



BEDFORD BOROUGH COUNCIL

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Chief Executive: Laura Church

Planning Inspectorate
Submitted via PINs Portal

Email: planning@bedford.gov.uk
Date: 14 January 2026
Ref. 25/01836/DCO-2.4/ FINAL

PLANNING ACT 2008

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) UNDER SECTIONS 14(1)(A) AND 15(2) OF THE PLANNING ACT 2008 DEVELOPMENT CONSENT ORDER

DCO Application: EN010141 East Park Energy

Bedford Borough Council makes the following **Relevant Representation** with regard to the proposed Scheme as notified.

BBC Reference No.: 25/01836/DCO

APPLICANT: BSSL Cambsbed 1 Limited

LOCATION: Land at and Between Keysoe Pertenhall and Little Staughton, Staughton Road, Little Staughton, Bedfordshire (the 'Site').

PARTICULARS OF DEVELOPMENT: The Scheme comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site battery energy storage system (BESS) on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation... generation and export of 400 megawatts (MW) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS [as stated by Applicant]

This response is solely that of Bedford Borough Council, submitted without prejudice.

Planning Services
Gavin Chinniah – Head of Planning and Building Control

Date: 14 January 2026

Craig Austin, Deputy Chief Executive & Director for Environment
Borough Hall, Cauldwell Street, Bedford MK42 9AP



EAST PARK ENERGY NSIP DCO

REPORT: RELEVANT REPRESENTATIONS

PINS Ref.: EN010141 (Planning Act 2008 – Application for a Development Consent Order for East Park Energy)

APPLICATION No.: 25/01836/DCO_East Park Energy DCO

SITE ADDRESS: Land at and Between Keysoe Pertenhall and Little Staughton, Staughton Road, Little Staughton, Bedfordshire (the 'Site')

PROPOSAL: The Scheme comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site battery energy storage system (BESS) on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation... generation and export of 400 megawatts (MW) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS [as stated by Applicant]

Date: 14 January 2025

Revision and Status: **FINAL**

Case Officers: Peter Dijkhuis and Greg Logan

Signed-off: Gavin Chinniah (Head of Planning and Building Control)

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COVER

In terms of notification regarding this DCO Application (Ref. PINs webpage – East Park Energy: 'Have your say'), Bedford Borough Council (the 'Council') as a statutory consultee ('Host Authority') have reviewed the Applicant's Environmental Statement and supporting information and comment accordingly to the Planning Inspectorate to inform the Examination.

The Council note PINs' advice that the Council's comments should be about what the Council considers to be the main issues and impacts and should include as much detail as possible. We note that the Council will be able to submit further comments during the Examination.

As part of the Council's response the Council may refer to the Applicant's EIA Scoping Report (October 2023/ V.01) and Preliminary Environmental Information Report (PEIR; September 2024) and the Council's associated Scoping response (dated 28.11.2023) and Preliminary Environmental Information Report (PEIR) response (dated 29.10.2024) to ensure that where matters and concerns were raised that these have been addressed and/or mitigated where applicable. This may be noted in the body of this response accordingly.

For ease of reading, we structure our chapter response to accord with the Applicant's Environmental Statement, September 2025.

To aid understanding, we refer to PINs Advice Note regarding use of terms, namely:

- a) (PINs Advice Note 7; para3.14) Aspects: The Planning Inspectorate refers to 'aspects' as meaning the relevant descriptions of the environment identified in accordance with the EIA Regulations; and,
- b) (PINs Advice Note 7; para5.7) Matters: The Planning Inspectorate uses the term 'matters' referring to those parts that are a subdivision of the aspect, for example an assessment of a particular species is a 'matter' to the aspect of biodiversity.

1. EXECUTIVE SUMMARY

1.1 Bedford Borough Council (the 'Council') has reviewed the Applicant's (EN EN010141) DCO Application and supporting material and note that the Council wish to raise the following by way of the Examination:

- a) Aspect: as currently worded the Applicant's 'Scheme description for planning consent' is not supported as it requires clarity and definition of terminology; this is identified as a significant concern;
- b) Aspect – Public Rights of Way and Bridleway: the Council raises significant concerns and associated matters with this aspect;
- c) Matters: numerous matters have been identified against the Environmental Statement's chapter aspects and supporting material. Currently these matters are set out but are given no weighting as it is accepted that some of these will be discussed/addressed as part of the Local Impact Report (LIR) preparation during Examination;
- d) Where applicable, the Council notes that technical and/or detailed design resolution could potentially be addressed and resolved post consent subject to agreement with the other Host Authorities; and,

- e) The Council note that as currently drafted, the Council is NOT supportive of [APP-016] Draft Development Consent Order as it requires clarity, definition of terminology, and understanding of powers sought which to date have not been discussed with the Host Authorities.
- 1.2 The Council has reviewed the Applicant's DCO Application and have made relevant representations by way of this response. However, the Council reserve their right to raise further aspects and matters should they arise during the Examination.
- 1.3 This Relevant Representations' response is solely that of Bedford Borough Council, submitted without prejudice, and signed-off under delegated authority (Bedford Borough Council, Planning Committee Scheme of Delegation, adopted 2nd February 2022).

2. INTRODUCTION

- 2.1 Over the last circa 24-month period, the three Host Authorities, namely Bedford Borough Council, Cambridgeshire County Council (CCC), and Huntingdonshire District Council (HDC), have engaged in pre-application discussions with the Applicant to review emerging material, inform the Applicant of local planning policy and contextual matters, and have engaged with technical disciplines where necessary, to ensure that the Applicant's DCO Application takes account of concerns raised and/or harm identified and where possible are addressed during the pre-examination period to fully review and assess the Applicant's Scheme proposals.
- 2.2 The Council has engaged with the Applicant in pre-application discussions, issued an EIA Scoping response (28.11.2023) and issued a PEIR response (29.10.2024) to help inform the Applicant's Scheme prior to the submission of their DCO application.
- 2.3 The three Host Authorities have engaged in a Memorandum of Understanding (engrossed 03.06.2024) to enable discussions between the local planning authorities, enable joint discussions with the Applicant, and enable the appointment of External Consultants to act on behalf of the three Host Authorities to assess the Application and make representations to the Examination.
- 2.4 The three Host Authorities have engaged in a Planning Performance Agreement (PPA) with the Applicant to support the local planning authorities' technical disciplines and engagement with the Applicant. The current PPA covers Stage 1 (Pre-Application EIA Scoping), Stage 2 (DCO Acceptance), Stage 3 (Pre-Examination), and Stage 4 (Examination). There is agreement between Parties that it will further extend to cover Stage 5 (Recommendation and Decision) and Stage 6 (Post DCO Decision), but such discussion is currently premature.
- 2.5 The Host Authorities will continue to engage and co-ordinate activities to best inform the Examination and avoid undue duplication. Should there be matters of disagreement between the three Host Authorities, these will be set out separately by that local planning authority to the Examination.
- 2.6 Notwithstanding this, each Host Authority will be submitting their relevant representation report on an individual basis to ensure that the Examination is fully informed of the aspects and matters of concern to each local planning authority and the communities and interests that they represent.
- 2.7 In the main, the above engagement has been mutually beneficial in identifying both aspects and matters of concern and those of common agreement. The Applicant has reviewed the

Host Authority's submitted material to date and comments raised during this process have been reviewed and addressed where possible.

- 2.8 For completeness, this report reviews matters first raised in either the Council's EIA Scoping and/or PEIR response to identify if these matters have been addressed by the DCO Application. These are referenced accordingly (Stage 1 and 2 Review). Matters raised against the DCO Application are then set out under Stage 3 Review.
- 2.9 As set-out in this Relevant Representations response, there are and remain aspects and matters of both significant concern, concern, and clarification that will need to be addressed by the Applicant to allow the Council to fully understand the impact of the Scheme and to form a view as to whether the mitigation and other measures as proposed are sufficient to address the harm and impacts as identified. The Council seeks that these are to be raised and resolved by way of the Examination and ahead of any consent that may be given to the Scheme.

3. THE SCHEME

- 3.1 Aspect 1 Scheme description for planning consent: in reading through all material submitted to date, the aspect as to the exact nature of the Application and consent sought, including powers requested, requires clarification; namely:

Stage 1 and 2 Review

- 3.2 In the Applicant's EIA Scoping Report (October 2023/ V.01) (para1.1.2) they state '*Capacity: the precise generating capacity and storage capacity will be subject to detailed design*'. This flexibility would accord with PINs Advice Note 9 and is therefore in principle acceptable to the Council [EN-3 stresses the need to ensure that the significant effects of a Proposed Development have been properly assessed - Applicants need to ensure that the criteria in para1.4 of Advice Note 9 are achieved - this seems to have been acknowledged by the Applicant in para3.2.5 and para3.2.6 of the Scoping Report] (Ref. Applicant's EIA Scoping Report). The Council notes that at the early stages of such an Application the principle of flexibility (i.e. the 'Rochdale Envelope') is acceptable but that as the Scheme is developed resolution on such matters should be attained by the Applicant which is then reflected in the Environmental Statement's assessment.
- 3.3 In the Applicant's EIA Scoping Report para1.6.6 they continue '*A DCO, if granted, has the effect of providing consent for development, in addition to a range of other consents and authorisations, where specified, as well as removing the need for some consents (such as planning permission). Section 115 of the Planning Act 2008 also states that a DCO can include consent for 'associated development', which is development that is not an NSIP in its own right, but is associated with the NSIP applied for. This may be development that supports the construction, operation or decommissioning of the NSIP; which helps to address the impacts of the NSIP; or is of a type normally brought forward with the NSIP*'. This suggests that the Applicant could secure DCO consent that confers planning permission(s) for 'associated development' that currently has not yet been fully resolved and/or assessed by the Applicant nor discussed and resolved with the Host Authorities – this raises significant concern (Ref. Applicant's EIA Scoping Report).
- 3.4 In the Planning Inspector's Scoping Opinion (dated 8 December 2023) ID2.1.3 it is noted that '*The Inspectorate expects that at the point an application is made, the description of the Proposed Development will be sufficiently detailed to include the design, size, capacity,*

technology, and locations of the different elements of the Proposed Development or where details are not yet known, will set out the assumptions applied to the assessment in relation to these aspects. This should include the footprint and heights of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES' (Ref. Planning Inspector's Scoping Opinion ID2.1.3). It is considered by the Council that various elements set-out above remain either unresolved or have yet to be tabled for discussion to attain in-principle agreement.

Stage 3 (Pre-Examination Review)

3.5 **Aspect 1.1 Development:** to address the aspect of 'Scheme description for planning consent' the Council has reviewed inter alia [APP-001], [APP-002], [APP-016], [APP-017], [APP-031] and [APP-037] to attain clarity as to the full scope of works being applied for; namely:

- a) [APP-017] **'Principal Development'**: '*The development to which the Application relates and which requires a DCO as described in Part 1 of Schedule 1 to the draft Order*'. It is noted that the draft DCO Schedule 1 sets out 'Authorised Development' but does not separate between 'Principal Development' and Associated Development'.
- b) [APP-017] **'Associated Development'**: '*Defined under Section 115(2)(a) of the 2008 Act as development which is associated with the development for which development consent is required and that has a direct relationship with it. Associated Development should either support the construction or operation of the Principal Development or help address its impacts. It should not be an aim in itself but should be subordinate to the Principal Development*'.

The Council seeks clarity as to the works been applied for under each of these terms.

3.6 [APP-037] Environmental Statement (ES) Vol.1 Chp.1 para 1.2 the Applicant defines the Scheme to '*comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site battery energy storage system (BESS) on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation... generation and export of 400 megawatts (MW) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS**'. Further, the Applicant state:

- a) para1.2.4 '*a more detailed description of the 'Scheme' is set out in [APP-038] ES Vol.2 Chp.2*'; and,
- b) para1.3.3 '*The Order Limits also cover land outside of East Park Sites A to D which will be required for access, cabling [cable corridor], and the grid connection to the Eaton Socon Substation*'.

The Council's reading of [APP-037] does not clarify which components of the Scheme are 'Principal Development', which are 'Associated Development', and how the Order Limits and Work Packages relate to the former two terms. It is suggested that such clarification is critical to any drafting of the [APP-016] DCO Agreement.

(*[APP-031] Planning Statement:

- a) para1.2.2: the Applicant acknowledges that the precise generating capacity and storage capacity will be subject to detailed design but goes on to confirm that they have a grid connection agreement with National Grid for a 400 MW export and 100 MW import. It is therefore assumed that the figures stated is the maximum for purposes of the Environmental Statement and DCO Application.

- b) p4.5.2: the Applicant references Advice Note 9 in that it provides guidance regarding the degree of flexibility that may be considered appropriate within a DCO Application under The Planning Act 2008. The Applicant acknowledges that the Advice Note notes that there may be aspects of the Scheme that are not yet fixed prior to the DCO being granted, and therefore, it may be necessary for the EIA to assess likely worst-case variations to ensure that all reasonably foreseeable likely environmental effects of the Scheme are assessed. In-principle, the Council accepts this approach, subject to matters raised against this aspect).

3.7 It is the position of the Council that the aspect of the description of Scheme, as raised by the Council in their Scoping response, their PEIR response, and their reference to the scheme as set-out/ defined by the Applicant in their Section 48 notification requires clarification. It is consequently suggested that the Applicant has not discharged their requirement of this issue in accordance with EIA Regulations (2017) Schedule 4(1)(b).

3.8 Aspect 1.2 [APP-038] ES Vol.1 Chp2 Work Packages: while para2.1.3 sets out a very similar description of the Scheme to that found in ES Chp1, namely, the:

'Scheme comprises a new ground-mounted solar photovoltaic energy generating station with a total capacity exceeding 50 megawatts (MW) and an associated on-site battery energy storage system (BESS) and 400 kV substation on land to the north-west of St Neots. The Scheme would allow for the generation and export of 400 MW of electricity to the National Grid from the solar photovoltaic energy generating station, and would be capable of exporting and importing up to 100 MW via the BESS',

the extent of the 'Work Packages' as set out in para2.4.6 suggests a far greater level of construction activity and imposition/ effect on the recipient landscape context than the current planning description implies and consequently does not give a comprehensive understanding as to the full extent of ES assessment required and consent requested. By way of example, consent is sought for temporary compound, an operations and maintenance area, and an 'agrisolar' – these are not supported *'by figures, cross-sections, and drawings'* to give an overall scale/ massing comprehension of what is proposed.

In light of the powers sought by the Applicant, the Works Packages relating to scope and clarification of technical detail(s) requires discussion at Examination.

3.9 Aspect 1.3 While 'Work Packages' are defined in [APP-038], they are referred to as 'Works Plan' in [APP-017] and 'Works' in [APP-016]: it is suggested that this needs consistence in defining the Scheme.

3.10 Aspect 1.4 It is noted that the Applicant seeks powers with the 'Order limits'[App-009; Plans], *'means the limits shown on the land and crown land plans within which the authorised development may be carried out and land acquired or used'* [Part 1, APP-016].

However, the Applicant also seeks powers adjacent to the Order limits *'in terms of the limits of the provision and how far "adjacent" extends from the Order limits within the meaning of Article 3(2), it is noted that article 20 (authority to survey and investigate the land) grants the Applicant the power to enter not only onto land within the Order limits, but also onto other land "which may be affected by the authorised development". The extent of 'adjacent' land would therefore need to be judged on a case-by-case basis and in practice would be to the extent necessary for the construction and operation of the authorised development'* [para 9.3.4, APP-017]. The Applicant suggests that *'the Order Limits along the Grid Connection have typically been set at 25m wide. The construction working width when laying the cable will typically be up to 12m wide which allows for the width of the trench, a temporary access track,*

and material stockpiling. There is therefore flexibility retained within the Order Limits to allow for the alignment of the cable to divert slightly should any unexpected constraints be found along the route’ It is suggested that the term ‘Adjacent Land’ is defined with some indicative extent/width dimension within the [APP-016] DCO Agreement to confine powers requested.

3.11 Aspect 1.5 Definition of ‘Temporary’: as stated by the Applicant [APP-037] para1.2.3 ‘*Subject to the Scheme securing Development Consent in Winter 2026/27 it is anticipated that works would start on site in early 2028 and be completed by mid-to late 2030 (although initial energisation of the Scheme is likely to commence prior to 2030). The Scheme comprises a temporary development with an operational phase of 40-years; decommissioning activities would therefore likely commence in 2070, 40 years after commissioning’.*

In [APP-017] and in the [APP-016] Draft Development Consent Order it is noted that in Part 1 Interpretation the exact definition of the words ‘temporary’ and ‘permanent’ are not defined. This requires clarity in reading all submitted material in assessing which works are:

- a) Of a limited temporary - construction phase - duration (e.g. road access works [Part 2 Street Works, App-016]);
- b) Which commitments by the Applicant are temporary for the duration of the Scheme (e.g. creation and/or improvements to PRoWs; constructed culverts; etc.) after which they will be scrubbed-out/ revert to the landowner, some may be retained; and,
- c) Which works are permanent (e.g. landscape and habitat creation, Public Highway road works;) which will revert to the landowner and or local authority to maintain.

Only on this basis can the harm, mitigation, and/or benefits be assessed accordingly (By example, if the proposed improvements to PRoW which facilitates ‘access to the countryside’ are temporary works for the duration of the Scheme, then they should be afforded minor weight in their benefit in assessing the Application).

It is consequently suggested that this aspect requires discussion at Examination.

3.12 Aspect 1.6 NSIP regime: (EN-1 , para2.10.51) the Applicant identifies that the generating capacity of the Scheme exceeds 50 MW (AC) and therefore the Scheme is classified as a NSIP as set out under Section 14(1)(a) and Section 15(1) and 15(2) of the Planning Act 2008. Reference should also be made to Section 15(3). This is a mechanism for updating the definition of what qualifies as a NSIP, ensuring the DCO regime stays relevant for major developments (i.e. future-proofing).

3.13 Matter 1 Local planning policy: [APP-032] Policy compliance document para7.1.1, Table 6, Section 6 - the Applicant makes the statement that the purpose of Policy 3S ‘*is not to necessarily to control the type of development proposed by the Scheme*’ is not agreed. The Examination’s attention is drawn to the wording of the policy that states ‘all new development’ and also criterion (viii) which is as much applicable to solar farms as to other forms of development.

3.14 Matter 2 Operational (replacement) Phase: for completeness it is suggested that the Operational Phase should address the requirement for the replacement of infrastructure (e.g. solar panels and BESS batteries etc; and related haulage routes and vis-splays onto the Public Highway) during the lifetime of the proposed Scheme and that any ‘severity’/ significant effect identified and then mitigated in the Construction Phase should then also be applicable to the Operational Phase. This should then be drawn through in to related address (Ref. PEIR Reports, 2024). It is suggested that this matter has not been fully addressed by the Applicant

3.15 Matter 3 Operational Phase (Landscape works): para2.4.149 ‘*An Outline Landscape and Ecological Management Plan (oLEMP) has been prepared which covers the Construction,*

Operational and Decommissioning Phases'. In light of the potential for significant works that may be required circa every 20-years at the replacement of the solar arrays and BESS batteries (Ref. [APP-038] Table 2-35), it is suggested that when this occurs, the oLEMP is reviewed in terms of any harm occurring to the landscape/ habitat and that the Applicant is required to produce a mitigation and planting/ habitat strategy etc. to address such harm; i.e. the LEMP should remain 'live' for the duration of the Scheme (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID2.1.9). As above, it is suggested that this matter has not been fully addressed by the Applicant

3.16 **Matter 4** Manufacture, decommissioning and recycling: with respect to both the operational (replacement and maintenance) phase and decommissioning phase regarding the recycling of materials / waste, the Applicant should have some acknowledgement / reference to the Waste Electrical and Electronic Equipment Regulations 2013....Whilst these matters are not strictly a planning matter (rather one of compliance with other legislation), a more detailed assessment of the operational and decommissioning phases regarding the recycling of materials / waste is required by the EIA Regulations in terms of an assessment of long-term, transboundary effect. In this regard, the Applicant is referred to Schedule 4(5) of the EIA Regulations (Ref. PEIR Reports, 2024). The Council expresses a significant concern that currently the majority of disused solar panels, BESS batteries, etc. are exported to 'land fill farms' outside the UK with no oversight or responsibilities attached to the Applicant. In terms of circular sustainability, this approach is not acceptable and needs a firm commitment by the Applicant of address.

4. ALTERNATIVES AND DESIGN EVOLUTION

4.1 The Council notes that they do not have the necessary professional and/or technical discipline specifically relating to solar farms and BESS development infrastructure to respond on this aspect. On this basis, the Council will not be looking at submitting Relevant Representations to the Examination on this aspect.

4.2 With regards to site selection, it is noted that the Applicant has worked closely with the Council's Archaeology Officer in identifying and preparing a mitigation strategy for the found Scheduled Monument, including the Applicant removing the solar arrays identified for this area. It is suggested that this has been a positive outcome regarding the design evolution of the Scheme.

4.3 **Matter 5** Pollution and risk: [APP-034] Design Approach Document para4.3.27 to 4.3.32 - there is no detailed discussion regarding the design approach to the prevention and mitigation of lithium-ion battery fires through robust engineering, including Battery Management Systems (BMS) for monitoring, thermal management, adequate ventilation, fire suppression (like water mist), fire-resistant materials, spatial separation, and early detection systems (smoke / CO detectors) to manage risks like thermal runaway, while complying with strict health / safety regulations (e.g., NFPA 855, UL 9540) and ensuring clear access for emergency responders. Further, there is no discussion regarding decommissioning management options of waste materials generated by the Scheme which may have informed the Scheme's approach. Such a review/ assessment should then inform *inter alia* the Environmental Statement, the [APP-162] outline Battery Safety Management Plan, and any specific protocols and safety measures for the management and operation of the BESS facility informing the DCO's Schedule of Requirements. It is suggested that this requires some response from the Applicant.

5. ENVIRONMENTAL IMPACT ASSESSMENT METHODOLOGY

5.1 [APP-039] The Council notes that they do not have the necessary professional and/or technical discipline specifically relating to solar farms and BESS development infrastructure and related methodology to respond on this aspect. On this basis, the Council will not be looking at submitting Relevant Representations on the EIA Methodology aspect to the Examination.

5.2 It is noted that the Council, with the other Host Authorities, has appointed an external Consultant to review specific EIA aspects, which are set out below.

6. LANDSCAPE AND LANDSCAPE VISUAL IMPACT ASSESSMENT

Stage 1 and 2 Review

6.1 Matter 6 Site boundary: It is noted that the Scheme's Red Line boundary is INCLUSIVE of several Public Highways (roads). The Council questions whether this is the correct approach as the single Red Line boundary does not reflect the complexity of more detailed individual Site's 1 to 14's boundary screening conditions that will need to be addressed to mitigate harm (Ref. Scoping Report, 2023).

The crossing of the Public Highway remains evident in the DCO Application regarding Sites 3, 5, 6, 9 and 10. The Council notes that the Applicant has proposed hedgerow, woodland belt, and grassland planting adjacent to all Public Highways which would address the concern raised. However, the Council would still like a stated commitment to minimum width of screen planting proposed to all Scheme/ Site boundaries ([APP-121] is not of a scale that this can be read). This would aid future site-based approval and enforcement if required.

This would then accord with the Applicant's stated Scheme buffer and utility easements widths, as set out in [APP-159] para3.4.1.

6.2 Landscape and Visual - Zone of Theoretical Visibility: *'The ZTV is based on the 'Indicative Solar and Associated Infrastructure' zoning shown on the Applicant's Figures 3-2a to 3-2c.* The initial ZTV has been modelled based on a height of 3m to reflect the maximum height above ground of the solar arrays across the Site. The Council notes that as part of this Application, the Applicant has stated associated buildings and infrastructure heights as follows - storage buildings at 4.5m (para3.3.23), switchgear 8m (para3.3.16), and transformers 12m; also ref. Fig. 7-5 & 7-6. These associated buildings and infrastructure heights need to be assessed in the LVIA (Ref. Scoping Reports, 2023).

In [APP-038] Tables 2.1 to 2.33 the Applicant confirms the following maximum heights: solar PV module 3m; auxiliary transformer 3m; palisade and substation fencing 3m; centralized inverters, solar and battery transformers 3.15m; Control building 4m; CCTV 4m; BESS 4.4m; water storage tanks 4.5m; substation control and maintenance building 6m; Agrisolar PV panels 6.6m; and, electrical equipment 13.6m. In [APP-070] para2.2.2(2)(3) the Applicant confirms that the ZTV has addressed the height of the highest structures proposed. This resolves this Scoping matter.

6.3 Viewpoints LVIA: the Council noted that *'rather it is the people that would be experiencing the view from it. Receptor groups within the study area that are likely to experience views of the Scheme include: ...ii) Users of public rights of way, and other routes/ land with public access...': It is unclear how the 'sequential visual effects' (Applicant para7.6.3iv) along Public Right of Ways (Applicant Fig. 14-2) has been provisionally assessed in Fig. 7-7 Viewpoint Locations. The*

Council would, apart from what is already presented, require a more localised LVIA with regards to both PRoWs and heritage assets (Ref. Scoping Report, 2023).

In [APP-129] Figure 5-4a the Applicant has set out the LVIA viewpoint locations which illustrates that views from PRoWs (Footpaths, Bridleways and Byways) have been undertaken/ addressed. This resolves this Scoping matter.

6.4 **Matter 7** Landscape establishment (Months 2 to 30): 'Establishment of soft landscaping in areas of habitat mitigation'. The Council are not supportive of this proposed extensive period to undertake soft landscape and habitat works (with reference to the Applicant's Illustrative Environmental Masterplan). The Council would seek a Condition that the soft landscaping works are implemented within the first year of construction, to then enable a two-year establishment and replacement review with potential remediation strategy, prior to construction moving off site. Further, strong penalties should be put in place in any consent given, should the Applicant not instate the soft landscape and habitat works as then consented (Ref. PEIR Reports, 2024).

In [APP-159] Outline LEMP Chp 6.4 'Establishment Period (years 1 to 5)' the Applicant states that '*existing trees and woodlands would be surveyed in operational year 1*', '*existing hedgerows will be brought into a rotational cutting*' (no year stated), and Chp 6.5 that native species woodland, woodland belt planting, individual tree planting, and grassland would occur within the '*establishment period (years 1 to 5)*'. In [APP-038] this is broadly defined as Work Package 8; in para 2.5.4(v)(m) (Construction Programme) it is stated that the establishment of soft landscape works in areas of habitat would occur in months 2 to 30. There are various concerns arising; namely:

- a) The terms '*establishment period*' and '*operational year*' are currently not defined (say in [APP-016] DCO) and require clarity.
- b) The Council would like to see these start points defined in relation to [APP-017] Interpretation – "*commence*" means to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than the site preparation works (except where stated to the contrary), and "*commencement*", "*commenced*" and "*commencing*" are to be construed accordingly'.
- c) The Council would like to see the implementation of landscape and habitat works phased at the start of construction works within each Site, and defined accordingly, rather than an open statement of months 2 to 30. This is to ensure that mitigation landscape screening is undertaken as soon as practically possible, and allows for the establishment period to be initiated at the very onset of construction works.

6.5 **Matter 8** Vegetation clearance: for completeness it is assumed that woodlands, trees, and/or hedgerows that are cleared will be replaced on a like-for-like basis and addressed within the Construction Environmental Management Plan (CEMP). Vegetation to be removed to facilitate access and/or visibility splays will be replaced on a similar basis to mitigate the long-term fragmentation of the countryside hedgerows currently framing fields and the public highway (Ref. PEIR Report, 2024).

With regards to the DCO Application, the Council requires a commitment from the Applicant that any hedgerow, trees and habitat planting that may require removal during any replacement works is reinstated with immediate effect (within the next available planting season) after the replacement works are undertaken and that an '*establishment period*' of five-years is then enacted from that date.

6.6 Matter 9 Employment: '*three Full-time-employment (FTE) roles working in land management including landscape maintenance and agriculture*'. The Council note their support to the Applicant's commitment to appointing this workforce to manage the landscape and habitat for the duration of the Scheme but would like to see these roles set out specifically as part of both the CEMP and the Landscape and Ecological Management Plan (Ref. PEIR Report, 2024).

It is noted that in the [APP-159] para4.1.2 the roles of a '*specialist landscape and ecological contract*', Environmental Manager, Environmental Clerk of Works, and Ecological Clerk of Works are set out but it is unclear if these roles are FTE on-site roles. This requires clarification and to be set out in the [APP-016] DCO Agreement.

Stage 3 (Pre-Examination Review)

6.7 It is noted that AECOM has been appointed under a Memorandum of Understanding between the three Host Authorities, and as subsequently notified to the Applicant who confirmed agreement, to act as an External Consultant on behalf of the three Host Authorities to assess this aspect and related matters.

Overview

6.8 Matter 10 LVIA: Landscape and Landscape Visual Impact Assessment matters are considered within Chapter 5 of the Environmental Statement (ES) [APP-041] and supporting figures and appendices. The Scheme has the potential to transform the local landscape by altering the character and by virtue of the scale of the proposals; there will be significant residual landscape character and visual impacts that cannot be mitigated. Effects will primarily be derived from the introduction of construction (albeit temporary and reversible) and solar PV panels over a large area, rather than by modification of landform, field patterns or loss of characteristic elements such as hedgerows or woodland, which will be retained. The main landscape receptors are Bedford LCA 1B: Riseley Clay and Farmland and Huntingdonshire LCA: Southern Wolds. Significant effects are assessed in construction and operation Year 1 for LCA 1B: Riseley Clay and Farmland and for Huntingdonshire LCA: Southern Wolds in construction but not operation. No significant landscape effects are assessed for Year 10 or beyond.

This does not, however, address any effect arising from any operational (replacement) phase works which should be read as potentially having the same effect as the construction phase albeit that the landscape may have matured at this stage. The Council seeks clarification from the Applicant as to how they will address this matter within the overall LVIA study.

6.9 Visual receptors: the Scheme has been identified in the LVIA as resulting in a significant change to a variety of visual receptors, with significant residual visual effects identified for residential locations at Year 1 (reducing to non-significant by Year 10) and from PROW in the immediate vicinity of the solar panels and more distant open and elevated views from higher land (some remaining significant at Year 10). There will be sequential changes in views and adverse visual impact for users of PROWs. This includes the different users of the network, such as equestrians and cyclists as well as walkers. No significant visual effects have been identified on residential receptors located directly within the villages located within the study area.

6.10 A Residential Visual Amenity Assessment (RVAA) for the Scheme has been produced and considers the construction, operational and decommissioning stages of the Scheme. The RVAA concludes that the Scheme would not result in an overbearing effect on residential visual amenity. Effects would remain below the Residential Visual Amenity Threshold during

construction, operation, and decommissioning, and no dwelling would experience a reduction in outlook or visual amenity as to identify it as significant long-term harm.

- 6.11 The Scheme would be introduced into the same LCA as the majority of the High Wood Solar Farm and would result in cumulative change in landscape character in this part of the Southern Wolds LCA, which is already influenced by a solar farm south of the Scheme, (and which largely would be surrounded by the proposed High Wood Solar Farm) and Little Staughton Airfield Solar Farm, which is located 1.4km south-west of the Scheme at its closest point.
- 6.12 For Bedford Borough Council LCA 1B: Riseley Clay and Farmland effects at Y10 are assessed as minor and non-significant. Given the primary source of landscape change is the introduction of the PV panels, the effect of mitigation by Year 10 is overstated and although the Scheme may be better integrated/mitigated it is still a large area of increased industrialisation in the long term, which constitutes a significant effect on LCA1B. At Year 10 the LVIA indicates there will be a Moderate Adverse level of effect on the landscape character of LCA 1B, under the LVIA methodology this could be significant or non-significant, the former being more appropriate.
- 6.13 Effects on visual receptors are broadly accepted as appropriate, noting that there is a heavy reliance on the landscape mitigation to screen the solar panels but any effects of obstructed or truncated views are not referenced and will adversely change the experience of users of PRoW. Similar to the comments for landscape character, it is noted that wherever there is a moderate effect on visual amenity this is taken to be non-significant, noting the methodology indicates it could and in some cases should be a significant effect.
- 6.14 The overall conclusion is that there is some slight under-representation of significant effects but not sufficient as to raise a matter of objection.
- 6.15 [APP-121] Figure 2-1: Illustrative Environmental Masterplan shows the proposed landscape and visual mitigation for the Scheme. The landscape proposals are tailored to the location and required functions of each part of the Scheme, noting that these change across the Site. The design is well considered and retains the legibility and character of the landscape and reduces the visual effects, where possible, especially for visual receptors, at the edges of settlements, and along routes connecting settlements.
- 6.16 **Matter 11** Legacy: while the Council broadly agrees with the [APP-009] Design Principle 7: '*The Scheme will seek opportunities to leave a positive legacy through the delivery of multiple social and environmental benefits*' this requires confirmation that at the decommissioning phase the landscape, habitat, and PRoW enhancements are to be retained when handed back to the landowner (as suggested in [APP-159] Chp 7.0). If this were not to be the case, then these enhancements should not be afforded full weight in terms of planning benefits. It is suggested that this matter is discussed at Examination.

7. GLINT AND GLARE

Stage 1 and 2 Review

- 7.1 **Matter 12** Airfields: the Council raised two concerns in their Scoping Report (2023) regarding this aspect, namely, the requirement to assess the wider impacts of energy projects (e.g. solar farms) on Thurleigh Airfield (Bedford Aerodrome) and Little Staughton Airfield, as set out in Local Plan Policy 57(ix) Aviation, (xi) Glint & Glare, and (xiii) Aviation; and, in relation to the

Airfield Safeguarding Zones set through regulatory oversight by the Civil Aviation Authority. It is noted that both airfields are still designated as operating airfields.

In the Applicants [APP-074] ES Glint and Glare Assessment Vol2 Part 1 Table 5 '*aerodromes within 30km*' of the Scheme, both airfields above are not identified which is suggested as a significant oversight. It is suggested that this is addressed at Examination.

Stage 3 (Pre-Examination Review)

7.2 In response to the DCO Application [APP-074 to 078], the following comments and matters are raised.

7.3 Solar reflection: solar reflections are possible at 112 of the 174 residential receptors assessed within the 1km study area (it is not possible to read the report in a way to easily understand which of these receptors are Bedfordshire based receptors). In reviewing the actual visibility of the receptors, glint and glare impacts remain High at four receptors, Low at one receptor and reduce to None for 169 receptors. Once mitigation measures as proposed are taken into consideration the impacts of all residential receptors are reduced to None. Therefore, overall impacts on residential receptors are considered to be None. Mitigation measures proposed in the report need to be implemented to ensure residual impacts are achieved and therefore glint and glare is not an issue in the operational phase.

7.4 However, beyond the above statement, the Council notes that they do not have the necessary professional and/or technical discipline relating specifically to solar farms applications to respond on this aspect in any greater detail. On this basis, the Council will not be raising any objection regarding this Glint and Glare aspect at Examination.

8. CULTURAL HERITAGE AND ARCHAEOLOGY

Stage 1 and 2 Review

8.1 Archaeology: the assessment of the archaeological potential of the Site is still at an early stage. The archaeological evaluation work should be completed ahead of the DCO submission. The results of the archaeological evaluation should be used to inform a detailed archaeological mitigation strategy for the Scheme that will ideally be agreed with the relevant Host Authority ahead of the submission of the DCO. Dependent on the results of the evaluation the illustrative masterplan provided will also require updating to reflect necessary design changes. Further information is also required regarding potential impacts at the decommissioning stage of the development (Ref. PEIR Report, 2024). This PEIR matter has been addressed in the DCO Application.

8.2 Cultural Heritage: in summary, the Council disagree with the findings of the PEIR in relation to the impact on All Saints Church, and whether or not a 'significant impact' is likely to arise. The Council would wish to see the Environmental Statement explore potential ways of mitigating this impact. The Council note that the Settings Assessment Table has been provided without context and should be supported with the preamble as provided in the Scoping Report. Though the table and the chosen methodology is effective in terms of identifying significant effects, there is concern that in a number of cases a degree of less than substantial harm may arise to a number of listed buildings where a neutral impact has been recorded (Ref. PEIR Report, 2024). This PEIR matter has been addressed in the DCO Application.

Stage 3 (Pre-Examination Review)

8.3 The Council has reviewed the following [APP-042, APP-080 to 090, APP-143 to 144, APP-166 to 167] Cultural Heritage and Archaeology and make the following comments:

8.4 Heritage impact: the Scheme (associated with East Park Sites A and B) would affect the significance of a number of heritage assets located within Bedford Borough, particularly those located within or close to Pertenhall, Keysoe and Little Staughton. Chapter 6 of the ES [APP-042], which is informed by the 'Settings Impact Assessment' [APP-083], summarises the likely significant effects on designated heritage assets located within a 3km radius of the Site. The methodology for the assessment is set out in Chapter 6.4 of [APP-042], including the matrices that inform the 'significance of effect' summary table (Table 6.8, p.109) – generally the methodology outlined is considered acceptable.

8.5 Adverse impact: [APP-042] Para6.8.54 predicts a minor or 'not significant' temporary adverse effect on the significance of Assets 19, 24, 27, 28, 40, 41, 48, 129, 134, 136, 148, 149, 154, and 755 during the circa 30-month construction phase. The Council agrees with this observation. During the 40-year operational phase (read to include replacement works), a minor or 'not significant' adverse effect is predicted in paragraph 6.8.62 for Assets 19, 27, 28, 38, 40, 41, 48, 129, 134, 136, 148, 149, 154, 160, 332, and 755. Aside from the 'Church of All Saints' (Asset 38, see below), this assessment is also agreed with – whilst there is some disagreement with how the 'relative sensitivity' has been applied for some assets in [APP-084], this has not led to 'significant effects' being missed. Particular consideration has been given to the likely impact on the significance of 'Church of St Peter' in Pertenhall (Asset 48) – the spire of the Grade I listed Church is a feature above the surrounding tree canopy in views from the site. However, due to topographical factors (the Church is set on low ground), the presence of intervening planting (much of it protected by TPOs) and the proposed buffer provided by grassland adjacent to Footpaths 10 and 11 to the west, it is considered that the Scheme will result in a minor level of less than substantial harm to its significance and it is therefore agreed that the effect would not be 'significant' in EIA terms.

8.6 Matter 13 All Saints Church: the Council's singular area of disagreement on setting impacts relates to the likely effect on Asset 38, the Grade I listed 'All Saints Church' in Little Staughton; namely:

- a) It is agreed with the first bullet point of para6.8.56 in [APP-042] and p.74 of [APP-083] that the construction phase will result in a 'moderate effect' on its significance, which would amount to a 'significant effect' in EIA terms, albeit temporary. However, the ninth bullet point of para6.8.62 of [APP-042] concludes that the operational phase of the development (read to include replacement works), would result in a minor adverse effect, which is 'not significant' in EIA terms.
- b) The Council's comments at the PEIR stage regarding All Saints Church can be found at pp.35-7 of [APP-028]. Setting makes an important contribution to the asset's significance, and the introduction of large numbers of solar panels within the Scheme Site B as indicated in [APP-121] would seriously erode the asset's historic rural setting towards the north and northwest. In particular, the panels shown located within the two fields south of New Farm c.850m to the north of the Church will have an impact both on views of the spire from within the churchyard as well as views out from the churchyard north of the nave (only partly reflected in Viewpoint 52, [APP-138]). The wider proposed Scheme would also feature on the approach to the asset along Church Lane and from the southern points of Footpaths 1 and 5 in close proximity to the Church (see Viewpoint 51 [APP-138]); as well as from the historic footpath running east towards 'The Old Manor House, Cretingsbury' SM (Viewpoint 54 [APP-139]). Additionally, the Scheme would form part of

one's experience of the Church from its wider setting to the north and northwest, including from Footpath 1 south of New Farm both within and outside the Site. Whilst the panels would not “[compete] with it as a *landmark feature*” (para6.8.62 of [APP-042]) in views of the asset, they would alter the landscape within which All Saints Church sits as the most significant, prominent feature. Given the change in levels, proposed planting within the Scheme would have little mitigating effect in views out from the ridge. Furthermore, the partial reliance on the retention of mature planting around the churchyard in the setting assessment (p. 76 of [APP-083]) seems short-sighted given the lifespan of the Scheme and the potential for a variety of scenarios which may affect existing, unprotected planting; which does not in any case currently fully screen views out towards Sites A and B, especially in winter months.

- c) Factoring in the lack of a direct impact on the asset or a ‘blocking’ effect on existing key views, the Scheme would result in ‘less than substantial’ harm to the significance of the asset, likely around the mid-point of that range (low to high). Noting its Grade I listed status, and the lack of further mitigation measures proposed by the Applicant, this would amount to a ‘significant effect’ in EIA terms. This likely effect, alongside the ‘not significant’ effects identified within the [APP-042] Environmental Statement, should be weighed against the public benefits of the Scheme in accordance with paragraphs 5.9.32 and 5.9.36 of EN-1.

It is suggested that this matter is discussed at Examination.

8.7 Matter 14 Mitigation measures: [APP-042] Chp. 6 Section 6.6 details the results of the archaeological evaluation undertaken prior to submission. Interim reports on Sites A and B within Bedford Borough are included in the technical appendices but were not provided in advance of submission and therefore have not been subject to detailed review for errors at the time of writing [APP-087 and APP-088]. Aside from not providing adequate time to review the interim evaluation reports, the Council is satisfied that the Applicant has carried out the first stage of the evaluation in accordance with the approved strategies. Further to this, the Council is in agreement that the archaeological remains revealed to date are of no more than regional significance and do not represent an overriding constraint on the Scheme. However, the identified remains do hold significant potential to address research aims drawn from the East of England Regional Research Framework and therefore suitable mitigation measures will need to be agreed prior to development proceeding.

8.8 Matter 15 Evaluation trenching: the Council notes that the evaluation trenching undertaken to date represents only the first phase of trenching. A significant amount of additional trenching will be required in order to fully understand the archaeological potential of the Site and agree appropriate mitigation measures. The Council is of the opinion that [APP-042] Chp. 6 Section 6.6 is overly confident in assessing the potential of these areas prior to this trenching taking place. This consequently requires further discussion.

8.9 Matter 16 [APP-166] Outline Mitigation Strategy: the Council were consulted on a draft version of an Outline Mitigation Strategy and provided feedback with recommendations for amendments. In review, these recommendations have not been fully addressed in the submitted document [APP-166]. Section 6.1.4 contains Table 1 detailing the proposed mitigation measures for areas of archaeological significance identified by the trenching completed to date - the vast majority of these measures relies on the utilisation of No Dig solutions. Further detailed discussions will need to take place to assess the impacts of the proposals together with the depth of overburden identified within the trenching. It is not uncommon for No Dig solutions to actually involve some excavation (for example on sloping sites that require terracing for the concrete feet) that will potentially impact on buried remains, particularly if the covering overburden is shallow. Alternative mitigation measures

comprising excavation ahead of development or exclusion from panel coverage may need to be explored.

8.10 Matter 17 [APP-166] Outline Mitigation Strategy 2: the Council has concerns that sections 7.4 and 7.5, setting out measures for the operational (read to include replacement works) and decommissioning phases, contains too little detail. The Applicant provides no detail as to the measures that would be taken in the event that significant maintenance becomes necessary that could require additional groundworks or/and protection works. Additionally, no provision is provided for Council's archaeological presence on site (even minimal) during potential disturbance at the decommissioning phase. Whilst direct impacts to archaeology at this stage are 'not expected' (Outline Decommissioning Environmental Management Plan [APP-158]), it would be good practice to have measures in place in the event that they occur.

8.11 Matter 18 Ladder Settlement (Asset 275): the [APP-167] Outline Heritage Enhancement Strategy is broadly satisfactory. However, the Council has concerns over section 4.4 as it is unclear whether the further intrusive investigation proposed (para4.4.2) is to be undertaken separately or is part of the proposed mitigation excavation in the area of woodland planting for this asset. This requires clarification from the Applicant.

8.12 Matter 19 Archaeology requirement (No. 15): the [APP-016] draft DCO Schedule 2 contains a proposed requirement for archaeology. As written this requirement does not reflect the multiple stages of work that will be required if the DCO is granted. These include further archaeological trial trench evaluation and associated reporting, and an updated scheme wide Archaeological Mitigation Strategy to take account of the results of the additional trenching. Further to this there will then be mitigation fieldwork and post-excavation reporting and publication. Currently as tabled, the Council do not support the draft DCO regarding the Archaeology aspect; this requires discussion at Examination.

8.13 **Conclusion:** the Council would welcome further engagement with the Applicant in order to address the Council's concerns, in particular those relating to the Outline Mitigation Strategy [APP-166] and the proposed archaeological mitigation measures. The Council is of the opinion that it would be useful to build more flexibility into the proposed mitigation measures in order to allow alternative options should a 'No Dig' solution be unachievable. Further discussion on the wording of proposed DCO Requirement 15 relating to Archaeology would be welcomed.

8.14 The Council has reviewed the submitted material made against this Aspect and concluded that there are matters that do require further discussion and resolution at Examination.

9. ECOLOGY AND NATURE CONSERVATION

Stage 1 and 2 Review

9.1 Field boundary hedgerows: the Site's field boundary hedgerows and ditch networks has been identified by the Applicant as having significant biodiversity value. The Council would like to see a) specific address and evaluation of the cumulative value of habitat corridors (i.e. field boundary hedgerows) with the proviso of a minimum width corridor as mentioned elsewhere; and, b) how these are to be retained, mitigated, and enhanced within any Outline CEMP (para8.5.13) and Outline LEMP. Further, the Application will need to address adjacencies of existing and proposed solar farms and how maturing screen landscapes and habitat corridors to their site may impact shadow patterns on these adjacent solar farms; and visa versa (Ref. Scoping Report, 2023). It is suggested that these Scoping matters have been addressed in the DCO submitted material.

9.2 Matter 20 Hedgerow Regulations (1997) and Inclosure Act (1845): the Applicant does not appear to give consideration to (treed) hedgerows that potentially form an integral part of a field system pre-dating the Inclosure Acts. The same matter arises regarding Ancient Woodlands, veteran and other irreplaceable habitats located within 2km of the entire site boundary including associated buffer zones (Ref. Scoping Report, 2023) (Ref. Planning Inspector's Scoping Opinion ID3.2.4).

While the Applicant makes reference to the Hedgerow Regulations [APP-017] there is no mention of the Inclosure Act; further in [APP-016] Interpretation: these is no reference to the Regulations and Act which should be included. In light of various existing hedgerows that may need removal to suit access road visibility splays, this requires both in principle and detailed resolution to address the Regulations.

9.3 Habitat: Applicant's PEIR Vol 3 Figures 2-1b to 2-1g 'Work No. 8 – works to create, enhance and maintain green infrastructure':

- a) The Council suggest that these Figures are indicative in terms of intent regarding landscaping works, but that they remain open to discussion with the Host Authorities;
- b) While the Applicant has introduced landscape buffers/ corridors to boundary areas it is unclear if these are of sufficient width to form meaningful screening to the development. As a minimum it is suggested that eight metres widths should be agreed and annotated on the Figures accordingly (It is noted in the body of the reports dimensions are suggested, but Plan annotations would aid clarification);
- c) The Council express concern that the retained landscape to the various river corridors appear either non-existent, or exceptionally narrow, and that these should be protected, say at a minimum of eight metres from watercourse centerline;
- d) The Figures do not identify protected woodlands and hedgerows making it difficult to read if these too will be afforded a margin of landscape protection; and, as currently presented, the Council are not supportive of these Figures 2-1b to 2-1g. The Council are supportive of the Illustrative Environmental Masterplan (1of14) subject to the above clarification (Ref. PEIR Report, 2024).

It is suggested that the [APP-212] Illustrative Environmental Masterplan has addressed most of the matters raised and that matters outstanding are addressed in this response within other matters.

9.4 Matter 21 Cable corridor: para3.4.4 '...the construction corridor for the grid connection is expected to be up to 25m wide'. For clarity, this dimension should be denoted on the Illustrative Environmental Masterplan(s) to understand potential harm (width) to the existing landscape along this corridor (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID3.2.17).

In [APP-038] para2.4.98 the Applicant indicates that the cable corridor within the Order Limits will be set at 25m but that the assumption on length of hedgerow removal will be limited to 6m. The Council requires assurances that any hedgerow removal will be limited to 6m, albeit that the corridor width may be 25m.

9.5 Matter 22 Visibility splays: Applicant PEIR para7.8.6 and 7.8.21 '*Hedgerow habitats will be almost entirely retained and protected with buffer zones of at least 6m, with the exception of small-scale removal/ widening required to permit Site access at ten locations and totaling 54m with no individual length of removal greater than 6m. Post-construction, seven crossing points, totaling 37m, will be reinstated. Implementation of the landscape design is discussed in*

relation to operational impacts'. This matter should be read against the Highway Officer's comments regarding visibility splays at access points; and, concern stated elsewhere regarding the construction of temporary access routes and cable corridor widths across the Site and their effect on existing hedgerows and their related habitats. It is suggested that the harm/effect could be larger than originally stated. If this is the case, then any mitigation measures need to be re-visited. Consequently, the statements in para7.8.8, para7.8.9 et al 'Minor hedgerow removal' may need review and are currently not supported (Ref. PEIR Report, 2024).

There is a general concern that at a detailed level the access points off the public highway into the Site do not show the full extent of existing/ historic hedgerows to be removed to enable the required visibility splay. This would create both habitat harm and open the Site to more external views creating setting harm. This requires discussion at Examination.

Stage 3 (Pre-Examination Review)

- 9.6 It is noted that AECOM has been appointed under a Memorandum of Understanding between the three Host Authorities to act as an External Consultant on behalf of the three Host Authorities to assess this aspect and related matters.
- 9.7 The ecology and nature conservation matters of concern raised are consistent across the three Host Authorities and therefore are not separated out.
- 9.8 [APP-043] Environmental Statement - Vol 1 Chapter 7 Ecology and Nature Conservation and accompanying appendices [APP-091 to APP-097] provide details of a broad suite of ecological surveys and investigations undertaken by the Applicant to inform the Environmental Statement. These are supported by the Ecology and Nature Conservation Figures [APP-145] and the Ecology and Nature Conservation Figures – Confidential [APP-146].
- 9.9 The following documents are also of relevance providing further information on the avoidance, mitigation and compensation measures that form part of the project: Illustrative Environmental Masterplan P01 [APP-121]; Commitments Register [APP-154]; Outline Construction Environmental Management Plan [APP-155]; Outline Environmental Management Plan [APP-157]; Outline Decommissioning Environmental Management Plan [APP-158]; Outline Landscape and Ecological Management Plan [APP-159]; and the Biodiversity Net Gain Report [APP-168].

Designated Sites

- 9.10 The additional information that has been incorporated into the assessment since statutory consultation is welcomed, including the 2025 bird survey data and additional rationale for the scoping out of Grafham Water SSSI. Based on the updated information the Council is content that the Scheme is unlikely to result in significant effects on statutory designated sites of nature conservation importance.
- 9.11 **Matter 23** County Wildlife Site: the Scheme will involve works adjacent to / in proximity to three non-statutory sites, Huntingdon Wood County Wildlife Site (CWS) (designated for its ancient woodland, an irreplaceable resource), High Wood County Wildlife Site (CWS) (also designated for its ancient woodland, an irreplaceable resource, and the support it provides to diverse invertebrate and amphibian populations) and Kangaroo Meadows CWS (designated for neutral grassland communities). While no direct loss of habitat within these sites is expected, the Council is concerned that there is currently insufficient information to verify the Applicant's conclusion that these sites will not be adversely impacted during construction.

Further information is required to assess the potential for hydrological impacts through trenching in close proximity to Huntingdon Wood CWS and potential impacts of the use of an existing culvert for construction access. Regarding High Wood further information is required to demonstrate that traditional practices (such as coppicing) undertaken to maintain the high wildlife value of the CWS will not be adversely impacted upon during construction. At Kangaroo Meadows CWS clarification is required on the potential for adverse effects on existing grassland through shading by proposed mitigation woodland planting once mature.

Protected and/or Notable Species

9.12 The Council welcome that the design and assessment have evolved to take account of previous consultation feedback on ecological issues. However, the Council remain concerned that the assessment for certain species groups is based on incomplete survey information (e.g. spot check surveys only for water vole/otter and some areas inaccessible for bird and newt survey). It is not always clear within the assessment how these shortfalls in data have been considered and their impact on the final assessment conclusions; this concern is set out below.

9.13 **Matter 24** Skylark mitigation: the Council is concerned that without suitable mitigation and compensation provision the Scheme has potential to result in a significant adverse effect on ground nesting birds, in particular skylarks (125 territories recorded within the Site). The ES [APP-043] sets out at para7.8.112 the intention to create large areas of open grassland '*to be of benefit for skylark and lapwing and to encourage nesting attempts within these areas*'. The oLEMP [APP-159] currently provides insufficient detail to demonstrate that the proposed measures will be sufficient. It is recommended that a detailed farmland birds mitigation strategy (covering both breeding and non-breeding birds) is produced to include (but not be limited to):

- details of proposed habitat losses and gains (overall area and territory numbers);
- measures to be employed to protect ground nesting birds during construction and operational phases;
- consideration of the phasing of both impacts and proposed mitigation/compensation provision; and,
- how the proposed management regime will ensure that habitats are managed in a suitable manner to ensure they remain suitable for use by skylark and other ground nesting birds.

These details are required to assess the appropriateness of the measures proposed and determine if further off-site compensation is required. The Applicant is referred to the RSPB 'Farming for Wildlife: Skylark Plots' (nd) regarding accepted guidance of size of area to be set aside.

9.14 **Matter 25** Roosting bats and trees: the Council is concerned that trees within and adjacent to the Site have not been surveyed to identify their potential to support roosting bats. The Applicant has stated at para7.7.20 of the ES [APP-043] that '*trees present within the Site would be retained and protected during construction*', however the Council consider that as a minimum the location of PRF-I and PRF-M trees should be established in order that it can be demonstrated within the CEMP or oLEMP that suitable protection buffers can be incorporated into the design for all relevant trees. The minimum 6m hedgerow buffer outlined in the ES would be insufficient to prevent disturbance where roosts are confirmed or have the potential to be present.

9.15 **Matter 26** Hazel dormouse: the Council note that while the presence of hazel dormouse is unlikely, in the absence of a survey it is not possible to fully rule out its presence. The small scale of potential hedgerow impacts is acknowledged; however, further detail should be

provided on how any residual risks of impacts on hazel dormouse will be avoided (e.g. through the application of a precautionary method of works incorporating sensitive timing and working methods).

9.16 **Matter 27** Water vole and otter: a single combined survey visit for water vole and otter has been undertaken for each proposed watercourse crossing point during June 2025. This survey appears to have consisted of spot checks of crossing point location rather a more comprehensive survey of suitable habitat within/adjoining the Site. The Council are concerned that for water vole in particular the presence of dense vegetation may have obscured field signs leading to under recording, and due to the restricted survey undertaken areas identified for 'enhancement' have not been subject to baseline surveys. However, the Council is content that the proposed pre-construction checks detailed in Section 5 of the oLEMP [APP-159] alongside the commitment to positive management of retained ditches provided in para6.4.8 to 6.4.13 of the oLEMP are likely sufficient to demonstrate potential impacts can be mitigated if they are found to be present. However, further clarification is required on enhancement proposals including proposals for baseline surveys of areas identified for enhancement to check their existing water vole status.

9.17 **Matter 28** Great crested newt: it is noted that the 2025 surveys have confirmed the presence of great crested newt within the Site at waterbody references P14 and P25. The great crested newt survey report [APP-095] identifies P46 as adjacent to the Site but does not include details of this waterbody. Confirmation is required what (if any) survey has been undertaken at P46. The ES acknowledges that a Natural England license will be required to cover the proposed works, however currently no letter of impediment has been obtained from Natural England.

Avoidance/Mitigation/Compensation

9.18 **Matter 29** Cross reference on commitments: the Council welcome the proposed biodiversity mitigation / compensation set out in the ecology chapter [APP-043], however, some have not been adequately incorporated into other submission documents (e.g. environmental masterplan, engineering drawing, management plans, DCO commitments, etc.) and therefore, delivery cannot be assumed; by example:

a) References to incorporation of sensitive lighting design need to be better reflected in the content of the oLEMP and CEMP to ensure adverse effects on adjoining habitats such as Huntingdon Wood CWS, High Wood CWS, and other ancient woodland are avoided. [APP-031] Planning Statement para4.7.19 (cross-referenced with [APP-038], para2.5.24 - 2.5.27 and [APP-155] para4.1.26 – 4.1.29): the Applicant's approach that appropriate artificial lighting will be controlled / managed (in part) to ensure that impacts on ecological receptors, nearby residents and amenity users of the Site are minimised is welcomed.

The Applicant's attention is drawn to NPS EN-3 (para2.10.46 to 2.10.48) which states that lighting relating to security measures should be fully assessed by the Applicant.

It is recommended that the submission of and approval of specific lighting measures form a requirement within the DCO's Schedule of Requirements.

b) Similarly, the Council welcome the inclusion of the expected biodiversity net gain metric outputs as commitment C12 of the Commitments Register [APP-154]. However, the Council are concerned that these commitments are not currently reflected in the oLEMP, and currently the calculation undertaken is high-level only. The Council request that commitments are clearly stated in the oLEMP to ensure clarity on targets post construction.

c) The Council note that the final biodiversity net gain outcomes will be dependent on created habitats being maintained and suitably managed. Given the temporary nature of the Scheme, and that ongoing management of created habitats after demobilisation are not currently secured, the Council consider the current BNG calculation outputs (and linked beneficial effects) may therefore overstate the likely final scheme outcome.

It is suggested that this needs comprehensive review, including how these commitments are then secured in the DCO Agreement.

9.19 **Matter 30** Planting selection: the proposed woodland planting and that plants of local provenance are to be utilised is welcomed. The Council requests that the final woodland, hedgerow, and river course planting stock list (species list) should be discussed with the local planning authorities. Species should be chosen that are characteristic of the local landscape and resilient to climate change. Opportunities should be taken to incorporate locally important species, include native black poplar and Huntingdonshire elm (resilient to Dutch elm disease). Further, an understory of grasses, wildflower meadows, and bulb species add to habitat diversity and ecological resistance would be encouraged.

9.20 **Matter 31** Decommissioned planting: it is the Council' understanding that the powers requested under the DCO will not seek to remove any of the habitats created or established by the Scheme on the Site. However, following decommissioning (i.e. the removal of the physical infrastructure) all habitats would be returned to landowners, and at this point habitats could potentially be removed subject to the relevant legislative and policy requirements at the time being adhered to. The Council seeks agreement from the Applicant that areas of species-diverse grassland to be created under the Scheme will be retained and their long-term management secured to ensure the beneficial effects identified in the ES are permanent.

9.21 **Matter 32** Landscape widths: the Council note that the minimum six metre buffer between the fenceline of the solar farm and the surround hedgerows specified in [APP-159] oLEMP Section 3.4.1 is low, in particular for hedgerows containing standard trees. The Council would wish to see that these minimum buffers are extended, and greater consideration is given to varying the overall extent of panels at the margins of the site to provide larger buffer zones that will enhance their value for a range of species.

9.22 **Matter 33** Grassland establishment: the Council have concerns regarding the method identified for establishment of species diverse grassland in the areas identified within the illustrative Environmental Masterplan [APP-121] and the oLEMP [APP-159]. These areas are largely currently in arable use and therefore likely to have high nutrient levels. Current proposals do not initially incorporate methods to reduce soil fertility (e.g. soil inversion) or promote diversity (e.g. sowing of yellow rattle). If there is a need to rely on frequent early cutting of the sward to reduce nutrient levels, this may be in conflict with the proposed use of the same areas to provide habitat for ground nesting birds.

9.23 **Matter 34** Veteran trees: the embedded mitigation measures for veteran trees and trees with veteran features outlines in the oCEMP [APP-155] are welcomed. The Council request that for consistency, reference to these measures is also referenced within the oLEMP [APP-159].

Monitoring

9.24 **Matter 35** Monitoring strategy: the frequency of monitoring set out within Section 8.0 of the oLEMP is welcomed, but the Council note that the existing monitoring proposals appear largely aimed at assessing progress towards the Biodiversity Net Gain (BNG) targets. Given that the Site is utilised by a range of protected and/or notable species, including a significant

ground nesting bird population, a more holistic monitoring strategy including bird surveys is necessary. This should include the consideration of species and wider ecosystem characteristics. Adherence to the standard approach to monitoring biodiversity promoted in Solar Energy UK guidance is strongly recommended.

9.25 **ASPECT: Biodiversity Net Gain Assessment**

Stage 1 and 2 Review

9.26 Matter 36 40-year landscape management: 'operational lifespan of up to 40-years'; and, (para7.5.29) '*LEMP...landscape mitigation and ecological mitigation...and would also set out how this would be managed by the Applicant over the lifespan of the Scheme*': the Council would like to understand how the Applicant assesses and address the management and maintenance of the existing mature and a new maturing landscape habitat over the operational lifespan of the project (circa 40-years). This represents a significant financial and staffing commitment which is currently not evidenced (Ref. Scoping Reports, 2023).

While the Council is in-principle supportive of the Applicant's [APP-157] outline Operational Environmental Management Plan, [APP-159] outline Landscape and Ecological Management Plan, and [APP-161] outline Soil Management Plan, these require more detailed resolution, specifically how they are to be staffed and implemented over the 40-year operational phase.

Stage 3 (Pre-Examination Review)

9.27 Matter 37 Biodiversity Net Gain: BNG has been considered by the Applicant as part of the Environmental Statement, building on matters raised during earlier pre-application and PEIR consultation stages. The submission of a standalone BNG Report [APP-168] represents a progression from previous material and provides a clearer basis on which the Scheme's proposed biodiversity outcomes can be examined. However, there are matters of detail or clarification that require resolution; namely:

- a) The BNG assessment has been undertaken using the Statutory Biodiversity Metric and is informed by an illustrative design and outline management proposals. As such, the reported biodiversity gains represent a high-level assessment and are subject to refinement as the Scheme design is progressed. In recognition of this, the Applicant has set specific project commitments that are lower than the headline gains indicated by the illustrative metric outputs. However, the extent to which measures proposed to mitigate significant effects are clearly distinguished from those intended to deliver BNG remains a matter for further examination.
- b) All BNG matters raised by the Planning Inspectorate in its Scoping Opinion are considered to have been addressed in the ES with the exception that the Council requested a clear differentiation between measures proposed to mitigate significant effects and measures proposed to support BNG.
- c) The Applicant is not currently subject to a mandatory requirement to deliver 10% BNG, as statutory BNG does not yet apply to Development Consent Order schemes. However, it is acknowledged that mandatory BNG for NSIPs is anticipated from May 2026 and that national policy and industry practice are increasingly moving towards the delivery of measurable biodiversity enhancements in advance of statutory requirements.
- d) The Applicant has committed to delivering 70% net gain in area-based habitat units, 30% net gain in hedgerow units, and 5% net gain in watercourse units, as set out within the submitted BNG Report. These commitments provide transparency regarding the level of biodiversity enhancement proposed; however, it is noted that the figures are derived from high-level calculations based on outline design assumptions and do not, at this stage,

represent secured or fully defined outcomes. It is noted that the current commitment made in BNG Report [APP-168] does not detail that this commitment will be secured on-site. The presumption based on the BNG report is that it will be possible to achieve this level of commitment on-site, however confirmation is sought.

- e) The Council note that expectations in relation to BNG vary across the administrative areas affected by the Scheme. In particular, Cambridgeshire County Council has articulated aspirations for higher levels of BNG through strategic policy and consultation responses, reflecting wider regional ambitions for nature recovery, while Bedford Borough Council and Huntingdonshire District Council similarly seek measurable net gains for biodiversity through local plan policy. The Examination will provide the appropriate forum to consider how the Applicant's proposed BNG commitments align with these differing local expectations and emerging national guidance.
- f) With regard to methodology, the BNG Report describes the use of UK Habitat Classification and the Statutory Biodiversity Metric condition criteria to inform baseline assessments. While this approach is appropriate in principle, further clarity would be beneficial on how baseline condition judgements have been applied consistently across extensive habitat areas, particularly where professional judgement has been relied upon. At this stage, no detailed habitat condition information has been provided.
- g) The Council support the Applicant's robust and transparent application of the biodiversity trading rules, which is considered appropriate at this stage.
- h) The Scheme comprises a large-scale ground-mounted solar photovoltaic development, and further clarification would be beneficial on how under-panel habitats are classified, managed, and condition-scored within the BNG assessment over the operational lifetime of the Scheme, and the extent to which these areas contribute to the reported biodiversity gains.
- i) The Council note that delivery of the proposed BNG outcomes is reliant on outline management measures, with limited detail currently provided on how habitats will be secured, managed, and monitored over the lifetime of the Scheme. While it is indicated that further detail will be secured through a Requirement attached to the draft DCO, additional clarity will be required through the Examination process to ensure that the proposed BNG commitments are capable of being delivered and maintained in practice.
- j) In addition, limited detail is provided regarding how habitats of biodiversity value established during the operational phase would be treated at decommissioning. Given the proposed operational lifetime of up to 40-years, further clarification will be required to ensure that biodiversity gains are not inadvertently lost at that stage.

Overall, the submitted BNG approach is considered to provide a suitable basis for Examination, subject to the matters identified above being addressed through the Examination process.

10. FLOOD RISK, DRAINAGE AND SURFACE WATER

Stage 1 and 2 Review

10.1 Matter 38 Culverts: (Applicant's PEIR) '*the access tracks will be required to cross a number of watercourses and drainage ditches...will be culverted/ crossed*'. It is suggested that this matter is addressed as a detailed design matter and may require consent from the LLFA. The matter could be addressed by way of a pre-commencement condition. It would be a requirement that all culverts are removed at the Decommissioning Phase and the watercourse topography and vegetation reinstated (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID2.1.8). Issues remaining:

- a) While [APP-038] ES Chp2 The Scheme Tables 2.21 set out how watercourses are to be crossed, predominately through proposed open span crossing or use of existing

culverts, it is unclear if this approach is only to be adopted during the construction phase, rather than all phases. This requires some clarification.

- b) [APP-100] an initial watercourse crossing assessment has been provided; while the content of the initial assessment is acceptable, concern remains regarding the potential use of culverts and associated effect on stormwater flow/ management. It is suggested that the Applicant provide greater clarity and details which could be agreed post-consent to address this matter.
- c) The Applicant has suggested that hydraulic calculations for watercourse crossings will be provided during detailed design at post consent – in principle this is acceptable.

10.2 **DCO Informative 1** Consent: any structures within the banks of watercourses such as culverts and/or open span crossings to allow access over will require Ordinary Watercourse Consent from the LLFA.

Stage 3 (Pre-Examination Review)

10.3 The Council has reviewed the following [APP-044, APP-066, APP-098 to 100, APP-147, APP-165] Environmental Statement - Hydrology and Flood Risk and make the following comments,

10.4 **Outline Battery Safety Management Plan (oBSMP) [APP-162]**: the Council suggests that the outline Plan as submitted addresses matters raised by the Council in their Scoping and PEIR responses. The Plan contains further controls to mitigate for potential impacts arising from the BESS – in an emergency situation where polluted water may run-off from the facility it is proposed that this can be safely contained and treated, rather than risking pollution of groundwater or local watercourses – broadly, these proposals are acceptable.

10.5 **Matter 39** Infiltration Testing: it is acceptable that final/ further infiltration testing as proposed by the Applicant is to be completed as part of any detailed design resolution, which could be agreed post-consent. It is noted that the assessment assumes that no infiltration is possible – this may be the likely outcome in which case other mitigations measures will need to be reviewed by the Applicant.

10.6 **Matter 40** Catchment runoff rates: [APP-098] it is suggested by the Applicant that the runoff rates/ha provided can be applied to the whole site, or individual parcels of land as required by the calculation(s) – this would be acceptable. It is noted that no cross-catchment flows have been designed/ allowed for which may require consideration.

10.7 **Matter 41** Solar Panel drainage and potential for erosion from runoff: the maintenance regime of the grassland under the solar panels has been described in detail within [APP-165] outline Surface Water Management Plan and [APP-159] outline Landscape and Ecological Management Plan – the maintenance regime is acceptable. The support posts for the solar panels take up a surface area that becomes impermeable. Individually that area is negligible but collectively with thousands of support posts this area becomes more significant. This impermeable area should be assessed when designing SuDS features such as swales, storage ponds etc. for each area of solar panels. It is suggested that filter drains / swales are provided for every five or six rows of solar panels to help address these impermeable areas at source and to minimise overland flows especially on sloping ground.

10.8 Maintenance of SuDS and watercourses: the [APP-165] outline Surface Water Management Plan includes a maintenance plan for all SuDS feature types – this is acceptable.

10.9 Matter 42 Watercourse consenting: the [APP-016] draft DCO suggests granting power to carry out such works, subject to the protective provisions for Bedford Borough Council and Cambridgeshire County Council as the two lead local flood authorities contained within the draft DCO - in principle this approach is found accepted but it is suggested required discussion at Examination.

10.10 Matter 43 Surface water drainage: detailed drainage plans are to be confirmed at the detailed design stage post-consent – this is acceptable. [APP-165] oSWMP sets the principles by which surface water will be managed across the Scheme. Discussion is required at Examination as to deliverables, programme, and consenting regimes.

10.11 DCO: the Council has responded elsewhere to the [App-016] Draft DCO regarding flood aspects.

10.12 In summary, the Council's main concerns are potential use of culverts across water-courses, the managing of overland flow and channelised flow, and what suitable SuDS measures will be installed to the perimeter of each area of solar arrays to mitigate any flood harm to neighbouring properties/ land. While it is considered that most of these matters can be addressed and resolved at technical detailed design stage, potentially post consent, the Council would want these matters raised at Examination.

11. TRAFFIC AND TRANSPORT

Stage 1 and 2 Review

11.1 Matter 44 Public Highways: for completeness, it is noted that the proposed cable route (Illustrative Environmental Masterplan Key Plan, Ref. Figure 2-2a; dated Sept 2024) crosses several public highways and consequently the Applicant will need to attain the necessary consent, including agreeing to s106/ s278 et al and other financial contributions prior to construction. These should be negotiated with the relevant local planning authorities, specifically noting that this will be a cross-boundary Application (Ref. PEIR Report, 2024). This matters remains relevant and it is suggested that discussions should remain on-going.

11.2 Matter 45 underground infrastructure contamination: It is noted that the Council is not supportive of leaving underground ducting and cables in-situ at the decommissioning phase. The ducting and cables contain plastics and metals which are toxic and with gradual breakdown have the potential to leach into the surrounding ground and groundwater causing contamination. The Applicant should be obligated to return the Site, Cable Corridor, and possible servitudes within the Public Highways used by the Scheme, free of such known contamination. It is noted that this approach would be supported by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and Waste Electrical and Electronic Equipment Regulations 2013 regarding long-term harm (Ref. PEIR Report, 2024). This approach remains the stated Council's position and requires address.

11.3 Matter 46 Condition surveys: surveys will be required prior to the construction phase (and potentially the replacement phase), and the decommissioning phase commencing, to assess any related damage to the Public Highway approach roads and an agreement put in place to remediate any damage caused by the Scheme subsequently. Restoration of temporary access points should be subject to a pre-development condition as to be agreed with and authorised by the Council (Ref. PEIR Reports, 2024).

[APP-011] Traffic Regulation Measures Plan: a temporary weight restriction suspension is proposed on the B645 between the junction with the A1 and the main site access (SA16). The current restriction is '18t Except for Loading'. The proposed suspension is consistent with the HGV routing strategy and is considered reasonable. It is noted that there are no structural weight restrictions on the Public Highways within Bedford Borough Council's jurisdiction in the area of the Scheme, all restrictions are environmental (to keep HGVs out of communities). The Council could temporarily remove these environmental weight restrictions to allow access to the Site for the period of construction, however, the above surveys, construction management plan, and agreements would be required. This would need agreement by the various Host Authorities.

This is a standard approach adopted by the Council with regards to development.

11.4 Matter 47 General: it is noted that, while most of the highways matters have been set out by the Applicant, these are not necessarily concluded. For example, there may need to be further discussion on the details of the visibility splays at the numerous site access points, temporary signage and traffic signals, etc., but it is assuming that the Applicant will be picked up such matters in further conversations with the Council's Authority's Highway Officers (Ref. PEIR Report, 2024). This matter remains pertinent but could be addressed during detailed design resolution.

11.5 Matter 48 Travel Plan: it is noted that there appears to be limited information regarding staff travel (Travel Plan) other than broad assumption that some people would car-share to Site, and that minibuses between sites may be provided. The Council suggest that this is insufficient information (Ref. PEIR Report, 2024).

The [APP-156] outline Construction Traffic Management Plan para4.5.3 makes reference to a Construction Staff Travel Plan - this will require considerable greater detail and intent to address the requirements of policy to enable modal shift and reduce carbon footprint. It is noted that no Travel Plan Monitoring Fee for say the construction phase is suggested; this should be included within the [APP-016] DCO Agreement.

11.6 Matter 49 Construction Activity: it is noted that the various sites may be under construction over a similar period and this would suggest that there may be on-site, off-site travel, and construction movement between the sites which appears not to have been addressed by the Applicant (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID2.1.9).

While the Applicant has suggested various on-site haul roads between sites, a detailed traffic movement discussion regarding impacts is required to conclude matters.

Stage 3 (Pre-Examination Review)

11.7 An External Consultant has been appointed under a Memorandum of Understanding with Bedford Borough Council to act in relation to Traffic and Transport and to assess this aspect and related matters. The Host Authorities are working closely together in respect of these matters and as such this representation includes comment relating to Cambridgeshire County Council/Huntingdonshire District Council area for completeness and transparency.

11.8 Traffic and Transport has been considered by the Applicant in Traffic and Transport [APP-045] with supporting appendices Transport Assessment [APP-101] and Traffic Flow Diagrams [APP-102].

11.9 Matter 50 Visibility splays: one of the comments made by Cambridgeshire County Council (CCC) at Statutory Consultation related to the visibility splays at accesses SA14 and SA15. It was noted that Observed vehicle speeds are indicated at 41.4 mph 85%ile speeds and that, as this is above the Manual for Streets (MfS) threshold of 37mph, this would require to be derived from Design Manual Roads and Bridges (DMRB) not Manual for Streets criterion. It further noted that correct visibility splays would need to be 109m not the indicated 69m. The available splays were therefore requested to be increased in these locations and to supply locations of speed surveys and data.

The Applicant's response to this was '*The site accesses will be situated within a section of Moor Road featuring several sharp bends. As such, it is likely that vehicle speeds in the vicinity of the accesses will be significantly lower than the observed speeds used in the visibility calculations. Accesses SA14 and SA15 would also only be used during the construction and decommissioning phases. Use of these accesses would therefore be relatively infrequent. It is therefore considered that interpolating from MfS visibility distances in this case is appropriate*'.

The use of MfS to determine suitable visibility splays in these locations is not considered appropriate and there are concerns that this creates road safety issues with insufficient visibility provided at these accesses. The construction and decommissioning phases have been scoped into the assessment and therefore the effects cannot be dismissed on the basis that use is 'relatively infrequent'.

Whilst noting that accesses SA14 and SA15 lie within Cambridgeshire, there are similar issues at accesses SA17, SA18, SA19 and SA20 (within Bedfordshire) where MfS has been used to determine visibility splays. In these locations DMRB should be used to determine visibility splays.

11.10 Matter 51 Highway modeling links: for the highway assessment, only links have been assessed; no junction counts were conducted, and no junction assessments were carried out. Justification has been provided by the Applicant '*Section 5.5 of ES Vol 2 Appendix 9-1: Transport Assessment [EN010141/DR/6.2] identifies that the Scheme would not generate more than thirty two-way movements during peak hours, which is the threshold at which junction assessments are required as identified in Cambridgeshire County Council's Transport Assessment Requirements*'.

Therefore, the Applicant has not included any junction capacity assessments on the basis that construction traffic in the network AM and PM peaks (8am-9am and 5pm-6pm) is below the trigger of thirty two-way trips. However, in the hours of staff arrivals and departures (7am-8am and 6pm-7pm respectively) the combined baseline plus construction traffic flows exceed the network peak flows by significantly more than thirty two-way trips and therefore an assessment of impacts at key junctions should be undertaken.

11.11 Automatic Traffic Count: the results from the Automatic Traffic Count (ATC) surveys have been presented in Table 9.8. It is noted that both 2022 and 2024 survey data has been used to determine the baseline traffic flows for the assessment. Whilst a consistent set of traffic survey data would be preferred the baseline data is considered to be acceptable.

11.12 The Personal Injury Accident (PIA) data was obtained for the most recently available five-year period and analysis was provided on the severity of collisions to inform the road safety assessment. This aspect of the assessment is considered to have been carried out correctly.

11.13 Transport Assessment: the assessment of likely impacts and effects in the construction phase has been reviewed. Staff numbers are provided for the full 30-month construction period (average of 496 staff) and for the peak months 7-24 (average of 705 staff), with a maximum of 854 staff in month 12. The average daily construction trip generation has been calculated for three scenarios: Period of Maximum HGVs (Month 2); Period of Maximum Staff (Month 12); and Average across the whole construction period (30 months), which is considered a robust assessment methodology.

11.14 The justification for assigning a Low sensitivity to all assessed highway links has been provided and the % increases in total traffic and HGVs have been reported to assess the magnitude of impact and overall significance of effects. For the magnitude of impact, justification has also been provided on the assignments for each assessment criteria. The Council are satisfied that a robust assessment methodology has been used to assess the impact of construction traffic on the highway and PRoW network.

11.15 Matter 52 Minibus service: [APP-101] Transport Assessment includes an estimate of construction staff traffic based on an assumption of an average vehicle occupancy of two people. Section 5.4.4 states that the Applicant will '*explore the provision of staff minibuses where appropriate during peak periods of construction activity, to provide staff transport to nearby transport hubs, town centres and/or local accommodation*'. Monitoring staff traffic and vehicle occupancy should be included in the CTMP/ Travel Plan and a clear commitment provided to implement the minibus service if occupancy is below that assumed for the assessment. This commitment should be written into the [APP-016] DCO Agreement.

11.16 Matter 53 Vehicle tracking: vehicle tracking for each of the proposed site accesses is included in Annex C of the Transport Assessment. However, in many locations the vehicle tracking runs outside the proposed access and therefore does not provide evidence that the access points are safe and feasible. The Applicant should resubmit with further detail showing fully dimensioned plans of each access along with tracking showing two-way (simultaneous) movements of the largest vehicles which will use them. The visibility splay drawings should also be updated to be consistent with any changes to the accesses.

11.17 Matter 54 DCO boundary: Figure C5 in Annex C includes tracking for the Great Staughton Road/ Little Staughton Road junction and indicates that mitigation is required in the form of widening that falls outside the DCO boundary and within third-party land. This needs review by the Applicant.

11.18 Matter 55 Stage 1 Road Safety Audits (RSAs): a RSA for each site access have not been provided. Stage 1/2 RSAs detailed design resolution should be undertaken prior to the conclusion of the Examination as this may highlight additional matters not yet addressed.

11.19 Matter 56 DCO Agreement (Highways): the DCO should include provision for the Council as highway authority to approve the design and standard of construction of any works within the public highway, and clauses affording protection to the highway authority by including rights to carry out inspections and to certify that altered highways (including PRoWs) have been constructed to a standard acceptable to the highway authority.

11.20 In conclusion, the main points that are of concern from the review of [APP-045] Traffic and Transport assessment are the following:

- Insufficient visibility splays at accesses SA14, SA15, SA17, SA18, SA19 and SA20;
- Exclusion of junction capacity assessments for the construction AM and PM peaks;
- Proposed site accesses cannot accommodate the proposed construction vehicles;

- d) Mitigation required at the Great Staughton Road/Little Staughton Road junction appears to fall outside the DCO boundary and within third party land;
- e) Stage 1/2 RSAs for the proposed site accesses should be undertaken at detailed design stage;
- f) CTMP/ Travel Plan to include monitoring of staff traffic and vehicle occupancy with a clear commitment to implement the minibus service if vehicle occupancy is below that assumed for the assessment; and,
- g) Provision in the DCO for the highway authority to approve the design and standard of construction of any works within the public highway, and rights to carry out inspections and to certify that altered highways (including PRoWs) have been constructed to an acceptable standard.

11.21 It is suggested that this aspect requires detailed discussion at Examination.

12. PUBLIC RIGHTS OF WAY and BRIDLEWAYS (PRoW)

Stage 1 and 2 Review

12.1 LVIA corridors: the Council's concern is that PRoWs are important public routes which need to be assessed as '*sequential visual effects*' corridors (Applicant's Scoping para7.6.3iv), rather than addressed as a single viewpoint within a LVIA study. This approach should be recognised at the onset of the Application (Ref. Scoping Report, 2023). It is suggested that the DCO Application has recognised this Scoping matter and assessed accordingly.

12.2 Matter 57 Technical specification: Applicant - '*to be set within wide green corridors*'. The Council is concerned that this is not imperially defined and would like to see the proviso of a minimum PRoW corridor width set at 8m for footpaths and 9m for bridleways (PRoWs form important habitat and landscape corridors, rather than as narrow pathways, hence the matter of width); and, the Council seeks clarification how these are to be retained, managed, and enhanced within any Outline CEMP and Outline LEMP, including funding of such for the duration of the Scheme (Ref. Scoping Report, 2023).

In [APP-045] Traffic and Transport para9.7.17 the Applicant states that '*at all times, the definitive PRoW width would be retained as a minimum width for any temporary PRoW diversion*'; and, in [APP-160] outline PRoW Management Plan para6.4.2 '*...Pertenhall 26 bridleway ...comprises a width of approximately 4.5-5m along the impacted section of the PRoW, along with a grass verge that varies between 1 and 3m wide, and as such there is generally sufficient width for PRoW users to safely pass vehicles approaching...*', para 7.1.3 '*The definitive widths of public rights of way...*', para7.1.4 '*Where public rights of way are within areas identified as grassland... a strip of grassland will be cut to a minimum width of 2m, or in accordance with the definitive width of the public right of way, whichever is wider*', para7.1.6 '*The final route, surfacing material, permitted user groups and widths of proposed permissive paths will be defined in the full PRoW Management Plan*'. In turning to the PRoW Management Plan, PRoW corridor and pathway widths remain undefined. The Council notes that this remains a significant matter from Stage 1 of this DCO Application that requires discussion at Examination.

12.3 Matter 58 Scheme activity: Applicant - '*During the operational phase (and read replacement phase) it is anticipated that there will be around 10-16 staff on-site at any one time, primarily undertaking maintenance tasks*'. No information is provided in the Applicant's Scoping Report regarding the construction compounds and movement of possible vehicle staff between them and the location of the solar arrays, BESS, landscape maintenance, etc. during both

construction, maintenance, and the decommissioning stages and the potential impact on the existing and proposed PRoW network and related public safety (Ref. Scoping Report, 2023). This matter remains unaddressed and requires to be addressed.

12.4 **Matter 59** Public access: there must be no adverse effect on public enjoyment as a result of the Scheme, and therefore any possible loss of use and visual amenity on any of the PRoW routes must be fully considered. The Council has a statutory duty in respect of PRoWs to ensure that members of the public are not inconvenienced in their access and use of PROW. Where works are required within/ across PROW, for example where construction access or cable routes utilise or cross PROWs, the Applicant will need to seek prior notice to the commencement of development to be submitted to and approved by the Council. Further, during the construction phase, and possibly the operational phase – replacement, temporary closures may be required that affected PROWs (Ref. PEIR Report, 2024).

While [APP-016] DCO Agreement Clause 13(2) deals with works and consents required regarding '*constructed altered or diverted*' footpaths or bridleways, this does not address the complexity of [APP-010] Street Works, Rights of Way and Access Plan which indicates:

- a) '*Temporary prohibition or restriction of use of public right of way*' ('temporary stopping');
- b) '*Proposed managed crossing point*';
- c) '*Permanent use of motor vehicles over public rights of way*';
- d) '*Extent of temporary public right of way management measures*';
- e) '*Alteration of streets – permanent*'; and,
- f) '*Alteration of streets – temporary*'.

g) This should also be understood in terms of DCO Schedule 4 'cable works'.

These matters should be viewed as significant as they effect the public's statutory rights in using PROWs and Bridleways. This matter remains unaddressed and requires to be addressed.

12.5 **Matter 60** Access: in principle the Council is NOT supportive of using the PROW Footpaths in the construction phase, and possibly in the operational (replacement) phase, for construction and maintenance vehicle access. This approach raises significant use, pedestrian safety, and horse-riding usage issues. While the Applicant has set out measures (Ref [APP-160]), in all cases this favours vehicle movement at the inconvenience of the footpath and bridleway user. Further, no mitigation measures have been proposed should such vehicle activity damage the existing hedgerows and tree planting framing various PROW.

The approach as set out in this regard in [APP-010] Street Works, Rights of Way and Access Plan, [APP-160] PROW Management Plan Chp.6, and [APP-016] DCO Agreement is not supported.

12.6 **Matter 61** Access maintenance: details of maintenance management for hedgerows and additional landscape planting along buffer routes and green lane corridors should be included in the PROW management plan (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID3.8.1.6).

In [APP-160] outline PROW Management Plan the Applicant does not set out how the PROWs are to be maintained for active pedestrian and bridle usage if they are to be used for construction activity. At all times a usable surface should be maintained for pedestrian and bridle usage. This should include maintaining adjacent planting verges/ hedgerows. This matter is not addressed in the DCO Application.

12.7 **Matter 62** PROW corridors approval: details of enhancement, reinstatement, and new routes, not limited to the restoration of paths to an acceptable condition and including hedgerow

planting if applicable, must be submitted to and approved by the Council. Details should be provided regarding the proposed permissive paths, which should be multi-use routes suitable for walkers, cyclists and equestrians. Routes should improve connectivity and provide recreational enhancement for users. Hard and soft technical specification are required (Ref. PEIR Report, 2024).

In [APP-160] outline PRoW Management para7.1.6 it states that '*new permissive pathways ... final route, surfacing material, permitted user groups and widths of proposed permissive paths will be defined in the full PRoW Management Plan*'. The Council would require that this is resolved and any technical requirements are incorporated into the DCO Agreement.

Stage 3 (Pre-Examination Review)

12.8 In response to the DCO Application [APP-010] and [APP-016], the following comments and matters are raised.

12.9 **Matter 63** PRoW Network: [APP-160] the Outline PRoW Management Plan refers to the creation of (new) permissive bridleways and improvements to the existing routes, however no detailed route plans, specifications, or proposals have been provided (a requirement as requested in both the Scoping and PEIR response – see above).

The Council therefore requires the Applicant to submit supporting material in order for the Council to assess the mitigation of harm and assess proposed enhancement that collectively address the impact of the Scheme on the PRoW network. At a detailed level, the Council would request that the Scheme (provisional, subject to further discussion):

- a) Create a surfaced link from Footpath (FP) 8A Staploe to FP A9 Wyboston including all necessary structures to provide cycling/walking access to Alpha Park Eaton Socon;
- b) Create a surfaced link from FP 8A Staploe to FP 24 Staploe to provide cycling/walking access to connect communities to Eaton Socon;
- c) Create a surfaced link to FP 8A Staploe including all necessary structures to provide cycling/walking access to Bushmead Road to connect communities to Eaton Socon;
- d) Create a surfaced link to FP24 and FP 8A Staploe including all necessary structures to provide cycling/walking access to Bushmead Road Staploe to connect communities to Eaton Socon;
- e) Create a surfaced link from BW 31 and BW 44 Staploe to BW 43 Staploe including all necessary structures to provide access to the Kimbolton Road, High Street Hail Weston;
- f) FP 16 is a cross-field route – it would bring benefit to the landowner to move the route to field edge;
- g) Upgrade to width and surfacing of routes FP36, part of FP13, part of FP47 Bolnhurst and Keysoe and FP 8 Little Staughton to provide cycling/walking routes to improve and increase accessibility to the countryside and connect villages;
- h) Alternatively divert part of FP47 and FP8 which are extant tracks;
- i) Create of a surfaced cycling/walking route from Little Staughton Road C5 to FP 1 Little Staughton to road known as C11 Green End to improve and increase accessibility to the countryside and connect villages;
- j) Upgrade to width and surfacing of FP3 and FP4 Little Staughton to provide cycling/walking routes to connect villages;
- k) Provide an alternative route across the brook for part of FP11 and FP 2D Pertenhall to connect to FP 2B Pertenhall, including all necessary structures;
- l) Provide an extinguishment order for part of FP 2E;

- m) If the permanent vehicle use of PROWs as proposed is approved, provide separate routes for cycling/walking adjacent to the public rights of ways affected – inter alia BW26 & FP29 Pertenhall, BW 37 Bolnhurst and Keysoe, and FP4 Little Staughton;
- n) Create a surfaced footpath connection from FP29 to Green End Pertenhall; and,
- o) Create multi-user routes around Scheme Site B.

Note that the Council are preparing plans to illustrate the above proposals which will be submitted to the Examination for discussion.

It is noted that the above PROW network proposals would address the requirements of the Council's Local Plan Policy 91 (Access to the countryside), AD36 (Pedestrian Routes), and AD39 (Cycling), the Council's Rights of Way Improvement Plan 2025-2030 (adopted), and NPPF (2024) para96 and 105.

12.10 **Matter 64** PROW general requirements: any proposals submitted by the Applicant, in accordance with planning policy requirements, would need to demonstrate that the Scheme:

- a) Creates locally agreed enhance and/or additional PROW to provide links and increased opportunities for public enjoyment (pedestrians, cyclists and horse-riders);
- b) Creates strategy routes and additional links for cycling/walking to enhance connectivity between parishes and across Local Authority boundaries to access national cycle routes to promote active and sustainable travel and upgrade of identified Footpaths to provide links;
- c) Creates spacious provision/ width corridors to existing PROW within the Scheme to improve feelings of wellbeing for the community and users;
- d) Creates mitigation/ enhancement landscaping strategy/plans to promote and provide interaction for cycling/walking with nature to improve the sense of wellbeing;
- e) Where a PROW is to be enclosed between fences, walls or hedges, extra land will have to be set aside for the PROW, to enable access for maintenance of the routes, to ensure that any boundary vegetation remains clear of the PROW;
- f) Where the boundary treatment is a hedge, line of bushes or trees the vegetation will grow into the space around it during the growing season and has the potential to obstruct the PROW. Acute changes of direction in an enclosed PROW should be avoided so that no intimidating blind spots are created:
 - i. A detailed plan of ongoing maintenance programmes for the surfacing, side growth and seasonal vegetation clearances to prevent encroachment of the PROW.
 - ii. Adequate width provision for users - Footpaths at 4m and green Bridleways at 8m to mitigate the enclosed nature of routes and to avoid vegetation growth into the line of the PROW during the growing season.
- g) Enhanced surfacing for routes within the Scheme - crossfall or a cambered profile should be provided on all PROW and cycling/walking routes to assist with drainage. The degree of crossfall or slope should be in the range of 2% to 2.5% depending on the users of the facility and whether it has a sealed or unsealed surface;
- h) Demonstrates design compliance with local and national guidance; namely:
 - i. BS8300-1:2018 Design of an accessible and inclusive built environment Part 1: External environment — Code of practice.
 - ii. LTN 1/20 Cycle Infrastructure Design.
 - iii. British Horse Society – advice on width, area and height on routes used with horses.
 - iv. Plans must detail widths, surfacing material, and soft landscaping to the PROW corridor.
 - v. Information boards and positioning of detailed waymarking.

- i) Details regarding legal status designations for realignment and/or upgrades to existing routes; namely:
 - i. Details of additionally created cycling/walking routes and nature of their designation (permitted/ designated PRoWs);
 - ii. Detailed timescales for the length of proposed closures and reinstatement works on affected routes;
 - iii. Detailed timescales to be provided for permissive routes and the legal status attributed to routes;
 - iv. The Council will require the Applicant to enter into and sign appropriate legal agreements for all affected routes;
 - v. Details of the legal status of routes, during and post restoration; and,
 - vi. Timescales for restoration.

12.11 **Matter 65** Permissive paths: it is accepted that the creation of permissive paths will create additional opportunities for recreational access. However, it is considered that this will only be a temporary benefit as following decommissioning any permissive paths could/would be removed and the land returned to the landowner ([APP-031] para3.6.3 and 4.9.3 refer). The level of benefit should therefore be clarified by the Applicant.

12.12 **Matter 66** DCO Agreement: the Council has reviewed [App-016] DCO Schedule 4 (Street and PRoW Works), Schedule 6 Part 1 (Temp restriction streets and PRoW) and Part 2 (Permanent use of vehicle on PRoW), and, Schedule 7 Part 1 (Permanent Access) and Part 2 (Temp Access) and note that significant clarification and supporting material, as set out above, is required. As currently submitted, the [APP-016] Draft DCO with reference to PRoW matters is NOT supported.

12.13 It is noted that PRoW matters, as set out above, have not been addressed, or the Applicant has not submitted sufficient supporting material for the Council to assess these matters. It is suggested that all matters raised above regarding PRoWs are addressed as a single Aspect with related matters and/or issues as identified. The Council views this as a significant aspect for discussion at Examination.

13. NOISE AND VIBRATION

Stage 1 and 2 Review

13.1 **Matter 67** Decommissioning phase: the Council noted that traffic noise and plant and machinery impacts were scoped in for the construction and operational phases, and consequently these impacts should also be included in the decommissioning phase (Ref. Scoping Report, 2023) (Ref. Planning Inspector's Scoping Opinion ID3.6.1, ID3.6.3).

The Council suggest that [App-046] ES Noise and Vibration should either have addressed the operational (replacement) phase as a phase requiring assessment, or stated that similar consideration and mitigation measures should be put in place during this phase as proposed in the construction phase. This is not recognised by the Applicant.

13.2 **Matter 68** Noise monitoring locations: additional detail was requested to aid assessment (Ref. PEIR Report, 2024); '*Efforts should be made to agree the position of the noise monitoring locations with the Local Planning Authorities*' (Ref. Planning Inspector's Scoping Opinion ID3.6.8).

[App-046] ES Noise and Vibration Table 10.6, ID3.6.8, the Applicant states '*Baseline monitoring positions were considered to ensure sufficient coverage and positions were agreed with the LPA EPO*' – the Council seeks written confirmation to this statement please.

Stage 3 (Pre-Examination Review)

13.3 In response to the DCO Application [APP-046] [APP-103 to 107] [APP-155, 157, 158], the following comments and matters are raised.

13.4 Matter 69 [APP-155] Outline Construction Environmental Management Plan: in para4.1.2 the Applicant states that construction works applicable to all phases would generally be limited to 08.00 to 18.00hrs Monday to Friday and 08:00 to 13:00hrs Saturday, with no construction work on Sundays or Bank Holidays. While the Council is in agreement with the proposed hours it is noted that this is a Building Regulations matter under the Control of Pollution Act (1974) and not a planning matter and such reference should be removed as a planning matter.

13.5 Matter 70 [APP-157] Outline Operational Environmental Management Plan: in Table 5.5 impact of noise arising from operation at noise sensitive receptors (NSR) the Council note that where complaints are received these should be investigated in accordance with the latest version of BS 4142. Noting the expected life of 40-years of the Scheme, this Standard may be replaced and/or altered and so the mitigation as identified and arising should reference 'the BS or as amended' or 'of BS 4142 or equivalent standard'.

13.6 Matter 71 Standards and Regulations: the matter above regarding all Standards etc. should be read across the entire DCO Application.

13.7 Matter 72 [APP-157] Outline Operational Environmental Management Plan: Table 5.6 Impact of noise arising from maintenance and repair activities at noise sensitive receptors (NSR). This suggests that BS5228-1:2009+A1:2014 may be applied for impact of noise arising from maintenance and repair activities. The scope of this standard applies to construction sites. If applied to ongoing normal operations this guidance is not correctly applied. In the event this part of the management plan is applicable to normal ongoing operations it should be implemented and measured against the most relevant standard, e.g. BS4142. In the event this applies solely to construction related activities we agree with the standard being applied.

13.8 In review: according to BS4142: 2014+A1:2019, the rating level relative to the assessment baseline noise would indicate a negligible to slight adverse impact magnitude at all receptors. The operational noise impacts from the Scheme are therefore considered to represent a neutral to minor level of effect in terms of EIA and therefore would not be significant.

13.9 The Applicant's submitted material has been reviewed and subject to the resolution of the matters above, the Environmental Statement regarding this aspect is found acceptable. The Council has no further comment to make at this time.

14. AIR QUALITY (Dust)

Stage 1 and 2 Review

14.1 BESS Fire: Notwithstanding the comment made by the Applicant regarding '*very low potential for significant environmental effect on air quality to occur in the operational phase*' it is specifically noted that, while BESS fires are rare, should they occur they can have a significant effect on the public health of the surrounding community in terms of release of toxic fumes

into the air for a prolonged period of time; and, that if contaminated firewater is not managed on-site this could affect receiving water courses and groundwater to the long-term detriment of the environmental. It is therefore noted that this low probability/ significant effect should be addressed in the Applicant's submission (Ref. PEIR Report, 2024) (also refer to the Planning Inspector's Scoping Opinion ID3.10.5 Cumulative effects – operation and decommissioning).

It is noted that the Applicant has addressed this PEIR matter in part in [APP-162] Outline Battery Safety Management Plan. However, some matters remain which are raised below.

Stage 3 (Pre-Examination Review)

14.2 In response to the DCO Application [APP-047] [APP-108 to 111, 149, 162], the following comments and matters are raised.

14.3 Matter 73 [APP-047] Air Quality: it is acknowledged that due to the nature of the Scheme no emissions that may impact local air quality are anticipated from the on-site infrastructure. Further assessment of air quality impacts during the operational phase were therefore scoped out of the Environmental Statement. On this basis, the Council considers that the [APP-155] Outline CEMP includes appropriate dust management and monitoring measures to be employed as based on the recommendations of the IAQM guidance. It is concluded that if the DCO is granted, the Outline CEMP will be developed into a final Construction Environmental Management Plan (CEMP) once a contractor is appointed. Further, the Applicant states that a final Construction Dust Management Plan (CDMP) will be prepared as part of, or to accompany, the final CEMP, in line with guidance on dust mitigation. This CEMP will include the implementation of Best Practice Measures to control and manage dust emissions as recommended in the IAQM guidance on dust from construction. On the basis that the CEMP and CDMP will be submitted to the Council's Environmental Health Officer for approval prior to construction, this matter is acceptable.

14.4 Matter 74 Dust mitigation: [APP-157] oOEMP Table 5.7 - impact of dust arising from activities on the site, and movement of vehicles within and outside the site: the Council seek further clarification of mitigation measures, include timetabling of earthworks that avoid activities taking place during dry months (i.e. mitigations measures regarding reduced water use or the use of non-potable water to control dust or the use of water suppression may need to be restricted or tightly controlled). Local contextual understanding notes that local geology may indicate the presence of Northampton sand resulting in very fine material being re/suspended which could be carried off-site and effect local amenity. Where earthworks are very limited the impact may be negligible, but the Council seeks a strategy for dust disamenity control to address this concern.

14.5 In review: the Applicant's submitted material has been reviewed and subject to the resolution of the matters above, the Environmental Statement regarding this aspect is found acceptable. The Council has no further comment to make at this time.

15. GROUND CONDITIONS (Land and Water Contamination)

Stage 1 and 2 Review

15.1 Matter 75 Pollution leaching: with regards to onsite maintenance and management of chemicals and leaching into the soil and/or groundwater (e.g. chemical spills/cleaning materials to PV units; '*Pollutant-receptor-linkages and the siting of compounds and any fuels will need to be kept well away from the banks of any stream and other watercourses*'), the

Applicant had proposed that (para9.5.26) '*... the impact of chemical pollution during the operational stage is proposed to be scoped out*'. The Council expressed significant concern regarding the possibility of soil and groundwater pollution arising during the 40-year operational stage, and suggested that the matter should be assessed (including the need to include any mitigation measures as part of a CEMP) (Ref. Scoping Report, 2023).

While it is acknowledged that the Inspector '*considers that the presence of chemicals and soil disturbance during operation, including maintenance procedures, is unlikely to give rise to significant effects... The ES should explain why the operation of the Proposed Development would not give rise to routine emissions of chemicals (i.e. that panels are effectively inert) or sediment and how emergency releases would be managed within an Operation Environment Management Plan and/ or Soil Management Plan and Battery Safety Management Plan*' (Planning Inspector's Scoping Opinion ID3.3.2; further ID3.4.4, ID3.4.5 regarding operational and decommissioning phases).

In [APP-048] Ground Conditions para12.7.3 the above issue/ risk has been identified and is drawn through to the [APP-157, 158] Outline Operational Environmental Management Plan Table 5.8. However, the Applicant's references that this will be addressed in an 'Environmental Incident Management and Pollution Prevention Plan' which has not been submitted as part of the DCO Application. This raises some concern and should in submitted in outline at Examination.

Address of this matter therefore remains a material consideration.

15.2 BESS facility Major Accidents or Disasters (Applicant Scoping para18.3.11): '*The battery units have the potential to generate heat and therefore there is a risk of a fire developing*'. The Council noted that the BESS is a battery unit and consequently there would need to be an assessment in the case of fire and then associated possible ground and soil contamination/ hazardous pollution (Ref. Scoping Report, 2023) (Planning Inspector's Scoping Opinion ID3.4.3).

It is suggested that this concern and Scoping matter has been addressed by the Applicant in [APP-162] Outline Battery Safety Management Plan.

15.3 Matter 76 BESS Firewater: it is noted that the management and removal of contaminated firewater needs specific address in any Operational Environmental Management Plan including an emergency strategy should such firewater breach into river catchment areas and/or leach into ground water or soils (Ref. PEIR Report, 2024) (Planning Inspector's Scoping Opinion ID3.4.3, ID3.12.2).

It is suggested that this concern and Scoping matter has been addressed in part by the Applicant in [APP-162] Outline Battery Safety Management Plan. However, the matter of breach needs address.

Secondly, the Applicant states in para4.5.6 that the capacity of the surface water drainage system to contain firewater runoff has been calculated to '*accommodate a reasonable worst-case scenario*'. However no volumetric calculations that are then evidenced in firewater/ stormwater ponds layout/design/ capacity have been evidenced to confirm this matter. The Council view this as a significant potential environmental risk.

15.4 NFCC Guidance: National Fire Chiefs Council's 'Grid Scale Battery Energy Storage Systems planning – Guidance for Fire and Rescue Services' (November 2022; Version 1) is not adopted

planning policy and carries no weight in determination. In light of a nearly total lack of planning policy with regards to BESS fire safety management, it is suggested that the strategy/approach raised in the Guidance is adopted within any strategy that they propose (Ref. PEIR Report, 2024).

It is noted that this document is referenced in the [APP-162] Outline Battery Safety Management Plan which addresses this PEIR matter.

15.5 **Matter 77** Insurances: while not a direct planning matter, BESS fire risk, and related insurance, should be stated as solely the responsibility of the Applicant/ Promotor for the duration of the Scheme including the decommissioning stage (Ref. PEIR Report, 2024).

15.6 **Matter 78** Waste: (Applicant Scoping para18.4.9) the materials used within both the BESS battery units, PV panels and cabling have not been stated and therefore, to err on caution, the Council would need to understand the life-cycle management of and possible long-term contamination/ waste disposal of these materials; and, (Applicant Scoping para18.4.6) '*In relation to [replacement and] decommissioning, waste arisings will be generated from the removal of PV panels, PV mounting structures, cabling, electrical equipment, fencing and foundations*', and similarly in relation to the BESS battery facility. The Council would like to see detailed aspects related to waste management of the total Scheme scoped in (Ref. Scoping Report, 2023) (Planning Inspector's Scoping Opinion ID3.12.3, ID3.12.5).

[APP-038] The Scheme – the Applicant states that there would be a need to replace components that fail or reach the end of their lifespan over the operational lifetime of the project. Table 2-35 identifies anticipated timescales for each component. The Applicant states that '*the replacement of components would be periodic throughout the lifetime of the scheme and would not involve the intensity of construction at the outset of the project*'. However, para2.6.3 references the potential for significant replacement campaigns including large-scale replacement of solar PV array areas, or multiple transformer or battery storage units. In these instances, more staff and specialist equipment (cranes and low loaders) would be required. This matter has, however, not been fully resolved and / or assessed by the Applicant nor discussed and resolved with the Council – this matter raises significant concern.

It is suggested that the potential harm and severity of harm resulting from the materials used in the Scheme in terms of life-cycle recycling and carbon footprint, also with the potential to export such waste to land-fill, needs to be more comprehensively addressed within the Environmental Statement than currently stated by the Applicant. It is suggested that the Council's position would be supported by the reading of the High Court Ruling R (Finch) v Surrey County Council and others [2024] UKSC20, 20 June 2024 regarding assessing 'downstream' impacts and effect.

It is suggested by the Council that this forms a significant matter for Examination.

Stage 3 (Pre-Examination Review)

15.7 In response to the DCO Application [APP-048] [APP-112 to 114], the following comments and matters are raised.

15.8 **Matter 79** Watching brief: the Council is in broad agreement with the conclusions and recommendations of [APP-048] Ground Condition report, however, it is recommended that a watching brief be put in place. This would review and monitor any unexpected contamination originating from the Scheme or the migration of contamination from

neighbouring sites, to be dealt with in an appropriate way. Should any ground and water contamination be encountered/ arise during the construction, operation, and decommissioning of the Scheme then works should be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme should be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to re-engagement of the Scheme or parts of the Scheme as agreed.

15.9 DCO Informative 2 (Identifying Potentially Contaminated Material): it is suggested that the following informative is included within the DCO, namely – ‘materials or conditions that may be encountered by the Scheme and which could indicate the presence of contamination include, but are not limited to soils that are malodorous (for example a fuel odour or solvent-type odour), discoloured soils, soils containing man-made objects (for example paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials), and, any other material that are encountered that causes doubt, or which are significantly different, then the safety and secure disposal of such materials with respect to land contamination lies solely with the Applicant/ Promoter. The above informative would be considered to be in line with paragraphs 187 (e) & (f) and 196 and 197 of the NPPF 2024. Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>’.

15.10 In review: the Applicant’s submitted material has been reviewed and subject to the resolution of the matters above, the Environmental Statement regarding this aspect is found acceptable. The Council has no further comment to make at this time.

16. LAND AND SOILS

Stage 1 and 2 Review

16.1 Matter 80 Soils: the Council is not in agreement with the Applicant’s statements regarding the approach to protecting the quality (productivity) of agricultural soil. Soil represents a living habitat that require annual soil augmentation to remain an active ecosystems. Soil kept in partial shade and with no or limited cultivation or augmentation over a 40-years period has the potential to irreversibly harm the live-ability and productivity of that soil. The Council would want to see considerable assessment, statement, and a long-term maintenance methodology regarding this matter to support the Applicant’s approach that this is temporary and that the soils can be brought back into productive agricultural use (Ref. Scoping Report, 2023) (Planning Inspector’s Scoping Opinion ID3.11.1-2, ID3.11.5).

While the Applicant recognises the matter of soil health, NPS EN5 requires the Applicant to ‘guarantee’ bringing the soil back to its baseline ALC (with ref. NPS EN5 para2.0.25 *‘to mitigate the potential detrimental effects of undergrounding works on any relevant agricultural land and soils, particularly regarding Best and Most Versatile land. Such a commitment must guarantee appropriate handling of soil, backfilling, and return of the land to the baseline Agricultural Land Classification (ALC)’*). The Applicant has submitted no such strategy. The Applicant will need to table a Soil Management Plan to ensure that the land is brought back to arable use (Ref. PEIR Report, 2024).

The Council notes the intent of the Applicant to set up [APP-038] Works No. 10 'Agrisolar research area' in partnership with Rothamsted Research. This initiative is strongly supported. However, how this is enacted needs some consideration in the DCO Agreement and address in the [APP-161] Outline Soil Management Plan to address the matter above.

Stage 3 (Pre-Examination Review)

16.2 It is noted that AECOM has been appointed under a Memorandum of Understanding between the three Host Authorities to act as an External Consultant on behalf of the three Host Authorities to assess this aspect and related matters.

16.3 Land and Soils has been considered by the Applicant in [APP-049] Land and Soils with supporting [APP-015] Appendix 13-1: Agricultural Land Classification and Soil Resources.

16.4 Matter 81 Soil data: the Applicant's responses to Natural England's scoping opinion had outlined how continuation of data collection would be conducted. A subsequent change by the Applicant to the approach adopted a less intensive method than was originally proposed, which for the most part equated to one survey point/two hectares. However, where impacts were anticipated to be greater (BESS, on-site sub-station and compounds, and cable corridors) the standard methodology of one sample per hectare was adopted. It is indicated that the revised methodology followed further discussion with Natural England.

It is not apparent whether the discussions with Natural England extended to the absence of data for an area of land (ungraded) amounting to 5.4 % of the Site. Access to this land was not available. The response to the absence of data, for the purpose of the EIA, is to assume a worst-case outcome by assuming the land to be Grade 2. Whilst this enables assessment of project worst-case project effects, the absence of data hinders development of a detailed soil management plan (proposed post consent and to be substantially in accordance with the outline soil management plan). It is suggested that for completeness of this aspect, the missing data should also be available for restoration of land, upon decommissioning, to its original condition.

16.5 Matter 82 Biomass/ agricultural production: a permanent change of land use in the form of landscaping and habitats, referenced as substantially in accordance with the [APP-159] Outline Landscape and Ecological Management Plan, includes approximately 19ha of native species woodland and 17.4km of native hedgerows. Table 13.12 acknowledges that the creation of the habitats, which should be considered permanent in respect of areas of woody vegetation, will have adverse impacts from the loss of biomass production (from agricultural land) but potential benefits to soil resources. These permanent effects (yet to be confirmed as such by the Applicant) are not addressed in the presentation of residual effects, including an absence from the summary Table 13.5. The conclusion that the scheme would result in a permanent adverse impact to approximately 5.86ha does not incorporate the effects of habitat creation. It is suggested that this is reviewed accordingly (subject to concluding the intent of 'permanent').

16.6 Matter 83 Assessment of residual effects: this is summarised by receptor, namely the agricultural land classification (ALC) grade and soil type and mineral reserves. This does not differentiate between the effects of various design elements that resulted in different sampling intensities of land and soil. In this survey approach it was recognition that the potential effects of some parts of the Scheme were elevated relative to others. It was anticipated that this differentiation would be reflected in section 13.10 presenting residual effects. Further breakdown of how the receptor is impacted by various components of the

Scheme would be expected, particularly to justify the stated low magnitude of impact. The absence of detail has the potential to obscure the extent of effects to Grade 2 and ungraded (potential Grade 2) land. Similarly, the low magnitude effect to Subgrade 3a land yields a minor (not significant) adverse effect but further detail on the extent of land use change was anticipated to justify this conclusion. Magnitude has not incorporated land use change for the creation of permanent woody habitat.

16.7 Matter 84 Beneficial effect: the potential beneficial effect to soil resources during the operational phase, as the land would not be cultivated and permanent vegetation cover maintained, are acknowledged. The application of magnitude and sensitivity criteria to the assessment to present a significant beneficial effect is likely to be overstated, with the beneficial effect felt by the Council to be minor and not significant as stated by the Applicant.

16.8 In review: notwithstanding concerns over missing data and more detailed analysis of how Scheme components result in adverse effects, the overall conclusions broadly meet professional judgement regarding the significance of residual effects. However, the significant benefit to the soil resource from resting the land from arable agriculture is considered overstated.

16.9 The Applicant has submitted an Outline Soil Management Plan [APP-161] which would be developed into a detailed Soil Management Plan post-consent. The use of embedded mitigation in preparation of a soil management plan (including records of soil movements and storage) is recognised. Additional missing information on soils and ALC grade is required for completion of a pre-construction detailed soil management plan. The statement that further mitigation, beyond the good practice measures of the soil management plan, is not practicable is acknowledged.

16.10 Overall, the submitted approach is considered to provide a suitable basis for Examination. It is suggested that all matters raised above regarding Land and Soils are addressed as a single Aspect with related matters and/or issues as identified. The Council views this as an aspect for discussion at Examination.

17. SOCIO-ECONOMICS, LAND-USE AND TOURISM

Stage 1 and 2 Review

17.1 Matter 85 Review: the Council notes the Planning Inspector's Scoping Opinion ID3.7.1-7-

'The Applicant proposes to scope out an assessment of socioeconomics, land use and tourism from the ES on the basis that the most notable effects would be temporary and only occur during the construction and decommissioning phases of the Proposed Development.

The Inspectorate considers that whilst the construction and decommissioning phases may be relatively short, the potential for significant effects remains and the impacts should be appropriately assessed in the ES. The Scoping Report provides limited information to justify scoping out an entire assessment of socio-economic, land use and tourism effect particularly with regards to construction and decommissioning. The Inspectorate cannot agree to scope out an assessment of socio-economics, land use and tourism at this stage. The ES should provide an assessment of this aspect, with the matters to be scoped into the assessment as discussed below' (i.e. table 3.7 Socio-economics, land use and tourism).

It is suggested that various matters identified still remain outstanding.

Stage 3 (Pre-Examination Review)

17.2 It is noted that AECOM has been appointed under a Memorandum of Understanding between the three Host Authorities to act as an External Consultant on behalf of the three Host Authorities to assess this aspect and related matters.

17.3 The Socio-economics, Land-use and Tourism concerns raised are consistent across the three Host Authorities and therefore are not in this case separated out for each of the three Host Authorities. All matters raised by the Planning Inspectorate in its Scoping Opinion (ID 3.7.1 to 3.7.7) are considered to have been addressed in the ES with the exception of the following set out below.

17.4 Socio-economics, Land-use and Tourism matters are considered within Chapter 14 of the ES [APP-050]. The Scheme has the potential to impact the economy, and land-use and tourism receptors through land-take arising from construction activities and for operation of the Scheme; worker requirements during all phases; changes in access to facilities during construction and decommissioning; and, when any of these impacts act in-combination with those from other developments. Effects will principally arise from employment and related impacts during construction and decommissioning phases and on journeys both for recreation and accessing services and facilities.

17.5 Matter 86 Local employment benefit: the Scheme has been assessed by the Applicant as resulting in a significant moderate beneficial effect on the economy at the local level and a not significant minor beneficial effect at a regional level during the construction and decommissioning phases. The Applicant assesses economic impacts in relation to 30-minute and 90-minute drive times from the Site as set out in para14.4.6. However, which effects constitute a local and which constitute a regional level of impact for the purpose of the assessment is not explained. Estimated employment creation is presented for a 90-minute drive time only, with no further breakdown provided to confirm the scale of employment creation within a 30-minutes' drive time, which would, from the Council's perspective, constitute local impact. For a moderate beneficial effect in terms of local economic to be realised as concluded in para14.12.1, appropriate provision must be made in the DCO to deliver employment and skills benefits/opportunities locally.

The [APP-163] Outline Skills Supply Chain and Employment Plan (oSSCEP) sets out the Applicant's strategy to maximise local employment, skills development and supply chain opportunities. This lacks specific detail with regards to existing local skills gaps and current levels of provision, and on specific initiatives which are tailored to addressing local employment issues and need. Detail of these should be provided in the document along with informed measures and outputs for delivering appropriate local employment and skills benefits/opportunities. A route map for developing the oSSCEP further should be provided, including setting out when stakeholder engagement is needed and how it will take place.

17.6 Matter 87 Tourism: the Scheme has been identified as resulting in negligible effects on tourism during all phases. This includes in respect of impacts on users of Public Rights of Way and Bridleways. Mitigation measures in the [APP-160] Outline Public Rights of Way Management Plan are referred to which would limit impacts. Para14.4.19 states that effects on PRoW are considered in relation to recreational and tourism use. However, no assessment of impacts on journey length and duration by residents for recreation activity has been presented, only impacts on tourism-related PRoW use. The Council consider that an assessment of impacts on all users of PRoWs should be provided to confirm that no significant effects would arise.

17.7 Matters 88 Local impact(s): impact on local services have been addressed in respect of effects on the visitor accommodation sector from potential use of these facilities by construction workers. Effects on other services have not been identified in the ES. The Council consider there to be potential for effects in terms of severance of access to facilities, subject to the completion and findings of junction counts and assessments requested in the Highways aspect of this representation. The Council consider there to be the potential for impacts on healthcare services, and request that the Applicant provides information if no impacts are expected justifying why this will be the case, with reference to any mitigation measures as appropriate. This is particularly important in light of the absence of a Health chapter in the ES or Health Impact Assessment, which the Council would also like to have seen in the Application to demonstrate that their residents health and wellbeing would not be adversely impacted by the Scheme during all phases of development.

17.8 Matter 89 assessment: there are some apparent errors and/or inconsistencies in application of the assessment methodology by the Applicant for some subject matters. These will be set out by the Council in more detail in their Local Impact Report.

17.9 Overall, the submitted approach is considered to provide a suitable basis for Examination, subject to the matters identified above being addressed through the Examination process.

18. CLIMATE CHANGE

Stage 1 and 2 Review

18.1 Matter 90 Full life-cycle carbon footprint: the Council note that the Applicant's Scoping Report does not address where the infrastructure elements/ 'kit-of-parts' are to be manufactured (para13.5.2 'global suppliers') and decommissioned. The Council would suggest that the full life-cycle carbon footprint has to be assessed, including the manufacturing of components made internationally/ sub-regionally and shipped/ railed as freight into/ across the UK (Ref. Scoping Report, 2023) (Ref. Planning Inspector's Scoping Opinion ID3.9.5, ID3.9.8).

It is suggested that this statement is supported by the reading of the High Court Ruling R (Finch) v Surrey County Council and others [2024] UKSC20, 20 June 2024 regarding assessing 'total' impacts and effect, as similarly noted above. The Council suggests that some address is tabled by the Applicant in terms of total effect.

18.2 Matter 91 Scoping: The Applicant's Table 15.4 (Climate Change) Summary of matters proposed matters to be scoped in/out. In the Council's review:

- a) The Council's reading of Table 15.4 suggests that once all infrastructure elements have been installed/ constructed there will be no further need to replace these elements and hence Topics 9 (Raw materials) to 13 and 19 (on-site maintenance) have been scoped out. Over the intended operational phase of 40-years these assumptions need to be questioned in light of continually changing technologies, etc. While the Applicant states that effects may be negligible, this is currently not known. Consequently, all topics hereby noted relating to operation (management and maintenance) should be scoped in (Ref. Scoping Report, 2023) (Ref. Planning Inspector's Scoping Opinion ID3.9.5).
- b) (para14.5.9) Travel of workers: there will be '10-16 staff on-site at any one time', 'visitor trips per week', and (para14.5.10) trips associated with staff on-site movement and maintenance. The Council would wish to see this accounted for, however negligible, as currently the full extent of this activity could be more extensive in regard to the matters

above (Ref. Scoping Report, 2023) (Ref. Planning Inspector's Scoping Opinion ID3.9.7, ID3.9.9).

It is suggested that the full extent of the operational phase, specifically relating to replacement activity, requires assessment and address by the Applicant.

Stage 3 (Pre-Examination Review)

18.3 It is noted that AECOM has been appointed under a Memorandum of Understanding between the three Host Authorities to act as an External Consultant on behalf of the three Host Authorities to assess this aspect and related matters.

18.4 The assessment of this aspect is common to each of the three Host Authorities, so the assessment does not differentiate between them. Instead, all of the points noted in relation to Climate Change below apply equally to each of the Host Authorities.

18.5 Climate Change has been considered by the Applicant as part of the Environmental Statement in Chapter 15 [APP-051] and supporting figures and appendices, building on matters raised during the earlier pre-application and PEIR consultation stages.

18.6 There are three distinct aspects to the climate change assessment: a Greenhouse Gas (GHG) Assessment looking at the impact on the climate of the Scheme; a Climate Change Risk Assessment (CCRA) looking at the resilience of the Scheme to a changing climate; and, an In Combination Climate Change Impact (ICCI) assessment that considers how climate change may alter the potential effects identified by other technical assessments within the Environmental Statement.

18.7 Matter 92 Approach: the Council welcomes the approach taken by the Applicant in carrying out the GHG Assessment and recognises that this is broadly aligned with the guidance issued by the Institute of Sustainability and Environmental Professionals (ISEP) in February 2022. In relation to the GHG Assessment, the Council make the following observations, noting that none of them materially affect the overall outcome of the assessment:

- a) The assessment should explicitly recognise that the receptor for the GHG assessment is the global climate. This is implied but not stated.
- b) The replacement frequency of components such as battery modules has the potential to affect the embodied emissions during the operational phase of the Scheme, and the impact of shorter life expectancies than those assumed should be considered.
- c) The consumption of imported grid electricity during the operational phase has not been considered; the emissions impact is likely to be negligible in the overall context of the Scheme's whole life GHG impact, but it should be included for completeness.
- d) The possibility of peat being discovered during the construction phase is acknowledged, but there is insufficient detail on the approach that the Applicant would take in this eventuality. The presence of peat within the site has the potential to substantially increase the GHG impact from land use change, so it is important that there is more clarity around any future peat management methodology.
- e) The use of the BESS in a grid balancing capacity has the potential to make further GHG impacts through the displacement of fast response, gas fired peaking plant. Any savings so achieved would generally fall outside the scope of the core GHG assessment, but a discussion of the potential benefits would be useful.
- f) The use of existing, unabated CCGT generating capacity as a counterfactual scenario is noted and broadly accepted, but PINS has been unwilling to accept the counterfactual use of CCGTs in previous planning decisions and the Beneficial evaluation of significance

is contingent on this approach. The impact on the evaluation of significance in the event of PINS not agreeing with this approach should be more fully considered.

g) The Beneficial evaluation of significance means that embedded GHG mitigation measures have not been considered necessary; the Council would note that suitable GHG mitigation measures across all phases of the Scheme should always be considered and secured by the DCO if found practicable.

It is suggested that the above issues require a response from the Applicant.

18.8 **Matter 93** Historic climate data: the Council welcome the methodology applied to the Climate Change Risk Assessment (CCRA) and note that it is consistent with guidance issued by ISEP. However, in reference to the CCRA, an inconsistent use of historic climate data is apparent. The current baseline uses data for Bedford for the period 1991-2020 while the future baseline uses data for the same location from 1981-2010. This inconsistency is unlikely to compromise the overall outcome of the CCRA, but should be addressed.

18.9 The Council welcome the approach taken in relation to the In-Combination Climate Change Impacts (ICCI) assessment, and do not have any comments to make in relation to it.

18.10 Overall, the submitted approach is considered to provide a suitable basis for Examination, subject to the matters identified above being addressed through the Examination process.

19. OTHER ENVIRONMENTAL MATTERS

19.1 **Matter 94** Energy and sustainability (Carbon/ energy efficiency): the Council notes that they do not have the necessary technical discipline relating specifically to solar farms to respond on this aspect. On this basis, the Council will not be looking at submitting Relevant Representations to the Examination on this matter.

However, the Applicant should have reference to the Council's Carbon Reduction Delivery Strategy 2020-2030 Version 2 (December 2024). The Application further fails to reference the Council's Carbon Reduction Delivery Action Plan 2024 – 2026 and the associated Carbon Reduction Delivery Action Plan Update FY 2023/24 – 2024/25.

19.2 **Recycling and waste management**: the Council has reviewed the [APP-164] Outline Waste Management Plan and do not believe that there are matters relating that they wish to raise at the Examination.

19.3 **Matter 95 Minerals and Waste**: The Council has been in contact with the Minerals and Waste team at Central Bedfordshire Council (CBC), which is a shared service with the Council and provides technical advice regarding aspects relating to the safeguarding of minerals extraction sites. Much of the land around Pertenhall is designated as a mineral safeguarding area (MSA) with likely deposits of river valley/ glacial sand and gravel; the following issues arise:

- Local and national policies seek to prevent the sterilisation of such resources by development. Should the Scheme be permitted within a MSA, then policy would seek the full extraction of such minerals within the mineral safeguarding area prior to development of the Scheme. This raises a significant matter that will require discussion at Examination.
- The Applicant's attention is drawn to the following planning policy:
 - Minerals and Waste Local Plan: Strategic Sites and Policies (January 2014) Policies MSP11 and MSP12 and the Development Framework's Technical advice note regarding mineral safeguarding areas which should be read as a material consideration. A map illustrating the affected areas can be furnished at Examination;

- ii. Minerals and Waste Strategic Policy MWSP 1 - Presumption in Favour of Sustainable Development;
- iii. Minerals and Waste Strategic Policy MWSP 3 - The Determination of planning applications; and;
- iv. Minerals and Waste Strategic Policy MSP 6 – Mineral Extraction outside Allocated Sites.

19.4 Matter 96 Decommissioning phase: the Applicant's PEIR and the Council's response notes:

- a) para2.4.60 '*The internal roads to the BESS would be constructed of tarmac, concrete or similar to allow for heavier vehicles during construction and decommissioning, and safe access for fire services in emergency situations*'. It would be a requirement that all routes, hardstanding areas, para2.4.87/96-98 Cable joining chambers, para2.4.133 Retention basin, Work No. 9 (access), and all concrete foundation/ works are removed at the decommissioning phase (to prevent long-term leaching, contamination, and in the interest of public safety regarding sunken chambers) (Ref. PEIR Report, 2024).
- b) para2.7.1 any infrastructure that is more than one metre below ground level, such as cable conduit and casing, would be left in situ (Ref. PEIR Report, 2024) (Ref. Planning Inspector's Scoping Opinion ID2.1.10, ID2.2.1).

In review of [APP-031] Decommissioning Phase, the Council notes:

- a) para4.9.2 '*Sub-surface infrastructure deeper than 1 m, such as cable conduits, will generally remain in place to minimise environmental impact*' – as noted elsewhere in this response, this approach is NOT acceptable to the Council.
- b) Para4.9.3 '*however, as the land would be handed back to the landowners on completion of decommissioning the longer-term retention of the landscaping improvement works cannot be guaranteed*'. The Council requires both clarification on this matter (i.e. the permanent status of enhancements made to existing PROW and any commitment to permissive routes), and, notes that these matters should not be afforded full weight in terms of planning benefit(s) as set out by the Applicant until such time as their long-term status is confirmed.

19.5 Matter 97 Oil pipeline: [APP-031] Planning Statement para3.2.15 – the Application does not make reference to the disused oil pipeline present within the landscape that might potentially impact upon Sites A and B and will need to be addressed (para4.7.23 and ES Vol 3 Figure 2-3: Indicative Crossings Plan [EN010141/DR/6.3] refers). The Applicant will need to demonstrate that discussions have been held with the infrastructure owner and that the ES demonstrates an approach to potential residual risk.

19.6 Community Benefit Fund: [APP-031] Planning Statement para5.5.3, the statement by the Applicant that the proposed Community Benefit Fund, whilst providing local benefits cannot and should not be taken into account within the planning balance, is supported by the Council. Such funds are legally non-material to the planning decision and are not a means of mitigating the Scheme's environmental or social impacts.

It is noted that both the Applicant and Council have engaged or initiated discussions with the Parish Councils and local community to begin to draft a list of project/funding requests. This will be tabled as draft during the Examination for discussion.

For completeness, the Applicant's offer of (para 5.5.1) '*....a Community Benefit Fund of £400 per MW per year. This is expected to amount to approximately £6.4 million, over the 40-year life of the solar farm*' is noted.

20. DCO DOCUMENT REVIEW

[APP-162] Outline Battery Safety Management Plan (OBSMP): in reviewing this Plan, the Council wish to raise certain matters; namely:

20.1 **Matter 98** BESS firewater storage site: in the Council's PEIR response, the Council raises the matter of NFCC Guidance regarding that consideration should be given within the site design to the management of water run-off such that in an emergency situation where polluted water may run-off from the facility this could be safely contained and treated, rather than risking pollution of groundwater or local watercourses. It was further noted that the management and removal of contaminated firewater would need specific address within any Operational Environmental Management Plan including an emergency strategy should such firewater breach into river catchment areas and/or leach into ground water or soils. In this regard [APP-009; Dwg. 010] the Application has identified sites for Work No. 2 (BESS facility) and No. 6b (drainage lagoon); the Council would want the following addressed:

- As annotated, Work No.6b should not be coloured Work No. 1 nor cross-hatched as Work No. 6 to ensure that this site is secured solely for the duration of the Scheme for the 'drainage lagoon' (which we read as fire water storage area/ NFCC 'bunded lagoon').
- The Application does not indicate a minimum size of the Work No. 6b site (hectares). While there is limited guidance in this regard, the NFCC state that '*Any calculations for sufficient water supply for an appropriate suppression system... Water run-off and potential impact on the environment, along with mitigation measures, should be considered and detailed in the Emergency Response Plan.*' i.e. the full volume of water required in any fire suppression should be contained on site to limit harm of such firewater. [APP-162] The outline Battery Safety Management Plan para4.5.6 gives a commitment to the '*drainage design will provide sufficient capacity to contain either the full firefighting volume in combination...*' but no actual site area is stated. This is a material consideration as the site area required, plus management access around the lagoon, may be far larger than the area currently indicated. Suggest that a dashed area, free of Work No.1 (solar panels), is indicated surrounding the current site area to accommodate any design resolution of this matter.
- [APP-121] ES Illustrative Environmental Masterplan Fig. 2-1k indicates an even smaller retention basin than suggested in [APP-009; Dwg. 010] Work No. 6b, which well illustrates that this matter requires resolution.
- The Applicant notes that the BESS facility will largely be un-manned. Should the lagoon contain standing water at depth, then the Applicant will need to evidence measures regarding water safety.

20.2 **Matter 99** Issue for consideration within the OBSMP:

- Para's 1.1.3, 1.1.4 and 1.5.3: it is suggested that any OBSMP should mention also having due consideration and reference to Environmental Legislation and Planning Policy regarding mitigation of harm, guidance, and good practice.
- Para's 1.2.1 et al: as a courtesy, the Council would want the Applicant to consult with Bedford Fire & Rescue as they act in a supporting emergency role with Cambridgeshire Fire & Rescue Service. Could the Applicant confirm if any such discussions/ liaison has been undertaken?
- The Council note that part of the BESS fire strategy is to use para2.4.6(6) (also para4.1.4, 4.3.1) '*fire hydrants and/or static water tanks for firefighting dependent on available water supply*'. It is strongly recommended that the Applicant evidence that there is sufficient water capacity and pressure within the current infrastructure as it is generally accepted that both these issues present intermittent problems in the local area.

- d) In general, Chp 4 Firefighting, which addresses numerous matters regarding BESS fires and the management of firewater, matters originally raised by the Council in their Scoping and PEIR Response, is comprehensive and address matters as raised.
- e) For clarity, the Council would suggest that the Applicant is consistent in defining the 'drainage lagoon' across their submitted material as per the NFCC' term of 'bunded lagoon'.

Conclusion para6.1.1. '*This outline Battery Safety Management Plan (oBSMP) has demonstrated in a systematic way the mitigation of the safety risks posed by the BESS that forms part of the Scheme*'. Subject to the matters raised, as read, the Council would support this statement.

[APP-016] Draft Development Consent Order and [APP-017] Explanatory Memorandum

20.3 Matter 100 Draft DCO: as noted within this response, the Council is currently NOT supportive of the [APP-016] Draft Development Consent Order - this requires clarification, detailed resolution of matters, and understanding of agreed powers.

20.4 Matter 101 In relation to the above position, the Council make a similar statement regarding the [APP-017] Explanatory Memorandum.

21. CUMULATIVE AND IN-COMBINATION EFFECTS

21.1 Matter 102 Extant planning consent: the [APP-031] Planning Statement (para3.3.3 and Appendix A) state that '*there are no pending or extant planning consents across the Order Limits that are affected by the Scheme*'. The Council do not agree with this statement. The following three consents should be referred to, considered, and listed in Appendix A. They are referred to in [APP-032] (Statement of Compliance) against the requirements of EN3 - point para2.10.141 refers:

- a) 22/01828/MAF – Land South of Bushmead Road, Staploe - Installation of a Battery Energy Storage System (BESS) et al;
- b) 22/01998/MAF – Land North of Bassmead Manor and Home Wood, Staploe - Solar Farm and associated development; and,
- c) 24/00858/MAF – Land to the North and South of Bushmead Road, Staploe and West of Eaton Socon - Installation of a solar array of up to 49.9MW AC and other associated works.

21.2 [APP-053] Cumulative and in Combination Effects - para7.3.2 reference should be made to Table 17.2 otherwise the chapter is considered to be accepted as read subject to issues raised when cross-referencing with technical input.

22. SUMMARY OF EFFECTS

22.1 As part of the DCO Application the Applicant has set out:

- a) [APP-006] Programme Document - a summary of the seven main issues / risks identified by them associated with the Scheme;
- b) [APP-031] Planning Statement Table 3 – Scheme benefits with associated weighting;
- c) [APP-031] Table 4 – Adverse effects of the Scheme with associated weighting; and,
- d) [APP-031] para 8.3.51 to 8.3.54 set out their Summary of Planning Balance.
- e) [APP-038] The Scheme – Design Principle 7 '*The Scheme will seek opportunities to leave a positive legacy through the delivery of multiple social and environmental benefits*' – in light of the fact that the Application is temporary, this Design Principle should acknowledge such and set-out what mitigation and enhancement measures identified are

to be made permanent and hence form a '*positive legacy*'. This should then be weighed accordingly.

22.2 At this Stage 3 Pre-examination, and in light of the aspects and matters raised in this Relevant Representation's report, the Council reserves the right not to comment on the matters set out in a) to e) above, suggesting that these will emerge as part of the Examination.

23. CONCLUSION

23.1 The Council has reviewed the Application's submitted material in making these Relevant Representations. However, the Council will continue to engage with both the Applicant and the other Host Authorities to clarify aspects and matters as identified leading up to the Examination. On this basis, Bedford Borough Council reserves the rights to raise further matters should they arise during the course of the Examination.

23.2 The Council note that the Council has engrossed a Memorandum of Understanding with the two other Host Authorities (Cambridgeshire County Council and Huntingdonshire District Council), and have jointly instructed an External Consultant (AECOM Ltd) to give professional advice/ assessments on aspects where the Council(s) has no in-house technical discipline. While individual and collective approaches have been discussed, this Relevant Representation response is solely that of Bedford Borough Council, submitted without prejudice.

23.3 Should you require any clarification, please contact Peter Dijkhuis and Greg Logan (Case Officers) (Peter.dijkhuis@bedford.gov.uk) (Greg.logan@bedford.gov.uk) (Planning@bedford.gov.uk)

24. DELEGATED AUTHORITY

24.1 This response has been reviewed and approved under the Council's Scheme of Delegation to Officers (adopted 2022) by Gavin Chinniah – Head of Planning and Building Control:



Signature: -----
c/o Gideon Richards

Date: 14 January 2026

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For and behalf of Bedford Borough Council

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PD.QA/50pg/2026