



Longfield Solar Farm

Deadline 7 – Applicant's Responses to Earlier Submissions and Responses to Rule 17 Requests

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Deadline 7

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Longfield Solar Energy Farm Ltd

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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 6, or where they have not been responded to previously.

1.1.2 The following Interested Parties submitted representations at Deadline 6:

- Braintree District Council (BDC);
- Chelmsford City Council (CCC);
- Essex County Council (ECC);
- Environment Agency;
- Ministry of Defence;
- Essex Local Access Forum;
- Boreham Conservation Society;
- Forestry Commission;
- Ms Rance; and
- No to Longfield Campaign Group.

1.1.3 Matters raised by the Environment Agency and Ministry of Defence do not require a response. However, responses are provided in this document (**Sections 2-7** of this document) to the other representations; noting that matters raised by the Host Authorities are responded to collectively in Section 2 of this document.

1.1.4 The Applicant also responds to Mr Bentley's submissions at Deadline 5 (**Section 8** of this document) at this deadline.

1.1.5 This document also responds to the two Rule 17 Requests as follows:

- Rule 17 Request, dated 3 January 2022: The responses provided in **Section 2** of this document respond to the matters raised in the request. Furthermore, the Applicant has submitted an updated version of the Consents and Permissions Position Statement.
- Rule 17 Request, dated 9 January 2022: **Section 9** provides a response to the matters raised.

2. Applicant’s Response to Matters Raised by the Host Authorities

2.1.1 Table 2.1 provides a response to the comments received from BDC and ECC. It also responds to the requests of the Examining Authority, in its Rule 17 Request dated 3 January 2022, to respond directly to some of the specific points made by those authorities.

Table 2.1: Responses to Matters Raised by Host Authorities

ECC / BDC joint comments at D6	Applicant’s response
<p>Part 1 Preliminary. 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 <u>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</u> and ‘maintenance’ and ‘maintaining’ are to be construed accordingly.”</p>	<p>The proposed additional wording (underlined) is already achieved via the article itself. Article 5 gives the undertaker the power to maintain the authorised development, and that power is subject to sub-paragraph (3) which confirms that the article does not authorise any works likely to give rise to any materially new or different effects that have not been assessed in the Environmental Statement.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Part 3 Streets, Article 10 (Construction and maintenance of altered streets) - for clarity Article 10 would benefit from a trigger that confirms when Longfield’s 12-month period of liability starts/ends.</p>	<p>The 12 month period in Article 10 are triggered by completion of the works in each case, and then ends 12 months later. The Applicant does not consider further clarity is required.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Part 3 Streets, Article 12(c) (Access to works) – for clarity Article 12 (c) would benefit from the following amendment “with prior <u>written</u> approval of the relevant planning authority...”</p>	<p>Article 43(1) provides that “<i>Where an application is made to or request is made of, a consenting authority for any consent, agreement or approval required or contemplated by any of the provisions of the Order (not including the requirements), such consent, agreement or approval to be validly given, must be given in writing.</i>” It is therefore unnecessary to include the word “written” in Article 12(1)(c) as this is already achieved via Article 43(1).</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Part 6, Miscellaneous and General, Article 34(3) (Consent to transfer the benefit of</p>	<p>The Applicant has made this change for Deadline 7.</p>

<p>the Order) – for clarity it should read “the prior <u>written</u> consent of the Secretary of State”.</p>	
<p>Part 6, Miscellaneous and General, Article 37(1) (Felling or lopping of trees and removal of hedgerows) - 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>	<p>Standard drafting is adopted in this Article and it is based on a model provision included in numerous made DCOs (for example see Article 32 of The Cleve Hill Solar Park Order 2020 and Article 16 of The Little Crow Solar Park Order 2022). The ability to lop/fell is restricted by the limbs of Article 37(1) (a) to (c), as well as sub-paragraph (2). In the example given relating to the passage of construction traffic, Article 37(1)(c) limits this “<i>to the extent necessary for the purposes of construction or decommissioning of the authorised development</i>”, and sub-paragraph (2) requires that the undertaker “<i>must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity</i>”.</p> <p>Sub-paragraph (5) requires that the undertaker may not fell or lop a tree or remove a hedgerow under this Article within the extent of the publicly maintainable highway without the prior consent of the highway authority.</p> <p>It is also noted that removal of hedgerows is controlled by sub-paragraph (4) (and the hedgerows identified in Schedule 12).</p> <p>Elsewhere, in the Design Principles [REP6-007] vegetation loss in relation to Work No. 4 (cable route) and Work No. 6 (works across the site) is restricted as shown on the Vegetation Removal Plan [REP5-006]. There are also measures in the Outline Landscape and Ecological Mitigation Plan (OLEMP) [REP6-009] which deal with vegetation removal and replacement planting - see paragraphs 2.2.3(h) (replacement planting on the cable route where vegetation is removed), 2.3.15-17 (tree works) and 2.3.18 (hedgerow and tree works).</p> <p>The Applicant considers that there are appropriate protections in place with respect to the powers in Article 37.</p> <p>This response has been shared with ECC and BDC, and the Councils have indicated that they do not accept the Applicant’s position on this point, and they rely on their Deadline 6 submission.</p>

<p>Requirements 7(1) and 22(1) – 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.</p>	<p>The detailed design requirement (Requirement 7) includes details of: (d) external appearance, (e) hard surfacing materials, and (f) vehicular and pedestrian access, parking and circulation areas. The Applicant considers those details would capture details of materials, finishes and vehicular access and parking. The Design Principles [REP6-007] (with which the details submitted for approval are required to comply) include principles relating to external appearance which includes materials and finishes. The Applicant does not agree that any further amendment is required in this respect.</p> <p>In terms of security, the Councils would need to approve details of lighting as part of detailed design (Requirement 7(1)(g)) and temporary and permanent fences, walls or other means of enclosure under Requirement 10. The Outline Operational Environmental Management Plan (OEMP) [REP5-007] includes details on security at Section 2.8, and that document is required to be approved by the Councils and then implemented as approved (Requirement 14). It is considered that provision is already made for appropriate oversight by the Councils in terms of security measures and no amendment is proposed.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant's response on this point.</p>
<p>Requirement 9 – 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.</p>	<p>The principle of measures to secure establishment and replacement of trees is agreed, and the Applicant has already secured this via the OLEMP [REP6-009].</p> <p>The OLEMP sets out in Section 3 how landscaping will be maintained during the first five years following implementation (see paragraph 3.1.1). There are then headings of "Establishment maintenance" under each type of vegetation which set out establishment measures during a 5 year establishment maintenance period –</p> <ul style="list-style-type: none"> - At paragraph 3.4.6 onwards, and within that section paragraph 3.4.7 sets out measures to inspect, and record any failed or defective plants, and to replace failed / defective plants with matching species of the same size during the next planting season. This section relates to Hedgerow with Trees.

	<ul style="list-style-type: none"> - Further reference is made to a detailed plan for establishment maintenance and the five year establishment maintenance period in the context of woodland at paragraph 3.5.9 and following. This includes replacement planting at paragraph 3.5.11. - A similar section is then found at paragraph 3.6.6 and following in relation to individual trees and includes replacement planting during the 5 year period in paragraph 3.6.8(i). - At paragraph 3.7.6 and following similar provisions are made with respect to scrub, including replacement planting within the 5 year period at paragraph 3.7.8. - At paragraph 3.8.7 and following provision is made with respect to Species Rich Grassland, with provision for remedial action to be agreed. <p>At paragraph 1.4.3 mention is made of the five year establishment after care period, in the context of the contractor's responsibilities in this respect.</p> <p>Approval and implementation of the OLEMP is secured by Requirement 9.</p> <p>The Applicant considers that the provisions requested by the Councils are already secured via the OLEMP and DCO, and no further amendments are proposed.</p> <p>This response has been shared with ECC and BDC, and the Councils have indicated that they do not accept the Applicant's position on this point, and they rely on their Deadline 6 submission.</p>
<p>Requirements 11 and 24- 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.</p>	<p>In terms of pollution control, measures in this respect will be secured via the Construction Environmental Management Plan (CEMP) and OEMP. See for example in Table 3-4 in each of the outline CEMP [REP4-014] and OEMP [REP5-007], which include measures in relation to pollution relating to runoff, groundwater etc.</p> <p>Requirements 11 and 24 (surface and foul water drainage) require approval of the drainage strategy in consultation with Essex</p>

	<p>County Council as the lead local flood authority. The Environment Agency has not asked to be a consultee, and the Applicant does not consider that necessary. The Environment Agency is required to be consulted on the approval of the CEMP (Requirement 13) and the OEMP (Requirement 14).</p> <p>There is nothing preventing the relevant planning authority consulting with the lead local flood authority or the Environment Agency on requirements if it considers that is necessary.</p> <p>This response has been shared with ECC and BDC, and the Councils have noted this response and indicated they have no further comment, other than to refer to their Deadline 6 response.</p>
<p>Requirement 15 - There should be the requirement for a “before” and “after” road condition survey in the Construction Traffic Management Plan.</p>	<p>The requirement for road condition surveys is already secured via the Construction Traffic Management Plan (CTMP) [REP4-007]. Section 7.4.2, entitled “Road Condition Surveys” provides:</p> <p><i>“A road condition survey will be carried out on Wheelers Hill, Cranham Road and Waltham Road (limited to the 125m section between Cranham Road and the proposed site access) pre-construction, during construction and post-construction, to identify any defects that arise to highways assets/ verges during the construction phase of the Scheme for re-instatement.</i></p> <p><i>In addition, a separate road condition survey will be carried out for the route between the A12(T) and the Order limits, including on the RDR in the instance that this is not adopted, to identify any defects that arise to highways assets/ verges as a result of abnormal loads for re-instatement. As above, this survey would be carried out both before and after any abnormal loads travel on the network.”</i></p> <p>Approval and implementation of the CTMP is secured via requirement 15. The Applicant does not consider any further amendment is required.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Requirement 16 - Places a restriction on commencement of Works 1-3 (generating station, energy storage facility, onsite</p>	<p>The relevant planning authority is required to approve the assessment and mitigation with respect to operational noise pursuant to</p>

<p>substation) until design details including noise mitigation measures have been 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>Requirement 16. The design for the Proposed Scheme as approved by the relevant planning authority must be implemented. Implementation of the approved details is a legal requirement on the undertaker that it must comply with. As the enforcing authority, it is within the relevant planning authorities’ control to take appropriate action if it considers the requirement has not been complied with. Generally, in terms of ongoing monitoring and reporting, this has been proposed in the relevant management plans where it is considered appropriate and necessary. Requirement 16 has been drafted as relating to numbered works 1, 2 and 3 as a result of the outcomes of assessments in the Environmental Statement. The Applicant does not consider there is a need for a similar requirement in relation to operational noise at Bulls Lodge.</p> <p>In terms of the permitted preliminary works, these are works excluded from the “<i>commencement</i>” of construction, which is the trigger for the strategy to be approved. However, this noise mitigation itself relates to operation, so the noise mitigation would be implemented and in place for operation, and does not relate to, or mitigate, construction generally and the permitted preliminary works specifically. The Applicant does not consider there is any justification for the operational noise mitigation having to be approved ahead of permitted preliminary works taking place in the construction period.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Requirement 17 – states that permissive paths will be maintained until commencement of decommissioning. However, there could be sometime between commencement and completion of decommissioning.</p>	<p>It is correct that the Applicant would remove the permissive paths at the start of decommissioning. This is a point of practicality as there would be decommissioning works going on and it would not be possible to retain paths during those operations.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant’s response on this point.</p>
<p>Requirements 19 and 28 - relates to soils management resource plans required to be approved by the local planning authorities before commencement of any phase / before</p>	<p>The position in terms of monitoring is as set out above in response to comments on Requirement 16. As with the CEMP, the monitoring of the SMP would be the</p>

<p>commissioning / before decommissioning. The requirement raises the issue of monitoring compliance with the approved plan(s), namely who and when.</p>	<p>responsibility of the Site Environmental Manager onsite. The Applicant does not consider any reporting to the Councils is required, however, if required that could be agreed as part of the approval of the final plans.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant's response on this point.</p>
<p>Requirement 26 - There should be the requirement for a "before" and "after" road condition survey in the Construction Traffic Management Plan.</p>	<p>Please see response to the comment on Requirement 15.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant's response on this point.</p>
<p>Schedule 14 – Arbitration Rules - 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 lowest value, nor higher than the parties highest value/position) and within [4 or 6] months.</p>	<p>The Applicant notes the inclusion of a "primary objective" in the Arbitration Rules in The Cleve Hill Solar Park Order 2020, along the lines of that proposed by the Councils, and is content to include this in the draft DCO (and has done so at Deadline 7).</p> <p>Paragraph 4(2) in Schedule 4 requires the Arbitrator to make an award on the substantive differences between the parties. The Applicant's preference would be to avoid being overly prescriptive as to the arbitrator's role, and to avoid losing time in the process by requiring the parties to agree a range within which the arbitrator has to make a decision. Given the range of potential disputes and positions of the parties, it is difficult to see how specifying lowest and highest values / position would be helpful or even possible, given the nature of the issues that could be in dispute is unlikely to be capable of being simplified in that way.</p> <p>This response has been shared with ECC and BDC, and the Councils have accepted the Applicant's response on this point.</p>
<p>1. Article 6 (4) - 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. 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</p>	<p>In addition to the comment from the Councils, the Rule 17 request from the Examining Authority states:</p> <p><i>"The Explanatory Memorandum (EM) [REP1b-005] explains that an inconsistency is likely to arise between the proposed DCO and the Park Farm Planning Permission (CHL 1890/87). It goes on to note that, given that this permission has the potential to interfere with the proposed development, the Applicant deems it necessary to disapply the planning permission over the area of overlap at plot</i></p>

<p>otherwise not respect the primacy of an extant permission when operations are being carried out in compliance with that planning permission.</p>	<p><i>1/2C (to the extent that there is an inconsistency between the permission and the Order).</i></p> <p><i>As drafted, Art 6 (4) places a restriction on the ability to take enforcement action for a breach of the Park Farm Planning Permission¹. However, it does not ‘disapply’ the Park Farm planning permission (nor does it revoke or otherwise affect the permission itself).</i></p> <p><i>Please can the Applicant provide clarification on the intended purpose of Art 6(4), the effect it considers Art 6(4) would have on the Park Farm Planning Permission, explain the nature of the inconsistency it considers is likely to arise and, if necessary, update the EM accordingly.”</i></p> <p>The Applicant has considered the comments from the Examining Authority and accepts that Article 6(4) as currently drafted does not strictly disapply the Park Farm Planning Permission. The Applicant has amended the wording of Article 6(4) of the draft DCO at Deadline 7 to refer to planning conditions ceasing to have effect rather than deeming no breach generally. The Explanatory Memorandum has also been updated at this Deadline to better reflect what the article now does.</p> <p>The potential inconsistency between the Proposed Scheme and the Park Farm planning permission at plot 1/2C relates to whether conditions attaching to the permission can be complied with, in particular to carry out the development in accordance with an approved phasing plan and any approved restoration plan. The effect of Article 6(4) (as amended at this Deadline 7) is that where conditions attached to the Park Farm planning permission are inconsistent with the Proposed Scheme (with respect to plot 1/2C), they would cease to have effect (or in other words, are disapplied). As a result, the developer of the Park Farm planning permission could not be in breach of the relevant condition of its planning permission, in circumstances where it could not comply with it due to the Proposed Scheme.</p> <p>The comments from Essex County Council as the minerals authority suggest it is not</p>
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	<p>possible to disapply or otherwise affect the Park Farm Planning Permission under the DCO. Article 6(4) is included in the Order pursuant to section 120 of the Planning Act 2008. Section 120 provides for what may be included in an order granting development consent. The disapplication of conditions relating to the Park Farm planning permission would fall within section 120(3), on the basis that it is a matter ancillary to the main development, and section 120(5)(c), which enables the Secretary of State to include any provision that appears to them to be necessary or expedient for giving full effect to the Order. The disapplication of a planning permission has been achieved in other made orders, for example, Article 3(3) of The Lake Lothing (Lowestoft) Third Crossing Order 2020. In the Applicant's view, not only is the disapplication of conditions attaching to the Park Farm Planning Permission possible, it is also necessary in order that the Order addresses the overlap of the two consents (if the Order for the Proposed Scheme is made), in order to avoid a situation where one or both consents becomes void entirely by virtue of the inconsistency.</p> <p>The comments from Essex County Council re-iterate its in principle objection on the ground of conflict with its minerals policy, and the Applicant has responded to that both orally in the Issue Specific Hearing on environmental matters on 29 September 2022 and in the Applicant's Written Summary of Longfield Solar Energy Farm Limited's Oral Submissions at the Environmental Matters Hearing on 29 September 2022 [REP3-039] at paragraphs 5.1.4 through to 5.1.24.</p>
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3. Applicant's Response to Matters Raised by Essex Local Access Forum

- 3.1.1 An additional permissive path has been included on the northern boundary of PDA 7 following a review of the proposed permissive paths in response to comments received from the Essex Local Access Forum (ELAF). The new permissive path will connect Rolls Farm Lane in the south, to the proposed permissive path west of Leyland's Farm in the north. This permissive path will be open to all users (pedestrians, cyclists and equestrian users). It shown on the Permissive Paths Plan (Rev A) and Outline Landscape Masterplan (Rev A), both submitted at Deadline 7. Equestrian users will be permitted on this path as per the principles set out in the and in the Applicant's Written Summary of Longfield Solar Energy Farm Limited's Oral Submissions at the Environmental Matters Hearing on 29 September 2022 [REP3-039]
- 3.1.2 The Applicant has considered the ELAF's suggestion for a permissive path in the south to connect two public rights of way on the east of Waltham Road without having to walk along the Waltham Road for a short stretch (as already happens). Unfortunately, the Applicant is not able to provide this link at this time, as the Applicant does not expect to have appropriate land rights to provide this. However, the Applicant will continue to explore this, and should it become possible in the future it would look to do so.

4. Applicant's Response to Matters Raised by Boreham Conservation Society

- 4.1.1 In common with all listed buildings within a 1km study area of the Proposed Development, the significance of Bird's Farmhouse, Brent Hall and Little Holts is assessed in the Desk-based assessment (DBA) appended as Appendix 7A: Heritage Desk Based Assessment of the Environmental Statement (ES). The DBA also assesses the settings of the listed buildings together with the contribution that the setting makes to their significance.
- 4.1.2 Chapter 7: Cultural Heritage of the ES did not anticipate any physical impacts to built heritage assets from the construction or operation of the Proposed Development and noted that any impact on them would be as a result of changes to setting. The ES chapter assessed the following impacts on Bird's Farmhouse, Brent Hall and Little Holts during the construction and operation phases of the Proposed Development:
- Bird's Farmhouse: Very low impact on a Medium value asset resulting in a Negligible significance of effect;
 - Brent Hall: Low impact on a Medium value asset resulting in a Minor adverse significance of effect; and
 - Little Holts: Low impact on a Medium value asset resulting in a Minor adverse significance of effect.
- 4.1.3 None of these impacts are considered significant in EIA terms. There is no direct correlation between the significance of effects identified through the EIA process and the level of harm caused to heritage significance. The assessment of harm arising from the impact of the Proposed Development was determined using professional judgement and provided in Appendix E: Designated Heritage Assets Harm Statement of the Planning Statement. In the cases of Bird's Farmhouse, Brent Hall and Little Holts harm was assessed as less than substantial as defined by the NPPF. The NPPF (at paragraph 202) indicates that in instances where development would cause less than substantial harm to the significance of a designated asset the harm should be weighed against the public benefits of the proposal to provide a balanced judgement. The case for the balancing of public benefits against harm to cultural heritage assets as a result of the Proposed Development is put forward in the Planning Statement.

5. Applicant’s Response to Matters Raised by the Forestry Commission

<p>The EIA Scoping Report has seven ancient woodlands within of immediately adjacent to the study area that are of particular concern to the Forestry Commission. They are; Brickhouse Wood, Hookley Wood, Sandy Wood, Scarlett’s Wood, Ringer’s Wood, Porters Wood, which is adjacent to Toppinghoehall Wood (north), and Toppinghoehall Wood (south).</p>	<p>An arboricultural impact assessment has been submitted for the project [REP3-033 and REP3-034]. Paragraph 1.5.5. of this report confirms 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).”</p>
<p>It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 175)</p>	<p>The Project does not result in the loss or deterioration of irreplaceable habitats including ancient woodland. This is confirmed in the arboricultural impact assessment [REP3-033 and REP3-034] and ecological impact assessment [APP-040]. These identify no potential for significant effects on ancient woodland.</p>
<p>Please note that the Standing Advice on Ancient Woodland on GOV.UK includes the recommendation of the incorporation of buffer zones around ancient woodlands to avoid direct or indirect damage to the woodland. The Standing Advice states ; For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you are likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic. A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter.</p>	<p>Paragraph 1.5.5. of the arboricultural impact assessment [REP3-033 and REP3-034] confirms 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).”</p> <p>Paragraph 1.5.3 of the report states that “A verification survey will be carried out during the detailed design to confirm the conclusions of this Arboricultural Impact Assessment remain valid prior to start of construction and to identify any veteran (or ancient) trees within the Order limits that are outside of the areas shown on the Vegetation Removal Plan (Figure 10-15 of 6.3 Environmental Statement [APP-186]) that need to be protected. No development or works will take place in the Root Protection Area (RPA)/buffer zone (determined as 15x stem</p>

	<p><i>diameter or canopy +5m – whichever is greater) should additional veteran trees be identified within the Order limits.”</i></p>
<p>You should plant buffer zones with local and appropriate native species. You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling. You should avoid including gardens in buffer zones. You should avoid sustainable drainage schemes unless: they respect root protection areas any change to the water table does not adversely affect ancient woodland or ancient and veteran trees</p>	<p>Buffer zones around ancient woodlands will be planted with a grass seed mix, except where the landowner has existing farm tracks – these will be retained and not grassed but will not be used as part of the Project.</p>
<p>With regard to on-site cabling, both below and above ground, it is recommended that its installation avoids tunneling under or crossing through any of the ancient woodland. Similarly, we would recommend that access to sites avoids the ancient woodlands and their buffer zones</p>	<p>There is no proposed works within ancient woodland or within the buffer areas identified above. Access also avoids the ancient woodlands and their buffer zones. This is shown through the Works Plans [REP3-003 and REP3-004] and Illustrative Concept Design [APP-110].</p>

6. Applicant's Response to Matters Raised by Ms Rance

- 6.1.1 The Applicant is continuing to engage with the Interested Party to bring forward a technical solution for the installation of the cable in plots 2/5, 2/6 and 2/6/1 which allow their proposals to be brought forward alongside Longfield Solar Farm.
- 6.1.2 As set out in Round 1 Written Questions [REP1b-042] flexibility is being sought within the Order land to limit the impact of development. Plots 2/5, 2/6 and 2/6/1 are within Works No.4 – the 400kv cable route. Flexibility is sought for this works number to allow for future micro siting – for example to avoid veteran trees, ecology features, or unexplored buried archaeology. The Applicant recognises that this flexibility needs to be balanced with the voluntary land negotiations currently ongoing.
- 6.1.3 This flexibility allows the Applicant to continue to make changes to mitigate impacts on landowners and resolve concerns through private treaty agreement. Where it is not possible to mitigate all impacts, private treaty agreements and the dDCO [REP6-003] provide for compensation to be payable in accordance with the Compensation Code.
- 6.1.4 There is no proposal to take access at the corner of Chantry Lane, access will be along 2/6 and 2/6/1 from north to south before crossing 2/5 into 2/4. This will minimise any impact on users of Chantry Lane and the wider highway network.
- 6.1.5 An arboricultural impact assessment has been submitted into the Examination [REP3-033 and REP3-034]. It is understood that the Interested Party is concerned about mature trees on their property, which are identified as locations 24 and 25 on the Vegetation Removal Plan [REP5-006]. These are shown on sheet 10 of the Tree Constraints Plan in the arboricultural impact assessment, which identifies these trees/groups as:
- Location 24 as G97, G98, T83, T84, T85, T86, and T87.
 - Location 25 A G102, T93, and G105 (and possibly a small edge of G104).
- 6.1.6 Table 2 of Section 5 of the arboricultural impact assessment lists the affected trees and groups of vegetation. In summary there are no Category A trees, which is the highest rating for a tree. There are several Category B and C trees, which for the former are trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years, and for the latter are trees that are in poor condition, typically not considered a risk for planning, and only have around ten years of contribution left. Specifically:
- G97 and G98 are Category C groups that are assessed as being part removed.
 - T83 is Category C and is assessed as potentially requiring some incursion into its construction exclusion zone. Paragraphs 5.5.6 and 5.5.7 discuss this further.
 - T84, T85 and T86 are Category B and has been assessed as being removed.
 - T87 is Category B and is assessed as potentially requiring some incursion into its construction exclusion zone.
 - G102 and T93 are not affected by the Scheme.
 - G104 and G105 are Category C groups that are assessed as being part removed.

- 6.1.7 The arboricultural assessment provides an assessment of the removals and incursions, proposed control measures, and proposed planting.
- 6.1.8 Engagement continues with this Interested Party and their agent to reach a resolution.

7. Applicant's Response to Matters Raised by the No to Longfield Campaign Group

- 7.1.1 The Applicant notes the submissions made by the No to Longfield Campaign Alliance Group. The Applicant has responded comprehensively on matters relating to landscape and visual impacts, in particular in our written submissions following the issue specific hearing on environmental matters.
- 7.1.2 With regard to the impact of fencing on biodiversity, the Scheme is designed to improve the habitats and allow passage of mammals including deer throughout the Scheme.
- 7.1.3 As stated in Paragraph 2.5.115 of the Environmental Statement Chapter 2: The Scheme [REP1b-011)] mammals gates are proposed to be installed in the fencing surrounding the solar arrays typically every 50m. Due to security these will not be large enough for the passage of larger species of deer (such as Red Deer and Roe Deer), but Muntjac Deer, Chinese Water Deer, along with Badger, Fox and smaller mammals could use these.
- 7.1.4 There is no legislative basis to provide commuting or foraging habitat for deer, but these mammals will benefit from the Scheme with new and improved foraging habitat (i.e. replacement of intensively managed arable to more diverse grassland) and continued access to habitats within and surrounding Scheme. The new planting to achieve this will include 8.6km of new native hedgerows with hedgerow trees; 20.6km of native hedgerow enhancement, 23.2ha of land for natural regeneration; 3ha of new native woodland buffer planting measuring 25m wide to form ecological corridors between existing woodlands; 0.6ha of native linear tree belts measuring 15m wide; a new north/south green route, via a new permissive path; and 131ha of new species rich grassland in open areas. All existing and new woodland and hedges will have an unfenced buffered that will allow access alongside these habitats.
- 7.1.5 In addition, around the fenced solar arrays there will 272ha of new species rich grassland below solar arrays and 42km of species rich grassland around the perimeter of proposed solar arrays accessible by smaller deer and mammals (but not the larger species of deer).
- 7.1.6 In summary whilst there is likely to be a change to mammal commuting/foraging routes as a result of the Scheme, foraging habitats will be improved and accessible resulting an overall benefit to mammals.

8. Applicant's Response to Matters raised by Mr Bentley

- 8.1.1 The Applicant would like to confirm that the background mapping data used within the work plans [REP3-003 and REP3-004] was taken from Ordnance Survey data. The applicant has not amended any labelling or annotations from this data and so the data is presented on the Applicant's plans is as received from Ordnance Survey.
- 8.1.2 The location of geographic features such as ponds and trees were not the primary driver in the evaluation of setback for Work no.1 (the Solar PV works area). The Applicant worked with local residents at pre-submission to review set back from properties. The Applicant has made sure a setback of Work no.10 is secured in this area through the works plans, and through consultation agreed that the offset from this property was to be 50m from the curtilage boundary to the fence line. The Applicant has tried to balance the operational effect on residential properties with the need to make the best use of land under control of the Applicant.

9. Applicant's Response to Rule 17 Request, dated 9 January 2022

- 9.1.1 Paragraph 2.5.72 of Ch 2 Scheme Description [REP1b-011] of the Environmental Statement states: '*The Grid Connection Route will contain ... a) An underground 400kV cable circuit (Work No. 4A(i)), consisting of: - An underground cable trench approximately 3m wide and 3m deep....*'. This aligns with the Outline Design Principles [REP6-007] despite (as the Examining Authority has noted) the Concept Design [REP6-005] being based on a 1900mm wide cable trench.
- 9.1.2 The ecological effects associated with Work No 4 are affected by the area where impacts occur rather than the width of the trenches. Paragraph 8.5.1 of Chapter 8 Ecology [APP-040] clarifies that the assessment of the Grid Connection Route '*requires a 20m working width, [which] will run from the Longfield Substation and the Battery Energy Storage System (BESS) just north of Toppinghoehall Wood travelling southwest across Boreham Road Gravel Pits Local Wildlife Site (LoWS) to the existing Bulls Lodge Substation*'. The assessment assumes the loss of vegetation/impacts on ecology throughout this 20m working width, within which the trench will be located. The specific width of the trench within this working width is immaterial, and there would be no change in the assessment conclusions between 1900mm (1.9m) and 3m (or indeed if the trench had been wider than 3m). It is for this reason that the flexibility allowed by the design principles for this trench is not discussed in more detail within the chapter.
- 9.1.3 *The same point applies to the Landscape and Visual Assessment.*
- 9.1.4 It is not considered necessary to restrict the cable trench width parameter to 1900mm. A working width of 20m has been assessed in the ES for ecology and landscape & visual impacts within which the trench, working machinery, laydown, and other activities associated with the grid corridor will occur. The precise location and width of the trench within this 20m working width does not affect these assessments within the ES.