

DCO Hearing ISH1 on draft DCO, Tuesday 27 September

re: Requirement 20 – Decommissioning & Restoration

Clarification was sought on where would the funding come from for restoration if the entity operating Longfield Solar Farm went into liquidation shortly before de-commissioning (in 39 years time)? Despite the legal obligations quoted and /or that a liquidator could sell off the assets, with the uncertainty whether or not these would be enough to cover the costs of decommissioning & restoration, ELAF would still like to see a bond (as per ELAFs written submissions of August and June).

re: Schedule 2 – Requirements

re: Requirement 17 Permissive Paths.

- (1) ELAF are concerned with Access for All, so we wish to see permissive paths available for use by all - walkers, cyclists and horse-riders, not just walkers & cyclists. The applicant has stated (correctly) that the proposed permissive paths do not link up with bridleways but they don't link up directly with cycle routes either. A cyclist can't cycle on the public footpath. Horse riders can ride on roads just as cyclists do, so roads can be used to connect with the permissive paths enabling access for horse-riders as well as cyclists. Agreed that the matter will be pursued at the Hearing ISH2 on Thursday when Transport Experts will be present or in a written response.
- (2) ELAF also do not consider that the proposals are compliant with NPPF paragraph 100 which says that public rights of way and access should be protected and enhanced - because the permissive paths are due to be removed on de-commissioning. In reply, the applicant stated that after decommissioning the land will be returned to the landholder so the ongoing nature of the permissive paths is outside of the applicant's control. ELAF contend that the NPPF doesn't say that there should be no enhancement once land stops being part of a development.
ELAF have suggested that an enhancement would be to be able to use the cable route from the battery store to the Bull's Farm sub-station as a new path. The applicant said that they do not own this land and will not have permanent rights to it - it remains with third parties.
- (3) The permissive paths plan does not actually show the vehicular access routes. However, when looking at the Streets (and Access and Rights of Way) plans a lot of the permissive paths appear to be on the same line as the vehicular access tracks. The applicant said that the paths would be separated from the vehicular tracks during construction for health and safety purposes.
ELAF also noted that where a permissive path runs alongside or very close to vehicular access routes, it is not clear what the width of the permissive path will be, what the nature of the surface will be or whether there will be any vegetation or anything on either side of the path. Reference was made to Examination Library Reference document REP2_029 which was the applicant's written response of September to submissions made, including ELAF's submission (page 72 onwards). Mrs Evans of ELAF apologised for being unaware of this document.

DCO Hearing ISH2 on Environmental Matters on Thursday 29 September

ELAF submissions re permissive paths / greenway, Access for All and Public Rights of Way (PROWs)

- (1) As noted at the hearing on Tuesday and in ELAF's written submissions, ELAF are concerned with Access for All, and so wish to see the permissive paths available for use by all - walkers, cyclists and horse-riders, not just walkers & cyclists.
AECOM, part of the applicant's team, said that they will be submitting a plan and written information at deadline 3 on the uses that will be allowed on the permissive paths. AECOM said that, if access to the permissive paths is via public footpaths, individuals are legally allowed to push bikes along those footpaths but not to ride bikes. Agreed that at Noakes Farm Lane, a public vehicular highway, a set of permissive paths crosses the lane. AECOM said that an equestrian user could enter the permissive path from the road and travel along it until a public footpath was reached at which point the horse rider would need to turn round and go back the way they came. Discussion took place about what is in the Highway Code and what

is legally allowed on a public right of way. Is one allowed to lead a horse on a public footpath? Is one allowed to push a bike along a public footpath? Question of what is a “natural accompaniment” on a public footpath. Agreed that where the permissive paths cross Noakes Farm Lane a horse-rider or cyclist could ride along the extent of the permissive path until limited by a public footpath at which point they would have to turn round and come back again although AECOM reckon that a cyclist can continue on foot along a public footpath pushing a bike. The change in the use of permissive paths will be made clear in a deadline 3 submission.

Discussion continued with Mr Robert Lee from ECC Public Rights of Way team - not convinced that it is practical to allow cyclists to continue along public footpaths. Agreement that the wording of DCO Schedule 2, Requirement 17 – permissive paths – could be tweaked and also at the detailed design approval stage which will include permissive paths.

(2) ELAF sought clarification on what else will be inside the 10 metre wide passageway that will include the permissive path or public right of way. Plans / drawings in document APP_093, meetings with ECC, implied that there will be plenty of other things inside the 10metre wide passageway. Mrs Evans of ELAF has now read the applicant’s written response of September to submissions made, including ELAF’s submission (page 72 onwards) but does not consider this answers the question of what else is inside the 10 metre passageway. Discussion on “offsets”. The applicant will provide visualisations, plans and some narrative for deadline 3.

Discussion on the 10 metre corridor / buffer continued later with Mr Robert Lee from ECC Public Rights of Way team. Plans, further information on the actual width afforded to the public rights of way & permissive paths, what was allocated to other things, the breakout areas, etc would be useful to the Highway Authority and to user groups. The applicant’s representative said that it would not be possible to provide this information at deadline 3 as it was a detailed design point which would be for the local authority to comment on and approve later.

(3) ELAF are concerned about the surface of the public rights of way which are going to be dug up to have cables run underneath them – labelled FC and coloured purple on the Streets (and Access and Rights of Way) Plans and listed in Schedules in the Order. Do the cables have to go under the public rights of way? Could they not go alongside or somewhere else inside the solar farm fencing? The digging up is not just for short lengths across a public right of way but sometimes also for 300 or 400 metres along a public right of way. The applicant said that the public rights of way will be reinstated to the same condition afterwards – as far as is possible / practicable.

The applicant confirmed that these PROWs will be closed for short periods during construction in a rolling programme whilst the cables are installed and the land is restored and so no diversions are justified / considered to be needed.

Mrs Evans, Chairman of ELAF commented that it does not seem as if public rights of way or access are being protected or enhanced.

Mrs Katherine Evans

Chairman – ELAF (Essex Local Access Forum)

6 October 2022