

Essex County Council
Unique reference: 20031541

Longfield Solar Farm [PINS Ref: EN010118]

Written Summary of Comments made by Essex County Council during:

Hearing ISH1 (DCO)
Compulsory Acquisition Hearing
Hearing ISH2 (Environmental Matters)

1. Written summary of comments made during Hearing ISH1 (DCO) on 27th September 2022

Article 43: Procedure in relation to approvals

- 1.1 The Examining Authority invited comments from Essex County Council (ECC) on Article 43. Mrs Donovan (ECC Lead Planning Officer) agreed with the concerns and issues raised by Mr Havers, Braintree District Council and Ms Mabbutt, Chelmsford City Council regarding the 8-week time period now proposed and the difficulties that could arise where the Local Planning Authorities are required to consult externally, such as with the Highway Authority or Lead Local Flood Authority.
- 1.2 Mrs Donovan raised concerns over resourcing issues if DCO consent were to be granted, particularly mindful of other NSIPs coming forward in Essex and the ability of the County Council to respond in a timely and effective way, without degradation to its performance standards. Whilst it is accepted that there is flexibility in the wording of the draft DCO to allow an extension to the 8-week time period, reassurance over how this would work in practice was sought.

2. Written Summary of Comments made during the Compulsory Acquisition Hearing on 28th September 2022

Item 6. Other Matters – Minerals

- 2.1 Mrs Donovan (ECC Lead Planner) raised the issue that the DCO application includes, albeit small, land allocated and permitted for mineral extraction. If DCO consent were to be granted this would prohibit permitted extraction of that mineral. Mrs Donovan on hearing that there are two landowners who have not engaged with this DCO process, reasonably assumed that one of the two landowners is the mineral operator of Bulls Lodge Quarry.

- 2.2 Mrs Donovan's understanding from the Mineral and Waste Planning Authority (MWPA) is Hanson Aggregates has not expressed any intention to not work the land associated with Bulls Lodge Quarry to the extent permitted through their extant planning permission.
- 2.3 The MWPA has explained its position in ECC's Local Impact Report and is unclear how this issue can be reasonably resolved, if the mineral operator is not engaged in the DCO process.
- 2.4 The Examining Authority asked Mrs Donovan if she could explain the position of the MWPA. Mrs Donovan said whilst she did not wish to speak on behalf of the MWPA, (explaining that representatives could attend Hearing ISH2, if required), her understanding of the MWPA's 'in principle objection' concerns the sterilisation of 18,000m³ of mineral which has permission for mineral extraction, and the loss of this consented mineral, which could not be worked before commencement of the extension of Bulls Lodge Substation. On the issue of viability, raised by Mr Griffiths, it was accepted that the sterilisation of 18,000m³ would not impact on the overall viability of the quarry.

3. Written summary of comments made during ISH2 (Environmental Matters) on 29th September 2022.

Item 2. Best and Most Versatile Agricultural Land

- 3.1 The Examining Authority asked if Essex County Council would like to respond to Braintree District and Chelmsford City Councils policy positions on best and most versatile agricultural land. Mrs Donovan (ECC's Lead Planning Officer) responded that the County Council is also concerned over the loss of best and most versatile agricultural land, recognises that a planning balance needs to be had, but defers to the Local Planning Authorities on this topic.

Item 2. Battery Technology/Safety

- 3.2 The Examining Authority asked if Essex County Council had any comments following the Applicant's explanation on the approach to Battery Safety. Mrs Donovan (ECC's Lead Planning Officer) said she agreed with the view of Mr Havers, Braintree District Council. The Detailed Battery Safety Management Plan appears to be comprehensive with measures employed to monitor the battery energy storage system.
- 3.3 Further the County Council is reassured that there has been full consultation and engagement with the Essex Fire and Rescue Service and the Applicant has been in discussion with the Essex Ambulance Service.

Item 2. Historic Environment (Archaeology)

- 3.4 In response to the update provided by the Applicant's consultant Mr Boscher, Mrs O'Connor (ECC Place Services, Historic Environment Consultant) agreed with the points Mr Boscher made. These points relate to the satisfactory level of investigation carried out pre-submission and that further archaeological evaluation will be required in areas of intrusive activities to be agreed following detailed design details.
- 3.5 Agreement has been reached on the final wording of the Written Scheme of Investigation (WSI) and the Outline Construction Environmental Management Plan (oCEMP). With the submission of these documents at Deadline 3 the County Council is in agreement that an appropriate mitigation strategy will be put in place to lessen any harm to archaeological remains.

Item 4. Other matters - Minerals

- 3.6 Mr Dash (ECC, Principal Planning Officer) explained, with respect to mineral considerations, the issue at hand is that the Order Limits for the Longfield Solar Farm includes land which is permitted for mineral extraction (under Application Reference CHL/1890/87). The land is also intended for overburden and topsoil stockpiling as part of working the quarry. The mineral operator has not expressed any intention to not work the land associated with Bulls Lodge Quarry to the extent permitted through their extant planning permission. S73/variation applications for the mineral planning permissions were considered by the Development & Regulation Committee in September 2022 and are currently subject to legal agreement. Throughout negotiations on these applications, there has been no mention from the applicant/ Hanson Aggregates that they did not intend to work the full permitted mineral reserve that forms part of the Bulls Lodge Quarry planning permission.
- 3.7 Mr Dash explained that the objection in principle of the MWPA was raised on the basis of the final paragraph of Policy S8 of the Essex Minerals Local Plan 2014. This states that 'Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.'
- 3.8 Mr Dash clarified that the issue therefore is not one of sterilising unexcavated mineral in general. The MWPA has considered the evidence submitted by the Applicant in this regard and considers that this is sufficiently competent to satisfy the NPPF Paragraph 210d requirement to test the appropriateness of prior extraction with respect to whether it is practical and environmentally feasible to take place. The MWPA is satisfied that the prior extraction of mineral that falls under the proposed sub-station extension is not practical and therefore prior extraction is not required as part of delivering the proposed solar farm development. The objection is made solely on the basis that the mineral is

already consented for extraction as part of the wider working of Bulls Lodge Quarry.

- 3.9 Mr Dash and Mrs Tomalin (ECC, Principal Planning Officer) was asked to consider a situation where the mineral operator did not have an interest in extracting the consented mineral. Mr Dash and Mrs Tomalin confirmed that should there be no operator interest i.e., the extraction of the mineral was no longer deliverable, then the MWPA would not object in principle to the development taking place. One means of achieving this would be for the operator to submit an application to amend the current working area. It was also accepted that where conflict remains extant, the issue becomes a planning judgement based on the relative merits of the two permissions.

Item 4. Other matters – Permissive Paths

- 3.10 Mr Lee (ECC, Public Rights of Way Officer) responded to a discussion that took place between the Chair of the Essex Local Access Forum and the Applicant on permissive paths, including the point made by the Applicant that cyclists would be expected to walk their cycles when accessing permissive routes, for ongoing use of the PROW.
- 3.11 Mr Lee explained that the permissive routes connect to pedestrian-only PROW (footpaths) therefore there seems little point in providing cycle access on the permissive paths when the ongoing routes (to cycle) were not there. This could lead to nuisance on the PROW network.
- 3.12 Mr Lee also responded to a discussion regarding the PROW corridor/buffer of 10m width that also encompasses the PROW. The Applicant had agreed to provide more information at Deadline 3 to include visuals and a narrative about the permissive routes and intended usage. The Applicant also stated that the corridor would have 'break-out' areas as well as habitation creation planting but no built assets within the 10m.
- 3.13 Mr Lee said it would be useful, not only for the Highway Authority, but also to user groups and the public, if the information to be presented by Deadline 3 could also include information as to how much width was actually being provided within the 10m for the PROW.