

## Longfield Solar Farm

### Braintree District Council (BDC)

Unique Reference: LOSF – 0003

### ExQ3 - Responses to Written Questions

ExQ	Respondent	Question	Braintree District Council Response
2. Biodiversity, Ecology and the Natural Environment; Habitats Regulations Assessment			
3.2.3	Braintree District Council	<p>The ExA notes that ES Figure 2-5 (Illustrative Concept Design/Operational Layout Overview) [REP3- 041] and ES Figure 10-15 (Vegetation Removal Plan) [REP5-006] have been updated to reflect the micro-siting of the track to avoid the RPA of the veteran tree (T9). The ExA also notes that the oCEMP has been updated [REP4-014] to incorporate additional mitigation. Please indicate whether or not the Council considers any further mitigation is required in relation to veteran trees.</p>	<p>BDC do not consider that any further mitigation is required in relation to veteran trees.</p>
3.2.7	Host Authorities	<p>Table 3-3 of the SoCG between the Applicant and the Host Authorities [REP5-014] indicates that discussions are ongoing in relation to additional mitigation for ecology (Ref: ECO-11).</p> <p>Please provide further details of any additional mitigation being sought</p>	<p>The Applicant has advised that they are undertaking/have completed further dormouse and bat surveys at Boreham Road Gravel Pits LoWS, where the grid connection route is proposed. This was considered necessary to fully understand the potential impacts upon protected species as a result of any additional vegetation removal required to facilitate the grid connection. Provided that any additional mitigation measures required will be delivered and included in the finalised Construction Environment Management Plan then BDC is satisfied that appropriate mitigation measures will be delivered for protected and Priority species.</p>

			<p>In addition, the applicant's ecologist acknowledged the trading rules issue identified by BDC and indicated that they were in the process of updating the Biodiversity Net Gain Report. This was because the Biodiversity Net Gain Report indicates that a small section of Lowland mixed Deciduous Woodland Priority habitat (high distinctiveness) will be lost and no other habitat with a high habitat distinctiveness will be created within the order limits. Again, provided that appropriate compensation will be delivered for the Lowland mixed Deciduous Woodland the trading rules issue of the Biodiversity Net Gain Report will be addressed. This is necessary to ensure that the scheme conserves and enhances Priority habitat under the NERC Act 2006 and demonstrates that it can deliver measurable biodiversity net gains.</p> <p>Therefore, on the basis of the above being completed BDC are not seeking any further mitigation.</p>
5. Draft Development Consent Order			
3.5.1	Host Authorities	<p>The ExA notes that the SoCG between the Applicant and the Host Authorities provided at Deadline 5 indicates a number of matters are still under discussion between the Applicant and the host authorities in relation to the drafting of the dDCO.</p> <p>Please provide details of any proposed amendments to the dDCO together with a reasoned justification</p>	<p>BDC/ECC have provided the Applicant with an updated position on the dDCO, which the Applicant has incorporated into the updated SoCG (Appendix 1), for submission at Deadline 6.</p> <p>Following a joint legal review of the dDCO for Braintree District Council and Essex County Council, both Councils identified and shared with the Applicant a list of amendments we wished to see made to the dDCO. Whilst some amendments have been made, other requested amendments have not.</p>

			<p>Therefore, both Council’s would like to draw the Examining Authority’s attention to these amendments and comments, together with our reasoned justification.</p> <ol style="list-style-type: none"> <li>1. <b>Part 1 Preliminary.</b> Definition of ‘maintain’ – for clarity a more prescriptive definition is required – ““maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development <a href="#">provided that any such activities do not give rise to any materially new or materially different environmental impacts which are worse than those assessed in the environmental statement</a> and “maintenance” and “maintaining” are to be construed accordingly.”</li> <li>2. <b>Part 3 Streets, Article 10 (Construction and maintenance of altered streets)</b> - for clarity Article 10 would benefit from a trigger that confirms when Longfield’s 12-month period of liability starts/ends.</li> <li>3. <b>Part 3 Streets, Article 12(c) (Access to works)</b> – for clarity Article 12 (c) would benefit from the following amendment “with prior <a href="#">written</a> approval of the relevant planning authority...”</li> <li>4. <b>Part 6, Miscellaneous and General, Article 34(3) (Consent to transfer the benefit of the Order)</b> – for clarity it should read “the prior <a href="#">written</a> consent of the Secretary of State”.</li> <li>5. <b>Part 6, Miscellaneous and General, Article 37(1) (Felling or lopping of trees and removal of</b></li> </ol>
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			<p><b>hedgerows)</b> - This Article is overly broad. BDC would like to see the powers to fell/lop trees reduced; for example (b) and (c) go further than BDC would ordinarily expect. For example, it is excessive/unreasonable to lop/fell etc just to assist the passage of construction traffic.</p> <ol style="list-style-type: none"><li>6. <b>Requirements 7(1) and 22(1)</b> – for completeness request inclusion of details of materials and finishes; also, for details as to vehicular access/turning, parking etc as well as any proposed security measures.</li><li>7. <b>Requirement 9</b> – to ensure the planting and establishment of new trees, request the inclusion in the Order of an express provision to the effect that if any tree/shrub dies within [5] years of planting then it is to be replaced with a specimen of the same species and size as originally planted.</li><li>8. <b>Requirements 11 and 24</b>- There is no mention of pollution control, nor getting the agreement of the Flood Authority nor the Environment Agency. Requirements 11 and 24 should be amended for clarify and completeness.</li><li>9. <b>Requirement 15</b> - There should be the requirement for a “before” and “after” road condition survey in the Construction Traffic Management Plan.</li><li>10. <b>Requirement 16</b> - Places a restriction on commencement of Works 1-3 (generating station, energy storage facility, onsite substation) until design details including noise mitigation measures have been</li></ol>
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			<p>approved. This raises the question who will “sign off” on the mitigation measures (and when). BDC query whether any of the other works should be similarly restricted – notably work 5 (extension of existing substation). Moreover, preliminary works should not be excluded here.</p> <p>11. <b>Requirement 17</b> – states that permissive paths will be maintained until commencement of decommissioning. However, there could be sometime between commencement and completion of decommissioning.</p> <p>12. <b>Requirements 19 and 28</b> - relates to soils management resource plans required to be approved by the local planning authorities before commencement of any phase / before commissioning / before decommissioning. The requirement raises the issue of monitoring compliance with the approved plan(s), namely who and when.</p> <p>13. <b>Requirement 26</b> - There should be the requirement for a “before” and “after” road condition survey in the Construction Traffic Management Plan.</p> <p>14. <b>Schedule 14 – Arbitration Rules</b> - The provisions here are reasonable, however this Schedule would benefit from a section that confirms the primary objective of appointing an Arbitrator – i.e. to achieve a fair, impartial, final and binding award on the parties. This could be dealt with here or, potentially, at Article 40. It is recommended that the Arbitrator is asked to determine an award on the difference between the parties (i.e. any award will not be below the parties</p>
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			<p>lowest value, nor higher than the parties highest value/position) and within [4 or 6] months.</p> <p>In addition, the Mineral and Waste Planning Authority (MWPA) has the following comment on Article 6 (4).</p> <ol style="list-style-type: none"> <li>1. <b>Article 6 (4)</b> - The MWPA cannot accept Article 6 (4). The MWPA cannot support, in principle, an application for non-mineral development conflicting with an extant mineral planning permission. As an objection in principle, there is no 'wobble room'. Any negotiation will need to be with the holder of the permission which then may result in a revised scheme being put before the MWPA for its consideration. This is considered to be the only way that the MWPA's objection in principle could be resolved by the MWPA. As a planning authority, it is not understood how the MWPA could in effect either revoke or otherwise not respect the primacy of an extant permission when operations are being carried out in compliance with that planning permission.</li> </ol>
6. General Matters			
3.6.2	Host Authorities	The ExA notes the draft section 106 agreement submitted at Deadline 5 [REP5-005]. Please provide a policy justification for the obligation set out in Schedule 1, explain why the HAs consider it is necessary and how it would make the Proposed Development acceptable in planning terms.	Policy SP6 (Infrastructure and Connectivity') of Section 1 of BDC's Adopted Local Plan requires all development to be supported by the provision of infrastructure, services and facilities that are identified to serve the needs of the development. Part (C) of this Policy specifically addresses Social Infrastructure, stating that BDC will work with Developers to <i>'facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable'</i> . Under the 'Education' section of the

			<p>Policy it specifically goes on to state that <i>‘practical vocational training, apprenticeships, and further and higher education will be provided and supported’</i>.</p> <p>Policy LPP78 (‘Infrastructure Delivery and Impact Mitigation’) of Section 2 of the Adopted Local Plan is also relevant and states that <i>‘permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms’</i>. It goes on to state that <i>‘for the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied’</i>.</p> <p>There is therefore a clear policy basis from the BDC perspective for ensuring appropriate mitigation is secured. The Applicant’s proposed ‘Skills, Supply Chain and Employment’ obligation is directly linked to the proposed development and to the specialised local need which it will generate with a ‘Skills, Supply Chain and Employment Plan’ and a ‘Skills and Education’ contribution with BDC/CCC/ECC being required under the s106 Agreement to use the latter to increase opportunities for individuals in the renewable and sustainable development sector, likely including the provision of training and apprenticeships.</p> <p>BDC consider that for a scheme of this size, which is of national significance but locally is clearly of huge importance that the proposed plan and contribution is an integral and essential part of the proposal that would help to mitigate its impact upon the District, to ensure that the opportunities for</p>
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			<p>expansion and upskilling of the local renewable sector and its infrastructure presented by the scheme are taken and that the Renewable sector in the area is actually equipped to deal with the ongoing requirements of a scheme of this size over a prolonged period. This would all form an important part of the necessary mitigation package for the proposal which would be required to make it acceptable in planning terms and which should be weighed in the overall planning balance when assessing the overall acceptability of the scheme.</p>
8. Landscape and Visual Effects			
3.8.1	Host Authorities	<p>The ExA notes the comments from the Host Authorities in their respective LIRs in relation to Glint and Glare and the Applicant's response to the matters raised at Deadline 2 [REP2-029].</p> <p>The ExA also understands that the HAs have subsequently commissioned an independent review of the Applicant's Glint and Glare report, the outcome of which it was indicated would be submitted into the Examination at Deadline 5.</p> <p>The Host Authorities are requested to provide an update on the independent review and identify any outstanding concerns/comments in relation to Glint and Glare at Deadline 6.</p>	<p>The Independent Glint and Glare Report has now been received by BDC/ECC/CC and is submitted to the Examination for Deadline 6 by BDC on behalf of all 3 Host Authorities. The key findings of the report are set out below as the Council's main comments/concerns and the Report has been shared with the Applicant. The Reports key findings are summarised below:</p> <ul style="list-style-type: none"> <li>• Whether Network Rail have any concerns with the proposed development, particularly in the context of any railway signals in the area.</li> <li>• Whether any residential, road, or rail receptors have been excluded solely on the basis of vertical angle relative to the panel area.</li> <li>• Whether residential receptor 40 is predicted to experience a 'High' impact, following consideration of current visibility. If so, whether mitigation has been implemented to remove/reduce these effects.</li> <li>• Whether the recommended mitigation for the residential receptors is predicted to obstruct views from all floors or the ground floor only. If the ground</li> </ul>



			<p>floor only, it is recommended that the Magnitude of Impact is increased to 'Low'.</p> <ul style="list-style-type: none"> <li>• Whether the hedgerow screening is confirmed to be fully opaque year-round, or at least during the times that glare is predicted.</li> </ul> <p>The applicant has considered the findings of the report and has responded to the Host Authorities.</p> <p>BDC notes the applicant's response and has no further comments to make. In respect of glint and glare and its effect on Highway safety, BDC defers to ECC Highways Authority as to whether the impact is acceptable.</p>
<b>11. Water Environment</b>			
3.11.2	Host Authorities	<p>Table 3-4 of the SoCG between the Applicant and the Host Authorities indicates that discussions are ongoing in relation to additional mitigation in relation to the Water Environment (Ref: WAT-11).</p> <p>Please provide further details of any additional mitigation being sought.</p>	<p>BDC can confirm that no additional mitigation is being sought and WAT-11 has been updated accordingly at Deadline 6.</p>
<b>12. Transport and Traffic</b>			
3.12.1	BDC	<p>Please state whether or not the Council considers the Proposed Development would comply with BDC Policy LLP42. If not, please explain.</p>	<p>BDC consider that the development proposal complies with Policy LPP42. BDC defer to ECC Highways for technical highway matters as they are the statutory Highway Authority.</p>