



Longfield Solar Farm

Applicant Comments on Submissions Received at Deadline 4

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1. Introduction

1.1 Introduction

- 1.1.1 The purpose of this document is to provide responses to matters raised by Interested Parties at Deadline 4, where they have not been responded to previously or are not covered by other documents. For example, some of the matters raised by the host authorities relate to drafting within the Development Consent Order, which is covered in the latest version of the document submitted at this deadline (Deadline 5) or within the Statement of Common Ground.

2. Applicant’s Comments on Braintree District Council Submissions

2.1 Responses to ExAQ2

ExAQ2 Ref.	Summary	Applicant Response
2.2.3	<p>The inspectorate comments: “<i>The Arboricultural Impact Assessment (AIA) [REP3-033 & REP3-034] indicates that there is potential for a veteran tree (T9) to be impacted by a proposed access route and fencing. It states that this can be avoided by micro-siting the track to avoid the amended RPA of this tree which will not be impacted. Furthermore, it indicates that this will be illustrated on a revised version of the illustrative concept design and updated vegetation removal plan (to be submitted during the Examination (See para 5.2.2). Please indicate where in the Examination documents these can be found and explain how they have taken the findings of the AIA into account.</i>”</p> <p>BDC Landscape Services echo these comments. The AIA suggests that the siting of the access track can be diverted around the veteran tree T9, to avoid conflict. However, there is no supporting documentation to be found to show any alteration to the track to avoid this significant tree. The vegetation removal plan shows the vegetation at the location of T9 as being removed for access, with no indication that the tree exists. The same is true of the Illustrative Concept Design, and no mention of the veteran tree can be found within the LEMP or the BNG report. Disparity is apparent and the veteran tree is being ignored.</p> <p>As the veteran trees (there are three identified within the AIA), are missing from consideration within further documentation, amendments are recommended. Veteran trees are an invaluable habitat, and whilst there is no official government protection for veteran trees, there is a large push</p>	<p>Veteran oak tree (numbered T9 in the Arboricultural Impact Assessment) will be retained and protected. This is reflected in Table 3-14 ‘Arboriculture’ on page 35 of the Outline Construction Environmental Management Plan (EN010118/APP/7.10(C)) and ES Figure 2-5: Operational Layout Overview (EN010118/APP/6.3(A)), and the updated ES Figure 10-15: Vegetation Removal Plan (EN010118/APP/6.3(B)).</p>

from the Woodland Trust and other associated bodies to create official recognition and protection for trees of veteran status.

The AIA offers suggestions for mitigation of the impact to T9, and it is felt this should be adhered to and adopted within further updated submitted vegetation removal plans and the illustrative design concept.

3. Applicant's Response to Essex Local Access Forum's (ELAF) Submission

Summary

ELAF recognise it is therefore possible for a landowner or leaseholder to permit cyclists or horse riders to cycle or ride on a public footpath would their committing any sort of legal offence.

ELAF therefore request that, in keeping with NPPF 100, that the proposed permissive paths (arising from the associated use as internal vehicular access track) which provide increased access and connectivity of the network, are accessible to all – walkers, cyclists, runners, horse-riders and where practicable to mobility-impaired users.

- (i) At the northern end, a connection to the permissive paths for cyclists and horse-riders, that is inside the pink wash land, could be to Rolls Farm Lane / Sparrows Farm Lane, which is a public road at the northern termination of Terling footpath 33 [113_33]. See Land Plan sheets 7 & 9.
- (ii) (ii) At the southern end the final western sections of the footpath connections to Waltham Road – Boreham footpath 18 or 19 [213_18 or _19] are outside the order limits so would require the permission of the landowner. The other connection along the cable route would also require landowner permission. See Land Plan sheets 3 & 2.

Applicant Response

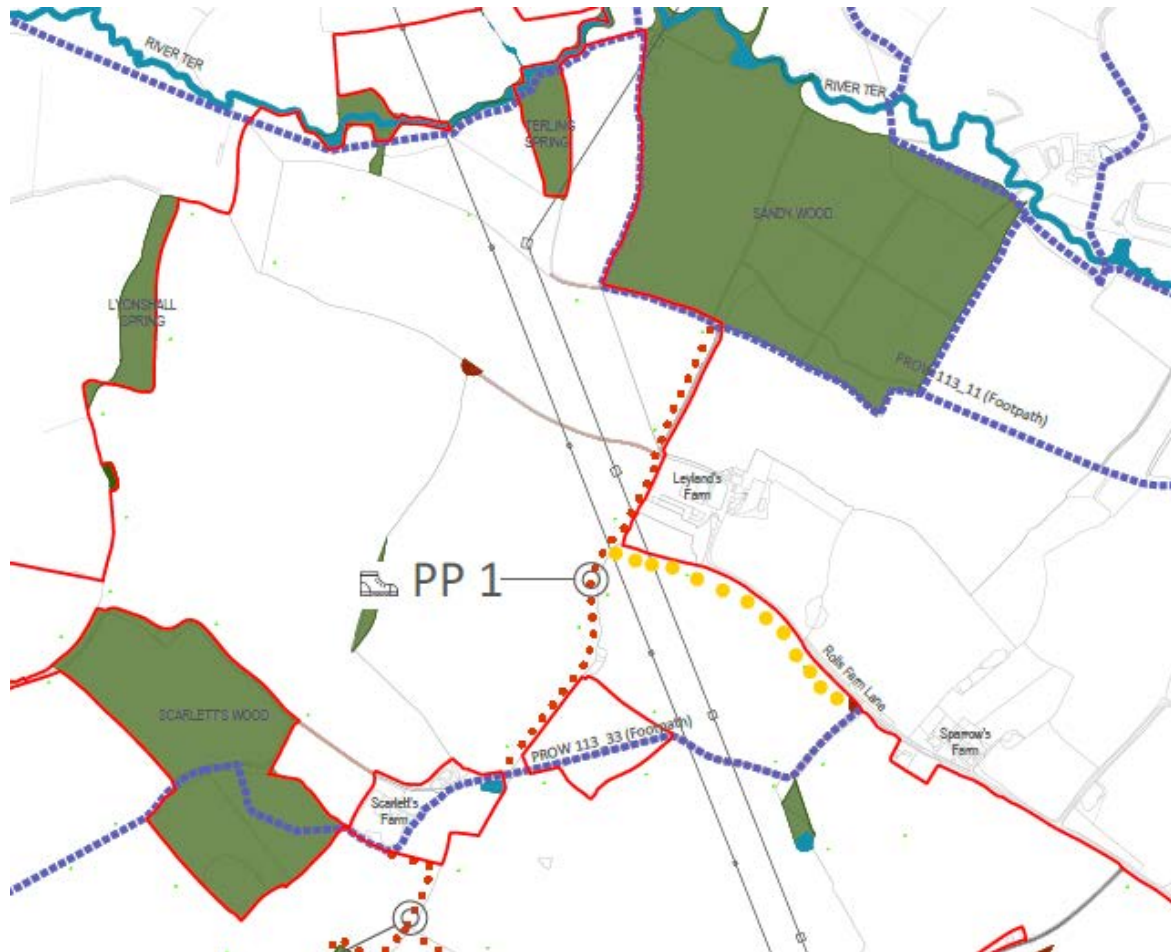
The Scheme aims to maximise recreational access across the Order limits through the proposed permissive path network. As such, pedestrians, cyclists and equestrian users will be permitted to travel on these routes. However, as set out at the Environmental Matters Hearing (on 29 September 2022), access to the permissive path network will be limited by the permitted use of connecting footpaths.

The response provided by ELAF requests that an additional permissive path is provided towards the northern end of the Order limits, connecting Rolls Farm Lane to Permissive Path 1, thereby providing access to cyclists and equestrian users (as shown in Figure 1 overleaf). However, were this to be provided, it would afford a limited increase in access to cyclists and equestrian users given the constraint in accessing ongoing routes posed by connecting footpaths (PROW 113_11 to the north and PROW 113_33 to the south).

Additional connections were also requested by ELAF at the southern end of the Order limits (as shown in Figure 2 overleaf). However for the northern option shown (PROW 213_18), this would require land outside of the Order limits and would therefore be beyond the scope of the Scheme. For the southern option (PROW 213_19), this is constrained by existing hedgerows.

The additional routes would also provide a very limited increase in access for cyclists and equestrian users, given the constraints posed by connecting footpaths PROW 213_19 and PROW 213_18. Given these constraints no changes to the permissive paths are proposed. It remains that, where accessible, permissive paths will be open to all users.

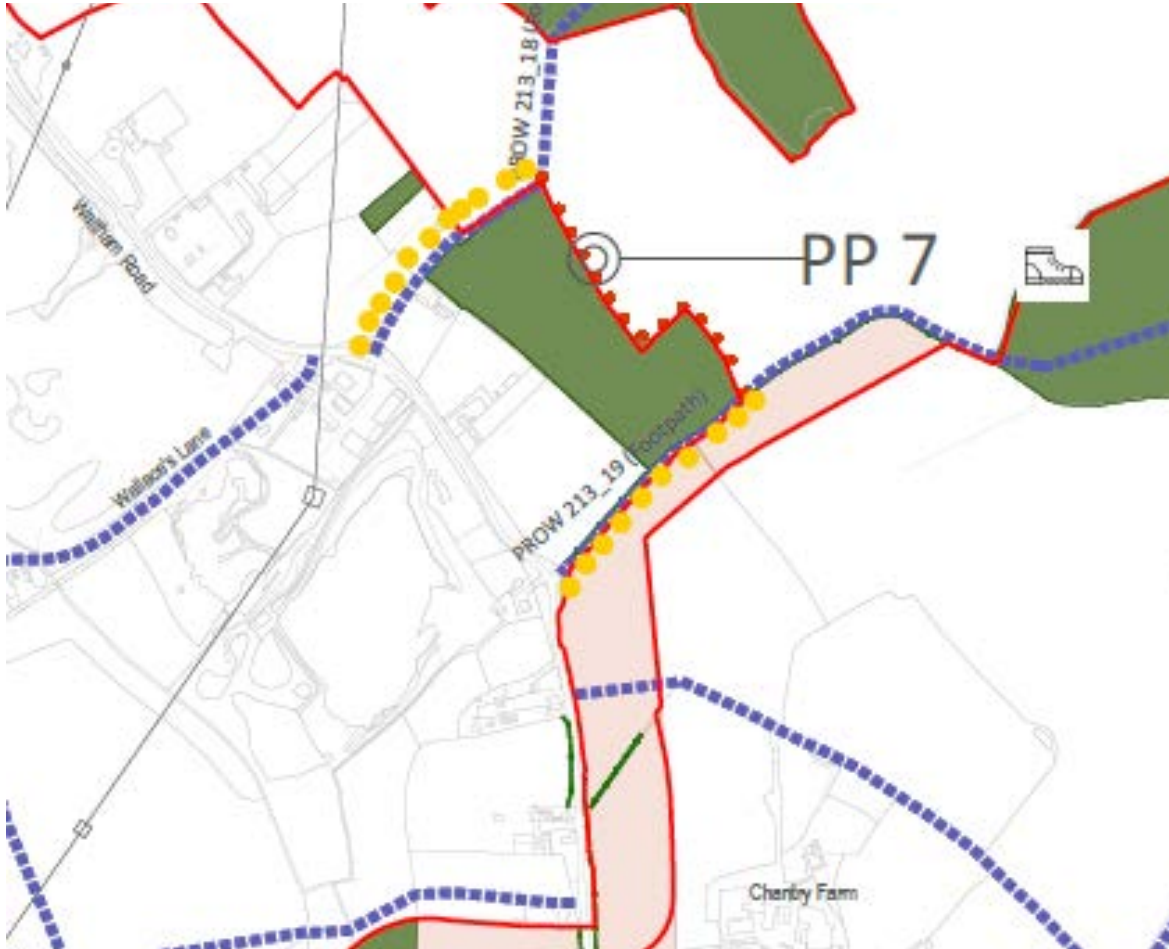
Figure 1 – Approximate alignment of additional permissive path at the northern extent of the Order Limits, suggested by ELAF



Applicant comment

The yellow route highlighted in Figure 1 shows approximate alignment of additional path suggested by ELAF. Were this to be provided, it would afford a limited increase in access to cyclists and equestrian users given the constraint in accessing ongoing routes posed by connecting footpaths, as detailed in the Applicant's response above.

Figure 2 – Approximate alignment of additional permissive path at the southern extent of the Order Limits, suggested by ELAF



Applicant comment

The yellow route aligned with PROW 213_18 shows the approximate alignment of additional path as suggested by ELAF. This is not considered a viable option since it crosses land outside of the Order limits.

The yellow route aligned with PROW 213_19 shows the approximate alignment of the additional path suggested by ELAF. However this is constrained by existing hedgerows and its location within Work Number 4, identified only for works associated with the Grid Connection.

4. Applicant's Response to Mr Bentley's Submission

Summary

It appears that the Applicant has increased the extent of the set aside / buffer zone around Stocks Cottages (**Works Plans Part 1 of 2, EN 010118/APP/2.2(B) Page 7 of 9**). However this still presents significant harm to the amenity and outlook from No 1 Stocks Cottages.

Applicant's Response

Consideration of the visual effects on residents living in proximity to the Order limits was given in **Environmental Statement Chapter 10: Landscape and Visual Amenity (EN010118/APP/6.1(A))** which found that residential receptors with open views in close proximity to the Order limits would experience moderate adverse visual effects, considered to be significant, during year 1 of operation.

However, no residential receptors with open views in proximity to the Order limits or set back from the Order limits in the surrounding settlements have been identified as experiencing significant adverse effects at year 15 of operation. The reduction in the level of effect is due to the establishment of mitigation planting proposed in the **Outline Landscape and Ecology Management Plan (EN010118/APP/7.13(B))**. The offset and mitigation planting proposed in proximity to the dwelling in question was presented and agreed through consultation with residents held during the pre-application stage.

5. Applicant's Response to Ms Rance's Submission

Summary

Proximity to ancient woodland, seeking a greater buffer than 15m. This relates to Area 1 on located between the two areas of Toppinghoehall Wood (PDA 31)

Natural England advises for ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area).

The Woodland Trust recommends as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland.

The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat.

The area indicated for the buildings is close to a vehicle track that edges the entire long border of the woodland. Will this track continue to be used and does it form part of the 15m buffer proposed? Is a road permitted within a buffer zone?

Applicant's Response

The Applicant submitted an Arboricultural Impact Assessment at Deadline 3 [REP3-034]. Paragraph 1.5.5 of this report explains that:

"...all recorded Ancient Woodlands within or adjacent to the Order limits have been given a 20m buffer zone where possible. Where this has not been feasible to retain in the design phase it has been reduced to a minimum 15m buffer zone which accords with best practice guidance set out in standing advice from Natural England and the Forestry Commission (2022). For these reduced buffer zone areas [of 15m] an assessment has been undertaken to determine if any individual trees are present that could have RPAs that extend beyond the 15m buffer zone".

Toppinghoehall Wood which bounds PDA 31 was not assessed in the Arboricultural Impact Assessment because, as stated in Paragraph 3.3.11, only two Ancient Semi Natural Woodlands were recorded within the arboricultural study areas as part of the tree survey which includes Ringers Wood (W67) and part of Lost Wood (W79). The buffer between the Scheme and Toppinghoehall Wood is a minimum 20m, which is considered adequate protection for roots from ancient woodland, and this tree line was, therefore, not subjected to the survey.

The AIA states in Paragraph 1.5.3 that 'a verification survey will be carried out during the detailed design to confirm the conclusions of the Arboricultural Impact Assessment remain valid prior to start of construction No development or works will take place in the Root Protection Area (RPA)/buffer zone (determined as 15x stem diameter or canopy +5m – whichever is greater) should additional veteran trees be identified within the Order limits'. This mitigation is included in the updated CEMP [REP4-014].

The reference to Woodland Trust recommendation of 50m is noted but the Applicant has sought to adhere with the guidance provided by Natural England and the Forestry Commission (2022), which is considered more appropriate for the Scheme. It should be noted that much of the Scheme is solar PV with mixed grassland which will allow soil regeneration within the root protection areas of the ancient woodland in the northern part of PDA 31.

The vehicle track that edges the entire long border of Toppinghoehall Wood to the south of the BESS Compound is an existing farm track and is closer than 15m to the woodland. The Applicant is not intending to modify or upgrade this track but its use by maintenance vehicles checking the fence line would be allowed. It is worth noting that Table 3-14 of the updated CEMP [REP4-014] includes several mitigation measures to protect the ancient woodland.

6. Applicant's Response to Professor Alder's Submission

Summary	Applicant's Response
Best and most versatile land and loss of land for food production	<p>An Agricultural Land Classification (ALC) survey was undertaken to support the DCO and was provided at Appendix 12A of the Environmental Statement [EN010118/APP/6.2]. This appendix sets out the ALC for the area within the Order Limits.</p> <p>The Applicant's position on matters relating to best and most versatile land, and loss of land for food production, was set out in the Environmental Matters Hearing on 29th September 2022 and recorded in writing in its related Written Summary submitted at Deadline 3 [EN010118/EX/8.17]. There is no policy that specifically refers to food security for the purposes of determining the application. Draft NPS EN-3 states that for solar, "land type should not be a predominating factor in determining the suitability of the site location".</p>
Cumulative impacts	<p>Cumulative effects are assessed in Environmental Statement Chapter 17: Effect Interactions [EN0101811/APP/6.1]. A list of cumulative schemes is identified in ES Appendix 5A [EN010118/APP/6.2].</p>