoring visits, SCC may not need to object on archaeological grounds, as long as:

- the areas previously excluded from development or disturbance to secure the survival of important archaeological remains (on the basis of the Geophysical Survey results) remain excluded, and
- the methodologies adopted for the creation of grassland on archaeologically sensitive sites are appropriate to achieve preservation in situ of buried archaeological remains. SCC's assessment of this will be provided within the LIR.

4.3. There is evidence of significant archaeological remains of multiple periods, in several locations across the development area, that will require further post-consent investigation, detailed in a separate Written Scheme of Investigation. Archaeological mitigation is likely to include areas of set piece excavation, the extent of which will need to be agreed with SCC Archaeological Service in advance. The post-consent programme of archaeological excavation and reporting will need to be secured through Requirements and Conditions.

5. Ecology and Nature Conservation

5.1. SCC notes that important detail is still lacking from the Ecology and Nature Conservation chapter of the Environmental Statement [APP-040]. In particular (as detailed below), characterisation of some impacts is inadequate and the exclusion of certain ecological features from detailed assessment has not been justified. The detailed assessments fail to address all potential impacts and rely heavily on the Framework Construction Environmental Management Plan (CEMP) [APP-123] and Landscape and Ecology Management Plan (LEMP) [APP-108] for mitigation, which in themselves are lacking crucial details. Impacts should have been characterised and quantified wherever possible.

5.2. Avoidance of important habitats and species is paramount when considering projects such as this, specifically through the Mitigation Hierarchy in which impacts are first to be avoided or reduced, if they cannot be avoided or reduced then mitigated, and finally if they cannot be mitigated then compensated for. There has been insufficient evidence of adherence to this and SCC considers that further improvements to the design are required to follow the Mitigation Hierarchy by avoiding impacting upon important habitats and species, such as arable flora.

5.3. Detail is lacking on habitat creation proposals, for example how habitats to be created will link and form a nature network. Improvements to the riverine environment also do not appear to have been considered.

5.4. Insufficient detail is given regarding the mitigation measures and compensatory habitat upon which the conclusions of the impact assessment are hinged.

5.5. It is unclear how the Applicant will ensure the survival of compensatory habitats beyond the 40-year life span of the project. It is accepted that detailed assessments will be required nearer the time, however even at this stage it is appropriate to consider the outcome beyond the project and what would be proposed past that point. If consideration is not made past the 40-year lifespan of the project, it is possible that there could be a net loss to biodiversity.

5.6. Further enhancements could be delivered within the scheme and should be explored; the Biodiversity Net Gain Assessment [APP-259] shows a reasonable attempt at achieving net gain, however further supporting information regarding the specifics of how this will be achieved is required. This includes full calculations which should be included as an appendix. On the face of it, considerable net gain should be easily achievable however there is insufficient evidence provided at this point. Evidence will also be required to show Biodiversity Net Gain is on top of compensation and mitigation to avoid double-counting.

5.7. The Habitats Regulations Assessment (HRA) [APP-092] shows likely significant effects on Breckland Special Protection Area (SPA). The Appropriate Assessment includes proposed mitigation such as land for nesting and foraging Stone Curlew; SCC is awaiting Natural England's view as to whether these proposals are acceptable mitigation according to Habitats Regulation Assessment (HRA). It will be important to consider whether there is certainty over the effectiveness of the measures proposed and whether these proposals meet the criteria set out in Natural England's advice note 'Sourcing and managing mitigation land'.

6. Flood Risk, Drainage and Water Resources

6.1. As Lead Local Flood Authority, local knowledge indicates that there are not many areas of concern remaining at this stage and with a little more work SCC should be able to reach agreement with the Applicant.

6.2. Any locations within the order limits which are recorded to be within areas at risk of flooding from any source of flooding should be reviewed and the proposals designed to reflect the level of risk in accordance with the sequential approach. Please note that the national pluvial flood mapping has been recently updated and the flood risk assessment may need to be reviewed to reflect this.

6.3. The sustainable management of surface water should be considered for all sites both during the construction and, where applicable, the operational phases with runoff managed in accordance with the Construction Industry Research and Information Association (CIRIA)

Sustainable Drainage Systems (SuDS) hierarchy[4]. Following the completion of the construction phase, runoff from the area within the order limits should replicate the greenfield scenario.

6.4. Where the proposals lie within areas where aquifers, groundwater or water bodies are recorded to have a particular vulnerability to pollutants, then this must be given appropriate consideration within the designs.

6.5. There are a significant number of Ordinary Watercourses within the project area for which measures will need to be taken to ensure any adverse impacts to them are minimised or eliminated entirely where possible.

6.6. A surface water management plan (SWMP) has been undertaken for the Newmarket area[5], the findings of which should be incorporated into the design, such that the proposals do not adversely impact sensitive catchments.

6.7. Suffolk County Council have issued guidance[6] on the sustainable management of surface water and flood risk with respect to development which should be reflected within the designs for the proposed works in the area under the jurisdiction of Suffolk County Council.

6.8. BRE365 compliant infiltration testing will be required in locations where infiltration features are to be located to support the designs.

6.9. For locations on steep slopes or where overland flows of surface water are known to present issues locally, even if this hasn't been identified on national pluvial flood mapping, an allowance should be made for this within the location and design of (SuDS) features (e.g. including interception features to safely divert flows).

6.10. Exceedance flows should be identified on a plan demonstrating where water would travel should a rainfall event occur that was in excess of the design capacity of the network or in the event of a blockage or failure of the system. Exceedance flows should be mitigated where necessary (i.e. where they cannot be directed away from existing/proposed buildings).

6.11. Blue/Green corridors within the site must be protected both within the overall design and throughout the proposed works. A detailed assessment of the topography and existing/proposed contours must be undertaken to establish the location and nature of the existing flow-paths. Any existing corridors must be retained or enhanced where possible.

[4] See CIRIA SuDS Manual: https://www.ciria.org/ItemDetail?iProductCode=C753&Category=BOOK&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91

[5] See Newmarket SWMP: https://www.greensuffolk.org/app/uploads/2021/05/2019-06-04-Newmarket-SWMP-Report-for-Sharing-FINAL.pdf

[6] See Suffolk Flood Risk Management Partnership SuDS Local Design Guide: https://www.suffolk.gov.uk/assets/Roads-and-transport/Flooding-and-drainage/Strategy-Apendicies/2018-10-01-SFRMS-SuDS-Guidance-Appendix-A-.pdf

7. Landscape and Visual Amenity

Scale and extent of the project

7.1. In landscape terms Sunnica is set apart from other consented solar developments, including other NSIPs, by its scale and extent, as it consists of four sites which are connected by four cable corridors (982ha, without cable routes), and a National Grid Substation Extension. These factors lead to significant landscape and visual issues.

7.2. Rather than being perceived as a solar development occupying an area of land within a wider landscape, Sunnica has the potential to dominate and transform the local landscape, to alter it beyond recognition, and thus to create a new landscape altogether.

7.3. Parts of Sunnica East A, all of Sunnica East B and some cable routes, are located in Suffolk.

Longevity of impacts

7.4. While the adverse visual effects on communities may be justifiable in the short term to address the climate crisis, it is not justifiable to seek a consent that goes beyond the initial lifespan of the PV panels (approx. 25 years) without providing an opportunity to assess the policy merits of the proposal at that time. SCC considers that the proposed lifespan of the project of 40 years, and the consequent temporal accumulation of adverse effects, is not reasonable and appropriate considering that the need is to deliver Net Zero by 2050, and decarbonise the Grid by 2035[7].

The impacts on character, amenity, and sense of place

7.5. The fragmented layout of the proposals, located amidst and around several settlements, has the potential to impact on local character to such an extent as to affect the sense of place, and the place attachment of the residents, of the affected villages and communities. Many residents will experience the adverse visual and perceptual effects of various elements of the solar farm as part of their daily routines. The visual elements include not only the panels themselves but also the battery storage compounds, substations and general security infrastructure such as fencing and lighting, as well as access roads.

7.6. In its entirety the scheme is likely to adversely affect the residents' quality of life, contrary to the Design Principles of the National Infrastructure Commission[8].

7.7. Therefore, the intra- and inter-cumulative, and sequential effects, on landscape character and on recreational and transport users of highways, Public Rights of Way, promoted and cycle routes will need to be fully explored and minimised.

Assessment and presentation of adverse effects

7.8. Concerns remain with regards to the visualisation of the visual effects of the scheme, and some judgements made as part of the landscape and visual assessment process.

[7] See BEIS announcement: https://www.gov.uk/government/news/plans-unveiled-to-decarbonise-uk-power-system-by-2035

[8] See Design Principles for National Infrastructure: https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf

7.9. Elements of the scheme, such as proposed road improvements, within settlements and in the countryside, have not been included in the Landscape and Visual Assessment (LVIA) [APP-042], despite their potential to have adverse effects (such as urbanisation, loss of vegetation and visual amenity) in the rural landscape.

7.10. Visual receptors do not reflect previous requests by SCC to demonstrate the impact for other users of the Public Right of Way U6006. Visual impact height remains at 1.6 metres and additional height not included as previously requested. This does not give a true impact for all users, included increased height for equestrian use. (APP 216, viewpoints 15 to 16).

7.11. Cumulative effects with other schemes (see section 10.11 of [APP-042]) do not appear to be fully integrated within the assessments of landscape and visual effects.

7.12. Given the scale of the proposal, and the consequent accumulation of non-significant effects, it will be essential to address and minimise these as far as possible, as in-combination non-significant repeated or sequential visual effects will become significant.

7.13. While the adverse visual effects on communities may be justifiable in the short term to address the climate crisis, it is not justifiable to seek a consent that goes beyond the initial lifespan of the PV panels (approx. 25 years) without providing an opportunity to assess the policy merits of the proposal at that time. SCC considers that the proposed lifespan of the project of 40 years, and the consequent temporal accumulation of adverse effects, has not been justified in the application nor demonstrated to be reasonable and appropriate considering that the need is to deliver Net Zero by 2050, and decarbonise the Grid by 2035[9]. It is possible that the balance of planning costs and benefits in 25 years' time could be different than at present due to changes to the policy and technology landscape.

7.14. It is understood by SCC that shortening the life of the project may not be a viable prospect. In this case, it is our view that the additional accumulation of impacts of the longer period may require careful balancing and mitigation beyond the basic expectations of the draft policy.

The mitigation proposals

7.15. The aim for landscape design and mitigation should be to retain the legibility and character of the landscape and, ideally, to reduce the visual effects to zero, where possible, as suggested at paragraph 2.51.2 of the draft National Policy Statement for Renewable Energy Infrastructure (EN3)[10], especially for visual receptors, at the edges of settlements, and along routes connecting settlements.

7.16. As the mitigation must be appropriate to the local landscape character, it may not be possible to screen the solar panels from all visual receptors. For these areas positive place making is required and the Applicant needs to provide innovative design solutions which

[9] See BEIS announcement: https://www.gov.uk/government/news/plans-unveiled-to-decarbonise-uk-power-system-by-2035

[10] See draft NPS EN-3: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf

demonstrate that, although the panel arrays may be visible, they sit well within the landscape, are not dominant or too prominent, and do not detract significantly from it. We consider that additional tree and hedgerow planting, including along some internal field boundaries, will be required to break up and soften views across large extents of solar panels in a number of locations.

7.17. The required mitigation to make the proposals acceptable in landscape terms will need to be integrated and compatible with any the aims of mitigation for ecology, cultural heritage, and well-designed public access.

7.18. The network of existing environmental features should be retained and enhanced as part of the vision in the Landscape and Ecology Management Plan (LEMP) [APP-108], along with new features that are required and proposed by that plan. Together these will form the framework in which the development will sit.

7.19. However, a key component in the success or otherwise, of the project's Green Infrastructure (GI) will be effective management, in the short and long term, and this should be part of the LEMP vision. Inconsistencies within the Environmental Statement (ES) with regards to the retention of the gained Green Infrastructure post-decommission, create uncertainty.

7.20. If the intention is for the proposed GI to reflect the surrounding landscape character and context, this should be part of the overall LEMP vision.

7.21. Landscape proposals should be tailored to the location, and conditions and required functions of each site, noting that these change across the DCO site. Therefore, specific design solutions and management prescriptions will be required. The current proposals (as set out in the LEMP) do not seem to embrace this approach sufficiently.

7.22. The continued lack of relevant detail (for example, with regards to the spatial arrangement of various components of infrastructure in each parcel; the quantification of vegetation losses; the consideration of required visibility splays for access points and their impact on roadside trees and hedges; the design of access points; etc.) does not promote the full and clear understanding of the landscape and visual effects of the proposals.

8. Socio-economics and Land Use

8.1. The socio-economic assessment [APP-044] fails to correctly assess the likely effects of the project proposal on socio-economics, and all conclusions with regards to impacts and effects of the scheme presented to date are therefore inadequately supported by the available evidence presented as part of the application.

8.2. The basis of any robust assessment starts with the collation of data to benchmark a socio-economic baseline for the affected geography, and then the economic impacts and significance of these impacts arising from the scheme is set against this baseline and its associated sensitivities.

8.3. SCC has significant concerns with how the Applicant has modelled their labour assumptions, and their use of ready reckoners taken from the Homes and Communities Agency (HCA)

Additionality Guidance[11]. The use of these ready reckoners implies a misunderstanding of correct modelling principles.

8.4. In their labour modelling the Applicant has assumed that 100% of the workforce needed to deliver this project is available within a 45 minute travel time of the site and then further compounded this error through the assumption that all indirect and induced benefit will also occur within the same 45 minute travel zone. This would only be true if the entirety of the supply chain needed to deliver this project is located within the travel study area, which is highly unlikely.

8.5. SCC expects the Applicant to identify the different skills required across their total workforce, and then the propensity and flexibility of the labour market within the 45 minute travel study area to fill these identified roles. Until the Applicant has done this very basic work, to understand where their prospective workforce is likely to come from, the effect of any conclusions reached for socio-economics, transport, accommodation, healthcare services, local amenities, businesses and residents, are completely flawed and therefore should be disregarded.

8.6. Contrary to the Applicant's assessments, SCC does not anticipate employment and socio-economic benefits of any significance. Until sound assessments can be provided, SCC asks the ExA to consider that local and regional socio-economic benefits are negligible for this project.

8.7. Concerns have been raised by the local community in relation to the applicant's assessment of Agricultural Land Classification for the scheme. Suffolk County Council has not to date been able to provide a detailed critique of the assessment owing to a lack of in-house expertise. However, the issue is relevant to national policy as set out in NPS EN-1[12] and SCC would therefore be keen for these concerns it to be explored and resolved during the examination.

9. Transport and Access

Consultation with the Highways Authority

9.1. Consultation by the Applicant on transport matters has been minimal (which is in contrast to many other NSIPs brought forward in Suffolk over the past few years: For EA1(N), EA2 and Sizewell C, SCC as highway authority was involved at an early stage of consultation and during preparation of the draft Development Consent Order (dDCO)). SCC disputes the numerous references (e.g. in the Consultation Report [APP-030]) claiming that the Applicant has continued to engage with the host authorities.

[11] Referenced in [APP-044] as Ref 12-1, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378177/additionality_guide_2014_full.pdf

[12] See Overarching National Policy Statement for Energy EN-1 at para 5.10.15: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

9.2. The four authorities provided a detailed response to the PEIR. However, many of the issues raised in this have not satisfactorily been addressed by the Applicant. In some cases SCC's response has been taken out of context and presented as showing that SCC had agreed the method of assessing environmental impacts. [APP-030]

9.3. During the initial review of the submitted documents SCC has identified shortcomings in the content that made them inadequate for evaluating the impact of this project on the transport network. Regrettably, the Applicant has not taken opportunity to rectify these prior to submission and this means that a great deal of remedial work will have to be concentrated in the 6-month examination period. This will require considerable resources at a time when SCC is involved in the delivery of a number of NSIPs and the consultations of others.

Draft Development Consent Order [APP-019]

9.4. The dDCO does not include sufficient protection for SCC as the Local Highways Authority either through requirements or protective provisions. The dDCO is not acceptable in its submitted form and falls considerably short in terms of quality and content compared to similar orders recently presented for examination.[13]

9.5. The schedules such as those for road closures and speed restrictions have yet to be assessed in detail. Experience has shown that significant resources are required to check these to ensure they are accurate and therefore enforceable.

9.6. There is no requirement within the dDCO requiring approval of highway works by SCC and therefore no control on the detailed design of the accesses.

9.7. Further discussion is required regarding the proposed inclusion of authorisation of use of motor vehicles along and across Public Rights of Way.

Works Plans [APP-007], Access and Rights of Way Plans [APP-008]

9.8. SCC is continuing to review these documents and will provide detailed comments in the LIR.

Specific Regional Highway Concerns

9.9. At A14/A142 junction 37 heavy vehicles have to 'boomerang'[14] due to the movement constraints at the A11/A14 junction 38 (as there is no connection between A14 westbound and A11 northbound or A11 southbound and A14 eastbound). This junction has a poor safety record with a number of crashes recorded at the junction of the slip roads and the A142 and reported congestion.

[13] For example see East Anglia 1 North draft DCO: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-005380-3.1%20EA1N%20Draft%20Development%20Consent%20Order.pdf

[14] Vehicles having to 'boomerang' refers to A14 westbound construction vehicles having to leave the A14 westbound via the J37 slip road, cross the A14 on the A142 overbridge and join the A14 westbound so that they can access the A11 northbound. This is necessary due to the restricted movements at the A11/A14 junction 38. The reverse manoeuvre is required for vehicles to gain access to the westbound A14 from the southbound A11.

9.10. The restricted movements at the A11/A14 junction will also result in light vehicles travelling 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).

Specific Local Road Network Concerns

9.11. SCC will provide details in the LIR, but the key concerns can be summarised as:

- the suitability of narrow rural lanes for construction traffic. An unusual feature (for Suffolk) is that many of the minor roads are relatively straight and hence can give the impression they can be driven at speed. However, sharp bends and vegetation make high speeds hazardous (see Framework Construction Transport Management Plan and Travel Plan [APP-118] Table 6-1).
- the lack of concern for vulnerable road users within the submission documents, for example by assuming their absence in the Transport and Access Environmental Statement chapter [APP-045]. Although the data has limitations in providing a robust quantum, SCC has access to data that shows there is some use of the local highway network by cyclists and pedestrians including between the hours of 0600 to 0700 and 1900-2000.

Public Rights of Way and Permissive Access

9.12. Permissive Access proposed is limited and not all opportunities explored within the landscape buffers. Given the time-limited nature of the proposals there is concern that these would not be permanent improvements to the Public Rights of Way network, lasting beyond decommissioning. Details of users of proposed access also not stated. Consideration needs to be beyond pedestrian use and to include access for non-motorised users.

9.13. It is noted that routes are incorrectly referenced within the document as Footpaths and do not show their correct higher legal status, Bridleway, Restricted Byway. This (Table 10-7: Visual Receptor Sensitivity) provides a false impression of status and users of specific Public Rights of Way.

10. Battery Fire Safety

10.1. 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).

10.2. SCC, in its role as Suffolk Fire and Rescue Authority, asked the Applicant during the consultation phases to fully explore the particular risk characteristics of a potential lithium-ion battery fire and consider what design measures and safety processes should be in place to mitigate the risk of fire and allow Suffolk Fire and Rescue Service to effectively respond in an emergency.

10.3. The Applicant has produced an Outline Battery Fire Safety Management Plan [APP-267] which appears to meet the requirements SCC outlined during the consultation process.

Therefore, subject to the relevant control documents being secured by the draft DCO, it is unlikely that SCC will object to this aspect of the development on fire safety grounds.

10.4. This will be explored in more detail in the LIR, as it should be noted that SCC does not have sufficient in-house expertise to be able to evaluate the submitted appendix on Unplanned Atmospheric Emissions from Battery Energy Storage Systems [APP-124].

Appendix A: Detailed comments on Transport and Access documents

1. Chapter 13 'Transport and Access' (Environmental Statement) [APP-045]

1.1. SCC has, contrary to comments made by the Applicant, not agreed to the methodology used, and on review, the assessment is not considered acceptable.

1.2. For example, table 13-3 (page 13-24) sets out the main issues raised during consultation, with regards to link sensitivity the Applicant has set out that SCC made the following comment: "*Categorisation does not appear to be unreasonable and should be agreed with the relevant highway authority"*. However, the statement provided in SCC's consultation response was actually: *"Although the method of categorisation does not appear to be unreasonable, given the relatively small number of links being assessed, and that an absence of facilities does not necessarily mean an absence of users; the categorisation of each link should be agreed with the relevant highway authority."*

1.3. SCC is concerned about how this is misrepresented. The Applicant's categorisations may useful as a starting point, but as the Applicant has not sought to discuss and agree the sensitivity of the links with SCC as expected, nor investigate their use by Non-Motorised Users (NMUs), the classification of the sensitivity of the links is not considered to be acceptable, and represents a significant risk to the conclusions of the assessment. It is also believed that the additional classification based on 'highway sensitivity' has been added since consultation.

1.4. Significant concerns include the following:

- Inappropriate assessment of sensitivity: placing the majority of local highways in the 'very low' category and hence whatever the magnitude of additional traffic the severity of the impact will be calculated as minimal.
- A generic approach has been taken in the assessment ignoring local characteristics. This is particularly marked when considering pedestrians, cyclist and horse riders who are grouped as NMUs and dismissed as being too few to be of importance.
- Professional judgement or consideration has frequently been used without evidence or substantiation. The assessment includes comments such as 'not considered /not considered likely' (12 times) or impacts are dismissed using 'professional opinion' (20 times) without reference to evidence.
- SCC disagrees with the identification of trunk road slip roads as being 'very low' sensitivity, and cannot understand the rationale for this. As slip roads provide the direct connection onto the trunk roads they are clearly of strategic importance.
- The Applicant has used an average car occupancy factor which was agreed by SCC for Sizewell C, but Sizewell C is a different project with off-site park and rides, a local bus service, site campus and a different workforce profile. It is therefore inappropriate to

use the same figure without reflection on the relevant differences between the two contexts.

- The assessment should be aware that the AIL route used between the Port of Ipswich and Burwell diverts onto local roads to avoid weak structures on the SRN.

Construction Programme

1.5. Paragraph 13.3.4 notes that the construction programme has been assessed as the shortest realistic programme. It sets out that a phased construction would be the same or lesser in terms of effects, as previously noted for the assessment of combined effects clarification is sought on the potential for the individual peaks to occur as an 'in-combination peak' (West month 12 + East month 8 = 1,521) rather than the current assessment which is based on the busiest month of the 24 month programme (month 9 = 1,393 staff), as, if this could potentially occur, then this would represent the true worst case impact. If it cannot reasonably occur, then controls should be put on the peak number of staff movements to ensure that this is the case.

Car Occupancy

1.6. Paragraph 13.4.10 sets out the Applicant's assessment of car share, which is based on the assessment methodology used for Sizewell C, which was in turn based on evidence collected from Hinkley Point C. SCC does not agree with this application for the following reasons:

- Sizewell C and Hinkley Point are much larger development with a larger workforce potentially making car sharing more likely.
- The transitory nature of the workforce i.e. staying in shared accommodation whilst working on the Sizewell C project may make them more likely to car share.
- REP2-046 of the Sizewell C Transport Assessment (EN010012-004849-D2 - Sizewell C Project - Other- Consolidated Transport Assessment Appendices Part 1 of 6.pdf (planninginspectorate.gov.uk)) sets out the methodology used and Table 4 of Appendix 7B provides the surveyed car share figures from Hinkley Point, importantly the car share factors being experienced at that time were approximately 1.3 workers per car. The use of 1.54 workers per car was for non-home based workers only, with home based workers remaining at 1.1 workers per car. Therefore, a generic application of 1.5 is not representative of the data.

1.7. Further information is needed on the workforce to determine which of the figures above would be most appropriate for the development's workforce.

2. Appendix 13A Relevant Legislation and Policy for Transport (APP-116)

2.1. SCC does not consider the Applicant has full applied the appropriate national guidance in preparation of the Transport Assessment, specifically in terms of traffic modelling.

2.2. Paragraph 5.13.1 of the NPS EN-1 and quoted by the Applicant states that if the project is likely to have significant implications a transport assessment should be undertaken using

WebTAG methodology. The Applicant refers to their ref 4 stating they have used *Ministry of Housing, Communities and Local Government (March 2014) Travel Plans, Transport Assessments and Statements, ID 42*. The MCHCLG document explains why transport assessments and travel plans are required and at a high level what they should contain. The document does not reference the methodology to be used nor provide detailed comments on assessment methods. The submitted TA does not in SCC's opinion contain all that is required for a 'thorough assessment of the transport implications of development' as required by the guidance. The application fails to encourage sustainable travel, lessen its traffic generation and as such its detrimental impacts nor improve road safety as would be expected from a Transport Assessment. The assessment does not undertake a full assessment of road network capacity, as would be expected, but rather relies on work undertaken as part of the Forest Heath Local Plan process, which although relevant does not negate the need for specific junction modelling. The guidance indicates that the timeframes that the transport assessment covers should be agreed with the local planning authority in consultation with the relevant transport network operators and service provided.

2.3. SCC disputes that the transport assessment has been submitted with acceptable levels of consultation with the local highway authority notably that comments made during consultation have not been reflected in the application.

2.4. The Applicant has not demonstrated whether or how it has considered local policy and guidance such as:

- Local Transport Plan: https://www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/2011-07-06-Suffolk-Local-Plan-Part-1-lr.pdf https://www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/2011-07-06-Suffolk-Local-Plan-Part-2-lr.pdf
- SCC travel plan guidance: https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/
- Green Access Plan Green Access Strategy (Rights Of Way Improvement Plan) | Suffolk County Council
- Highways Operational Plan: https://www.suffolk.gov.uk/assets/Roads-and-transport/how-we-manage-highway-maintenance/Highway-Maintenance-Operational-Plan-May-2021.pdf
- Highways Asset Management Plan: https://www.suffolk.gov.uk/assets/Roads-and-transport/how-we-manage-highway-maintenance/Highway-Infrastructure-Asset-Management-Plan.pdf
- Speed Guidance: https://suffolkroadsafe.com/wp-content/uploads/2021/07/Speed-Limit-Policy.pdf
- National Bus Strategy in Suffolk: https://www.suffolk.gov.uk/roads-and-transport/transport-planning/national-bus-strategy-in-suffolk/

3. Appendix 13B Transport Assessment (APP-117)

Operational Phase

3.1. Scoping out of the Operational Phase would be acceptable provided that it can be confirmed by the Applicant that there is no likelihood of significant maintenance, such as wholescale replacement of solar panels or batteries, during this phase. SCC notes the definition of 'maintain' in Article 2(1) of the draft DCO [APP-019] allows for partial replacement and the limitation in Article 5(3) on maintenance works which have new or different environmental effects to those assessed, and will be seeking clarification and confirmation as to what is intended, given that baseline conditions for the receiving environment (especially as regards traffic) can be expected to be very different in 20 or 30 years' time.

3.2.

Working Hours

3.3. The Applicant relies on strict shift patterns to avoid impact on the highway network in peak hours. SCC requires further evidence that this can indeed be delivered and that acceptable controls are in place to ensure that trips do not exceed those assumed and greater impacts occur on the highway network than assessed.

Parking Strategy

3.4. Further details are required to show that the parking permit scheme will be effective, for example there are no controls on workers parking in nearby communities and being picked up by colleagues for the last mile, resulting in potential fly parking. Details such as how traffic will be managed when entering the car parks is lacking.

HGVs

3.5. SCC is not satisfied with assumptions made such as a constant profile of movement throughout the day. This is contrary to information provided for other projects.

3.6. The data used to calculate the number of HGVs for construction is being reviewed, but initial concerns are that key issues such as the movements to supply and remove aggregate for haul roads and peaks associated with concrete pours have been considered.

Traffic Survey Data

3.7. As set out at paragraphs 3.4.17 and 3.4.18, there are limitations to the traffic data provided. SCC appreciates that current circumstances make collecting additional data difficult and that historic traffic patterns may alter as a result of the pandemic. On this basis SCC has attempted to review and respond pragmatically; however, there remain locations where data is not provided, and this is particularly important when considering the absence of data on NMUs, and the assessment of impacts on this basis.

Road Safety

3.8. SCC has not fully reviewed the crash data presented but remains concerned regarding the frequency of crashes at A14/A142 Junction and the impact of the construction on the safety of minor roads adjacent to Sunnica East particularly vulnerable groups.

Rights of Way

3.9. Requirement 21 (APP-019) ensures that the permissive paths must be retained until decommissioning. However, this will not form a permanent right of way given to the benefit to rights of way users, nor will the permissive paths have the same amenity value as existing rights of Way. Thus, SCC considers limited weight should be given to these proposals by the inspector. No 'permitted path details' are provided so it is unclear who will be responsible for their maintenance.

3.10. No evidence has been provided to substantiate the claim (6.15) that the PRoW are recreational routes nor surveys undertaken to show that the 'expectation' that pedestrian flows are low is correct.

Traffic Modelling

3.11. SCC considers that there are shortfalls in the Transport Assessment such as:

- fundamental issues around the assessment of the development's impact based on 12-hour day shift patterns
- The assessment of driver delay does not quantify impacts in terms of delay (e.g. increasing in journey time). The impacts are entirely based on changes in traffic flow, and whilst this may provide some indication about the potential change in delay it does not define the changes in delay meaningfully.
- The use of phrases such as 'it is expected' or 'it is considered that' should not been accepted as evidence.
- 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 which appears to be between 0.6 and 0.8 rather than the 0.4 which has been used, albeit it is recognised that these figures are for a more strategic part of the network and so may be lower for more rural locations.
- 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 particularly on Elms Road.
- 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.

Mitigation

3.12. The mitigation relies on Staff routing (4.5.6), vehicle occupancy, working hours (4.5.7), on site car parking strategy (4.5.8) management of parking access (4.5.9), proposed parking permits (4.5.11) minibus for internal movements where possible (4.5.12) and investigations into minibus pick up from local residential areas (4.5.14). Many of these measures are not firm

commitments enshrined in the dDCO or supporting documents and can therefore be given little weight as mitigation, for example in 6.3.19.

4. Appendix 13C Framework Construction Traffic Management Plan and Travel Plan (APP-118)

Monitoring, Control and Enforcement

4.1. SCCs consider that they are best placed to be the authorisation body for construction traffic management and travel plans as these relate to public highways under their control and have teams with the relevant technical knowledge.

4.2. SCC considers that the monitoring and controls proposed within the Framework Construction Traffic Management Plan are not acceptable in the current form. Specific issues are:

- Vagueness of some measures, for example:
  - Measures could include implementing a three-strike system for contractors which could lead to financial penalties (7.2.4)
  - HGV deliveries can be arranged to avoid the need for vehicles to depart the Site within the PM avoid the network peak hour (17:00-18:00) (7.2.6).
- The management plan does not include monitoring of car occupancy to ensure that the proposed 1.5 occupancy is achieved
- The Applicant has not explained how compliance with staff arriving before 0700 and leaving after 1900 will be monitored and enforced other than *a car parking permit system is proposed to be implemented across the two car parking areas (7.2.29)*
- It is unclear how regular reports will be issued and to whom (7.4.2 and 8.2.2). It is also unclear how issues will be identified and resolved and how this will be communicated to interested parties other than '*monitoring reports will be made available the relevant local planning authorities and relevant highway authorities at their request to ensure compliance and that action is being taken where breaches are occurring'* (8.2.5). SCC considers that such information should be regularly reported to local planning and highway authorities and made public.
- The Applicant does not consider how complaints will be collected, assessed and where necessary action taken to resolve any issues that arise.

Section 5: Site Access Reviews

4.3. The plans provided to support the access reviews are insufficient to enable a meaning full assessment of their safety and deliverability within the order limits. Specific issues are:

- They are based on poor quality plans which do not appear to have been validated by on site surveys.
- The plans are not to scale and barely legible.

- The highway boundary has not been shown to confirm the works can be delivered within the order limits / highway boundary including oversailing of land adjacent to the highway by large vehicles.
- Visibility splays either side of the accesses are poorly shown, if at all, and impossible to validate,
- The presence of hedges, trees, ditches and utility apparatus that may affect the design are not shown. See table 13 for B1102 Freckenham Road (south) where it is noted that the visibility splays are 2.4m x 215m and that mature trees and hedgerows are present on either side of the road.

4.4. The quality of the information can be contrasted with the provided for the EA1(N) application in the Outline Access Management Plan[15] for a similar scale of development. SCC would consider the lack of this information so important as to object to granting of an order until such time as sufficient information can be provided to evaluate the proposals.

Appendix C3: Widening of Elms Road

4.5. SCC was not consulted on these plans prior to submission. Neither the proposed widened road width nor detail design, specifically edge restraint for the road construction, have been agreed with SCC.

4.6. While Manual for Streets[16] (MfS) does indicate a width of 4.8m allows an HGV to pass a car it also indicates 5.5m is necessary for HGVs to pass each other. MfS is primarily guidance for residential low speed streets rather than rural roads. In rural situations SCC would consider use of Design Manual for Roads and Bridges[17] (DMRB) to be a more appropriate starting point for design. Such dimensions do not allow for additional space at bends or junctions nor do these dimensions allow for overhang (e.g. mirrors). A width of 4.8m will result in loading of the carriageway edge leading to failure and vehicles are likely to overrun the verge resulting in erosion or rutting of the verge.

[15] See EA1N OAMP: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-005389-8.10%20EA1N%20Outline%20Access%20Management%20Plan%20(Tracked).pdf

[16] See MfS: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

[17] See DMRB: https://www.standardsforhighways.co.uk/dmrb/