

23rd February 2023

Dear Sir/ Madam,

**Lower Thames Crossing – Planning Inspectorate Reference: TR010032:
Representations on behalf of Mrs J Carver of**

1. We write on behalf of our client, Mrs J Carver, to register a formal **OBJECTION** to the Lower Thames Crossing (LTC) Development Consent Order Application that was received by the Planning Inspectorate on 31st October 2022 and submitted by National Highways.
2. These representations include an outline of our principal submissions that LPP intend to make in relation to the application and include an outline of the main points, as required as part of the ‘Registration and Relevant Representations form process’.
3. Our submission concerns the impact on our client’s residential amenity, quality of life and property generally, as well as the impact on the Franks Farm complex including the setting of several designated heritage assets, and the operation of business and recreation facilities that are also located at Franks Farm.
4. These representations build on our previous submissions dated, 20th December 2018, 20th March 2020, 12th August 2021, 7th September 2021 and 21st June 2022 in response to the statutory Pre-Application Consultation, Supplementary Consultation, Design Refinement Consultation, Community Impacts Consultation, and Local Refinement Consultation respectively.

Summary of Main Representations

5. Mrs Carver owns the freehold of Franks Farm, a Grade II listed residential property with ancillary buildings consented for Class E(d) indoor sport, recreation or fitness use, Class E(g)(i) office use and Class B8 storage or distribution uses, set within approximately 20 hectares (50 acres) of grounds comprising landscaped gardens with associated grazing and woodland. It is also her principal residence. The eastern boundary of the property abuts the M25 motorway embankment between St Mary’s Lane to the south and the Shoeburyness railway line to the north.

Managing Director:
John Lawson, BA(Hons), MPhil, MRTPI

Directors:
Sharon Lawson, BA(Hons), DipTP, MRTPI
Georgina Brotherton, BSc(Hons), MSc, MRTPI

Technical Director:
Aarti O’Leary, BSc(Hons), MA(Merit), MRTPI

Associate Director:
Natalie Makepeace, BA(Hons), MSc(Dist), MRTPI

Consultant:
James Lawson, BA(Hons), MA, MRTPI



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6. Only minor revisions have been made to the proposals affecting Franks Farm and the scheme will have a significant adverse impact on the amenity and quality of life enjoyed at the property during both the construction and operational stages of the LTC scheme.
 7. Important scheme mitigation measures requested in our previous representations have not been addressed, which are considered to be appropriate, reasonable and feasible, and should be incorporated.
 8. The road infrastructure, including new carriageways sited 1.5 metres above the existing carriageway, embankments and high retaining walls, would also substantially encroach into the site and create an unsightly outlook when experienced from various parts of the property. This diminished outlook, when combined with higher traffic levels intruding into the property boundary, would result in noise and vibration increases and a reduction in air quality. These significant impacts would singularly and cumulatively, compromise residential amenity and the quality of life enjoyed by our client and other occupiers.
 9. The proposals would also adversely affect the significance of the Grade II principal and curtilage listed buildings, amounting to 'substantial harm' to their setting as designated heritage assets. Consequently, without appropriate mitigation, the scheme would unnecessarily contravene the preservation tests set out in planning policy and legislation.
 10. The proposals would also involve the removal of a significant number of established trees, recognised by Defra in the National Forest Inventory.
 11. Despite numerous requests, the scheme lacks specific mitigation measures, which need to be incorporated in the DCO as summarised below:
 - ❖ Relocation of the drainage pond and associated compound/ maintenance land to the area to south of St Mary's Lane;
 - ❖ Reduction of the amount of land used to create the embankment wherever possible;
 - ❖ Provision of an acoustic fence along the full length of the eastern boundary located at the top of the road embankment;
 - ❖ Reinstatement of the former barn to the north-east corner of the site, adjacent to the curtilage listed outbuildings;
 - ❖ Translocation of the existing mature trees and further replacement tree planting along the eastern boundary with semi-mature or mature replacements to replace the mature specimens lost;
 - ❖ Installation of a 2 metre high fence to the western side of the access track at the base of the road embankment needed for maintenance purposes, for security and privacy purposes; and
 - ❖ Provision of a separate access from St Mary's Lane to the offices and yoga studio that bypasses, or branches off from, the main driveway.

Scheme Design Objections and Requested Revisions

Relocation of Drainage Pond and Associated Compound/ Maintenance Area/ Temporary Works/ Utility Works

National Planning Policy Framework (2021)

12. Paragraph 130(f) states that developments should create places that promote health and wellbeing and include a high standard of amenity for existing and future users.
13. Paragraph 199 confirms that, when considering impacts of development on the significance of a heritage asset, great weight should be given to its conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
14. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, will require clear and convincing justification.

Havering Borough Local Plan (2021)

15. Policy 7 seeks to protect residential amenity by requiring that developments should not result in unacceptable overlooking or loss of privacy or outlook; unacceptable loss of daylight and sunlight; and unacceptable levels of noise, vibration and disturbance.
16. Policy 28 supports development within the setting of listed buildings, provided that it would not be harmful to the significance of the heritage asset, including its historic and architectural interest.

Summary of Concerns and Requested Changes

17. There is a large area within the south east part of our clients site partly allocated as 'permanent acquisition of land' (Ref: 44-21), (to the east of the driveway), partly allocated as 'temporary possession of land and permanent acquisition of rights' (Ref: 44-20 and 44-09), (around the area proposed for permanent acquisition and including part of the driveway), and partly allocated as 'temporary possession of land' (to the west of the driveway) (Ref: 44-07).
18. It is still unclear what the land to the west of the driveway is to be used for. The submitted 'General Arrangement Plan' (Land Plan Ref: 44-07) and Application Document Number TR010032/APP/2.5) does not identify any works proposed in this area nor does the Temporary Works Plan (Sheet 44, Application Document Number TR010032/APP/2.17) identify this area as being required during the construction phase. Therefore, the potential impacts to the occupiers of Franks Farm are not fully known. If the land is not required, then it is requested that the applicant confirms this, and this area is removed from the Order Limits.
19. The proposals include 'underground multi utility works' along the frontage of the Franks Farm site and around the proposed drainage pond (pond 12) as shown on 'Utilities Works Plan – Sheet 44' (Application Document Number TR010032/APP/2.6). It is not clear what these works comprise but if it involves the laying of underground utilities infrastructure, this could mean that the woodland planting proposals shown on the General Arrangement Plan (Application Document Number TR010032/APP/2.5) would not be able to be planted within this area, which would impact on the

landscape mitigation proposals. It is requested that the underground utility works are relocated (if feasible) to be fully within or ideally located to the south of St Mary's Lane.

20. The proposals include a large drainage pond (pond 12) with associated fencing, access and maintenance space in the south-eastern corner of the Franks Farm site, with this land to be permanently acquired. It is considered that, through both the construction phase and ongoing maintenance that would be required, there would be short and long-term negative effects on the amenity of those residing at Franks Farm and users of the offices, contrary to the national and local planning policy objectives detailed above.
21. The area to be permanently acquired, which extends to our client's driveway, is considered to be unnecessarily excessive. The proposed works to create and maintain the drainage pond would harm the significance (setting) of the Grade II listed heritage assets on the site without justification for allocating such a large parcel of land for such purposes in this location.
22. The DCO application Drainage Plan – Sheet 44, (Application Document Number TR010032/APP/2.16) shows a large parcel of land to the south of St Mary's Lane that is to be permanently acquired (Ref-44-19) for "open space provision, replacement open space or replacement common land" and for a "*Ecological habitat creation and receptor site for protected species.*" Given this land is an existing solar farm, more suitably located away from residential properties, relocation of the proposed drainage pond to this area is considered to be preferable from a residential amenity and future management and maintenance perspective. It would also make a positive contribution to the ecological value of the receptor site and could create habitats of value for amphibians and reptiles.
23. In light of these considerations, our client objects to the proposed drainage attenuation pond (pond 12) and it is requested that the proposed drainage pond and maintenance area is relocated to the area to the south of St Mary's Lane. This would involve the installation of a culvert under St Mary's Lane to enable surface water from catchment area '9T' to flow into either a newly proposed attenuation pond south of St Mary's Lane or drain into the proposed attenuation pond 11, east of the M25, which covers catchment area '9S' covering the M25 and land to the east and west of it.
24. Following a meeting with National Highways Officers on 15th July 2021, it was confirmed that the proposed siting of the drainage pond on our client's land was only a preferred location and that, subject to further feasibility work, it may be possible for this to be relocated to the land to the south of St Mary's Lane. However, Officers advised that there would be insufficient time to review alternative options prior to the submission of the DCO, which at that time was anticipated to be at the end of 2021.
25. As the DCO application was not submitted until October 2022, it is unclear why the feasibility of relocating the proposed drainage pond could not have been undertaken prior to submission. Chapter 3 of the ES – Assessment of Reasonable Alternatives has been checked and the feasibility of relocating the drainage pond is not included as having been assessed as a potential reasonable alternative. We therefore request that this feasibility exercise is undertaken at the earliest opportunity. This is particularly important given that concerns have been raised on this matter numerous times within our previous representations dated 20th March 2020, 12th August 2020, and 7th September 2021 and 21st June 2022 providing ample opportunity to consider alternative options prior to submission of the DCO.

26. In the event that the drainage pond could be relocated to land south of St Mary's Lane, we would also request that the land at the southern end of the Franks Farm site shown as accommodating the drainage pond and associated access and maintenance space be removed from the LTC plans and assurances provided that this land would not be utilised for any other part of the associated works.
27. Should further assessment conclude that it would not be feasible to relocate the drainage pond, and full justification provided to explain why this is the case, the size of the area for this purpose should be reduced and restricted to the eastern portion only, with none of this area to be used for maintenance. In addition, the size and shape of the drainage pond should be amended to reduce its overall prominence and to limit the level of existing vegetation to be removed.

Land Required for the Proposed Embankment Area to Eastern Site Boundary

National Planning Policy Framework (2021)

28. Paragraph 20(d) states that sufficient provision should be made for conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure.
29. Paragraph 130(c) requires all developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
30. Paragraph 174(d) confirms that planning policies and decisions should contribute to, and enhance, the natural and local environment by minimising impacts on, and providing net gains for, biodiversity.
31. To protect and enhance biodiversity and geodiversity, paragraph 179(b) promotes the conservation, restoration and enhancement of priority habitats and ecological networks, and the protection and recovery of priority species.

Havering Borough Local Plan (2021)

32. Policy 29 identifies the Council's intention to maintain and expand the network of green spaces and natural features in the Borough. Development that includes green infrastructure on-site that is multifunctional and integrates into the wider green infrastructure network will be supported.
33. Policy 30 states that the Council will protect and enhance the borough's natural environment. Developments that promote the qualitative enhancement of sites of biodiversity value by maintaining trees, native vegetation, and improving and restoring open spaces and green infrastructure will be supported.

Summary of Concerns and Requested Changes

34. The DCO application proposes along the eastern boundary of our client's site a retaining wall to the northern section, with two thirds of the site to include an unsightly embankment that would result in the loss of a significant number of mature trees, which currently provide a high degree of visual and noise related mitigation from the M25 motorway for our client.
35. These existing trees also provide an established, attractive setting for the estate and visually separate Franks Farm from the M25. In addition, these trees are recognised by Defra within the National Forest

Inventory. Their loss would significantly harm the visual context and setting of Franks Farm, as well as the local landscape character, whilst also being detrimental to biodiversity interests.

36. National Highways Officers at a meeting in July 2021 advised that the incorporation of 'Kriblok-style' retaining wall was not likely to be forthcoming as an amendment to the scheme design, despite this option allowing for the retention of a significant proportion of the existing trees, while also providing a biodiversity enhancement in the form of a green wall effect.
37. Notwithstanding National Highways position, we wish to reiterate our formal request that the amount of land used to construct the embankment be reduced wherever possible to ensure that as much existing vegetation remains unaffected as is achievable.
38. In addition, we request that any trees proposed to be removed to facilitate the embankment and attenuation pond are translocated elsewhere within the Franks Farm site, as opposed to being disposed of. Furthermore, a comprehensive replacement planting scheme comprising a suitable species mix and density should be provided, with semi-mature/ mature trees incorporated with a like-for-like canopy spread as the existing trees. Further representations in respect of the loss of trees and replacement planting are set out later in this letter.

Access Arrangements to Franks Farm Offices, Fitness Centre Building and Warehouse Buildings

National Planning Policy Framework (2021)

39. Paragraph 110 requires development proposals to ensure that safe and suitable access can be achieved for all users.
40. Paragraph 112 requires the creation of places that are safe, secure, attractive and that minimise the scope for conflicts between road users.
41. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
42. Paragraph 130(f) states that planning policies and decision should create places that promote health and wellbeing.

Havering Borough Local Plan (2021)

43. Policy 23 requires development to optimise sustainable access and other future transport connections, wherever applicable.
44. Policy 12 requires developments to provide opportunities for healthy lifestyles, contribute to the creation of healthier communities and help reduce health inequalities.
45. Policy 19 supports the sustainable growth and expansion of business and enterprise in rural areas.

Summary of Concerns and Requested Changes

46. The DCO application (Application Document Number: TR010032/APP/2.17) proposes a 'Main works access route' to the east of the current Franks Farm site access, with the access point being retained permanently to provide maintenance access only to the attenuation pond.
47. Previous consultation material has acknowledged that access to the fitness centre building, offices and warehouse buildings may be restricted as a result of the LTC proposals but it does not state for how long and when. Furthermore, in light of the grant of planning permission for additional office space (Class E (g)(i) and yoga studio (Class E(d) in this location, granted planning permission in 2022, such restrictions would be extended to current or future occupiers of this floorspace.
48. Disrupting access to employment floorspace could have detrimental economic consequences, while restricting access to recreation and fitness buildings would be contrary to national and local planning policy objectives that seek to promote health and wellbeing.
49. To address such restrictions, it is requested that a separate access from St Mary's Lane to the commercial/leisure buildings, bypassing the main farmhouse, is included in the proposals. The options for creating this route include:
 - ❖ Utilising the proposed access to the attenuation pond and adding a route north from the proposed access arrangements around the proposed drainage pond (if it is demonstrated that its relocation to a more suitable site would not be feasible);
 - ❖ Creating a new access on St Mary's Lane, ensuring that the requisite visibility splays could be achieved in light of proximity to the bridge to the east of the existing access, where the M25 crosses St Mary's Lane; or,
 - ❖ Creating a spur from the existing driveway to the eastern boundary and then to the offices and fitness centre.
50. Our client requests that access arrangements for the employment floorspace is incorporated as part of the application proposals to address identified restrictions that would arise.

Acoustic Fencing Along Eastern Boundary & Road Surfacing Treatment

National Planning Policy Framework (2021)

51. Paragraph 130(f) states that development should create places that promote health and wellbeing and include a high standard of amenity for existing and future users.
52. Paragraph 174(e) states that planning policies and decisions should contribute to, and enhance, the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
53. Paragraph 185 advises that planning policies and decisions should ensure new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of

pollution on health, living conditions and the natural environment. They should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Havering Borough Local Plan (2021)

54. Policy 7 seeks to protect residential amenity by requiring that developments should not result in unacceptable overlooking or loss of privacy or outlook; unacceptable loss of daylight and sunlight; and, unacceptable levels of noise, vibration and disturbance.
55. Policy 34 states that development proposals that unduly impact on amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination will not be supported.

Summary of Concerns and Requested Changes

56. Our client's property currently experiences a high level of noise and vibration due to the proximity of the M25 motorway, especially since the unmitigated fourth lane was added to this section in 2012. A key concern raised within our earlier representations is that this current unsatisfactory situation would be exacerbated as a result of the proposed additional infrastructure, particularly with the new carriageway being sited 1.5 metres higher than the existing road network, its closer proximity to sensitive human receptors, and the associated noise generated by intensified traffic levels.
57. Furthermore, the proximity of the new carriageway to the property is likely to result in higher noise and vibration levels that would adversely affect the amenity and enjoyment of the domestic garden areas, adjoining commercial buildings and yoga studio. There have also been recent security concerns regarding pedestrians accessing the site via the M25, which are likely to be worsened during the construction phase of the LTC scheme.
58. The DCO application does not propose an acoustic barrier along the widened carriageway alongside Franks Farm and it is understood that the Acoustic Barrier Appraisal submitted as part of the ES (Appendix 12.10 – Road Traffic Noise Mitigation and Cost Benefit Analysis) did not assess the impact of providing an acoustic barrier at this location. Paragraph 4.1.1 states that *"The Project has been designed to use earthworks to keep the road low in the surrounding landscape. This is the primary way the Project has sought to control environmental impacts from noise."* However, the part of the M25 adjacent to Franks Farm sits at a considerably higher level than Franks Farm and therefore it is not possible to reduce the height of the road as a noise mitigation measure.
59. The Environmental Statement (ES), Chapter 12 – Noise and Vibration, paragraph 12.5.14 advises that for operational road traffic noise, all new and altered roads associated with the Project will be surfaced with a Thin Surface Course or Low Noise Surface (LNS).
60. The DCO application proposes a two-lane parallel link road up to 1.5m higher than the existing M25 to the east of Franks Farm. The submitted ES Figure 12.6 - Operational Road Traffic Noise Mitigation, proposes a road surface treatment for the new link road as well as the existing section of M25 carriageway. The report advises that the surface treatment would reduce the noise by only -3.5dB(A).

61. An updated independent noise survey has been commissioned on behalf of our client to assess the likely impacts of the proposed works. This survey will be submitted once it has been completed. Notwithstanding this, a previous noise survey was undertaken and concluded that noise generated during the construction period *“will cause significant adverse impacts to occupiers of Franks Farm”*.
62. Due to the topography of the land, including high level exposed embankments, it is not feasible to provide physical mitigation measures to reduce the likely impacts arising from the construction works. The survey additionally confirmed that *“the existing noise environment currently exceeds the guideline values in BS8233:2014 resulting in a significant impact on the quality of life for the occupiers of Franks Farm”*.
63. It should also be noted that, as the dwelling at Franks Farm is a Grade II listed building, the addition of conventional double or triple glazed windows is not an option as a potential noise mitigation measure. We therefore maintain our previous request for suitable acoustic fencing to be installed along the length of the eastern boundary adjoining the carriageway, which is considered appropriate and necessary, to help mitigate the noise impacts arising from the scheme proposals.

Heritage Asset Setting Considerations and Reinstatement of Former Barn to North-East Corner of Franks Farm

National Planning Policy Framework (2021)

64. Paragraph 130(c) requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change.
65. Paragraph 130(f) states that developments should create places that promote health and wellbeing and include a high standard of amenity for existing and future users.
66. Paragraph 197 states that, in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.
67. Paragraph 200 explains that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.

Havering Borough Local Plan (2021)

68. Policy 28 supports development within the setting of listed buildings, provided that it would not be harmful to the significance of the heritage asset, including its historic and architectural interest.

Summary of Concerns and Requested Changes

69. The Franks Farm property contains a designated heritage asset – the Grade II listed farmhouse, together with other buildings that have ‘curtilage listed’ status. The farmhouse and curtilage listed buildings are situated in the north-eastern part of the site, bounded by the embanked M25 motorway on the eastern side.

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70. The current layout of Franks Farm largely reflects the historic form of the farmstead that has existed on the site since, at least, the 19th century, with the principal domestic accommodation lying to the west of a main grouping of agricultural outbuildings.
71. The Grade II listed main house is a timber-framed structure, in part dating from the 15th century with 17th century and later extensions. The curtilage listed buildings are primarily red brick former stables and other agricultural outbuildings of 19th century origin, which together with a recently constructed barn-type building, form a traditional farmstead grouping of ancillary outbuildings.
72. As indicated on the historic OS plan (c1896) and aerial photograph **enclosed**, this group of outbuildings originally included a further substantial building to the east, effectively completing the traditional farmstead group of buildings. This side of the yard is presently open (and visually incomplete), exposing the outbuilding group to the nearby embanked motorway.
73. From the M25 itself, the farm complex is visible from both existing carriageways, with relatively open views of the eastern outbuildings (including the curtilage listed structures), which in turn provide partial screening of views of the farmhouse.
74. The ES Appendix 6.1 - Cultural Heritage Desk-based Assessment, submitted with the application has assessed Franks Farmhouse (Ref: LB115), to be of 'high value' (Paragraph 5.3.264), with the special architectural and historical interest of the building reflected in its Grade II designation.
75. The report states at Page 646 *"Franks Farmhouse (LB115) is a 15th to 17th century house located off St Mary's Lane in Upminster. The house is timber framed, plastered and colour washed, with the left-hand wing built in brick. The original interior has been greatly altered but does still feature crown post roofs, exposed timber framing and panelling. The value of this asset lies predominantly in its evidential value, such as the surviving historical fabric in the building. Several associated farm buildings form the immediate setting of the asset to the east and west of the farmhouse, along with a moated area which surrounds the farmhouse to the east, south and west. These provide some aesthetic value and this aspect of the setting contributes significance by illustrating the history of the site. The wider setting of LB115 is characterised by the surrounding rural landscape which has been greatly altered by the M25 motorway immediately to the east, visible from the grounds of the listed building and audible from the building itself, and forming part of its modern setting as a result. The Order Limits extend into the grounds belonging to the asset, therefore the setting of the asset extends to the Order Limits. Although several surviving associated farm buildings and the moat form the immediate setting of the asset, the rural landscape surrounding the farmstead has been disturbed by the M25 motorway and consequently the wider setting of the asset makes a lesser contribution to its significance"*.
76. In terms of the curtilage listed barns, to the east of Franks Farmhouse, the ES (Paragraph 5.3.457, Page 162) states:
- "The site is near the existing M25 corridor and the setting of the remaining historic barn (622) is influenced by the presence of motorway traffic and the extensive modern alterations to the historic farmyard which is now primarily used for car parking"* (Paragraph 5.3.456). The report assesses these assets to be of medium and negligible value respectively (Paragraph 5.3.457).

77. In terms of assessing the impact of the proposals on Franks Farm (Heritage Asset) the ES states:

“Franks Farmhouse (LB115) is a Grade II listed building, located adjacent to the existing route of the M25. The Project would slightly increase the scale of the existing motorway infrastructure adjacent to this heritage asset (Application Document 6.2, Figure 6.6, Viewpoint N-4). The EA continues that “To limit the land required adjacent to Franks Farmhouse (LB115) and the property of St Mary’s Lane, a retaining wall rather than earthworks would be provided. Either soft landscaping would be provided to soften the visual impact of the structures or planted green walls would be provided (Design Principle S14.09). With this embedded mitigation in place, the operation of the Project would cause a permanent impact of minor adverse magnitude to this high-value asset resulting in slight adverse effects, which are not significant”. (Page 224, Paragraph 6.6.348)

78. In terms of assessing the impact of the proposals on the curtilage listed buildings (non-designated Heritage Assets) the ES states:

“The operation of the Project would result in harm to the setting of the medium value non-designated Large Barn to North East of Franks Farmhouse (622) which would affect its value. This would result in a permanent impact of minor adverse magnitude and a slight adverse effect which is not significant”. (Page 225, Paragraph 6.6.353)

79. LPP does not concur with the assessment findings of the ES with regards to Franks Farm or the curtilage listed buildings. Within our previous representations we highlighted that the significance (setting) of the Grade II farmhouse and curtilage listed outbuildings would be directly and adversely affected by the proposed LTC works, resulting from the closer physical proximity of the proposed infrastructure. This would be exacerbated by the proposed formation of a substantial retaining structure opposite a section of the property occupied by the courtyard buildings. In addition, the height of the proposed carriageway (up to 1.5m metres above the existing carriageway) demonstrates even greater harm to the setting of the heritage assets at Franks Farm.

80. The effect of this would be to introduce harmful, discordant and substantially scaled urban elements into the setting of the group of traditional farmhouse buildings that are:

- ❖ Unsympathetic in terms of the existing rural context and character;
- ❖ Disproportionate in terms of scale;
- ❖ Alien in terms of the proposed design and materials; and
- ❖ Significantly more visible from and intrusive to the heritage assets, representing a constraint to the enjoyment of the assets.

81. This would result in ‘substantial harm’ to the significance of the setting of the designated heritage assets as a result of the proposed works, contrary to the national and local planning policy objectives highlighted above, with no overriding justification to outweigh the harm. The harm to the setting of the heritage assets will be substantial, and we request that to help mitigate the harmful impact, a traditional barn-type building be included. This should be sited to the east of the existing curtilage listed outbuildings, which would reinstate the original building in this location that was in existence since c.1896 prior to being lost to fire in the 1980s.

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82. Such a traditionally designed building constructed as part of the overall LTC works would be contextually appropriate and would reflect the historic farmstead grouping/ layout evident in the 1896 OS plan. It would effectively reinstate the former traditional farmstead layout and enhance the significance of the heritage assets.
83. It would also provide a visual and physical divide between the heritage assets and the line of the extended motorway, which would provide a degree of protection from the noise and vibration impacts previously identified. An illustrative design for such a building is **enclosed**.

Tree/Hedgerow Removal, Replacement Tree Planting and Lighting

National Planning Policy Framework (2021)

84. Paragraph 130(f) states that planning policies and decision should create places that promote health and wellbeing, with a high standard of amenity for existing and future users.
85. Paragraph 131 recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that that existing trees are retained wherever possible.
86. Paragraph 145 requires that, once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking to retain and enhance landscapes, visual amenity and biodiversity.
87. Paragraph 148 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
88. Paragraph 174(b) highlights that planning policies and decisions should contribute to, and enhance, the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of trees and woodland.
89. Paragraph 185 requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Proposals should limit the impact of light pollution from artificial light on local amenity.

Havering Borough Local Plan (2021)

90. Policy 27 requires development proposals to incorporate a detailed and high-quality landscape scheme that takes full account of the landscape character of the site and its wider setting; retains and enhances existing landscape features that contribute positively to the setting and character of the local area; and demonstrates how existing landscape features will be protected during the construction phase.

Summary of Concerns and Requested Changes

91. The DCO application shows that works to extend the motorway into our client's property include an enlarged embankment, which will involve the loss of a substantial number of trees planted by Mrs

Carver some time ago in the form of a wide woodland belt. This belt of established woodland provides a pleasant, landscaped setting to the site, a high level of visual amenity, and also helps to screen the motorway from views within the site. Furthermore, it was planted at great expense by our client.

92. The trees planted on the higher area of land closest to the motorway would be lost to the development, resulting in the motorway becoming more exposed and visually prominent, to the detriment of amenity and the character and environmental quality of the area.
93. Additionally, a large number of trees in the south-east corner of the site would be lost to accommodate the drainage pond (unless it can be relocated to a more suitable area). Figure 7.24 'Tree Removal and Retention Plan', (Application Document Reference No. TR010032/APP/6.2 & Planning Inspector Reference TR010032) shows woodland/trees proposed to be removed from Franks Farm. The proposals include the removal of three road frontage trees on the eastern side of the Franks Farm access and the removal of a number of trees on the western side of the access. The plan also indicates a number of trees along the private driveway proposed for removal (first section).
94. Franks Farm road frontage comprises an established tree landscape buffer, which screens Franks Farm from the road. The DCO submission documents identify the frontage hedgerow to be an "important hedgerow (subject to the Hedgerow regulations 1997)". The submitted Tree Removal and Retention Plan shows the removal of only 3 trees along the eastern section of the Franks Farm Road Frontage and the key states that "All woodland/trees and hedgerows to be retained unless shown removed". However, the General Arrangement Plan (Application Document Reference No. TR0010032/app/2.5), shows a proposed new hedgerow along the eastern section of the Franks Farm Road frontage and along the first section of the eastern side of the private access drive. The introduction of this hedgerow implies therefore that the 'Tree Removal and Retention plan' is incorrect and that the scheme proposals involve the removal the entire established roadside landscape buffer, and the first section of avenue planting along the private driveway and its replacement with a new hedgerow.
95. Clarification is sought as to the extent of tree and hedgerow removal proposed as part of the LTC scheme. The removal of the entire established landscape buffer on the eastern side of the access and the tree removal along the western side is not considered necessary to facilitate access to the site for construction purposes and to serve the proposed attenuation pond. It is requested that the existing tree/hedgerow woodland buffer is retained except for the access point to serve the attenuation pond (if it cannot be relocated south of St Mary's Road). If the existing tree/hedgerow landscape buffer is not retained, the proposed replacement hedgerow is not considered appropriate mitigation to address the impact of the loss of the established tree/hedgerow landscape buffer in this part of the site.
96. Overall, such an overall loss of trees would have a significant adverse impact on the landscape character of the area and involve a net loss in biodiversity interest within the site. There would also be harm to the quality of the Green Belt, and significantly increased visual and noise related harm to our client's amenity – particularly during the operational stage. Furthermore, the DCO application acknowledges the significant adverse effect that the tree removal would have on Franks Farm.
97. Appendix 7.10 – Schedule of Visual Effects, Table 2.4, reference VR-S14-R-005, states that the 'magnitude of visual effect' will be 'major' and the 'significance of effect' will be a 'large adverse effect' during construction, with the visual effect during operation (opening year) having a 'moderate adverse effect', with the design year having a 'slight adverse effect'.

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98. The proposals include ‘underground multi utility works’ along the frontage of the Franks Farm site and around the proposed drainage pond (pond 12) as shown on ‘Utilities Works Plan – Sheet 44’ (Application Document Number TR010032/APP/2.6). It is not clear what these works comprise but if it involves the laying of underground utilities infrastructure, this could mean that the woodland planting proposals shown on the General Arrangement Plan (Application Document Number TR010032/APP/2.5) would not be able to be planted within this area, which would impact on the landscape mitigation proposals.
99. In summary, the level of tree removal is not clear from the DCO application submission documents and the potential level of tree removal is considered unnecessary and should be addressed in the scheme design by restricting the level of planting lost for the embankment and the road frontage access and by relocating the drainage pond to land south of St Mary’s Lane, where no trees would need to be lost.
100. The level of replacement planting is considered insufficient and would not mitigate the loss appropriately and would not ultimately result in the reinstatement of the existing woodland planting lost during construction. Given the mature nature of the existing trees and established hedgerow, the replacement tree planting should take the form of semi-mature or mature tree planting, with a like-for-like canopy spread as existing. Furthermore, we request that any existing trees that must be removed are translocated elsewhere within the Franks Farm site. The current scheme proposals do not specify the type and size of replacement planting or include the translocation of any of the existing trees.
101. The proposed hedgerow and tree removal will also reduce security to Franks Farm as access to the site cannot be restricted following the removal of the mature hedgerow.
102. Furthermore, the proposed new lighting on the M25 together with the loss of woodland screening would have an adverse impact on the night-time environment at Franks Farm. Whilst it is acknowledged that overtime the replacement planting in the south east corner of the site would help to mitigate the impact of the proposed lighting to a certain degree, due to the retaining wall structure proposed on the eastern side of Franks Farm, with only a narrow strip of woodland planting proposed, followed by a small strip of grassland planting, this would not be sufficient to reduce the effects of the new lighting on the night time environment at Franks Farm and the curtilage listed buildings with light pollution likely to impact on the amenity of occupiers of Franks Farm.

Additional Points

103. In addition to the scheme design changes and proposed mitigation measures discussed above, there are some additional areas on which we seek confirmation or clarification, as detailed below.
104. There is a sewage treatment plant located to the north of the fitness centre building, within the area identified for ‘temporary possession of land and permanent acquisition of rights’. The requested assurances that the sewage treatment apparatus will not be damaged or interfered with during the LCT project works has not been received by our client. Therefore, the previously stated concerns are reiterated here.
105. We have previously requested that the LTC project team visits the Franks Farm site and physically demarcates with pegs or spray paint the exact boundaries of the area to be permanently and

temporarily acquired as a result of the proposed works. This will provide greater clarity for our client and allow her to fully appreciate the impacts of the proposed scheme on her land.

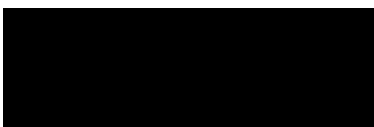
106. We also require clarification on the definition of 'temporary' in the context of land allocated for 'temporary possession' on the LTC plans. Specifically, we would like to understand the length of time this land is expected to be possessed and, therefore, confirmation on when our client will have full rights returned to those areas of land.

Conclusion

107. In conclusion, the proposed LTC scheme design in proximity to Franks Farm would result in:
- ❖ Substantial harm to the residential amenity and quality of life enjoyed by Mrs Carver in respect of the Franks Farm estate as a whole, both during the construction and operational stages of the development;
 - ❖ Substantial harm to the amenity, operation and potential viability of the curtilage listed buildings that are in lawful use (Use Class E and B8), during the construction and operational stages of the development.
 - ❖ Substantial harm to the significance (setting) of the Grade II listed building and its associated curtilage listed buildings, and their reduced enjoyment as designated heritage assets; and,
 - ❖ Significant harm to the rural context and character of the site in its Green Belt location, including landscape and ecological interests.
108. It is requested that the proposed drainage pond and associated compound/ maintenance area at the southern end of the Franks Farm site be relocated to the far more suitable large parcel of land to the south of St Mary's Lane, which is to be permanently acquired as Proposed Open Space Provision, Replacement Open Space & Replacement Common Land/ Potential Receptor Site for Translocation of Protected Species/ Flood Compensation Area. Officers have confirmed this may be possible, subject to feasibility work, and we therefore request this is undertaken at the earliest opportunity, and prior to the determination of the DCO application.
109. It is also requested that the amount of land used to construct the embankment to the eastern boundary is reduced wherever possible, to minimise the level of impact on existing vegetation.
110. In addition, the following additional mitigation and compensation measures are considered to be necessary to help address the identified environmental and property-based impacts:
- ❖ The provision of acoustic fencing along the full length of the eastern boundary located at the top of the road embankment;
 - ❖ Provision of a new replacement barn to the eastern side of the courtyard to the north-east of the site to reflect the submitted illustrative design;
 - ❖ Confirmation that the proposed fence to the western side of the proposed access track at the foot of the embankment will be a 2 metre high solid timber fence for security and privacy purposes;
 - ❖ Provision of a separate access route to the offices and yoga studio that bypasses the main residence; and,

-
- ❖ Proportional replacement and compensatory mature or semi-mature tree planting taking account of the amount of tree loss involved.
111. Furthermore, we seek clarification on the following points to help fully understand the detailed impacts those residing at and using Franks Farm:
- ❖ Details of the proposed use of the land immediately to the west of the existing access at the southern end of the site (identified for temporary possession);
 - ❖ Assurances that work on/ use of the land to the north of the fitness centre building (identified for 'temporary possession of land and permanent acquisition of rights') will not result in damage or interference with existing sewage treatment apparatus;
 - ❖ Clarity on the definition of 'temporary' in the context of land identified for 'temporary possession of land', and specifically the timeline associated with this;
 - ❖ Clarity on the trees and hedgerow proposed to be removed and assurances that any trees that must be removed will be translocated, where feasible, within the Franks Farm site as opposed to being disposed of; and
 - ❖ The exact boundaries of land to be permanently and temporarily acquired, which we request are physically demarcated with pegs or spray paint.
112. The above requests will not fully mitigate the significant impacts imposed on Mrs Carver's property but would at least provide some level of offsetting and compensatory mitigation, which in our view is certainly necessary and justified. From the outset of this infrastructure project, we were encouraged by the LTC Team to participate and seek to agree suitable revisions to ease the burden on our client. Unfortunately, the level of requested change and mitigation have not to date been taken on board, and therefore, it is requested that the required scheme changes are incorporated.

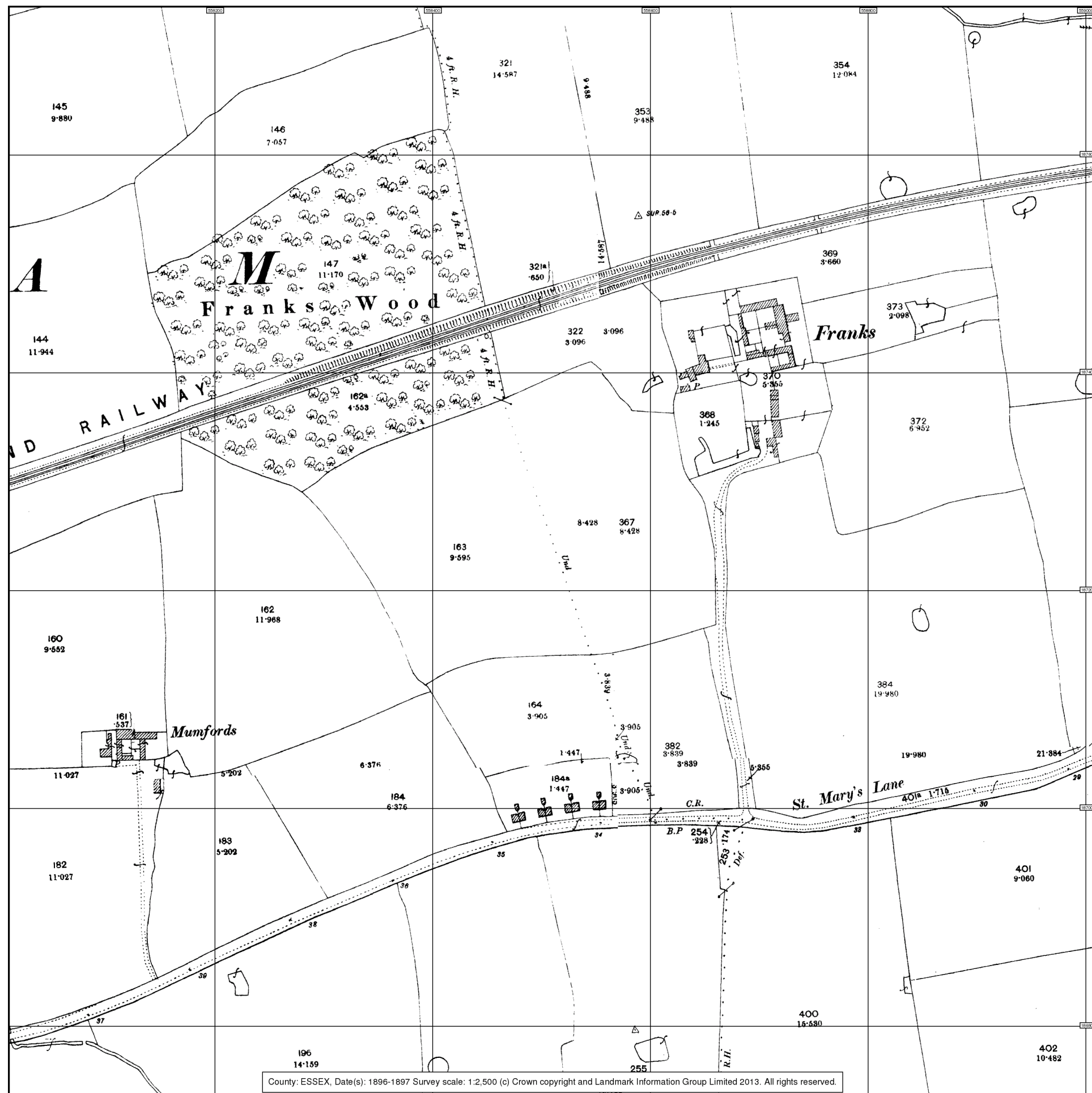
Yours faithfully




Georgina Brotherton
Lawson Planning Partnership Ltd

Enc.

Copy to: Sworders Chartered Surveyors
 Mrs J Carver



County: ESSEX, Date(s): 1896-1897 Survey scale: 1:2,500 (c) Crown copyright and Landmark Information Group Limited 2013. All rights reserved.

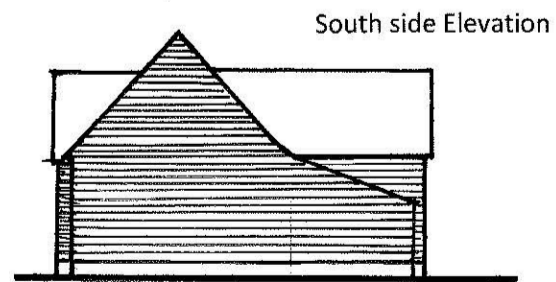
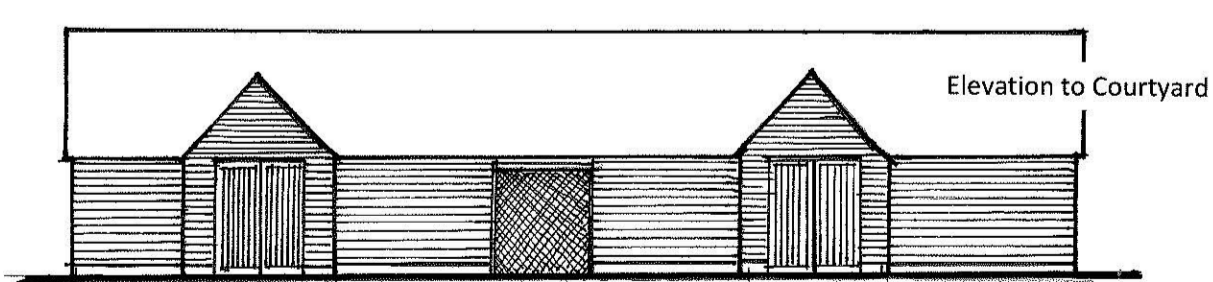
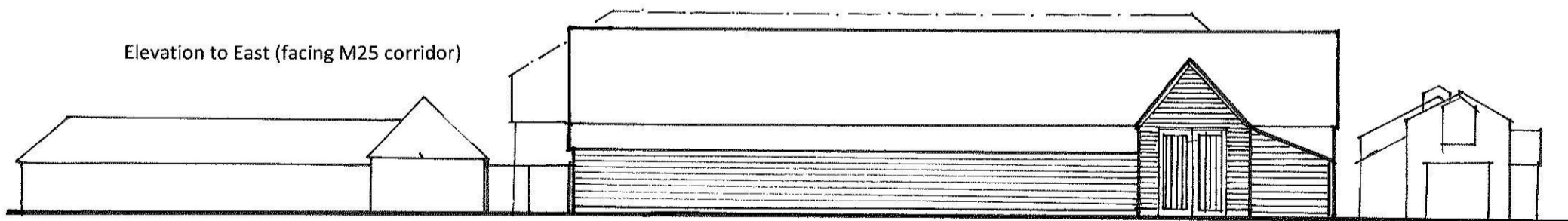
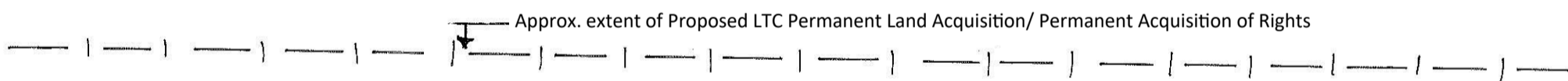
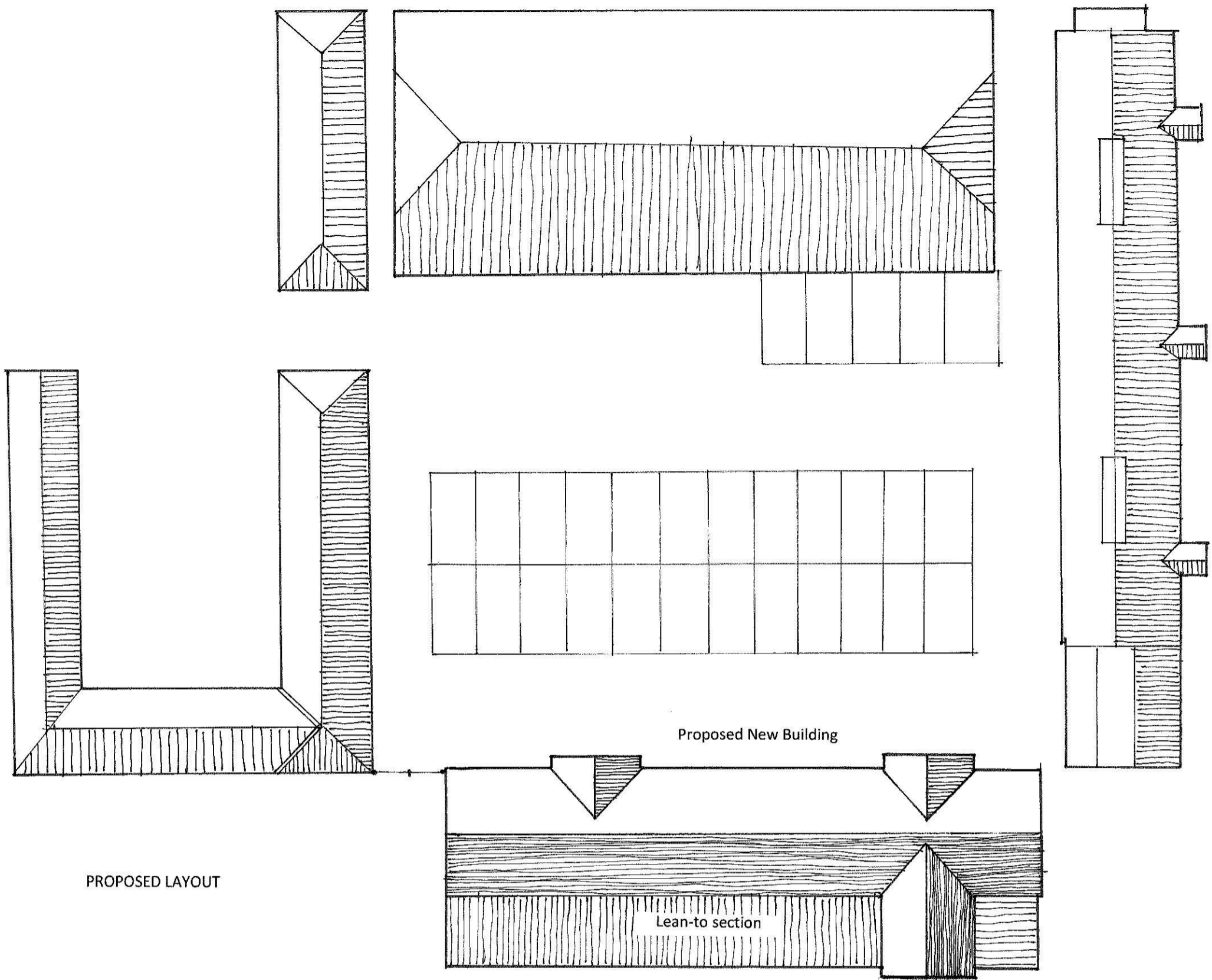


Landmark
Information Group

Landmark Historical Map
County: ESSEX
Published Date(s): 1896-1897
Originally plotted at: 1:2,500

Photograph of Former Barn





Client: Mrs J Carver

Proposed Reinstatement Building on site of Former Barn

Date: February 2020

Scale: 1:250 approx. @ A3
(do not scale)

Drawing no. LPP/147/FB5

Lawson Planning Partnership Ltd

882 The Crescent
Colchester Business Park
Colchester
Essex, CO4 9YQ
01206 835150

