



# BEDFORD BOROUGH COUNCIL

*Borough Charter granted in 1166*



*Chief Executive: Laura Church*

Planning Inspectorate  
Submitted via PINs Portal  
East Park Energy Project Web Page (PINs)

Email: [planning@bedford.gov.uk](mailto:planning@bedford.gov.uk)  
Date: 2 April 2026  
Ref. EPE 23-02405LPA/2.5.FINAL

## LOCAL IMPACT REPORT

Dear Sir/Madam,

**Application by BSSL Cambsbed 1 Limited for an Order Granting Development Consent (DCO) for the East Park Energy Farm (EN010141). Response to Examining Authority to submit a Local Impact Report.**

**BBC Reference No.:** 25/01836/DCO | Examination Ref. FB8D70A75

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

**PARTICULARS OF DEVELOPMENT:** The Proposed Development 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 Proposed Development 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 [the 'Proposed Development']

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

Case Officers:

Should you require any clarification, please contact Peter Dijkhuis (Lead Case Officer) or Greg Logan (Principal Planning Officer) ([Peter.dijkhuis@bedford.gov.uk](mailto:Peter.dijkhuis@bedford.gov.uk)) ([Greg.logan@bedford.gov.uk](mailto:Greg.logan@bedford.gov.uk)) ([Planning@bedford.gov.uk](mailto:Planning@bedford.gov.uk)).

### DELEGATED AUTHORITY

This response has been reviewed and approved under the Council's Planning Committee Scheme of Delegation to Officers (adopted 2022):

Signature: \_\_\_\_\_  
Gavin Chinniah: Head of Planning and Building Control

**Date:** 2 April 2026

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

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## 1. EXECUTIVE SUMMARY

1.1 Bedford Borough Council (the ‘Council’) has reviewed the Applicant’s East Park Energy NSIP DCO Application and supporting material (EN EN010141) and have submitted Relevant Representations to PINs (14 January 2026) setting out their matters of concerns and requests for clarification. This Local Impact Report expands on the Relevant Representations (set out as Matters identified in the Relevant Representations).

1.2 This Local Impact Report (LIR) has been prepared in accordance with the Government Guidance ‘NSIP: Advice for Local Authorities’ – Local Impact Report *‘The report should cover any topic the local authority consider is relevant to the impact of the project on their area and the local communities affected’ ...‘The LIR should include a statement of positive, neutral and negative local impacts’*. The LIR sets out mitigation measures as deemed to be required by the Council.

(The LIR is accompanied by a Schedule of assessment and grading of impact with reference to Government Guidance ‘NSIP: Advice on Cumulative Effects Assessment’ Stage 4 Assessment (Significance criteria) and with reference to the Environmental Impact Assessment (EIA) process – this Schedule should be read as informative only).

1.3 The Local Impact Report (LIR) is solely that of Bedford Borough Council, submitted without prejudice, and signed-off under delegated authority (Bedford Borough Council, Planning Committee Proposed Development of Delegation, adopted 2<sup>nd</sup> 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 from pre-application stage 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 inform the DCO Application and Examination.

2.2 This report constitutes the Local Impact Report by Bedford Borough Council (the ‘Council’) for the proposed East Park Energy, a Nationally Significant Infrastructure Project. Each authority will be submitting separate Local Impact Reports (LIRs) covering the impacts specific to their administrative area and technical disciplines. The three LIRs have been co-ordinated to ensure that they collectively provide their assessment of the Proposed Development’s impacts.

2.3 As set-out in the Council’s Relevant Representations and this Local Impact Report, while the Council does not object to the DCO Application in principle, there are and remain aspects and matters of both significant concern, and which, the Council submits, require clarification that will need to be addressed by the Applicant to allow the Council to fully understand the impact of the Proposed Development 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 and binding agreements that may be given to the Proposed Development.

#### Purpose and structure of the Local Impact Report

- 2.4 The Local Impact Report (LIR) does not describe the proposed development itself but relies on the Applicant's detailed description of the development, as set out by the Applicant in the DCO application (it should be noted that the Applicant's development description has been raised as an Aspect matter by the Council to be discussed at Examination).
- 2.5 The LIR has been prepared in accordance with Section 60 (3) of the Planning Act (2008) which defines the purpose of Local Impact Reports as '*a report in writing giving details of the likely impact of the proposed development on the authority's area*', and Government Guidance 'NSIP: Advice for Local Authorities' – Local Impact Report '*The report should cover any topic the local authority consider is relevant to the impact of the project on their area and the local communities affected*'...'*The LIR should include a statement of positive, neutral and negative local impacts*'.
- 2.6 The LIR sets out mitigation measures which the Council submits should be required in order to address its concerns and in order to make the Application acceptable (the LIR is accompanied by a Schedule of assessment and grading of impact with reference to Government Guidance 'NSIP: Advice on Cumulative Effects Assessment - Stage 4 Assessment (Significance criteria)' and with reference to the Environmental Impact Assessment (EIA) process – this should be read as informative only).

### **3. THE PROPOSED DEVELOPMENT**

#### The natural and built environment

- 3.1 The proposed development (the 'Particulars of Development', page 1 refer) is located within the north of Bedford Borough Council's jurisdiction (Sites A, B, and the cable corridor to the connecting substation) and straddles the boundary with Cambridgeshire (within Huntingdonshire District Council, Sites C and D) [Ref. Order Limits Plan; APP-007]. The immediate area is rural/ agricultural in nature with a number of small villages located in close proximity to the proposed development. The largest settlement is St Neots located immediately east of the Site.
- 3.2 The local landscape is generally a gentle undulating landscape defined by treed hedgerows, blocks of woodland particularly in the more elevated parts of the landscape to the north of the Site, medium to large-scale arable fields, and various watercourses which drain towards the River Great Ouse east of the Site. The Site has relatively limited topographic variation. The landform rises to the north of the Site towards Grafham Water, to the west of the Site towards a ridgeline beyond Swineshead, and to the south of the Site towards a high point around the Bedford Aerodrome.
- 3.3 The local settlement pattern is of dispersed distinct village, hamlet, and farmstead settlements. From west to east the principal settlements in closest proximity to the Site are Swineshead, Pertenhall, Keysoe, Keysoe Row, Little Staughton (all in Bedford), and Great Staughton and Hail Weston (in Huntingdonshire). The town of St Neots lies east of the A1 to the east of the Site and is the largest settlement local to the Site.
- 3.4 It should be noted that various solar farms have either been constructed, or are consented within the immediacy of the Site, which is/will changing the reading of this traditional rural landscape. Consequently, the Application's effect should be read alongside the broader

cumulative impact that such large-scaled developments are having on the collective landscape setting, but also in terms of changes and impacts to existing habitats and habitat corridors.

- 3.5 The local to sub-regional area is crossed by a network of public rights of way (PRoW) including footpaths, bridleways and byways within the immediacy of the Site. In the broader sub-region there are three long distance recreational trails. It is however noted that these are fragmented and currently do not present a continuous network of pathways giving access to the countryside.

#### Planning Policy and Statutory Development Plans

- 3.6 The Planning Inspectorate’s guidance on preparing LIRs (PINs Advice Note 1, April 2012) suggests that local authorities may wish to set out *‘Relevant development plan policies, supplementary planning guidance or documents, development briefs... and an appraisal of their relationship and relevance to the proposals’* and *‘It will also be very helpful to have the local authority’s appraisal of the proposed development’s compliance with local policy and guidance’*.
- 3.7 In terms of Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990) a local planning authority should have regard to their Development Plan so far as material to an application; and, regard to any other material considerations. In accordance with the NPPF paragraph 2, the Development Plan for the Council comprises:
- a) The Bedford Borough Local Plan 2030 (adopted January 2020);
  - b) The saved policies of the Allocations and Designations Local Plan 2013 (as at January 2020); and,
  - c) The Minerals and Waste Local Plan: Strategic Sites and Policies (adopted January 2014).
- 3.8 The Bedford Borough Local Plan 2030 (2020) – applicable policies:
- LP2S Healthy communities (clauses (i) and (ii))
  - LP3S Spatial strategy (clauses (viii) and (ix))
  - LP7S Development in the countryside (clauses (v), (vi), (vii), (viii), (ix), (xi), (xii) and (xiii))
  - LP28S Place making (clauses (i), (ii), (iii), (iv), (v), (vi) and (viii))
  - LP29 Design quality and principles (clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii))
  - LP30 The impact of development – design impacts (clauses (i) and (ii))
  - LP31 The impact of development – access impacts (clauses (i), (ii), (iii) and (iv))
  - LP32 The impact of development – disturbance and pollution impacts (clauses (i), (ii), (iii), (iv), (v) and (vi))
  - LP33 The impact of development – infrastructure impacts
  - LP35S Green Infrastructure
  - LP37 Landscape character (clauses (i), (ii), (iii), (iv), (v) and (vi))
  - LP38 Landscape in new development (clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii))
  - LP39 Retention of trees (clauses (i), (ii), (iii), (iv) and (v))
  - LP40 Hedgerows
  - LP41S Historic environment and heritage assets (clauses (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii))
  - LP42S Protecting biodiversity and geodiversity
  - LP43 Enhancing biodiversity (clauses (i), (ii) and (iii))
  - LP46S – Use of previously developed land and use of undeveloped land
  - LP47S Pollution disturbance contaminated land (clauses (i), (ii), (iii), (iv), (v) and (vi))
  - LP49 Waste (clauses (i), (ii), (iii) and (iv))
  - LP50S Water resources

- LP51S Climate change strategic approach
  - LP52 Water demand
  - LP53 Development layout and accessibility (clauses (ii) and (iii))
  - LP56 Renewable energy - broad locations
  - LP57 Renewable energy general impact (clauses (i), (ii), (iii), (iv), (v), (vi), (xi), (xii), (xiii), (xiv) and (xv))
  - LP86 Delivering infrastructure
  - LP88 Impact of transport on people, places and environment (clauses (ii), (iii), (v) and (vi))
  - LP91 Access to the countryside (clauses (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) and (ix))
  - LP92 Flood risk (clauses (i), (ii), (iii), (iv), (v), (vi) and (vii))
  - LP93 Sustainable drainage systems (SUDs) (clauses (i), (ii), (iii), (iv), (v), (vi) and (vii))
- 3.9 The Allocations and Designations Local Plan (as at January 2020) applicable policies:
- a) AD1 Sustainable Development Policy (clauses (i) and (ii))
  - b) AD36 Pedestrian routes
  - c) AD39 Cycling
- 3.10 The Minerals and Waste Local Plan: Strategic Sites and Policies (adopted January 2014) applicable policies:
- a) MSP6 Mineral Extraction outside Allocated Sites
  - b) MSP11 Minerals Resource Assessment
  - c) MSP12 Surface Development within a Mineral Safeguarding Area
  - d) MWSP1 Presumption in Favour of Sustainable Development
  - e) MWSP3 The Determination of planning applications
- 3.11 The Council considers that the DCO application is in broad compliance with the policies set out in pgs. 3.8, 3.9 and 3.10 above subject to mitigation and the issues identified in the detail of this LIR being addressed.
- 3.12 Neighbourhood Development Plans: for reference, Staploe Parish has been progressing its Neighbourhood Development Plan. This has now reached its referendum stage (date to be confirmed).
- 3.13 Other material considerations include:
- a) Renewable Energy Resources Topic Paper (2017)
  - b) Sustainable Development and Environmental Efficiency Strategy (2017)
  - c) Sustainable Development and Environmental Efficiency Strategy Action Plan 2022-2023(2017)
  - d) Rights of Way Improvement Plan 2018-2023 (2018)
  - e) Climate Emergency Statement (March 2019)
  - f) Infrastructure Delivery Plan 2040 (2022) (Ref. Chp. 5.5 Renewable Energy)
  - g) Trees and Development SPD (2024)
  - h) Parking Standards for Sustainable Communities: Design & Good Practice SPD (2014)
  - i) Sustainable Drainage Systems SPD (2018)
  - j) Planning Obligations SPD (2013)
  - k) Technical Guidance: Waste Audits for New Developments (2021)
  - l) Technical Guidance: Waste & Recycling in New Developments (2021)
- 3.14 With reference to this DCO Application, specific attention is drawn to Local Plan Fig 13 (pg. 100) which sets out the Council's broad locations with potential for large-scaled solar energy development.

- 3.15 For clarity, the draft Local Plan 2040 and supporting evidence has been withdrawn and consequently carries no weight in decision making.
- 3.16 The Council considers that the Proposed Development broadly addresses the requirements of Local Plan Policies 56 and 57 in respect of the broad locations suitable for renewable energy development within Bedford borough (Ref. Figure 13), the general impacts of such development, and the additional impacts that specifically arise from solar energy schemes.

## LOCAL IMPACT REPORT

To assist reading, we have retained the same chapter headings and order as the Applicant's Environmental Statement, which was then taken forward in the Council's Relevant Representations (RR). As the Council's RR were quite detailed, we have set out the Council's Local Impact Report assessments against the Aspect and/or Aspect Matters as identified.

- 3.17 The Council's Relevant Representations report identified the impacts and/or harm of the proposed development by Aspect<sup>1</sup> and aspect Matters<sup>2</sup> (this followed the aspect order as set out in the Applicant's Environmental Statement). In this LIR the key matters are considered in terms of:
- a) **Impact:** positive, neutral, or negative impact(s) of the proposed development; during all or the identified phase of the development (construction, operation, replacement, decommissioning); and, at which geographical scale (local to sub-regional/ Host Authorities' area) such impact(s) occur: leading to the Council's assessment of the Matter's current impact as addressed by the Applicant;
  - b) **Mitigation measures:** where applicable, additional measures/ strategies and/or amendments to the Applicant's submitted material, including measures inter alia of recourse/ enforcement by the local planning authority, to address/ enhance measures tabled by the Applicant to avoid, reduce, mitigate, or compensate for impacts associated with the proposed development; and,
  - c) **Contractual:** where applicable, the need for obligations and/or requirements to secure such mitigation measures (e.g. DCO Agreement [APP-016], Management Plans, s106 Agreements and/or s278 Highways Agreements); leading to the Council's assessment of the Matter's impact following mitigation measures undertaken as proposed.

### ASPECT 1: THE PROPOSED DEVELOPMENT

- 3.18 Aspect 1 Proposed Development 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 Provisions requested, requires clarification; namely:

#### Stage 1 and 2 Review

- 3.19 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 Proposed Development is developed resolution on such matters should be attained by the Applicant which is then reflected in the Environmental Statement's assessment.

<sup>1</sup> Ref to PINs NSIP Advice Note 7; para3.14 (March 2025)

<sup>2</sup> Ref to PINs NSIP Advice Note 7; para5.7 (March 2025)

- 3.20 In the Applicant's EIA Scoping Report para 1.6.6 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).
- 3.21 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)

- 3.22 Aspect 1.1 Development: to address the aspect of 'Proposed Development 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.
- 3.23 [APP-037] Environmental Statement (ES) Vol.1 Chp.1 para 1.2 the Applicant defines the Proposed Development 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 Proposed Development 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 'Proposed Development' 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 Proposed Development 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 Proposed Development 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 Proposed Development are assessed. In-principle, the Council accepts this approach, subject to matters raised against this aspect).

3.24 It is the position of the Council that the aspect of the description of Proposed Development, as raised by the Council in their Scoping response, their PEIR response, and their reference to the Proposed Development 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).

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

*'Proposed Development 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 Proposed Development 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 Provisions sought by the Applicant, the Works Packages relating to scope and clarification of technical detail(s) requires discussion at Examination.

- 3.26 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 Proposed Development.
- 3.27 Aspect 1.4 It is noted that the Applicant seeks Provisions 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 Provisions 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 Provisions requested.

- 3.28 Aspect 1.5 Definition of ‘Temporary’: as stated by the Applicant [APP-037] para1.2.3 ‘Subject to the Proposed Development 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 Proposed Development is likely to commence prior to 2030). The Proposed Development 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 Proposed Development (e.g. creation and/or improvements to PRoWs; constructed culverts; etc.) after which they will be scrubbed-out/ revert to the landowner (e.g. ‘Permitted Routes’), 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 Proposed Development, then they should be afforded minor to no weight in their benefit in assessing the Application).

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

**Aspect 1.1 to 1.5 Local Impact Report (LIR) - as identified and assessed<sup>3</sup>:**

- a) **Impact** (positive, neutral, or negative), during all phase of the development (construction, operation, replacement, decommissioning); and, at local to sub-regional scale:
  - i. Potential long-term negative impact(s) unless resolved.
  - ii. The Council do not believe that the DCO Agreement as currently drafted allows the Council sufficient clarity to consider the DCO Agreement, Schedules, and requirements and their impact on the local authority's area.
  - iii. The Council do not believe that the DCO Agreement as currently drafted allows the Council to satisfy themselves that the construction, operation, replacement, and decommissioning of the Proposed Development is sufficiently controlled and mitigated or can be controlled by the Council within the current drafting.
  - iv. The Council do not believe that the DCO Agreement as currently drafted allows the Council to be satisfied that their responsibilities for discharging the requirements, monitoring, and enforcing of such are clearly set out, nor how the Council is to resource and finance such responsibilities without setting a commitment by the Applicant as part of the DCO Agreement.
- b) As this is an in-principle Aspect, neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. It is suggested that without the clarity as identified above, the full harm, mitigation measures proposed, planning weighting, DCO Agreement as contract, and possible enforcement actions cannot be concluded and/or enacted and consequently this Aspect needs resolution.
  - ii. It is suggested that the lack of clarity of intent/ definition requires clarity and consistency of wording in the DCO Agreement and inter-related Management Plans. This is seen by the Council as central to the Examination, its determination, and concluding any DCO Agreement between Parties.
- d) **Contractual:** to be secured through the DCO Agreement and relevant Management Plan(s).

- 3.29 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 Proposed Development*' 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.

**Matter 1 (LIR): - as identified and assessed:**

- a) **Impact** (all Phases; local scale only): it is suggested that this is a technical planning matter – Policy 3S(viii) is applicable; neutral impact.
- b) This is a technical planning matter, neither positive nor negative impacts are identified.
- c) **Mitigation measures:** statement of fact that can be resolved/ agreed between Parties.

- 3.30 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 Proposed Development 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

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<sup>3</sup> The Council uses the term 'assessed' as short-hand, recognising that the SoS will be the determining authority

- 3.31 **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 Proposed Development (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

**Matters 2 and 3 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): the lack by the Applicant of any separate ES assessment of the Operational - Replacement Phase could result in un-identified effect and harm, lack of mitigation measures, and lack of any address through Management Plans; potential negative impact unless resolved.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** assessment to be prepared and incorporated into Environmental statement (ES) and associated supporting material.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and Phase-specific Management Plans [similar to App-154 to 167]: in this way the impact(s) would be identified and addressed - resulting in potential neutral impact.

- 3.32 **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.

**Matter 4 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact unless addressed.
- b) **Mitigation measures:** a more comprehensive address is required, or legal commitments given by the Applicant, as to the address of waste generated both at the Replacement Phase and Decommissioning Phase with reference to the WEEE Regulations.
- c) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and Phase-specific Management Plans [similar to App-164]: in this way the impact(s) would be addressed – otherwise there is potential to remain a long-term negative impact.
- d) The Council note the Examining Authorities statement in the Rule 6 Letter annex F(9) - Ethical procurement – and suggests as worded this does not apply to possible waste export.

#### 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 Proposed Development.
- 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 Proposed Development which may have informed the Proposed Development'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.

**Matter 5 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. A more comprehensive address is required, with legally enforceable commitments given by the Applicant, to address the risk of potentially generated pollution (air, groundwater, and water), and in the worst-case scenario, what mitigation measures and commitments are in place should contaminated water flow into the surrounding water courses. This should include financial compensation measures to host and statutory authorities.
  - ii. The Applicant should evidence that the Battery Safety Management Plan [APP-162] is acceptable to the statutory authority (Environment Agency) and both CCC and Bedford Fire and Rescue Services.
  - iii. The Applicant should ensure (by way of funding) that the Fire and Rescue Services have the required training and necessary equipment to deal with such development-specific fires/ safety risk. In discussion with the Applicant, these discussions have been initiated for the Applicant to conclude.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and Battery Safety Management Plans [App-162]: in this way the impact(s) would be addressed – potential neutral impact.

## 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 Proposed Development'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 Proposed Development/ 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 'Proposed Development buffer and utility easements widths', as set out in [APP-159] para3.4.1.

**Matter 6 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** a more comprehensive address is required to ensure that all individual Site parcel boundaries that abut the Public Highways (inclusive of PRoW) are adequately mitigated in terms of potential LVIA harm, that suitable screening and habitat widths are sated and secured, and potential mitigation measures to all boundaries are identified across various Management Plans.
- d) **Contractual:** to be secured through the relevant Management Plans: in this way the impact(s) would be addressed and mitigated – potential positive impact.

- 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 Proposed Development 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 submits that a commitment from the Applicant should be required that any hedgerow, trees and habitat planting that may require removal during any Replacement Phase works is reinstated with immediate effect (within the next available planting season) after the works are undertaken and that an ‘*establishment period*’ of five-years is then enacted from that date.

**Matters 7 and 8 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
  - b) Neither positive nor neutral impacts are identified.
  - c) **Mitigation measures:** a more comprehensive address as set out above is required within the inter alia Landscape Environmental Management Plan/ other to ensure landscape establishment, timely replacement in case of failure, and replacement of existing landscape.
  - d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and the relevant Management Plans [App-157/ 158/159]: in this way the impact(s) would be addressed – potential positive impact.
- 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 Proposed Development 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.

**Matter 9 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** clarification of intent, staffing, and related funding for the duration of the development.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and the relevant Management Plans: in this way the impact(s) would be addressed – potential positive impact.

### 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 Proposed Development 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.
- 6.9 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 Proposed Development 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.
- 6.10 The Proposed Development 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 impacts 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.
- 6.11 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.
- 6.12 It is recommended that a review of post operation hedgerow heights is undertaken to deal with the loss of openness in views and change in landscape character arising from tall hedgerows. It is accepted that this is an appropriate mitigation in operation, but the Councils considers that a more appropriate agriculturally based management regime of lower hedgerows (1.5m) should be implemented on a rotational basis post operation.
- 6.13 **Matter 10 (LIR): - as identified and assessed:**  
(Please note that this is taken from the External Consultant's assessment and may be duplicated across the other Host Authorities' LIR)

**Impact 1: Construction Phase**

- a) **Positive:** no positive landscape or visual impacts arising from construction of the Proposed Development have been identified, reflecting that construction is largely disruptive in a rural context and may involve removal of landscape elements (hedgerows) and/or introduction of machinery/vehicles and activity in a concentration which is incongruous in a rural context and impacts landscape character and visual amenity.
- b) **Neutral:** no neutral landscape impacts arising from construction of the Proposed Development have been identified. Table 2.1 of ES Appendix 5-5: Effects on Visual Receptors provides the assessment of visual effects on residents assessed within the study area, with reference to relevant viewpoint assessments. In construction, there would be no change / a neutral effect on visual amenity for the views of residents at: R1 – Swineshead Village; R3 - Coldham Lodge Farm; R6 - Green End; and R37 - Field Farm. In construction, there would be no change in views of people using community facilities C1-C4 and C6-C8, with a minor change for users of C5 - Church of All Saints at Little Staughton.
- c) **Negative:**
- i. In construction, moderate to major adverse (significant) effects on landscape character are identified for LCA 1B Riseley Clay Farmland and the Southern Wolds LCA.
  - ii. Construction impacts on landscape character would occur over a 30-month period and arise from: construction of solar arrays within largely arable fields; excavations associated with the underground cable connections; construction of new access roads; erection of temporary construction fencing and permanent boundary fencing and temporary lighting required primarily in winter months (not overnight). During construction there would also be some very localized clearance of existing hedgerow.
  - iii. Overall, the construction operations would be highly visible within both LCA 1B Riseley Clay Farmland and the Southern Wolds LCA and would give rise to a localized, but significant, change to landscape character for the 30-month duration of the construction works.
  - iv. Table 2.1 of ES Appendix 5-5: Effects on Visual Receptors provides the assessment of visual effects on residents assessed within the study area, with reference to relevant viewpoint assessments.
  - v. In construction, moderate to major adverse (significant) effects on the visual amenity of residents would occur at: R9 – Properties on Great Staughton Road, east of Green End; R10 - Hoo Farm; R12 – Row of properties off the B660; R17 – Northern side of the southern extent of Green End; R19 - Lodge Farm; R20 - Rectory Farm; R21 – Home Close and Little Hollow Cottage; R22 - The Kangaroo; R23 – New Farm; R25 – Garden Farm and Garden Cottage; and at R31 - Pastures Farm.
  - vi. Table 2.2 of ES Appendix 5-5: Effects on Visual Receptors summarises the assessment of visual effects on people using the public rights of way assessed within the study area. The number of PRoWs adjacent to or within the solar arrays reflects the degree to which recreational users of them would be impacted in construction.
  - vii. In construction, major adverse (significant) effects on the visual amenity of recreational users of PRoW would occur at: Footpaths 34 and 35 and Bridleway 37 and 40; Footpaths 4, 8, 13, 26, 47; Footpaths 5 (Little Staughton parish) and 213/1; Footpaths 112/5, 112/6, Bridleway 112/7 and 112/8; and Footpaths in the vicinity of Little Staughton / Green End.
  - viii. Moderate to major adverse effects on the visual amenity of recreational users of PRoW would occur at: Footpaths A3, 2, 32, 11 and 12; Footpaths 1, 5, 19; and Footpaths 213/3 and 213/28.

- ix. For people in vehicles on local roads impacts would be non-significant, reflecting lower sensitivity and duration of likely views. Similarly, effects on employment sites E1-E3 would be non-significant.

#### **Mitigation 1: Construction Phase**

- a) Mitigation, typically consisting of additional tree and hedgerow planting located on the boundaries of the site, as set out in Tables 2.1-2.4 within ES Appendix 5-5: Effects on Visual Receptors will be immature or absent during construction.
- b) The Councils consider that consideration should be given to advanced planting of mitigation, where this does not conflict with construction activity, so that there is a greater degree of maturity in Year 1 of operation.
- c) Mitigation of landscape and visual effects in construction will be in accordance with [APP-155] 7.3 Outline Construction Environmental Management Plan P01 and [APP-156] 7.4 Outline Construction Traffic Management Plan P01.

#### **Impact 2: Operational Phase**

- a) **Positive:** no positive landscape or visual impacts arising from operation of the Proposed Development have been identified, reflecting that the significant operational impacts on landscape character and visual amenity would occur through alteration of some of the key characteristics of LCA 1B Riseley Clay Farmland and the Southern Wolds LCA within which the main development will be located.
- b) **Neutral:** there would be a neutral effect on LCA 4A Great Ouse Clay Valley in operation and for various viewpoint locations and receptor groups: VP4 Church of St Nicholas in Swineshead; VP22 Church of St Peter in Pertenhall; VP29 Church of St Mary the Virgin in Keysoe; 79 Junction between B645 and High Street at Hail Weston; VP80 Duloe Road VP81 Footpath 23 (Parish of Staploe); and VP82 Footpath 8A (Parish of Staploe) at the Eaton Socon Substation.
- c) **Negative:**
  - i. All residential receptors identified as experiencing significant visual effects during the operational phase are either individual properties, or small groups of properties, located close to the Order Limits.
  - ii. No significant visual effects have been identified on residential receptors located directly within the villages located within the study area.
  - iii. The residential receptors that would be subject to a significant visual effect at Year 0 during operation are as follows: R9 Properties on Great Staughton Road, east of Green End; R10 Hoo Farm; R12 Row of properties off the B660; R23 New Farm and R25 Garden Farm and Garden Cottage.
  - iv. The establishment of tree and shrub planting mitigation, primarily as hedgerows, would reduce the level of effect at residential locations, such that the residual effect at Year 10 is Not Significant.
  - v. The multiple effects on rights of way identified as being subject to significant visual effects during Year 0 of operation reflect the dense network of rights of way within the study area which provides connections between farms and small settlements. Significant visual effects in Year 0 of operation therefore typically relate to relatively short distance footpaths which form part of a network of rights of way in and around fields and small settlements within the Site.
  - vi. Some significant visual effects on users of rights of way would remain at Year 10, particularly from rights of way directly adjacent to the Site. There would be a residual change to the level of openness in views and as such the significant visual effects would remain.
  - vii. The following are rights of way receptors which have been identified as experiencing a significant visual effect at Year 10: Bridleway 37 and 40 and Footpaths 34 and 35,

which are located directly within the southern extent of Site A; Footpaths 4, 8, 13, 26, 47, which are located directly within Site B; Footpath 5 and 20 are located on rights of way situated on slightly elevated ground, close to Pertenhall, at least 1km north of Sites A and B and the residually significant effect on each of these rights of way is due to the extent of the solar array which would be evident in a single view due to Sites A and B; Footpaths 5 and 213/1 are located on rights of way situated on slightly elevated ground, close to Little Staughton, within 1km south of Site B and the residually significant effect on each of these rights of way is due to the extent of the solar array which would be evident in a single view due to Site B.

- viii. No community receptors have been identified as experiencing a significant visual effect during the operation of the Proposed Development. Similarly, no road receptors or people at employment sites have been identified as experiencing a significant visual effect during the operation of the Proposed Development.

### Mitigation 2: Operational Phase

- a) [APP-121] Figure 2-1: Illustrative Environmental Masterplan shows the proposed landscape and visual mitigation for the Proposed Development. The landscape proposals are tailored to the location and required functions of each part of the Proposed Development, 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 and PRoW connecting settlements.
- b) Mitigation, typically consisting of additional tree and hedgerow planting located on the boundaries of the site, has been used to further screen the solar array within the Proposed Development, as set out in Tables 2.1-2.4 within ES Appendix 5-5: Effects on Visual Receptors.
- c) At Year 10, the mitigation proposed, is assumed to have established to a reasonable level of maturity such that the Proposed Development would be more suitably integrated into the view from most visual receptors, including from residential properties and for rights of way users, the two main groups of people impacted by the Proposed Development.
- d) The OLEMP states that hedgerows will be managed at a height of 3m, to screen the development and provide ecological benefits. The Council accepts that this is a reasonable mitigation strategy in operation but consider that post decommissioning the presence of tall hedgerows in this context would in itself be a change in landscape character and consider that the post decommissioning height of hedgerows forming field boundaries should be reduced to 1.5m height over a phased 3 year rotational cut, in order to more closely match the baseline landscape of LCA 1B Riseley Clay Farmland and the Southern Wolds LCA.

### Impact 3: Decommissioning Phase

- a) **Positive:**
  - i. The end of decommissioning there would likely be a residual minor beneficial effect on landscape character of the two main host LCAs, LCA 1B and Southern Wolds LCA as there would be enhanced field structure within the Site due to the mature hedgerow and tree cover left by the Proposed Development.
  - ii. The Councils considers that this would be dependent on delivery of a review and phased implementation of modification of hedgerow heights from the 3m height necessary in operation to a managed height of 1.5m, more typical for the agricultural context. Managed reduction of hedgerow heights should commence during decommissioning and continue on a rotational basis over a 3-year period, to provide nesting continuity for birds.
- b) **Neutral:** as described for construction.

- c) **Negative:** decommissioning effects in relation to landscape character and visual amenity would largely mirror those in construction but with a reduced magnitude due to enhanced screening delivered by the mitigation Proposed Development. There would be temporary adverse effects during the removal of the Proposed Development which would be similar to those reported during construction, i.e. that there would be Moderate to Major Adverse levels of effect on the two main host LCAs, LCA 1B and Southern Wolds LCA.

### Mitigation 3: Decommissioning Phase

- a) As set out above, a permanent change in hedgerow heights to 3m is considered contrary to the baseline rural context and hence a negative effect, that can be mitigated by post operational rotational reduction in hedgerow heights.

**Contractual (all Phases):** measures to be secured through the relevant Management Plans: in this way the impact(s) would be addressed – potential long-term neutral impact.

- 6.14 Matter 11 Legacy: while the Council broadly agrees with the [APP-034] Design Principle 7: *'The Proposed Development 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/ potentially nil weight in terms of planning benefits. It is suggested that this matter is discussed at Examination.

**Matter 11 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.  
 b) Neither positive nor neutral impacts are identified.  
 c) **Mitigation measures:**
- i. The Council requires clarity as to what landscape, habitat, and Public Highways (PRoW) are to be temporary, 'permissive', and/or permanent.
  - ii. Applicant to table a 'worst-case' scenario where all permissive routes, landscape and habitat areas as delivered by the Applicant are removed by the landowner post 40-years to give an understanding on the loss of landscape and habitat areas (created and established), and mitigation measures that may be required to retain/ re-establish the policy-identified Landscape Characters.
  - iii. Clarification of intent leading to a re-assessment of the development's suggested public benefits.
- d) **Contractual:** once concluded, all elements to be secured through the DCO Agreement [APP-016] [App-017] and the various Management Plans: – potential positive impact (if retaining) or significant negative impact (if removed).

## 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 Proposed Development, both airfields above are not identified which is suggested as a significant oversight. It is suggested that this is addressed at Examination.

**Matter 12 (LIR):** - as identified and assessed:

- a) **Impact** (construction, operation, replacement phases; local scale): potential negative impact unless resolved.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** assessment of effect leading to potential mitigation measures.
- d) **Contractual:** to be secured through the relevant Management Plans: – potential neutral impact.

### 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 agreed programme of pre-submission archaeological evaluation work is now complete. However, it has been agreed with the applicant that further trenching will be required post DCO at a higher percentage in order to fully characterize the archaeological remains that survive on the site which are likely to be impacted by the proposals. The results of the full archaeological evaluation, once complete, should be used to inform a detailed archaeological mitigation strategy for the Proposed Development.. As the full evaluation will only be completed post determination of the DCO it is important that the mitigation strategy accompanying the DCO submission allows suitable flexibility for amendments if required. Dependent on the final results of the evaluation the illustrative masterplan provided will also require updating to reflect any 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 during the Operational Phase.

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 Proposed Development (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 Proposed Development 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:
- 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.
  - 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 Proposed Development 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

Proposed Development 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 Proposed Development 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*” (para 6.8.62 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 Proposed Development 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 Proposed Development 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 Proposed Development 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 Proposed Development in accordance with paragraphs 5.9.32 and 5.9.36 of EN-1.

It is suggested that this matter is discussed at Examination.

**Matter 13 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local scale): harm to setting of designated heritage assets as referred to above, and harm to setting of All Saints Church - ‘significant effect’ in EIA terms; negative impact.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
- i. Applicant to review increased landscape buffer width, introducing layered planting including semi-mature trees planting, potentially reviewing additional structured planting in effected view lines, et al to further mitigate the identified harm on the setting of the listed building; and,
  - ii. There remains concern that the increased landscape buffer is going to offer limited mitigation due to the change in levels (the church and churchyard overlooks the Site) - in fact, increasing the buffer or the height of planting is going to affect the efficiency of the panels (the panels will face back towards the south and the church). Consequently, the Council is of the position that the only way the Applicant could reduce the impact to a ‘not significant’ effect would be to remove the proposed panels within the fields south of New Farm.
- d) **Contractual:** to be secured through the relevant Management Plans: – residual negative impact.

- 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 Proposed Development; however,

**Matter 14 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
- b) **Caveated** - it is noted that there are negative impacts (e.g. the loss/partial loss of archaeological remains), but also positive impacts (e.g. the knowledge gain from archaeological fieldwork allowing Officers to answer questions in the regional research framework, the public engagement opportunities etc.).
- c) **Mitigation measures:**
  - i. Subject to the full evaluation being complete and assessed, mitigation measures as identified and agreed with the Council put in place.
  - ii. The identified remains 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.
  - iii. Parties should set out, agree, and conclude research aims, drawn from the East of England Regional Research Framework, which on conclusion should be submitted to the Council for review and possible measures for adoption.
  - iv. Inclusive within such agreement should be a funding mechanism to allow the Council/ local planning authority(s) to review and discharge and obligations associated with such studies/ planning requirement.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and a FINAL Archaeological Mitigation Strategy [App-166] and Heritage Enhancement Strategy [APP-167]: – neutral impact after mitigation (caveated regarding the strategy post the decommissioning phase).

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 an 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.

**Matters 15 to 17 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Caveated as per Matter 14.
- c) **Mitigation measures:** as stated, both an archaeological trenching strategy and revised Outline Archaeological Mitigation Strategy to be tabled for discussion/ approval/ concluded with the Council/ local planning authority(s); these should be concluded prior to any implementation of works on site.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and a FINAL Archaeological Mitigation Strategy [App-166]: – potential positive impact (caveated regarding the strategy post the decommissioning phase).

- 8.11 **Matter 18** Ladder Settlement (Asset 275): the [APP-167] Outline Heritage Enhancement Strategy is broadly satisfactory but the Council note it will be updated following completion of the archaeological evaluation. 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.

**Matter 18 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Caveated as per Matter 14.
- c) **Mitigation measures:** a revised/ clarified Outline Heritage Enhancement Strategy to be tabled for discussion/ approval/ concluded with the Council/ local planning authority(s); strategy should be concluded prior to any implementation of works on site.
- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and the Heritage Enhancement Strategy [App-167]: – potential positive impact (caveated regarding the strategy post the decommissioning phase).

- 8.12 **Matter 19** Archaeology requirement (No. 15): the [APP-016] draft DCO Schedule 2 contains a proposed requirement for archaeological works. 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 Proposed Development wide Archaeological Mitigation Strategy to take account of the results of the additional trenching. Further to this there will then be a Site Specific Written Schemes of Investigation setting out mitigation fieldwork and post-excavation reporting and publication for each area of investigation. Currently as tabled, the Council do not support the draft DCO regarding the Archaeology aspect; this requires discussion at Examination.

**Matter 19 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Caveated as per Matter 14.
- c) **Mitigation measures:** Archaeological Mitigation Strategy scope of works and related DCO subject matters to be revised/ clarified and tabled for discussion/ approval/ concluded with the Council/ local planning authority(s).

- d) **Contractual:** to be secured through the DCO Agreement [APP-016] [App-017] and the Archaeological Mitigation Strategy [App-166]: – potential positive impact (caveated regarding the strategy post the decommissioning phase).
- e) The Council will seek a s106 Archaeology Monitoring Fee from the Applicant for the duration of the Construction Phase to monitor the Applicant's commitments.

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 and haulage routes, this requires both an in-principle statement and detailed resolution to address the Regulations.

**Matter 20 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** review of address, mitigation, and protection as required under the Hedgerow Regulations (1997) and Inclosure Act (1845) to evidence that the relevant Management Plans address the (landscape and/or habitat) Regulation and/or Act's protection measures.

- d) **Contractual:** to be secured through the relevant Management Plans: – potential positive impact (caveated regarding the strategy post the decommissioning phase).

9.3 Habitat: Applicant’s PIER 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.

**Matter 21 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): negative impact.
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** set out assurances that any hedgerow removal will be limited to six (6) meters.
- d) **Contractual:** to be secured through the relevant Management Plan: – potential neutral impact.

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 etal ‘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, and potentially the cross-Site haul routes, do not show the full extent of existing/ historic hedgerows to be removed to enable the required visibility splay and access. This would create both habitat harm and open the Site to more external views creating harm to the landscape setting. This requires discussion at Examination.

**Matter 22 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. It is understood that the final routing of construction traffic on/ across the Public Highways (including the PRow), and that of temporary haulage routes during the Construction and possibly the Replacement Phase will be concluded as part of the Examination, it is noted that this should be read in conjunction with the impact that visibility splays may have on existing hedgerows and the need for their removal. As a minimum, all such junctions should be mapped with the visibility splays distances as certified by the Council Highway Officers, including evidencing harm to existing hedgerows.
  - ii. The Council would want to see that the worst-case scenario is tested in terms of maximum length and associated turning-radii and visibility splays of construction vehicles to be used.
  - iii. The Council would want to see a statement in the Construction Traffic Management Plan (CTMP) that restricts the absolute length of construction vehicles as to that which was modelled, and table measures how this is enforced (to ensure that no greater harm is created).
  - iv. It is suggested that this could be resolved within Matter 8.
- d) **Contractual:** to be secured through the relevant Management Plan: – potential neutral impact.

**Designated Sites**

- 9.6 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 Proposed Development is unlikely to result in significant effects on statutory designated sites of nature conservation importance.
- 9.7 Matter 23 County Wildlife Site: the Proposed Development 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); consequently:

**Matter 23 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.

- c) **Mitigation measures:** review of matters raised below and that harm as may be identified is mitigated:
- i. 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.
  - ii. 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.
  - iii. Regarding High Wood CWS, 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.
  - iv. 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.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential neutral impact.

### Protected and/or Notable Species

9.8 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.

9.9 Matter 24 Skylark mitigation: the Council is concerned that without suitable mitigation and compensation provision the Proposed Development 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 para 7.8.112 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.

### **Matter 24 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases including post-Decommissioning Phase; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** Applicant to table a comprehensive strategy for the protection of skylark ('red-listed') with specific address of their ground-nesting habitat, in accordance with the requirements of the Wildlife and Countryside Act 1981 (as amended). 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):
  - i. The Council is concerned that without suitable mitigation and compensation provision the Proposed Development 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 para 7.8.112 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.
- ii. Details of proposed habitat losses and gains (overall area and territory numbers);
  - iii. Evidenced identification and protection measures of skylark habitat areas (at c.0.5hectares of habitat provision/ breeding pairs to allow them to continue to use the area for breeding purposes);
  - iv. Measures to be employed to protect ground nesting birds during construction and operational phases;
  - v. Consideration of the phasing of both impacts and proposed mitigation/compensation provision; and,
  - vi. Evidence of 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.
  - vii. A strategy, including landowner (Third-Party) commitment, as to how these skylark areas are to be retained and managed post the Applicant’s decommissioning phase when they may be established for over 40-years.
  - viii. These detailed matters are required to assess the appropriateness of the measures proposed, and determine if further off-site compensation is required.
  - ix. The Applicant is referred to the RSPB ‘Farming for Wildlife: Skylark Plots’ (nd) regarding accepted guidance of size of area to be set aside.
- d) **Contractual:** to be secured through the DCO Agreement and the relevant Management Plan(s): – potential positive impact (caveated regarding the strategy post the decommissioning phase).

9.10 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:

**Matter 25 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** review of matters raised below and that harm as may be identified is mitigated:
  - i. 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 considers that as a minimum the location of Potential Roost Feature (PRF-Individual and PRF-Moderate) trees should be established and mapped in order that the Applicant can evidence within the relevant Management Plan(s) that suitable protection buffers have been incorporated into the Proposed Development for the protection of such trees.
  - ii. The Council consider that the minimum six-meter tree and hedgerow buffer outlined in the Applicant’s Environmental Statement would be insufficient to prevent disturbance where roosts are confirmed or have the potential to be present.
  - iii. The Council notes that guidance for PRF-M (High potential) trees usually mandates a minimum buffer of 10 to 15 metres from the trunk in residential or development settings, though often this is increased to a 15–30m zone or full avoidance (retention) of the tree, depending on the severity of the construction work.
- d) **Contractual:** to be secured through the Management Plan(s): – potential positive impact.

- 9.11 **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:

**Matter 26 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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).
  - ii. Further clarification is required on how this will be monitored and enforced, and by whom.
  - iii. Further clarification is required on how harm/damage that may arise is remedied to the satisfaction of the Council to the Applicant's cost.
- d) **Contractual:** to be secured through the Management Plan(s): – potential neutral impact.

- 9.12 **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:

**Matter 27 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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.
  - ii. Further clarification is required on enhancement proposals including proposals for baseline surveys of areas identified for enhancement to check their existing water vole and otter status to ensure that harm as may be identified is mitigated and that appropriate measures are put in place.
  - iii. Further clarification is required on how this will be monitored and enforced, and by whom.
  - iv. Further clarification is required on how harm/damage that may arise is remedied to the satisfaction of the Council to the Applicant's cost.
- d) **Contractual:** to be secured through the Management Plan(s): – potential neutral impact.

- 9.13 **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.

**Matter 28 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. Confirmation is required what if any survey has been undertaken at location P46.
  - ii. The Applicant 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.
  - iii. Further clarification is required on how this will be monitored and enforced, and by whom.
  - iv. Further clarification is required on how harm/damage that may arise is remedied to the satisfaction of the Council to the Applicant's cost.
- d) **Contractual:** to be secured through DCO Agreement requiring a Natural England license: – potential neutral impact.

#### **Avoidance/Mitigation/Compensation**

- 9.14 **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:

**Matter 29 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. Lighting: 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.
  - ii. 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.
  - iii. It is recommended that the submission of and approval of specific lighting measures form a requirement within the DCO's Schedule of Requirements and Management Plans.
  - iv. Commitments Register (BNG): 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.
- v. 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 Proposed Development, 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 Proposed Development outcome.
  - vi. It is suggested that this needs comprehensive review, including which and how these commitments are then secured in the DCO Agreement.
- d) **Contractual:** to be secured through DCO Agreement [APP-016] and through the Management Plan(s) – potential neutral impact.

9.15 **Matter 30** Planting selection: the proposed woodland planting and that plants of local provenance are to be utilised is welcomed; however:

**Matter 30 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): potential positive impact(s).
- b) Neither negative nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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.
  - ii. Opportunities should be taken to incorporate locally important species, include native black poplar and Huntingdonshire elm (resilient to Dutch elm disease).
  - iii. Further, an understory of grasses, wildflower meadows, and bulb species add to habitat diversity and ecological resistance would be encouraged.
- d) **Contractual:** to be secured through planting species list and the relevant Management Plan(s) – potential positive impact.

9.16 **Matter 31** Decommissioned planting: it is the Council' understanding that the Provisions requested under the DCO will not seek to remove any of the habitats created or established by the Proposed Development on the Site; however:

**Matter 31 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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). The exact extent of the landscape screening, hedgerows, and habitat areas as created by the Proposed Development that will be retained in perpetuity is ambiguous and needs clarity to establish the planning benefit(s) of the Application.
  - ii. The Council seeks agreement from the Applicant that areas of species-diverse grassland to be created under the Proposed Development (read in conjunction with skylark ground nesting areas) will be retained and their long-term management secured to ensure the beneficial effects identified in the ES are permanent.

- iii. The Applicant has not addressed the absolute harm that the potential removal of the Applicant's instated landscapes and habitats post-decommissioning phase could do to the now maturing landscape and habitats. This requires some strategy by the Applicant and commitment by the landowners.
  - d) **Contractual:** to be secured through the DCO Agreement [APP-0161] with reference to land agreements to be concluded between the Applicant and Third-Parties/ Landowners; to be concluded as part of the Examination: – potential positive impact (caveated regarding the strategy post the decommissioning phase).
- 9.17 **Matter 32** Landscape widths: the Council note that the minimum six-meter buffer between the fenceline of the solar farm and the surround hedgerows specified in [APP-159] oLEMP Section 3.4.1 is viewed as insufficient, in particular with regards to hedgerows containing mature 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 wider buffer zones that will protect and enhance their value for a range of species.

**Matter 32 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
  - b) Neither positive nor neutral impacts are identified.
  - c) **Mitigation measures:**
    - i. The Council would want a minimum buffer zone of ten meters to enable habitat creation/ establishment; enable the protection of the RPZ to maturing trees; ensure screening to listed assets; and, enable a maturing of the existing and instated landscape over the 40-year Proposed Development' period without the need to prune/ cut-back this landscape should it create a shadow impact on the PV panel.
    - ii. It is suggested that this could be resolved within Matter 6.
  - d) **Contractual:** to be secured through the relevant Management Plan(s): – potential positive impact.
- 9.18 **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.

**Matter 33 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. The Applicant has set-out an approach (methodology and programme) as to how agricultural land, high in nutrient levels and possibly contaminant, is to be made suitable (converted) to species diverse grassland. This should address grass-land establishment, address of failure to establish, and what would be viewed as 'acceptable cover' by the local planning authority. It is noted that this may require the instruction of an Agronomist or similar.
  - ii. Further clarification is required on how this will be monitored and enforced, and by whom.
  - iii. Further clarification is required on how temporary damage (say due to haul routes) that may arise is remedied to the satisfaction of the Council to the Applicant's cost.

- iv. The Council seeks agreement from the Applicant that areas of species-diverse grassland to be created under the Proposed Development will be retained and their long-term management secured to ensure the beneficial effects identified in the ES are permanent.
  - d) **Contractual:** to be secured through the relevant Management Plan(s): – potential positive impact (caveated regarding the strategy post the decommissioning phase).
- 9.19 **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].

**Matter 34 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): positive impact(s).
- b) Neither negative nor neutral impacts are identified.
- c) **Mitigation measures:** as stated above, to provide clarity of intent across the numerous Management Plans.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential positive impact (caveated regarding the strategy post the decommissioning phase).

### Monitoring

- 9.20 **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; in so far:

**Matter 35 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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.
  - ii. The Management Plans should set out frequency on monitoring of all habitat elements for the duration of the Proposed Development, and include an approach to care of the established habitats created post the Decommissioning Phase (recognising that the land will revert back to the landowners).
  - iii. Adherence to the standard approach to monitoring biodiversity promoted in Solar Energy UK guidance is strongly recommended.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term positive impact (caveated regarding the strategy post the decommissioning phase).
- e) The Council will seek a s106 Landscape Monitoring Fee from the Applicant for the duration of the Proposed Development to monitor the Applicant's management, maintenance, and delivery of the landscape and habitat commitments as made by the Applicant.
- f) The Applicant should cross-reference this with LIR Matters 24 to 34.

### Stage 3: Ecology and Nature Conservation LIR Summary

- 9.21 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.

- 9.22 The ecology and nature conservation matters of concern raised are consistent across the three Host Authorities and therefore are not separated out.
- 9.23 [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].
- 9.24 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].
- 9.25 The Construction Phase of the Proposed Development is expected to result in significant negative impacts on ecological features, including habitat loss and disturbance. Permanent habitat loss will occur due to construction activities during the 30-month construction period. These activities will also result in the potential for disturbance of species associated with these species through noise, dust, lighting, and visual intrusion.
- 9.26 The Proposed Development will involve works adjacent to / in proximity to three non-statutory sites designated as County Wildlife Sites (CWS) namely Huntingdon Wood CWS; High Wood County Wildlife Site and Kangaroo Meadows CWS. There is currently insufficient information to confirm that these sites, will not be subject to hydrological impacts and that access will be maintained to ensure traditional management practices like coppicing are not impacted.
- 9.27 The Council has raised concerns regarding the adequacy of surveys for protected species, including ground-nesting birds, bats, hazel dormouse, water vole, and otter, which could lead to underestimating impacts. Clarifications are required from the Applicant in order to ensure that the assessment is robust and associated mitigation proposals are appropriate.
- 9.28 The Council has emphasized the need for a detailed farmland bird mitigation strategy, sensitive lighting measures, and expanded buffer zones for hedgerows and trees to mitigate potential ecological impacts. These measures need to be secured through the DCO process including incorporation into the Outline Construction Environmental Management Plan (oCEMP), Outline Landscape and Ecology Management Plan (oLEMP), DCO commitments register or other submission documents as appropriate.
- 9.29 During the Operational Phase, the Proposed Development is expected to deliver significant ecological benefits through the creation of diverse habitats, including native woodland, hedgerows, grazed pasture, and species-rich grasslands. However, concerns remain regarding the displacement of ground-nesting birds, such as skylark and lapwing, due to disturbance during operation. Additionally, shading impacts from mitigation woodland planting on Kangaroo Meadows CWS require further clarification.
- 9.30 The Council stresses the need for securing a holistic biodiversity monitoring plan to complement the Biodiversity Net Gain (BNG) targets. In addition, the Council request that clear commitments are provided to demonstrate how habitat management and maintenance

will be secured throughout the 40-year operational, in order to ensure the predicted positive effects during the operational phase are achieved.

- 9.31 The decommissioning phase raises significant concerns regarding the long-term survival and management of habitats created under the Proposed Development. Once the physical infrastructure is removed, these habitats will be returned to landowners, potentially leading to a lack of ongoing management or even removal. The Council emphasizes the necessity of securing commitments for the long-term retention and management of retained habitats to ensure that the ecological benefits identified during the operational phase are preserved and sustained beyond the Proposed Development's lifespan.

- 9.32 Matter 36 Ecology and Nature Conservation – overarching assessment

**Matter 36 (LIR):** - as identified and assessed:

(Please note that this is taken from the External Consultant's assessment and may be duplicated across the other Host Authorities' LIR)

**Impact 1: Construction Phase**

- a) **Positive:** no positive impacts or associated effects upon features of ecology and nature conservation importance are expected to arise from the construction of the Proposed Development. The Construction Phase will result in the loss of habitats including areas of existing grassland and hedgerows. In addition, the use of construction machinery and other construction activities have the potential to result in disturbance of retained ecological features (including through noise; visual; lighting and dust).
- b) **Neutral:**
- i. The Proposed Development is not expected to result in any impact (or associated effect) upon the bird populations for which the Grafham Water SSSI is designated. Surveys identified a bird assemblage typical of lowland agricultural habitat with only low and irregular use by common waterbirds. Therefore, the effect on Grafham Water SSSI is expected to be Neutral.
  - ii. No losses of ancient woodland or veteran trees will occur as a result of the Proposed Development. All such trees will be retained with buffers.
  - iii. Three watercourse crossings will utilise horizontal directional drilling thus avoiding impacts on the watercourse.
  - iv. Assuming that standard construction controls are implemented, such as implementation of the Outline Construction Environmental Management Plan (oCEMP) then it is expected that impacts of the Proposed Development on several ecological features including reptiles and foraging/ commuting bats will be avoided or reduced to a level that they are considered Neutral.
  - v. Habitats of lower importance habitat such as arable habitat, grassland field margins, and areas of scrub will be removed in order to construct the Proposed Development, some of which will be replaced.
- c) **Negative:**
- i. During the Construction Phase the Proposed Development will result in negative effects on ecological features of importance for ecology and nature conservation. This will include habitat loss due to the construction of the solar arrays, associated access roads and excavations associated with underground cable connections. In addition to permanent impacts there will be some temporary negative impacts (and associated effects) during the 30-month construction period including

- temporary habitat loss (e.g. for compounds and fencing) as well as potential disturbance (lighting, dust noise and visual) of habitats and species.
- ii. The Proposed Development will result in the removal of a total of 84m of hedgerow (as sated by the Applicant), a Habitat of Principal Importance under the Natural Environment and Rural Communities Act (2006, as amended), with c.42m of this directly reinstated following the completion of construction works.
  - iii. The Proposed Development requires a total of 22 new watercourse crossings and one upgraded watercourse crossing and these will result in small scale habitat loss and or disturbance.

#### **Mitigation 1: Construction Phase**

- a) As set out in the various Matters identified in this Aspect.
- b) 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).
- c) 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, financial ring-fenced, and implemented (managed landscapes and habitats) over the 40-year operational phase.
- d) Further clarification is required on how this will be monitored and enforced, and by whom.
- e) Further clarification is required on how harm/damage that may arise is remedied to the satisfaction of the Council to the Applicant's cost.

#### **Impact 2: Operational Phase**

- a) **Positive:** the Proposed Development would result in the creation of significant areas of habitat creation including approximately 19ha of native species woodland or woodland belt; 17.4km of native species hedgerow; 375 individual native species trees; 448ha of grazing pasture of neutral grassland and 205hectares of species diverse grassland. The establishment and ongoing maintenance of these habitats during the operational phase is expected to result in a significant positive effect on habitats during the 40-year operational phase. In addition, these habitats have the potential to result in positive effects for breeding birds (except ground nesting species), foraging and commuting bats, amphibians and reptiles.
- b) **Neutral:**
  - i. During the operational phase no effects are expected on statutory designated sites for nature conservation or Huntingdon Wood CWS or High Wood County Wildlife Site (CWS) which adjoin the Proposed Development.
  - ii. During operation the impact (and corresponding effects) on otter and water vole populations utilising watercourses within and adjacent to the Proposed Development are expected to be Neutral.
- c) **Negative:**
  - i. 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.
  - ii. The presence of an operational array of solar panels is expected to result in ongoing disturbance that will result in displacement of ground nesting bird species including skylark and lapwing. This is expected to result in negative effects on ground nesting

birds. The extent to which this impact will be offset by the proposed additional details relating to required farmland mitigation measures highlighted in relation to impacts arising during the construction phase. With implementation of an appropriate mitigation strategy this potential negative effect during operation could be reduced to a level where it is not significant.

### **Mitigation 2: Operational Phase**

- a) 40-year landscape management: the Proposed Development is identified within the Environmental Statement as having an '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 Proposed Development'. The Council would like to understand how the Applicant assesses and addresses the management and maintenance of the existing mature and a new maturing landscape habitat over the operational lifespan of the Proposed Development (circa 40-years). This represents a significant financial and staffing commitment which is currently not evidenced (Ref. Scoping Reports, 2023).
- b) 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.

### **Impact 3: Decommissioning Phase**

- a) **Positive:** no positive impacts or effects on features of ecology and nature conservation importance are expected during the decommissioning phase.
- b) **Neutral:** no positive impacts or effects on features of ecology and nature conservation importance are expected during the decommissioning phase.
- c) **Negative:**
  - i. The Council is concerned that there is a lack of information on the long-term survival (i.e. beyond 40 years) of the habitats created as mitigation and compensation. It is the Council's understanding that the Provisions requested under the DCO will not seek to remove any of the habitats created or established by the Proposed Development on the Site. However, following decommissioning (i.e. the removal of the physical infrastructure) all habitats would be returned to landowners, and at this ongoing management may cease or they could potentially be removed subject to the relevant legislative and policy requirements at the time being adhered to.
  - ii. The extent to which the long-term retention and ongoing management of these habitats is secured is considered a vital part in substantiating the overall residual effects of the Proposed Development on ecological features reported in the Environmental Statement.

### **Mitigation 3: Decommissioning Phase**

- a) As set out in the various Matters identified in this Aspect.

**Contractual (all Phases):** to be secured through the DCO Agreement and relevant Management Plan(s): – potential positive impact (caveated regarding the strategy post the decommissioning phase).

**Biodiversity Net Gain Assessment**

- 9.33 **Matter 37 Biodiversity Net Gain:**  
(Please note that this is taken from the External Consultant’s assessment and may be duplicated across the other Host Authorities’ LIR)
- 9.34 The Applicant has undertaken a Biodiversity Net Gain (BNG) assessment using the Defra Statutory Biodiversity Metric. The baseline is dominated by intensively managed agricultural land, with relatively limited areas of higher value semi-natural habitat.
- 9.35 The Applicant’s assessment indicates that the Proposed Development could deliver biodiversity net gains of approximately 79.51% for area-based habitats, 36.91% for hedgerows and 5.95% for watercourses. The Council welcomes the intention to deliver biodiversity enhancements through habitat creation and improved land management across the Site.
- 9.36 However, the Council notes that the BNG assessment currently represents a high-level calculation and that delivery of the predicted biodiversity gains will depend on the successful establishment, management and monitoring of the proposed habitats. In particular, the Council considers that the final biodiversity outcomes will be influenced by the detailed design and implementation of habitat creation measures, including soil preparation and the interaction between proposed habitats and operational infrastructure such as solar arrays.
- 9.37 The Council notes that the spatial information presented within the application documents do not clearly show the relationship between proposed habitat creation areas and the full extent of operational infrastructure across the Site. Greater clarity on the spatial arrangement of solar panels, access tracks, and habitat areas would assist in understanding how the predicted biodiversity outcomes will be achieved.
- 9.38 The Council considers that opportunities may exist to further strengthen the BNG strategy through the enhancement of retained habitats and watercourses where practicable.
- 9.39 Finally, the Council notes that the Proposed Development has an operational lifespan of up to 40-years, after which solar infrastructure would be removed and the future land use determined. The long-term retention and management of habitats created as part of the BNG strategy beyond this period is therefore uncertain, meaning the biodiversity benefits delivered during the operational phase may not represent permanent biodiversity gains. 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 Proposed Development’s proposed biodiversity outcomes can be examined. However, there are matters of detail or clarification that require resolution; namely:

**Matter 37 BNG (LIR): - as identified and assessed:****Impact 1: Construction Phase**

- a) **Positive:** the Council notes that the Proposed Development design incorporates measures intended to minimise impacts on ecological features, including the retention of the majority of existing hedgerows, woodland blocks and watercourses within the Site. The layout of the Proposed Development has, in the majority of cases, sought to avoid direct impacts on these features where practicable.

- b) **Neutral:** the Council notes that the BNG assessment does not generate biodiversity units during the construction phase, as habitat creation and enhancement measures would be implemented following completion of construction activities.
- c) **Negative:**
  - ii. Construction of the Proposed Development will result in the loss or conversion of habitats within the development footprint. While much of the baseline habitat comprises low-distinctiveness agricultural land, the baseline assessment identifies approximately 42.7 ha of medium distinctiveness habitats, including other neutral grassland and areas of scrub, a proportion of which will be lost.
  - iii. The BNG assessment also identifies limited removal of existing hedgerow, amounting to approximately 0.07 km of baseline hedgerow loss across the Site (however, this is subject to on-going discussions regarding visibility splays at access junctions).

#### **Mitigation 1: Construction Phase**

- a) The Council notes that habitat losses are reflected within the BNG assessment and are proposed to be addressed through habitat creation and enhancement measures to be delivered as part of the Proposed Development. However, the Council emphasises that the mitigation hierarchy should continue to be applied through the detailed design and construction phases, ensuring that habitat loss is avoided and minimised wherever practicable before reliance is placed on compensatory habitat creation.
- b) The Council considers that mitigation during construction should be secured through the final Construction Environmental Management Plan to be approved prior to construction, including appropriate habitat protection measures and ecological supervision where works occur in proximity to retained habitats.
- c) The Council also notes that opportunities may exist to undertake early habitat creation and planting during construction, where practicable. Early implementation of habitat creation measures could support earlier establishment of habitats and reduce the temporal lag between habitat loss and delivery of biodiversity enhancements.
- d) The Council notes that the construction programme for the Proposed Development extends over a period of approximately 30 months, with habitat mitigation and landscaping proposed towards the later stages of construction. The BNG assessment does not apply a delay to the time to target condition for created habitats and therefore assumes that habitat creation occurs immediately following habitat loss. However, the construction programme indicates that the establishment of replacement habitats would occur during the later stages of the construction period. The Council requests clarification as to how the timing of habitat creation relative to the construction programme is reflected in the BNG assessment. In principle, this delayed initiation of landscape works is not supported.

#### **Impact 2: Operational Phase**

- a) **Positive:**
  - i. During operation, the Applicant proposes the creation of habitats including species-rich grassland, woodland planting and native hedgerow creation. The Council recognises that the conversion of intensively managed agricultural land to habitats managed for biodiversity has the potential to deliver ecological benefits if successfully established and maintained.
  - ii. The Applicant's BNG assessment predicts net gains of approximately 79.51% for area-based habitats, 36.91% for hedgerows and 5.95% for watercourses, arising primarily from the conversion of existing arable land to habitats managed for biodiversity.

- b) **Neutral:** once operational, the Site is expected to experience relatively low levels of activity and will primarily be managed for habitat establishment and ecological enhancement.
- c) **Negative:**
  - i. Operational infrastructure including solar arrays, fencing and access tracks will occupy areas of the Site and limit the extent of habitat creation in those locations. The Applicant's BNG assessment does not include a post-development Biodiversity Net Gain figure showing the location of operational infrastructure alongside proposed habitat creation areas. As such, it is not clear how the interaction between infrastructure and proposed habitats has been accounted for within the BNG assessment. The Council therefore requests that a post-development BNG figure is provided to clearly show the spatial relationship between solar infrastructure and proposed habitats.
  - ii. The Council notes that the predicted biodiversity net gains are dependent on the successful establishment and long-term management of created habitats, particularly species-rich grassland. Many of the proposed habitat creation areas are currently under arable cultivation and may therefore have elevated nutrient levels, which can present challenges for the establishment of species-rich grassland without appropriate soil preparation measures.
  - iii. The Council also notes that modified grassland habitat is proposed within fields containing solar panels, where shading, changes in rainfall distribution and operational management constraints may influence habitat establishment and condition. The BNG assessment currently assumes that these habitats will achieve moderate condition, and the Council request clarification as to how this target condition has been determined and whether it is considered achievable in areas located beneath or adjacent to solar infrastructure.

#### **Mitigation 2: Operational Phase**

- a) The Council considers that further clarity is required regarding how the predicted biodiversity net gains will be secured and delivered through the Landscape and Ecological Management Plan, including how the management prescriptions within the LEMP link to the proposed biodiversity net gain commitment and demonstrate how the targeted BNG outcomes will be achieved.
- b) In particular, the Council considers that additional details would be beneficial regarding the long-term management, monitoring and resourcing of habitat creation measures, including the frequency and scope of monitoring, over the operational lifespan of the Proposed Development (up to 40 years). This will be necessary to ensure that the biodiversity gains predicted by the BNG assessment are achieved and maintained and that habitat establishment and wider ecological outcomes are effectively monitored.
- c) The Council notes that the habitat mapping provided within the Outline Landscape and Ecological Management Plan does not show the full extent of operational infrastructure across the Site, with solar panel arrays, access tracks and other infrastructure not presented on the habitat plans beyond the battery storage and substation. While the BNG assessment assumes that a proportion of land will be occupied by infrastructure, the absence of these elements from the habitat figures makes it difficult to understand how proposed habitats will spatially interact with the operational layout of the Proposed Development. The Council considers that the post-development habitat plans should clearly show the location of solar panels, access tracks and associated infrastructure alongside proposed habitat creation and enhancement areas to improve transparency of the assessment.
- d) The Council also notes that the BNG assessment largely distinguishes between habitats which are retained and those proposed to be newly created. While habitat creation forms

an important component of the BNG strategy, the Council considers that opportunities may also exist to enhance existing habitats within the Site, particularly retained hedgerows and other linear features. The Council would welcome consideration of whether such enhancement opportunities could be incorporated within the habitat management strategy to strengthen habitat connectivity and biodiversity outcomes across the Site.

- e) The Council would also welcome consideration of additional opportunities to enhance watercourse habitats where practicable, including through improvements to channel condition, riparian vegetation and wider habitat connectivity, in order to maximise biodiversity benefits associated with the Proposed Development.

### **Impact 3: Decommissioning Phase**

- a) **Positive:** the removal of solar infrastructure at the end of the operational life of the Proposed Development may provide opportunities for restoration of the Site and potential retention or adaptation of habitats established during operation.
- b) **Neutral:** decommissioning activities will be temporary and undertaken in accordance with the Outline Decommissioning Environmental Management Plan.
- c) **Negative:**
  - i. Application documents indicate that solar infrastructure will be removed and the land restored following decommissioning, with the future land use determined at that time. The Council notes that habitats created as part of the BNG strategy would therefore revert to landowners once the Proposed Development is decommissioned.
  - ii. The Council is concerned that the long-term retention and management of habitats created to deliver the predicted biodiversity net gains are not currently secured beyond the operational lifetime of the Proposed Development. As a result, the biodiversity enhancements identified in the BNG assessment may not represent permanent biodiversity gains.

### **Mitigation 3: Decommissioning Phase**

- a) The Council considers that further clarification is required regarding the intended approach to habitat retention and long-term management following decommissioning. In particular, the Council would welcome confirmation as to whether habitats created as part of the BNG strategy could be retained where appropriate, and how the long-term biodiversity benefits associated with the Proposed Development would be secured.

### **Mitigation measures: General**

- a) The BNG assessment has been undertaken using the Statutory Biodiversity Metric and is informed by an illustrative design and outline Management Plan proposals. As such, the reported biodiversity gains represent a high-level assessment and are subject to refinement as the Proposed Development 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 clarification; i.e. the Council requested a clear differentiation between measures proposed to mitigate the Proposed Development' effects and measures proposed to address BNG requirements/ targets.
- b) The Council note that expectations in relation to BNG vary across the Host Authorities' administrative areas affected by the Proposed Development. 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 should provide the appropriate forum to consider how the Applicant's proposed BNG commitments align with these differing local expectations and emerging national guidance.

- c) 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.
- d) The Proposed Development comprises a large-scale ground-mounted solar photovoltaic development - 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 Proposed Development, and the extent to which these areas contribute to the reported biodiversity gains.
- e) 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 Proposed Development. While it is indicated that further detail will be secured through a Requirement attached to the draft DCO Agreement, absolute clarity will be required by the Council through the Examination process to ensure that the proposed BNG commitments are capable of being delivered and maintained in practice.

**Contractual (all Phases):**

- a) To be secured through the DCO Agreement and relevant Management Plan(s): – potential positive impact (caveated regarding the strategy post the decommissioning phase).
- b) The Council will seek a s106 BNG Monitoring Fee from the Applicant for the duration of the Proposed Development to monitor the establishment of the BNG landscapes and habitats commitments as set out by the Applicant.
- c) Note: 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 Proposed Developments. 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. How this is addressed is for the Examining Authority to determine.

## 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:

**Matter 38 (LIR):** - as identified and assessed:a) **Impact** (all Phases; local to sub-regional scale):

- i. **Positive:** if open/clear span structures are proposed, then there will be no reduction in cross-sectional area at the structure which will not increase the risk of flooding.
- ii. **Neutral:** no impacts identified.
- iii. **Negative:** if watercourse crossings are not correctly designed and detailed then there is the risk that there will be reduced capacity / cross-sectional area at the structure, which may cause localised flooding or flooding upstream.

b) **Mitigation measures:**

- i. While [APP-038] ES Chp2 The Proposed Development 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.
- ii. [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.
- iii. The Applicant has suggested that hydraulic calculations for watercourse crossings will be provided during detailed design at post consent – in principle this is acceptable.
- iv. Approvals from the Local Lead Flood Authority (LLFA) / Internal Drainage Board (IDB) or relevant drainage body will be required for alterations to the affected watercourses.

c) **Contractual:** to be secured through the Management Plan(s): – neutral impact.

- 10.2 DCO Informative 1 Consent: approvals from the Local Lead Flood Authority (LLFA) / Internal Drainage Board (IDB) or relevant drainage body will be required for alterations to the affected watercourse.

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:

**Matter 39 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** 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. Applicant to conclude this matter with the local planning authority/ LLFA accordingly.

- d) **Contractual:** to be secured through the Drainage or similar Management Plan(s): – potential long-term neutral impact.

#### 10.6 Matter 40 Catchment runoff rates:

**Matter 40 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** [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 evidence for consideration. Applicant to conclude this matter with the local planning authority/ LLFA accordingly.
- d) **Contractual:** to be secured through the Surface Water and/or relevant Management Plan(s): – potential long-term neutral impact.

#### 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.

**Matter 41 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. This impermeable area should be assessed when designing SuDS features such as swales, storage ponds etc. for each area of solar panels.
  - ii. 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.
  - iii. Applicant to conclude this matter with the local planning authority/ LLFA accordingly.
- d) **Contractual:** to be secured through the Surface Water and/or relevant Management Plan(s): – potential long-term neutral impact.

#### 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 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.

**Matter 42 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).

- b) Neither positive nor neutral impacts are identified.
  - c) **Contractual:** to be secured through the DCO Agreement as Protective Provisions: – neutral impact.
- 10.10 Matter 43 Surface water drainage: detailed drainage plans are to be confirmed at the detailed design stage post-consent – this is acceptable.

**Matter 43 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
  - b) Neither positive nor neutral impacts are identified.
  - c) **Mitigation measures:**
    - iv. [APP-165] oSWMP sets the principles by which surface water will be managed across the Proposed Development. Discussion is required at Examination as to deliverables, programme, and consenting regimes.
    - v. Applicant to conclude this matter with the local planning authority/ LLFA accordingly.
  - d) **Contractual:** to be secured through the Surface Water and/or relevant Management Plan(s): – neutral impact.
- 10.11 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: the proposed cable route (Illustrative Environmental Masterplan Key Plan, Ref. Figure 2-2a; dated Sept 2024) crosses several public highways and consequently:

**Matter 44 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
  - b) Neither positive nor neutral impacts are identified.
  - c) **Mitigation measures:** the Applicant will need to attain the necessary consent, including agreeing to DCO Protective Provisions/ 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 matter remains relevant and it is suggested that discussions should remain on-going.
  - d) **Contractual:** to be secured through the DCO Agreement, Protective Provisions, and relevant Management Plan(s): – potential long-term neutral impact.
- 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.

**Matter 45 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): long-term, potential significant, negative impact(s) unless resolved.
- b) The Council is **not supportive**.
- c) Neither positive nor neutral impacts are identified.
- d) **Mitigation measures:**
  - i. The Applicant should be obligated to return the Site, Cable Corridor, and possible servitudes within the Public Highways used by the Proposed Development, 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).
  - ii. This approach remains the stated Council’s position.
- e) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term negative impact if not removed.

- 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 Proposed Development 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 Proposed Development, all restrictions are environmental (to keep HGVs out of communities).

**Matter 46 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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.
  - ii. 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.
  - iii. The Council is also seeking protective provisions, to discharge their responsibilities to access, inspect, and maintain the public highway within the order limits.
- d) **Contractual:** to be secured through the DCO Agreement through s278 (Protective Provisions) and relevant Management Plan(s): – potential long-term neutral impact.
- e) The Council will seek a s106 Highways Monitoring Fee from the Applicant for the duration of the construction vehicle activity on the Public Highways to monitor the Applicant’s commitments.

**Stage 3: Traffic and Transport LIR Summary**

- 11.4 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.
- 11.5 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].
- 11.6 Matter 47 Traffic and Transport – overarching assessment and position
- 11.7 The Council is broadly satisfied that an appropriate methodology has been used to assess the impacts of the Proposed Development during the Construction and Operational Phases (this statement does not include the Replacement Phase).
- 11.8 The Council is satisfied that the construction period traffic flows presented will not result in a significant adverse impact on the highways managed by the Council, subject to further commitment to matters raised in this Chp.
- 11.9 An assessment of the Decommissioning Phase impacts was scoped out on the basis that the number of vehicle movements required during this phase is not known at this stage, but it was noted by the Applicant that it would likely be similar to or less than the Construction Phase. Assuming that the Decommissioning Phase would generate a similar level of vehicle activity as the Construction Phase, the negative impacts are also likely to be similar to those identified for the Construction Phase, and therefore requirements in terms of management of traffic impacts in the [APP-158] outline Decommissioning Environmental Management Plan (oDEMP) should be similar to those for the [APP-156] outline Construction Traffic Management Plan (oCTMP).
- 11.10 Further, the Council seeks confirmation and a method statement by way of the [APP-156] oCTMP to ensure that the level of traffic generated by the Proposed Development does not exceed that used in the assessment of impacts and recourse measures should this occur.
- 11.11 It is considered by the Council that there is insufficient clarity regarding the management of traffic during the period when wide-scale replacement of the solar panels will be required. In order that the impacts of the Proposed Development can be managed during this phase of the development, the Applicant should be requested to provide further detail of the potential impacts during replacement of solar panels and should provide an outline Replacement Phase Traffic Management Plan accordingly.
- 11.12 There are a number of issues that need to be addressed by the Applicant to provide assurance that construction of the Proposed Development will not result in any unacceptable safety or network operation impacts.
- 11.13 The Council is satisfied that there will not be any significant impacts on the Council's highways resultant from the cumulative traffic associated with other committed developments.
- 11.14 In the Council's Relevant Representation, it was stated that junction capacity assessment was required. Following further ongoing review and liaison with CCC, the Council is satisfied that

there is no requirement for capacity assessment of highway capacity on roads managed by the Council.

**Matter 47 (LIR):** - as identified and assessed:

(Please note that this is taken from the External Consultant's assessment and may be duplicated across the other Host Authorities' LIR)

**Impact 1: Construction Phase**

- a) **Positive:** no positive traffic and transport impacts arising from this phase have been identified.
- b) **Neutral:** no neutral traffic and transport impacts arising from this phase have been identified.
- c) **Negative:**
  - i. The construction phase of the Proposed Development will generate additional vehicle movements, including cars, vans, HGVs and Indivisible Abnormal Loads (AILs), which will have a negative impact on the local highway network. The applicant has assessed the impact of the construction phase traffic using the Institute of Environmental Management and Assessment (IEMA) (now the Institute of Sustainability and Environmental Professionals (ISEP)) '*Guidelines for the Environmental Assessment of Traffic and Movement*' (July 2023), using the following criteria: (a) Severance; (b) Driver and pedestrian delay; (c) Pedestrian and cyclist amenity, including fear and intimidation; (d) Accidents and safety; and (e) Hazardous loads.
  - ii. The assessment concludes that the effects on drivers, pedestrians, cyclists and public transport users during the Construction Phase would range from negligible to minor adverse, and therefore no effects would be significant.
  - iii. Whilst the Council as highway authority is broadly satisfied that an appropriate methodology has been used to assess the Construction Phase impacts, there are several issues that need to be addressed by the Applicant to provide assurance that construction of the Proposed Development will not result in any unacceptable safety or network operation impacts. These issues were set out in our Relevant Representations.
  - iv. Vehicle tracking for each of the proposed site accesses is also included in the included in DCO submission (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 is requested to 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 where necessary to be consistent with any changes to the access positions, and any management required for safe access/egress (e.g. banksmen/marshals/traffic signals) should be identified.

**Mitigation 1: Construction Phase**

- a) The proposed cable route crosses several public highways and consequently the Applicant will need to obtain the necessary technical approvals, with a mechanism for this included within the DCO Agreement.
- b) The Applicant has submitted an [APP-156] outline Construction Traffic Management Plan (oCTMP) as part of the DCO submission, setting out measures to be implemented to

manage the impact of construction traffic and procedures for monitoring, review, enforcement and corrective measures in the event of any breaches of the oCTMP. The oCTMP should be updated to include monitoring of staff traffic and vehicle occupancy with a clear commitment to implement the proposed minibus services if vehicle occupancy is below that assumed for the assessment.

- c) The monitoring strategy should include provisions to monitor on an ongoing basis, and make provision for additional minibus services or other measures implemented to ensure that the overall staff traffic generation does not exceed that assumed for the assessment of the Proposed Development's impacts.
- d) The oCTMP includes an outline Construction Workers Travel Plan. This will require considerably greater detail and intent to address the requirements of policy to enable modal shift and reduce the Proposed Development's carbon footprint. No Travel Plan Monitoring Fee for the construction activity (across all phases) is suggested, and this should be included within the detailed CTMP secured through the DCO Agreement.
- e) Condition surveys will be required prior to the Construction, Replacement, and Decommissioning Phase, to assess any related damage to the public highway and an agreement put in place to remediate any damage caused by the Proposed Development subsequently. These and the restoration of temporary access points should be included within the detailed CTMP secured through the DCO Agreement.

#### **Impact 2: Operational Phase**

- a) **Positive:** no positive traffic and transport impacts arising from this phase have been identified.
- b) **Neutral:** it is anticipated that there will be up to a maximum of 20 staff on site at any one time, primarily undertaking maintenance tasks and travelling by vans or four-wheel drive vehicles. Access by HGVs are assumed to be minimum. The low level of traffic associated with this phase is considered to have a neutral impact on traffic and transport (this statement does not include the Replacement Phase).
- c) **Negative:** it is anticipated that that the impact and harm will be no more than that identified in the Construction Phase.

#### **Mitigation 2: Operational Phase**

- a) The Applicant is requested to provide an outline Replacement Phase Traffic Management Plan, setting out measures to be implemented to manage the impact of traffic associated with the replacement of the solar panels et al, potential movement of HGV vehicles, the vehicle activity of bringing and removing material/ equipment on and off site, and procedures for monitoring, review, enforcement and corrective measures in the event of any breaches.

#### **Impact 3: Decommissioning Phase**

- a) **Positive:** no positive traffic and transport impacts arising from this phase have been identified.
- b) **Neutral:** no neutral traffic and transport impacts arising from this phase have been identified.
- c) **Negative:**
  - i. This phase will generate additional vehicle movements on the highway network, including increased HGV activity. The ES states that the number of vehicle movements required during this phase is not known at this stage, but that it would likely be similar to or less than that of the Construction Phase. On this basis, the traffic and transport

effects of the Decommissioning Phase were scoped out of the ES, as agreed with the Examining Authority.

- ii. Assuming that this phase would generate a similar level of vehicle activity as the Construction Phase, the negative impacts are also likely to be similar to those identified for the Construction Phase and consequently comments made and Matters identified should be read across both phases.

### **Mitigation 3: Decommissioning Phase**

- a) Assuming that this phase would generate a similar level of vehicle activity as the Construction Phase, the negative impacts are also likely to be similar to those identified for the Construction Phase and consequently mitigation measures as identified should be read across both phases.

### **Contractual (all Phases):**

1. To be secured through the DCO Agreement through s278 (Protective Provisions) and relevant Management Plan(s): – potential long-term neutral impact.
2. It is noted that various Monitoring Fees are to be requested by the Council to monitor the traffic and transport management plans as tabled by the Applicant, to be undertaken through a s106 Agreement or similar.

- 11.15 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.

### **Matter 48 (LIR): - as identified and assessed:**

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. While an outline Construction Worker Travel Plan has now been provided as an appendix to the oCTMP, greater clarity on how the proposed Plan is to be implemented, monitored, and enforced to deliver the stated 2persons/ trade-vehicle travel mobility requires further discussion.
  - ii. [APP-156] CTMP and Travel Plan to include ongoing 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. This commitment should related to all construction vehicle activity across all phases.
- d) **Contractual:** to be secured through the DCO Agreement and relevant Management Plan(s): – potential long-term neutral impact.
- e) The Council will seek a s106 Travel Plan Monitoring Fee from the Applicant for the duration of the construction vehicle activity on the Public Highways to monitor the Applicant’s commitments.

- 11.16 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).

**Matter 49 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. While the Applicant has suggested various on-site haul roads between sites, a detailed traffic movement mapping regarding such routing and related impacts is required to conclude matters.
  - ii. Further, the Applicant proposes several sub-construction sites across the Proposed Development – how construction and trade traffic is to be implemented, monitored, and enforced to adhere to such routes needs to be addressed within any Construction Staff Travel Plan and Construction Traffic Management Plan [App-156].
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term neutral impact.

- 11.17 **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.

**Matter 50 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. The Applicant has submitted plans of the proposed site access points showing the visibility splays. At several locations visibility splays have been based on Manual for Streets (MfS) requirements. However, based on the access locations and measured

vehicle speeds, the use of MfS in these locations is not appropriate and visibility splays should be based on the Design Manual for Roads and Bridges (DMRB), which are more onerous. There are concerns that this creates road safety issues at these accesses.

- ii. Most of the access points now show splays based on DMRB requirements, but there are a number that still need to be updated from MfS, as identified below. It appears that the application boundary has been set according to the MfS splay in some locations, so this will either need to be changed, or measures proposed by the applicant which reduce the visibility splay requirement (e.g. temporary traffic signals, management control, speed limit reductions). However, due to the setting and nature of the roads, the visibility splays should still be based on DMRB requirements irrespective of the measures proposed.
- iii. The visibility splays are shown on OS Base mapping and consequently does not show the extent of existing hedgerows, trees or other features which could constrain visibility below the level indicated. Consequently, it is not known to what extent tree and hedgerow removal will be required, over and above general maintenance cutting of hedgerows, this will be a consideration for others such as ecology/arboriculture.
- iv. In various locations, the swept paths provided show that two-way movement is not possible. There are situations where construction vehicles cross or use a short section of public highway, where there is no provision for vehicles to pass in opposite directions – the haul roads are not sufficiently wide for vehicles to pass, not is the section of public highway. However, at least on the BBC highway sections, there appears to be scope for the Applicant to introduce measures to manage this. For example, provision of a widened section on each of the haul roads as they approach the public highway to allow a vehicle to be held, with marshalls using radios to ensure that the public highway is only used in one direction at any one time.
- v. Furthermore, some of the visibility splays are drawn incorrectly (where the access is on the outside of a bend) and it is unclear from the plans supplied whether there are trees/hedgerows or other obstructions which will need to be removed to achieve the correct splays.
- vi. The Applicant is requested to resubmit drawings of the proposed site accesses showing appropriate visibility splays based on DMRB requirements, vehicle swept paths which demonstrate how two-way movement of construction traffic can be accommodated, and any supplementary traffic management required to ensure safe operation to the approval of the local highway authority.
- vii. The Council set out a provisional technical review on access plans submitted:

|           |      |  |   |
|-----------|------|--|---|
| Fig 1     | SA01 | Vis splays missing – should be provided. Access is existing, but use will be intensified by the proposed development and so demonstration of suitable visibility splays is required. | No intervisibility between passing points, but passing is possible on the haul roads. This arrangement should operate with control/marshalling to ensure opposing vehicles do not enter the highway at the same time. |
|           | SA02 | Vis splays provided based on DMRB  |   |
| Figs 2a/b | SA03 | Vis splays provided based on DMRB. Vis splay doesn't tangent with kerb line.   | Vehicles unable to pass – details should be provided of how this will be managed, including provision of  |

|           |      |  |  |
|-----------|------|--|--|
|           | SA04 | Vis splays provided based on DMRB  | holding/passing places, where necessary.   |
| Figs 3a/b | SA05 | Vis splays provided based on DMRB. Vis splay doesn't tangent with kerb line. | Vehicles unable to pass – details should be provided of how this will be managed, including provision of holding/passing places, where necessary.<br>SA05 is limited to rigid vehicles only. |
|           | SA06 | Vis splays provided based on DMRB  |  |
| Fig 4     | SA07 | Vis splays provided based on DMRB  | Vehicles unable to pass – details should be provided of how this will be managed, including provision of holding/passing places, where necessary.  |
|           | SA08 | Vis splays provided based on DMRB  |  |
| Fig 5     | SA09 | Vis splays provided based on DMRB. Vis splay doesn't tangent with kerb line. | Vehicles unable to pass – details should be provided of how this will be managed, including provision of holding/passing places, where necessary.  |

viii. The Applicant makes the general comment that the final management measures will be submitted for approval for each access, but site-specific management measures have not provided at this stage for the Council to assess and comment – consequently this remains unconcluded.

ix. It is suggested that this is resolved in association with Matter 8.

d) **Contractual:** to be secured through the relevant Management Plan(s) – potential long-term neutral impact.

11.18 **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 Proposed Development 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.

**Matter 51 (LIR):** - as identified and assessed:

- Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- Neither positive nor neutral impacts are identified.
- Mitigation measures:** an assessment of impacts at key junctions should be undertaken and submitted for discussion and written approval by the local highway authority.
- Contractual:** to be secured through the Management Plan(s) – potential long-term neutral impact.

11.19 **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.

- 11.20 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.
- 11.21 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.
- 11.22 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 is satisfied that a robust assessment methodology has been used to assess the impact of construction traffic on the highway network.
- 11.23 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.

**Matter 52 (LIR):** - as identified and assessed: to be cross-referenced with Matter 48.

- 11.24 Matter 53 Vehicle tracking: vehicle tracking for each of the proposed site accesses is included in Annex C of the [APP-101][102] Transport Assessment (also ref [APP-124]). However:

**Matter 53 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) Mitigation measures:
  - i. 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.
  - ii. In all cases, access points should include visibility splays and assumptions regarding the potential removal of existing and/or instated hedgerows which may limit visibility.
  - iii. To be cross-referenced with Matter 8 and 50.
- d) **Contractual:** to be secured through the relevant Management Plan(s) – potential long-term neutral impact.

- 11.25 **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.

**Matter 54 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** this needs review by the Applicant.
  - i. Mitigation is proposed at the Great Staughton Road/Little Staughton Road junction in the form of junction widening but the extent of the works shown falls outside the DCO boundary and is within third party land. The Applicant should amend the mitigation proposals to demonstrate that appropriate mitigation can be delivered at this location.
  - ii. Applicant to review tracking to establish exact technical requirement should the Public Highways need widening.
  - iii. Prepare detailed design drawings to be submitted to the local highway authority for approval, including any agreements that may need to be concluded.
  - iv. Due to the sensitivity of the B-road local network, such agreements should be concluded as part of the Examination and not post Examination.
  - v. To be cross-referenced with Matter 8 and 50.
- d) **Contractual:** to be secured through the detailed drawings, relevant Management Plan(s), and agreements: – potential long-term neutral impact.

- 11.26 **Matter 55** Stage 1 Road Safety Audits (RSA): a RSA for each site access have not been provided.

**Matter 55 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** Stage 1 RSAs detailed design resolution should be undertaken for each site access prior to the conclusion of the Examination as this may highlight additional matters not yet addressed.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term neutral impact.

- 11.27 **Matter 56** DCO Agreement (Highways)

**Matter 56 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s):
  - i. It is specifically noted that the Applicant is seeking for 'Acquisition of Rights' of affected Public Rights of Way (PRoW), and 'temporary possession' of the Public Highways at Site access points including the impact of visibility splays through the [APP-016] DCO Agreement the Applicant (refer to Appendix 1).
  - ii. In this regard the Council refers to Aspect 1.1 to 1.5 setting out the Council's concern regarding the general wording of 'Proposed Development' and the DRAFT DCO Agreement; Chp. 11 Traffic and Transport and Chp. 12 PRoW and Bridleways which suggests that these Aspects have yet to reach technical resolution and consequently the effect lands, as illustrated by the Applicant (attached as Appendix 1) remains far from resolved.
  - iii. Consequently, and in discussion with the other Host Authorities, the Council are NOT supportive of suggested powers and have noted with the Applicant that the

Council would prefer to see a s278 with Protective Provisions within the DCO Agreement. This is currently the Council's working position.

- iv. To address this matter in detail, in agreement with the Applicant, the Host Authorities have instructed legal review of the DCO Agreement, with review meetings set up with the Applicant 17 April to discuss.
- e) Neither positive nor neutral impacts are identified.
- f) **Mitigation measures:**
  - i. The [APP-016] DCO Agreement 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 have been constructed to a standard acceptable to the highway authority.
  - ii. The DCO Agreement should include financial provision through a s106 or similar for the Council as highway authority to enable such monitoring.
- g) **Contractual:** to be secured through the DCO Agreement, Protective Provisions, s106/s278, and relevant Management Plan(s): – potential long-term neutral impact.

11.28 It is suggested that this Aspect requires detailed discussion to attain agreement in-principle 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,

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*'.

12.3 Matter 58 Operational (maintenance) and replacement phase 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*'.

**Matter 58 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. No information has been issued and/or clarified by the Applicant regarding the movement of construction, trade, and maintenance vehicles between the central construction compounds and the location of the sub-compounds, solar arrays, BESS, landscape and PROW/ permissive routes (the Site), etc. during the operational (maintenance), replacement and the decommissioning phases and the potential impact on the existing Public Highways, PROW network, proposed permissive routes, and matters of related public safety. This matter remains unconcluded and requires to be addressed; i.e. how do the staff access the various sites.
  - ii. This matter is pertinent as the Applicant proposes to use some of the PROWs for the Construction Phase traffic but it is not clear if a similar approach is to be used for the other phases.
- d) **Contractual:** to be secured through the DCO Agreement (Protective Provisions) and relevant Management Plan(s): – potential long-term neutral impact.

- 12.4 **Matter 59** Public access: there must be no adverse effect on public enjoyment as a result of the Proposed Development, 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. (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 unconcluded and requires to be addressed.

**Matter 59 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. It is suggested that the Applicant to table a comprehensive strategy regarding PROW, namely: affected routes, potential vehicle routes, potential changes materiality of routes, damage to landscape adjacent to routes if used by construction vehicles, programme of applying for licenses, etc. – as to be discussed and agreed with the Council.
  - ii. 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 commencement of development to be submitted to and approved by the Council.

- iii. Further, during the construction activity (all phases), replacement, temporary closures, etc. may be required that may affect PRoWs. The Applicant will need to seek prior notice.
  - iv. It is noted that some of this intent is presented by the Applicant across various documents, this should rather be consolidated into the [APP\_160] Public Rights of Way Management Plan including measures of monitoring, enforcement, and funding of the Council to monitor the Plan.
  - d) **Contractual:** to be secured through the DCO Agreement and relevant Management Plan(s): – potential long-term neutral impact.
  - e) The Council will seek a s106 PRoW/ Highways Monitoring Fee from the Applicant for the duration of the Proposed Development to monitor the Applicant’s management, maintenance, and delivery of the PRoW commitments as made by the Applicant.
- 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 Proposed Development on the PRow network. At a detailed level, the Council would request that the Proposed Development (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 Proposed Development 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 Proposed Development:
- 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 Proposed Development 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 Proposed Development - 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.

12.14 **Public Rights of Way - Matters 57 to 66 (LIR):** - as identified and assessed:

**Impact: All Phase**

- a) **Positive:**
- i. Enhancements to the existing PRoWs routes and the provision of ‘permissive routes’ has the potential to deliver the most significant, long-term impact/benefit arising from this Proposed Development and would address national objectives of well-being and local to sub-regional objectives of delivering access to the countryside for walking, disabled access, cycling and horse riding.
  - ii. The enhancement and delivery of new routes would create a network of routes across this extensive area and could be viewed as the legacy of this Proposed Development.
- b) **Neutral:** no neutral public right of way impacts arising from the Proposed Development have been identified.
- c) **Negative:** considerable potential negative impacts have been identified including restricted access, damage to the route (surface and landscape ‘frame’), public safety, safety to horses, and, long-term loss of permissive routes once again creating a fragmented network.

**Mitigation: All Phase**

- a) Clarification is required regarding:
- i. Matter 57: define widths of public rights of way and permissive corridors.
  - ii. Matter 58: movement of staff (Operational Phase) and potential route on PRoW.
  - iii. Matter 59: DCO Agreement definition and clarification of terms and Provisions.
  - iv. Matter 60: use of PRoW for construction traffic (all phases).
  - v. Matter 61: maintenance of PRoW landscape ‘frame’, maintenance, and reinstatement of damage.
  - vi. Matter 62: specifications and Management Plan [APP-160].
  - vii. Matter 63: PRoW network and Policy 91, AD36, AD39 etal (it should be noted that the Council are currently preparing mapping with the other two Host Authorities to illustrated the potential PRoW network that this Proposed

Development may be able to enable/ deliver. This will be issued as part of the Council's evidence to Examination).

- viii. Matter 64: compliance with the Council's planning policy.
- ix. Matter 65: Permissive Paths
- x. Matter 66: DCO Agreement Schedules
- b) It is suggested that the Applicant tables a comprehensive strategy regarding PRow, namely: affected routes, potential vehicle routes, potential changes to the physical nature of routes (e.g. surface treatments), damage to landscape adjacent to routes if used by construction vehicles, programme of applying for licenses, etc. – and to be discussed and agreed with the Council.
- c) Where works are required within/ across PRow, the Applicant will need to seek prior notice to commencement of development to be submitted to and approved by the Council.
- d) Further, during the construction activity (all phases), replacement, temporary closures, etc. may be required that may affect PRowS. The Applicant will need to seek prior notice.
- e) It is noted that some of this intent is presented by the Applicant across various documents, this should rather be consolidated into the [APP\_160] Public Rights of Way Management Plan including measures of monitoring, enforcement, and funding of the Council to monitor the Plan.

#### **Contractual (all Phases):**

- a) To be secured through the DCO Agreement and relevant Management Plan: – potential long-term positive impact (caveated regarding the strategy post the decommissioning phase).
- b) The Council will seek a s106 PRow/ Highways Monitoring Fee from the Applicant for the duration of the Proposed Development to monitor the Applicant's management, maintenance, and delivery of the PRow commitments as made by the Applicant.

### **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 (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; consequently;

#### **Matter 67 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** traffic noise and plant and machinery noise impact as arising in the replacement and decommissioning phase should be assessed and mitigation proposed as required (it is insufficient to state that this would be less than the construction phase as this does not create a benchmark enforcement position).
- d) **Contractual:** to be secured through the relevant Management Plan: – neutral impact.

- 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 Proposed Development, 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 **Noise and Vibration - Matters 67 to 72 (LIR): - as identified and assessed:**

#### **Impact: All Phase**

- a) **Positive:** no positive noise and vibration impacts arising from the Proposed Development have been identified.
- b) **Neutral:** 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 Proposed Development are therefore considered to represent a neutral to minor level of effect in terms of EIA and therefore would not be significant.
- c) **Negative:**
  - i. Potential negative impacts have been identified but it is suggested that these against the Matters raised above can be addressed and/or mitigated.
  - ii. Matter 67: as set out.

- iii. Matters 68 to 72: clarification statement sought from Applicant.

**Mitigation - All Phase:**

- a) Clarification statement sought from Applicant.
- b) 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.

**Contractual (all Phase):** to be secured through the relevant Management Plan(s): – neutral impact.

## 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 environment. 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 Proposed Development 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; subject to:
- 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; further:

**Matters 73 and 74 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** clarification is sought from the Applicant that mitigation measures put in place by the Applicant regarding air quantity for the Construction Phase will also be addressed for the Replacement Phase and the Decommissioning Phase within related management plans.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – neutral impact.

- 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*’.

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:

Address of this matter therefore remains a material consideration.

**Matter 75 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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).

- ii. The Applicant to address this matter and mitigation measures through their stated ‘Environmental Incident Management and Pollution Prevention Plan’ which has yet to be submitted as part of the DCO Application. It is suggested that this Plan sits within the Construction Environmental Management Plans for each phase.
  - d) **Contractual:** to be secured through the relevant Management Plan(s): – neutral impact.
- 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:**

**Matter 76 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising **significant environmental and human health** negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. 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.
  - ii. How any breach or harm is to be reported (specifically Applicant contact points should such emergencies arise out-of-hours), including review/ enforcement/ recourse by the Council and Environment Agencies including address of financial penalties, should be clearly set-out in the Management Plan.
  - iii. Long-term clean-up and monitoring measures, should a breach occur, should be clearly set-out in the Management Plan.
  - iv. In outline, the Applicant should table where and how the contaminated firewater is to be handled to ensure that such potential harm is not now arising off-site.
  - v. 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.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term risk leading to negative impact.

- 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 Proposed Development including the decommissioning stage (Ref. PEIR Report, 2024).

**Matter 77 (LIR):** - as identified and assessed: clarification sought from the Applicant.

- 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 Proposed Development scoped in (Ref. Scoping Report, 2023) (Planning Inspector's Scoping Opinion ID3.12.3, ID3.12.5).

[APP-038] The Proposed Development – 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 Proposed Development 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.

**Matter 78 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising **significant environmental and human health** negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. It is suggested that the potential harm and severity of harm resulting from the materials used in the Proposed Development 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. The Council's position is supported by the Supreme Court Ruling R (Finch) v Surrey County Council and others [2024] UKSC20, 20 June 2024 regarding assessing 'downstream' impacts and effect.
  - ii. To be cross-referenced with Matter 4.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential to remain a long-term risk leading to negative impact.

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:

**Matter 79 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. It is recommended that a watching brief be put in place. This would review and monitor any unexpected contamination originating from the Proposed Development or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.
  - ii. Should any ground and water contamination be encountered/ arise during the construction, operation, and decommissioning of the Proposed Development then works should be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Proposed Development should be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Proposed Development 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 Proposed Development or parts of the Proposed Development as agreed.
  - iii. How any breach or harm is to be reported (specifically Applicant contact points should such emergencies arise out-of-hours), including review/ enforcement/ recourse by the Council and Environment Agencies including address of financial penalties, should be clearly set-out in the Management Plan.
- d) **Contractual:** to be secured through the relevant Management Plan(s): – potential long-term risk leading to negative impact.

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 Proposed Development 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>’.

**Informative 2 (LIR):** - as identified and assessed: clarification sought from the Applicant.

- 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] Cp. 13 Land and Soils with supporting [APP-015] Appendix 13-1: Agricultural Land Classification and Soil Resources. The chapter assesses how the Proposed Development has the potential to affect land and soil receptors. Effects arising from the construction, operation and decommissioning of the Proposed Development are reported.
- 16.4 The assessment of baseline conditions for agricultural land classification (ALC) acknowledges that it is not a complete survey in accordance with the Code of Practice but represented a survey approach discussed with Natural England. Unclassified land has been assumed to be Grade 2 land.
- 16.5 Information is provided also on soil resources and mineral reserves. Assessment is based on guidelines published by Institute of Environmental Management and Assessment, now known as Institute of Sustainability and Environmental Professionals.

- 16.6 An agricultural land classification survey, including the grid corridor is the basis for assessment of the effects on land and soil receptors at construction.
- 16.7 Embedded mitigation is provided in the preparation of an outline soil management plan (oSMP). The plan has been informed by the relevant good practice guidance. It is acknowledged that if the DCO is granted the oSMP will be developed into a detailed SMP and approved prior to construction.
- 16.8 Matter 81 Soil survey: 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.

#### **Matters 80 and 81 (LIR): - as identified and assessed:**

(Please note that this is taken from the External Consultant's assessment and may be duplicated across the other Host Authorities' LIR)

#### **Impact 1: Construction Phase**

- a) **Positive:** no positive effects of construction are identified.
- b) **Neutral:**
- i. Neutral or negligible effects are recognized in relation to the mineral reserves, which would not be sterilised by the Proposed Development.
  - ii. Negligible construction effects (although described as negligible adverse) are accepted as neutral and identified for each of the four soil types identified within the Proposed Development. This is based on the resilience of soil types and embedded mitigation.
- c) **Negative:**
- i. In construction, moderate adverse (significant) effects on Grade 2 agricultural land are identified. This negative effect is a consequence of taking best and most versatile (BMV) land from arable production. Where land survey information is missing, a worst-case effect is assumed, and a moderate adverse effect has been applied.
  - ii. Subgrade 3a land is also BMV land. Its removal from arable cropping is assessed as a minor adverse (not significant) effect. Similarly, the removal of Subgrade 3b land (not BMV) from arable farming is identified as a minor adverse effect.
  - iii. The areas of permanent and reversible effects are identified in tabulated form, differentiating between ALC grades. Permanent effects are described as BESS, substation, transformers, cabling and access tracks, even though there would be

removal on decommissioning. The Council recognizes the potential for permanent diminution of land classification.

- iv. However, permanent effects do not include the area of landscape mitigation planting of hedgerows and trees, which are anticipated to be retained. The outline Landscape and Ecological Management Plan include approximately 19ha of native species woodland and 17.4km of native hedgerows. Whilst this does not negatively affect the soil resources, it increases the removal of BMV land from agricultural production.

#### **Mitigation 1: Construction Phase**

- a) Mitigation is embedded mitigation provided by the SMP and no additional mitigation is proposed or required.
- b) Access to 5.4% of the Proposed Development area was not available. In the absence of data, the EIA assumed the worst-case outcome that the land is Grade 2. This enables assessment of worst-case effects of the Proposed Development.
- c) However, the Council considers it important that the data should be available for preparation of a detailed SMP (proposed post consent and to be substantially in accordance with the oSMP). The missing data is required for recognition of soil types, ensuring their protection, and for the segregation of soil types for short-term and long-term storage.

#### **Impact 2: Operational Phase**

- a) **Positive:** a potential beneficial effect to soil resources during the operational phase is recognized resulting from the absence of cultivation of the land and maintenance of permanent vegetation cover. The application of magnitude and sensitivity criteria to the assessment to present a significant beneficial effect is likely to be overstated. The Council considers the potential beneficial effect to be minor and not significant.
- b) **Neutral:** following construction, the residual effect on land classification by grade is negligible and determined to be neutral. Operational effects on the mineral reserves remain neutral.
- c) **Negative:** no negative effects resulting from operation are identified. Negative legacy effects of construction are possible are not a direct function of operation, but nonetheless mitigation is addressed below.

#### **Mitigation 2: Operational Phase**

- a) Mitigation will be provided by the SMP, which should include details of monitoring of visual indicators of unhealthy soil conditions and potential remedial action. No other mitigation is required beyond that specified in the SMP.

#### **Impact 3: Decommissioning Phase**

- a) **Positive:** no positive effects of decommissioning are identified.
- b) **Neutral:** it is acknowledged that the effects at decommissioning would be of a broadly similar magnitude of impact to the impacts during construction. The decommissioning phase has a neutral effect on mineral reserves.
- c) **Negative:** whilst decommissioning effects in relation to land and soils would largely mirror those in construction the removal of components of the Proposed Development to include the East Park BESS, substation and cabling recognizes the potential for permanent negative effects to soil condition and by extension land classification.

#### **Mitigation 3: Decommissioning Phase**

- a) The decommissioning activities would be completed in substantial accordance with the oSMP and outline Decommissioning Environmental Management Plan.

- b) The survey of missing data required pre-construction (to complete baseline data) will be required to provide restoration outcomes after decommissioning. ALC survey should follow five years after decommissioning. Remedial measures will be required in a new SMP if restoration is incomplete

**Contractual (all Phases):** to be secured through the Management Plan(s): – potential long-term neutral impact.

- 16.9 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.

**Matter 82 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:** 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 Proposed Development 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’).
- d) **Contractual:** to be secured through the relevant Management Plan(s): – neutral impact.

- 16.10 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 Proposed Development 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 Proposed Development 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.

- 16.11 Matter 84 Beneficial effect:

**Matters 83 and 84 (LIR):** - as identified and assessed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified. 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.

c) **Mitigation measures:**

- i. Notwithstanding concerns over missing data and more detailed analysis of how Proposed Development 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.
- ii. 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.

d) **Contractual:** to be secured through the relevant Management Plan(s): – neutral impact.

16.12 In review: 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.

## 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.

### Summary

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 Proposed Development 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 Proposed Development; 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 During construction and decommissioning, the Applicant assesses the Proposed Development as resulting in a significant moderate beneficial effect on the economy at the local level. The Councils consider that there is the potential for a positive effect on the economy but appropriate provision must be made to deliver employment and skills benefits/opportunities locally to realise this. The Councils therefore seek to maximise potential benefits with regards to the local economy, skills, education and employment opportunities through working with the Applicant and engaging with local stakeholders where appropriate. The Councils consider that the Outline Skills Supply Chain and Employment Plan (oSSCEP) currently lacks specific detail on needs addressed, initiatives and a delivery programme to maximise benefits, which the Councils request is addressed.
- 17.6 The Council requests that further information is provided by the Applicant regarding impacts on services during construction and decommissioning, specifically relating to potential severance of access to healthcare services and mitigation for potential impacts. The Councils further consider in respect of recreation that an assessment of impacts on all users of Public Rights of Way (PRoW), not only tourism-related PRoW use, should be provided to confirm that no significant effects would arise.
- 17.7 The Council notes that there is no Health chapter in the ES or Health Impact Assessment. The Councils would welcome an assessment to demonstrate that their residents' health and wellbeing would not be adversely impacted by the Proposed Development during all phases of development.
- 17.8 Finally, during operation, the Council agrees that socio-economics, land-use and tourism effects would be not significant.
- 17.9 Matter 86 Local employment benefit: the Proposed Development 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 oSCEP further should be provided, including setting out when stakeholder engagement is needed and how it will take place.

- 17.10 Matter 87 Tourism: the Proposed Development 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.
- 17.11 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 Proposed Development during all phases of development.
- 17.12 Matter 89 Socio-Economics, Land-Use and Tourism assessment

**Matters 85 to 89 (LIR): - as identified and assessed:**

(Please note that this is taken from the External Consultant's assessment and may be duplicated across the other Host Authorities' LIR)

**Impact 1: Construction Phase**

**a) Positive:**

- i. The Proposed Development 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 phase. 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, the Councils consider, constitute local impact.
- ii. The Council consider that there is the potential for a positive effect on the economy. However, they consider that for a significant beneficial effect of moderate scale to be realised as concluded in para14.12.1, appropriate provision must be made to deliver employment and skills benefits/opportunities locally.

Without such provision and such provision being secured in the DCO, it considers that the impact on the local economy could be beneficial but of a minor scale.

**b) Neutral:**

- i. In regard to tourism, the Proposed Development 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.
  - ii. 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. In its assessment of impacts on private and community assets, the Applicant makes reference to impacts on access to and from economic assets, concluding that effects would be negligible, however community facilities do not appear to have been assessed for this impact. 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. Specifically, 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.
  - iii. The Council notes that there is no health chapter in the ES or Health Impact Assessment. The Council would welcome an assessment to demonstrate that their residents health and wellbeing would not be adversely impacted by the Proposed Development during all phases of development.
- c) **Negative:** no negative socio-economics, land-use and tourism effects arising from construction of the Proposed Development have been identified.

**Mitigation 1: Construction Phase**

- a) Relevant to its assessment of beneficial effects on the local economy, the Applicant's [APP-163] Outline Skills Supply Chain and Employment Plan (oSSCEP) sets out a strategy to maximise local employment, skills development and supply chain opportunities. The Council welcome that the Applicant has prepared an oSSCEP. However, the Council consider that this currently 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 also be provided, for example, it is not clear on the timeline for developing the strategy when stakeholder engagement will take place and how regular this will be.
- b) Pending consideration of impacts on access to healthcare facilities by the Applicant, where impacts are identified or have the potential to arise, appropriate mitigation measures should be identified to reduce, minimize or avoid impacts on the local community.

**Impact 2: Operational Phase**

- a) **Positive:** the Proposed Development has been assessed by the Applicant as resulting in a not significant minor beneficial effect on the economy at both the local level and regional levels. As noted above for construction impacts on the local economy, what constitutes local and regional impact levels for the purpose of the assessment is not explained in the chapter. Notwithstanding this, the Council agrees that effects would be not significant.
- b) **Neutral:** neutral or negligible effects during operation are recognised in relation to tourism, private and community assets and development land.
- c) **Negative:** no negative socio-economics, land-use and tourism effects arising from operation of the Proposed Development have been identified.

**Mitigation 2: Operational Phase**

- a) No additional mitigation measures beyond those identified in the chapter are considered necessary for operation of the Proposed Development.

**Impact & Mitigation 3: Decommissioning Phase** – as set out for construction.

**Contractual (all Phases):** to be secured through the relevant Management Plan(s): – potential long-term marginal positive impact; hold as neutral impact.

- 17.13 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).

**Matter 90 (LIR):** - in response to the Examining Authorities statement in the Rule 6 Letter, Annex F(9) 'Ethical procurement for imported plant and equipment', this matter is not taken forward.

- 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.

**Matter 91 (LIR): - as identified and reviewed:**

a) It is suggested that Matter 91(a) is addressed within Matter 78.

b) It is suggested that Matter 91(b) is addressed within Matters 85 -89.

#### 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 Proposed Development; a Climate Change Risk Assessment (CCRA) looking at the resilience of the Proposed Development 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.

#### Summary

- 18.7 The Proposed Development will result in a range of climate related impacts across construction, operation, and decommissioning.
- 18.8 Consistent with assessments undertaken for comparable Nationally Significant Infrastructure Projects, construction and decommissioning phases are expected to generate negative greenhouse gas (GHG) emissions, primarily due to plant use, materials production, transport movements and land disturbing activities. No positive or neutral construction phase climate impacts have been identified. During operation, the Proposed Development would contribute to national decarbonisation objectives by facilitating lower carbon electricity generation, representing a positive climate impact, although some minor negative operational emissions remain unavoidable. The GHG assessment has been undertaken in line with ISEP guidance and sets out the beneficial impact of the Proposed Development overall in terms of contributing to UK’s net zero goals.
- 18.9 In relation to climate resilience, construction and decommissioning activities may be temporarily exposed to climate related hazards, such as extreme rainfall, heat events or high winds, representing negative short term resilience impacts. However, these do not influence the Proposed Development’s long term climate performance. Operationally, the infrastructure may experience climate driven stressors linked to future temperature increases, wind loading, or precipitation intensity. These impacts were assessed in line with guidance

issued by ISEP and found there to be no significant negative impacts if mitigated in line with embedded mitigations.

- 18.10 With respect to Inter related Climate Change Impacts (ICCI), the Proposed Development may experience interactions between future climate conditions and environmental, social or operational topics, including drainage, landscape condition, biodiversity sensitivity, soil stability and welfare considerations for site personnel. These interactions constitute negative impacts across all phases unless appropriately mitigated as set out through the assessment. No positive or neutral ICCI effects were identified.
- 18.11 Across all three assessments, effective mitigation—secured through the CEMP, OEMP and future Decommissioning Plans—is essential to reducing impacts. Required measures include low carbon construction practices, efficient logistics, climate resilient design specifications, extreme weather contingency protocols, and cross topic adaptation measures for drainage, soils and ecological management.
- 18.12 Matter 92 Climate Change: 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.
- 18.13 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.

**Matters 92 and 93 (LIR):** - as identified and assessed:

(Please note that this is taken from the External Consultant’s assessment and may be duplicated across the other Host Authorities’ LIR)

**Impact 1: Construction Phase**

- a) **Positive:** no positive climate impacts arising from construction have been identified in the GHG Assessment, Climate Risk Assessment (CRA) or In-combination Climate Change Impacts (ICCI) Assessment.
- b) **Neutral:** no neutral climate impacts arising from construction of the Proposed Development have been identified in the GHG Assessment, CRA or ICCI Assessment.
- c) **Negative:**
  - i. For the GHG Assessment, construction activities will generate greenhouse gas emissions from plant, materials manufacture, transport, and land disturbance. These emissions represent a negative impact on climate during the construction activity.
  - ii. There are no negative impacts anticipated in the CRA or ICCI as working practices are anticipated to be able to adjust over the short construction activity period.

**Mitigation 1: Construction Phase**

- 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 Proposed

- Development, 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 Proposed Development'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 Proposed Development should always be considered and secured by the DCO if found practicable.
  - h) For the GHG Assessment, embedded and additional mitigation actions have been set out in paragraphs [APP] 15.7.3 and 15.9.2 respectively. These actions should be embedded and tracked throughout the design process.
  - i) The oCEMP sets out mitigation measures for the CRA and ICCI. These actions should be embedded and tracked throughout the construction process.

### Impact 2: Operational Phase

- a) **Positive:** for the GHG Assessment, the Proposed Development will contribute to national decarbonisation objectives by supporting low carbon electricity generation, resulting in long term positive climate outcomes consistent with NPS EN 1. No positive climate impacts arising from operation have been identified in the CRA or ICCI Assessment.
- b) **Neutral:** no neutral climate impacts arising from the operation of the Proposed Development have been identified in the GHG Assessment, CRA or ICCI Assessment.
- c) **Negative:**
  - i. For the GHG Assessment there are negative impacts on the climate from GHG Minor operational emissions, these are mostly resulting from replacement of equipment throughout the lifecycle of the Proposed Development. These emissions are exceeded by the offsetting benefits of low-carbon energy generation from the Proposed Development.
  - ii. For the CRA there are negative impacts to the proposed development from climate change. These comprise impacts to operational equipment, vehicle access to the Proposed Development, and on-site workers. These effects are all assessed to be slight/negligible and not significant.

**Mitigation 2: Operational Phase**

- a) Operational emissions should be minimized through maximizing the lifecycle of components, and sourcing low carbon materials in replacement via the OEMP for mitigating GHG emissions.
- b) No additional mitigation is required for the CRA or ICCI assessments.

**Impact 3: Decommissioning Phase**

- a) **Positive:** no positive climate impacts arising from decommissioning have been identified in the GHG Assessment, Climate Risk Assessment (CRA) or In-combination Climate Change Impacts (ICCI) Assessment.
- b) **Neutral:** no neutral climate impacts arising from decommissioning of the Proposed Development have been identified in the GHG Assessment, Climate Risk Assessment (CRA) or In-combination Climate Change Impacts (ICCI) Assessment.
- c) **Negative:**
  - i. Decommissioning activities, including dismantling, transport, plant use, and material processing, will generate greenhouse gas emissions comparable to construction works and therefore constitute a minor, not significant, negative climate impact.
  - ii. There are no negative impacts anticipated in the CRA or ICCI as working practices are anticipated to be able to adjust over the short decommissioning period.

**Mitigation 3: Decommissioning Phase**

- a) No additional mitigation is required for decommissioning for the GHG assessment. The oDEMP sets out mitigation measures for the CRA and ICCI. These actions should be embedded and tracked throughout the decommissioning stage.

**Contractual (all Phases):** to be secured through the Management Plan(s): – neutral impact.

18.14 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.

**Matter 94 (LIR):** - as identified and reviewed: to be referenced by the Applicant.

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:

**Matter 95 (LIR):** - as identified and reviewed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. Local and national policies seek to prevent the sterilisation of such resources by development. Should the Proposed Development be permitted within a Minerals Safeguarding Area (MSA), then the Minerals and Waste team at Central Bedfordshire Council's Policies MSP11 and 12 Minerals of the Waste Plan 2014 would apply which would seek the full extraction of such minerals within the mineral safeguarding area prior to development of the Proposed Development. This raises a significant matter that will require discussion at Examination.
  - ii. 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;
    - Minerals and Waste Strategic Policy MWSP 1 - Presumption in Favour of Sustainable Development;
    - Minerals and Waste Strategic Policy MWSP 3 - The Determination of planning applications; and;
    - Minerals and Waste Strategic Policy MSP 6 – Mineral Extraction outside Allocated Sites.
  - iii. It is suggested that this matter is taken-up and resolved directly by the Applicant
- d) **Contractual:** to be secured through the Management Plan(s): – neutral impact.

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:

- c) 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.
- d) 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 tatus 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.

**Matter 96 (LIR):** - as identified and reviewed:

- a) **Impact** (all Phases; local to sub-regional scale): concern of arising **significant environmental and human health** permanent negative impact(s).
- b) Neither positive nor neutral impacts are identified.
- c) **Mitigation measures:**
  - i. In terms of Matters 96(a)(d) it is suggested that those elements of the Application works which are to be removed, and those elements of the PROW network, habitat and landscape instatement which are to be retained (in some cases by the landowners) during the Decommissioning Phase needs clarification in order to assess long-term harm and benefit. Currently this is unclear.
  - ii. In terms of Matters 96(b)(c), as noted in Matter 45, the Council are not in favour of this approach.
  - iii. It is suggested that this is resolved in association with Matters 31 and 45.
- d) **Contractual:** to be secured through the Management Plan(s): – – potential long-term negative impact if not removed.

- 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.

**Matter 97 (LIR):** - as identified and reviewed: to be clarified by the Applicant.

- 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 Proposed Development’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

- 20.1 **[APP-162] Outline Battery Safety Management Plan (OBSMP):** in reviewing this Plan, the Council wish to raise certain matters; namely:
- 20.2 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:

- a) 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 Proposed Development for the ‘drainage lagoon’ (which we read as fire water storage area/ NFCC ‘bunded lagoon’).
- b) 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.
- c) [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.
- d) 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.

### 20.3 Matter 99 Issue for consideration within the OBSMP:

- a) 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.
- b) Para’s 1.2.1 etal: as a courtesy, the Council would want the Applicant to consult with Bedford Fire & Rescue ([David.Lee@bedsfire.gov.uk](mailto:David.Lee@bedsfire.gov.uk)) 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?
- c) 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 Proposed Development*’. Subject to the matters raised, as read, the Council would support this statement.

**Matters 98 and 99 (LIR):** - as identified and reviewed: it is suggested that these Matters are consolidated with the addressed of Matter 76.

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

- 20.4 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 Provisions.
- 20.5 Matter 101 In relation to the above position, the Council make a similar statement regarding the [APP-017] Explanatory Memorandum.
- 20.6 The Council refers the Applicant to Appendix 1: Acquisition of Rights of effected Public Rights of Way (PRoW) and temporary possession of the Public Highways regarding powers sought.
- 20.7 The Council refers the Applicant to Appendix 2: DCO Agreement regarding a provisional review of Schedules 2 and 3.

**Matters 100 and 101 (LIR):** - as identified and reviewed: it is suggested that these Matters are addressed within Aspect 1.1 to 1.5; currently, the Council do not support these documents as tabled.

**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 Proposed Development'*. 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.

In addition to the above list the following applications should also be referred to, considered, and listed in Appendix A.:

- d) 22/01774/MAO - Land South Of A428, Wyboston Lakes, Great North Road, Wyboston, Bedfordshire - Outline planning application with all matters reserved except for access for a business park development with up to 23,400 m2 of floor space, the construction of new access onto the A428 incorporating a signalised pedestrian/cyclist crossing, and new strategic landscaping (allowed on appeal 25<sup>th</sup> March 2024);
- e) 25/01471/EIA - Land North Of Podington Road And West Of The Main Railway Line, Wymington, Nr Rushden NN10 9FT - Temporary planning permission for change of use

from agricultural land to shared use to also include construction and operation of a solar farm with an operational phase of up to 40-years and associated infrastructure; ecological enhancements and landscaping works; creation of, and alterations to, vehicular access; and other associated works (pending consideration); and,

- f) 25/01472/EIA - Land North Of Podington Road Between Midland Main Line And The Wymington Deviation Line, Podington Road, Wymington, Near Rushden NN10 9FT - Full Planning Application for the construction and operation of a temporary solar farm (with an operational phase of up to 40-years) with associated infrastructure; ecological enhancements and landscaping works; creation of, and alterations to, vehicular access; and other associated works (pending consideration).

- 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 Proposed Development;
  - b) [APP-031] Planning Statement Table 3 – Proposed Development benefits with associated weighting;
  - c) [APP-031] Table 4 – Adverse effects of the Proposed Development 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 Proposed Development – Design Principle 7 ‘*The Proposed Development 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.

At this stage in the Examination, and in light of the aspects and matters, 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 In preparing this Local Impact Report, and following the Pre-Examination Hearing (17-18 March), several fundamental and significant issues are tabled by the Council for consideration by the Examining Authority; namely:
- 23.2 **Replacement Phase:** it is noted that there is no comprehensive, stand-alone assessment of impact and potential harm(s) created by the Replacement Phase, which then relates to a separate tier of Management Plans. While the Applicant states that the impact will be no-less than that of the Construction Phase, the very nature of the replacement of infrastructure elements; required haul routes; work force; work force vehicle movements and accommodation; noise and air quality impacts; and, the potential impact on instated hedgerows and culverts is not tabled for assessment and mitigation. It is suggested that this requires address.

- 23.3 **Construction traffic:** it is suggested that there needs to be clarity as to what is meant by the term ‘construction traffic’ in that this would be vehicle traffic generated across the Construction, Replacement and Decommissioning Phases, rather than construction traffic generated solely within the Construction Phase. The Applicant should clarify that each phase has been assessed accordingly.
- 23.4 **Enforcement:** there is concern expressed by the Council that the Application relies on strategies and measures as tabled within the Management Plans to mitigate harm while not addressing how the local planning authorities are going to resource the monitoring of these Management Plans over circa 776 hectares over 40-years. Where necessary, the Council has suggested Monitoring Fees should be included, potentially through s106 Agreement(s) with the three Host Authorities.
- 23.5 Currently as presented, the Council considers that the Applicant has not provided sufficient clarity, specificity, and actual commitment (i.e. could vs shall) for the Council to consider that there are adequate measures contained within the Applicant’s control documents to manage and mitigate the effect/ harm identified.
- 23.6 **DCO Agreement:** further to the matter above, the Council is not in agreement with the DCO Agreement in-principle as currently tabled, and with the extensive CPO etal as currently requested. In this regard, the Host Authorities has instructed legal representation to review the Agreement to enable a detailed discussion with the Applicant.
- 23.7 **Post-Examination design resolution:** it is noted by the Applicant that, post-Examination, detailed design resolution and approval(s) will be required, in some cases involving the discussion, resolution, and agreement between three local planning authorities and statutory consultees (Environment Agency, National Highways) – how this is engaged, concluded, and funded needs address within the Examination.
- 23.8 **Clarity of Matters:** it is suggested that most of the Matters raised in this report requires clarity and resolution by the Applicant which can be resolved between Parties.
- 23.9 **Positive impact:** it should be noted that where a Matter has been assessed as potentially having a positive impact, this is subject to a commitment/ strategy put in place by the Applicant/ landowner post the Decommissioning Phase that retains the mitigation and enhancement measures as put in place in perpetuity - the Council’s position is consequently a caveated statement.
- 23.10 **Planning benefits:** it is suggested that the planning benefits of the Application cannot be ascertained until such time as the Applicant clarifies the very nature of ‘temporary’ and what elements instated by the Proposed Development will be retained by the landowners post the Decommissioning Phase. It is suggested that the habitats created, the Skylark grasslands, and permissive routes if adopted as PRoW, could form a significant ecological and human wellbeing element of the Proposed Development creating a lasting, permanent legacy.
- 23.11 In conclusion, the Council remains open to continued discussions with the Applicant, the other Host Authorities, and the Examining Authority during the Examination period to review, clarify, and resolve the Matters as raised in the Relevant Representation report and assessed in the Local Impact Report.

**24. GENERAL to LOCAL IMPACT REPORT**

- 24.1 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 Local Impact Report is solely that of Bedford Borough Council, submitted without prejudice.
- 24.2 Should you require any clarification, please contact Peter Dijkhuis , Lead Officer ([Peter.dijkhuis@bedford.gov.uk](mailto:Peter.dijkhuis@bedford.gov.uk)), and Greg Logan, Principal Case Officer ([Greg.logan@bedford.gov.uk](mailto:Greg.logan@bedford.gov.uk)) ([Planning@bedford.gov.uk](mailto:Planning@bedford.gov.uk) ).
- 24.3 This response has been reviewed and approved under the Council’s Planning Committee Scheme of Delegation to Officers (adopted 2022).

**Signature:** ----- **Date:** 2 April 2026  
Gavin Chinniah – Head of Planning and Building Control:

Appendix 1: Acquisition of Rights

Appendix 2: DCO Agreement: Schedules 2 and 3

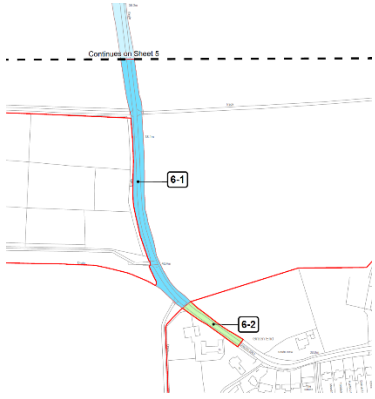
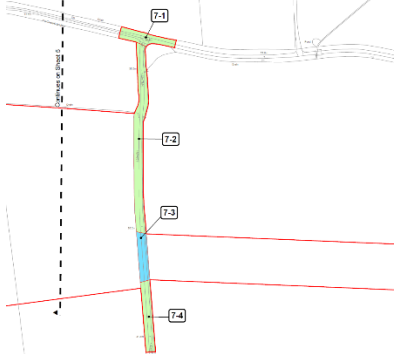
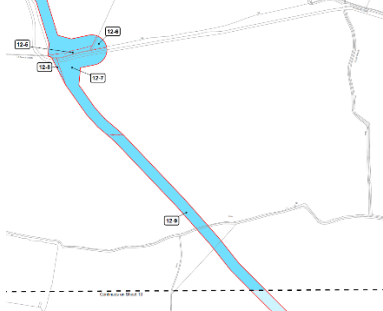

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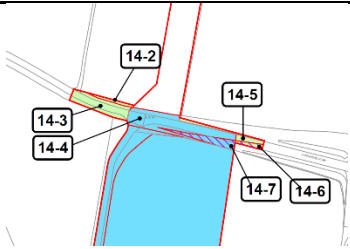
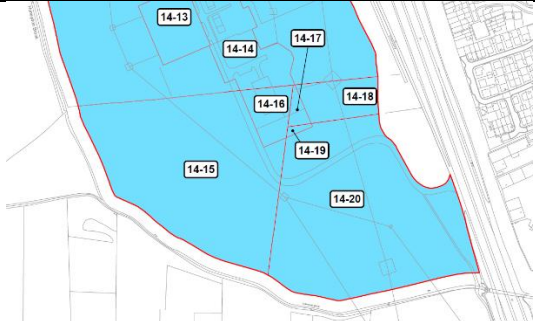
**APPENDIX 1:**

**Acquisition of Rights of Affected Public Rights of Way (PROW) and temporary possession of the Public Highways**

Ref. Applicant’s consultant (CBRE’s email 18 Feb 2026)

| Plot       | Description of Land  | Method of Acquisition                   | DCO Land Plan Plot Snip |
|------------|--|---|-------------------------|
| 2-2 (PROW) | PROW interaction with new solar field  | Acquisition of rights                   |                         |
| 3-1 (PROW) | PROW interaction with project access track                                       | Acquisition of rights - access          |                         |
| 3-4        | Adopted Highway – B660 – Kimbolton Road  | Temporary possession – visibility splay |                         |
| 3-5        | Adopted Highway - B660 – Kimbolton Road  | Acquisition of rights - access          |                         |
| 3-6        | Adopted Highway - B660 – Kimbolton Road  | Acquisition of rights - access          |                         |
| 5-1        | Adopted Highway – Great Staughton / Little Staughton Road and Green End Junction | Temporary possession – access           |                         |
| 5-2        |  | Acquisition of rights                   |                         |
| 5-3        |  | Acquisition of rights                   |                         |
| 5-4        |  | Temporary possession - access           |                         |
| 5-5        |  | Acquisition of rights                   |                         |
| 5-6        |  | Acquisition of rights                   |                         |
| 5-7        |  | Acquisition of rights                   |                         |
| 6-1        |  | Acquisition of rights                   |                         |

|  |   |   |  |
|--|---|---|--|
| 6-2  | Adopted Highway – Green End Road                  | Temporary possession – access route           |    |
| 7-1 (part adopted highway – shared ownership with Bedford Borough Council) | Adopted Highway - un-named.                       | Temporary possession – visibility and access. |   |
| 7-2  | Adopted Highway – un-named.                       | Temporary possession - access                 |  |
| 7-3  | Adopted Highway - un-named.                       | Acquisition of rights – cable crossing.       |  |
| 7-4  | Adopted Highway - un-named.                       | Temporary possession - access                 |  |
| 12-9 (PROW)  | Cable route crossing PROW. Temporary impact only. | Acquisition of rights                         |  |
| 13-3   | Adopted Highway – Duloe Road                      | Temporary possession – visibility splay.      |  |
| 13-4   | Adopted Highway – Duloe Road                      | Acquisition of rights – rights of access.     |  |
| 13-5   | Adopted Highway – Duloe Road                      | Temporary possession – visibility splay.      |  |

|              |   |   |  |
|--------------|---|---|--|
| 13-7 (Cat 2) | (Assumed legacy) rights down to water treatment works | Acquisition of rights – access for construction works               |  |
| 13-8 (PROW)  | Cable route crossing PROW. Temporary impact only.     | Acquisition of rights   |  |
| 13-9 (PROW)  | Cable route crossing PROW. Temporary impact only.     | Acquisition of rights   |  |
| 14-3         | Adopted Highway – Bushmead Road                       | Temporary possession – visibility splay                             |    |
| 14-4         |   | Acquisition of rights – access / cable route.                       |  |
| 14-5         |   | Temporary possession – visibility splay                             |  |
| 14-6         |   | Temporary possession – visibility splay                             |  |
| 14-7         |   | Acquisition of rights – access / cable route                        |  |
| 14-15 (PROW) | Substation works interacting with PROW.               | Acquisition of rights for construction works related to substation. |  |
| 14-20 (PROW) |   |   |  |

## APPENDIX 2

### DCO AGREEMENT: SCHEDULES 2 AND 3

In addition to the points raised in the LIR, this is a provisional review of [APP-016] DRAFT DCO Agreement Schedule 2 and 3. The Council notes that the Host Authorities have instructed legal review of the DCO Agreement and consequently the review below should be read as the Council's working position rather than as a definitive position.

#### SCHEDULE 2

##### PART 1: REQUIREMENTS

1. Clause 2(1): for the purposes of reading, it is assumed that the term '*phases of construction*' will be inclusive of both the Replacement Phase and the Decommissioning Phase: as noted in Aspect1, this requires clarification.
2. Clause 3(1): it is suggested that this should include - (g) 'the necessary statutory licences as required have been secured': this is read as inter alia the Land Drainage consent (Land Drainage Act 1991); District (Great Crested Newts) Licence; and, an Order to Change the Public Right of Way undertaken in accordance with the Highway Act (1980) and the Town and Country Planning Act (1990).
3. Clause 3(1): in all cases, it is read that 'local planning authority' shall mean as it applies to their powers to determine planning matters within their boundary. Where matters affect more than one local planning authority, the onus rests with the Applicant/undertaker to secure individual consent from each local planning authority separately.
4. Clause 4(2): amend to – *The LEMP must be implemented as approved and maintained throughout the operation of the relevant ~~part~~ phase of the authorised development to which the Plan relates* - consistency of term definitions required.
5. Clause 10(1) and (3): '*Prior to the commencement of Work No. 2 a battery safety management plan (BSMP) (which must be in substantial accordance with the outline battery safety management plan BSMP to the extent that it is applicable to that phase) must be submitted to and approved by Cambridgeshire County Council as the local planning authority in consultation with Cambridgeshire Fire and Rescue Service*'. As per [APP-162] Figure 1, the BESS Study Area falls solely within the juridical boundary of Cambridgeshire County Council and should be so attributed. It is specifically noted that Bedford Borough Council do not have the necessary technical and professional proficiencies to sign-off such a Plan (it is noted that in discussion, neither do the National Fire Chief Council). In this regard, the Applicant should as a minimum have due reference to the NFCC 'Grid scale BESS guidance for FRS' (November 2022) document.
6. Clause 11(1): in light of the fact that Planning Statement [APP-0312] clause 1.2.5 defines the entire Scheme as '*temporary development*' the use of the word temporarily – i.e. '*sections of public rights of way shown to be temporarily stopped up or diverted on the street works, public rights of way*' – needs to clarify that the status, alignment, and improvements of any public right of way (footpath and bridleway) that may have been affected/ diverted for the life of the Scheme will be re-instated/ or not to the original alignment or that such actions become permanent. Some clarity on this matter is required as currently some of the routes for public access as proposed by the Applicant which will become part and/or create improvement to the

defined PRoW network will be extinguished in 40-years at the end of this Scheme's duration; i.e. they are not permanent (this is addressed as Matters within Chp. 13 PRoW).

7. Clause 13(1-7): '*...until written details of all proposed permanent and temporary fences, walls or other means of enclosure...*' – the Council suggest clarity of the definition of temporary and permanent.
8. Clause 14 (Surface water management plan): in all cases remove duplication of 'management plan'.
9. Clause 17 (Construction hours): the Council's position is that measures to control working hours on construction sites are best dealt with by the local planning authorities' environmental health team or similar under the Control of Pollution Act (1974). These measures should not be included in Construction Management Plans or similar as they cannot always be justified as being reasonable or necessary.
10. Clause 18 (Decommissioning and restoration): The various Management plans must be submitted to the local planning authority for that part of the Scheme that falls within their boundary for approval. (i.e. the local planning authority can only determine the application that falls within their boundary and neither Party want to be in a position of an impasse regarding determination). Similar would apply to the other clauses in the Schedule.

## PART 2: PROCEDURE FOR DISCHARGE OF REQUIREMENTS

11. Clause (23)(b): it is noted that the Control of Pollution Act (1974) section 61 refers to the 'local authority' in the singular. Consequently, note 3 above applies.
12. Clause (27)(2)(a): refunded '*the application being rejected as invalidly made*' – this issue is not within the gift of the local planning authority but solely within the gift of the Applicant/undertaker. Consequently, this sub-clause is NOT accepted.

## SCHEDULE 3

### LEGISLATION TO BE DISAPPLIED

1. The Council confirm that the Acts a) to t) as set out by the Applicant as they relate to this DCO Application can be disapplied. However, the onus rests solely with the Applicant to identify which statutory provisions need to be disapplied for their Proposed Development.
2. The Council note that the following Relevant Acts would be applicable:
  - a) [Public Health Act 1936](#)
  - b) [Reservoirs Act 1975](#)
  - c) [Water Resources Act 1991](#)
  - d) [Water Industry Act 1991](#)
  - e) [Land Drainage Act 1991](#)
  - f) [Flood and Water Management Act 2010](#)
  - g) [Environment Bill 2020](#)
  - h) [Agriculture Bill 2019-2021](#)
3. The Council note that the need for disapplication is often a point of discussion and negotiation between the Applicant and the affected local planning authorities. The Council reserve the

right to review this matter through the Examination should matters arise that need such address.

4. While not addressed in the Applicant's DRAFT Schedule 3, the Council notes that the Applicant's suggested changes/ disruption will need to address the relevant Public Rights of Way legislation. For transparency the Council set out those Public Rights of Way (Footpaths and Bridleways) that have provisionally been identified as affected by this Application; namely:
- a) Pertenhall: Footpath 2(a), 2(b), 10, 11, 17, 18, 29; Bridleway 26;
  - b) Bolnhurst and Keysoe: Footpath 13, 32, 34, 35, 36, 47, 50, 112; Bridleway 37, 40;
  - c) Swineshead: Footpath A3, 15;
  - d) Little Staughton: Footpath 1, 2, 3, 8, 10;
  - e) Staploe: Footpath 4, 5, 6, 8, 16; Bridleway 43; and,
  - f) Others that may be identified and notified to the Applicant.

For clarity, the Council reads that the legislation to disapply will NOT be requested/enacted against the Public Rights of Way.