

## **Application by Longfield Solar Energy Farm Limited for an Order Granting Development Consent for the Longfield Solar Farm project.**

### **The Examining Authority's Written Questions and Requests for Information (ExQ1)**

**Issued on 26 July 2022**

The following table sets out the Examining Authority's (ExA's) Written Questions in relation to the proposed Longfield Solar Farm project. Responses are required by **Deadline 1B** in the Examination Timetable, **Thursday 18 August 2022**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a statement of common ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number. If you are responding to a small number of questions, answers in a letter will suffice.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

References to the draft development consent order (dDCO) are to Version 1 of the dDCO [APP-011].

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [mailto:](mailto:LongfieldSolarFarm@planninginspectorate.gov.uk)

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Responses are due by **Deadline 1 (Thursday 18 August 2022)**.

### Abbreviations used

<b>AN</b>	<i>Advice Note</i>	<b>EM</b>	<i>Explanatory Memorandum</i>
<b>Art</b>	<i>Article</i>	<b>ES</b>	<i>Environmental Statement</i>
<b>AQ</b>	<i>Air Quality</i>	<b>ExA</b>	<i>Examining Authority</i>
<b>BESS</b>	<i>Battery Energy Storage System</i>	<b>FRA</b>	<i>Flood Risk Assessment</i>
<b>BMV</b>	<i>Best and Most Versatile land</i>	<b>fCTMP</b>	<i>Framework Construction Traffic Management Plan</i>
<b>BoR</b>	<i>Book of Reference</i>	<b>HRA</b>	<i>Habitats Regulation Assessment</i>
<b>CA</b>	<i>Compulsory Acquisition</i>	<b>IAQM</b>	<i>Institute of Air Quality Management</i>
<b>DCO</b>	<i>Development Consent Order</i>	<b>IPs</b>	<i>Interested Parties</i>
<b>dDCO</b>	<i>Draft Development Consent Order</i>	<b>km</b>	<i>Kilometre</i>
<b>DMP</b>	<i>Dust Management Plan</i>	<b>M</b>	<i>Metres</i>
<b>EA</b>	<i>Environment Agency</i>	<b>NE</b>	<i>Natural England</i>
<b>NPA2017</b>	<i>Neighbourhood Planning Act 2017</i>	<b>SI</b>	<i>Statutory Instrument</i>

<b>NSR</b>	<i>Noise Sensitive Receptor</i>	<b>RR</b>	<i>Relevant Representation</i>
<b>ODP</b>	<i>Outline Design Principles</i>	<b>SoCG</b>	<i>Statement of Common Ground</i>
<b>oCEMP</b>	<i>Outline Construction Environmental Management Plan</i>	<b>SoR</b>	<i>Statement of Reasons</i>
<b>oLEMP</b>	<i>Outline Landscape and Ecology Management Plan</i>	<b>SoS</b>	<i>Secretary of State for Business Energy and Industrial Strategy</i>
<b>oOEMP</b>	<i>Outline Operational Environmental Management Plan</i>	<b>SoS BEIS</b>	<i>Secretary of State for Business Energy and Industrial Strategy</i>
<b>P</b>	<i>Part</i>		<i>Statutory undertaker</i>
<b>PA 2008</b>	<i>Planning Act 2008</i>	<b>SU</b>	<i>Temporary Possession</i>
<b>R</b>	<i>Requirement</i>	<b>TP</b>	<i>Written Scheme of (Archaeological) Investigation</i>
		<b>WSI</b>	

### The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010118/EN010118-000352-Examination%20Library%20Longfield%20Solar%20Farm.pdf>

It will be updated as the Examination progresses.

### Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.



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ExQ.	Respondent:	Question:
<b>1. Air Quality</b>		
1.1.1	Applicant	Paragraph 14.3 of ES Chapter 14 (Air Quality) [APP-046] notes that should construction of the Battery Energy Storage System (BESS) be phased, <i>it is not considered likely</i> to change the conclusions of the AQ assessment. Please provide further justification for this statement and explain what confidence can be placed in this statement.
1.1.2	Applicant	The ExA notes that the Air Quality (AQ) measures outlined in Table 3.9 of the Outline Construction Environmental Management Plan (oCEMP) [APP-214] reproduce the IAQM's ' <i>Guidance on the assessment of dust from demolition and construction (2014)</i> ' verbatim. However, some of the cross references do not align and as a result create ambiguity. Please review and update accordingly.
1.1.3	Applicant and Host Authorities	ES Chapter 14 (Air Quality) [APP-046] states that dust monitoring will be carried out during construction and decommissioning activities in order to confirm the assessment conclusions. ES Chapter 9 explains that this will be outlined in the Dust Management Plan (DMP). Table 3-9 of the oCEMP [APP-214] includes a commitment to develop and implement a DMP, which " <i>...may include monitoring of dust deposition...</i> ". Can the Applicant and local authorities comment on the extent to which monitoring of dust deposition as part of a DMP is adequately secured in the application documents?
<b>2. Biodiversity, Ecology and the Natural Environment; Habitats Regulations Assessment</b>		
1.2.1	Applicant	Following the initial assessment that took account of embedded mitigation, Chapter 8: Ecology [APP-040] undertook further assessment of the impacts set out in paragraph 8.10.3, which were identified as having potential to result in significant effects on important ecological features (hedgerows; breeding bird assemblage; and breeding red kite, hobby and barn owl). For each of these impacts and receptors, the further assessment concluded that significant effects are not likely. Can the Applicant confirm whether any additional mitigation (beyond the embedded measures) was applied during the further assessment in order to reach the conclusion that significant effects would not occur?
1.2.2	Applicant	Post-construction monitoring for flora, birds (breeding and non-breeding), riparian mammals, badgers, bats (bat box roosting and activity survey), great crested newts and reptiles is proposed, as set out in Section 4 of the Outline Landscape and Ecology Management Plan (oLEMP) [APP-217]. It is stated that results from the post-construction monitoring will feed into the management plan and if required management may be amended accordingly based on this monitoring. Can the Applicant update the

ExQ.	Respondent:	Question:
		oLEMP to provide details of potential remedial measures should the proposed management measures not work as expected?
1.2.3	Applicant	Regarding potential temporary disturbance to breeding red kite, hobby and barn owl during construction and decommissioning, ES Chapter 8 (Ecology) [APP-040] states at paragraph 8.10.11 that “... <i>through appropriate monitoring and management during construction and decommissioning, impacts will be avoided...</i> ”. Can the Applicant clarify what monitoring measures are proposed in relation to these species during construction and decommissioning and how these are secured in the dDCO or other legal mechanism?
1.2.4	Applicant	<p>The HRA report [APP-202] states at paragraph 4.3.2 that although there is a possible hydrological connection between the Proposed Development application site and European sites, “<i>there will be no development of infrastructure within 50m of the River Ter</i>”. However, this statement appears inconsistent with other application documents, such as the oCEMP [APP-214] – which states in Table 3-3 that: “<i>No works will be undertaken within at least 10m of all watercourses, including a minimum of 8m from the edge the floodplain of the River Ter which is considered sufficient to mitigate for potential hazards such as chemical and soils spills into watercourses and avoid potential direct impacts to the River Ter and Otter, which occasionally use the river for commuting and foraging</i>”. Can the Applicant:</p> <ul style="list-style-type: none"> <li>• Confirm the separation distance between the proposed works and the River Ter and how this commitment is secured; and</li> <li>• If the confirmed separation distance is less than 50m as referenced in the HRA report, what would be the implications for the conclusions of the HRA report?</li> </ul>
1.2.5	Solar Campaign Alliance	Please expand on the concerns raised (in [RR-090]) in relation to the Applicant’s assessment of the impacts on biodiversity, which are described by the Solar Campaign Alliance as “insufficient”.
<b>3. Compulsory Acquisition and Temporary Possession</b>		
1.3.1	Applicant	The SoR [APP-014] refers to Part 6 in the Book of Reference (BoR) [APP-016] (Paragraphs 9.3.1, 9.3.5 and 9.3.6). However, Part 6 is not clearly identified in the BoR.

ExQ.	Respondent:	Question:
		<p>The ExA also notes that National Grid, Network Rail, Northumbrian Water and Eastern Power Networks Ltd are identified in the BoR all of which would be potential SUs for the purposes of section 127 PA 2008.</p> <p>The Applicant should ensure the Statement of Reasons (SoR) and/or BoR is updated in the next iteration to remove any ambiguity and clearly identify Part 6 (and the SUs affected). Updates should also be provided on discussions with all SUs whose interests may be affected along with an estimate of the timescale for securing any agreement.</p> <p>Please also state whether there are any envisaged impediments to the securing of such agreements and whether, having viewed the RRs, the Applicant intends to include any additional protective provisions in favour of affected SUs.</p>
1.3.2	Applicant	The works plans show wide limits of deviation for a number of the works proposed. Please explain why this degree of flexibility is required and confirm that the limits of deviation have been reduced to the minimum extent necessary.
1.3.3	Applicant/Anglian Water	The SoR [APP-014] refers to discussions taking place with Anglian Water (Paragraph 9.6.3). However, Anglian Water is not identified in the BoR and it is unclear what interests would be affected by the CA powers sought. Please explain how the CA powers sought affect Anglian Water interests.
1.3.4	Applicant	Please review the BoR and correct any typographical errors (e.g. Plot No 7/1D).
1.3.5	Applicant	The ExA notes that Plot no 8/1D/1 refers to Essex County Council in respect of FP113_33 but the description of Plot no 8/1D/1 does not include FP 113_33. Please provide clarification.
1.3.6	Applicant	<p>Paragraph 3.2 of the SoR [APP-014] notes that it is not intended that the scheme will be built in phases with the exception of the BESS (details of which the ExA notes can be found in ES Figure 2-26).</p> <p>Paragraph 3.2.4 refers to full details of phasing being available in the oCEMP. Please signpost where in the oCEMP further details of the proposed phasing can be found (See also ExQ 1.4.8 below).</p>
1.3.7	Applicant	Paragraph 7.3.2 of the SoR [APP-014] identifies a number of benefits which would be delivered as part of the scheme, including a 79% net biodiversity gain and a network of permissive paths. Please explain how these would be secured in the DCO (See also ExQ1.7.25 below).

ExQ.	Respondent:	Question:
1.3.8	Applicant	Paragraph 5.5.14 of the EM indicates that Art 25 in the dDCO is a precautionary provision which would give the Applicant power to override any easements and other rights which may exist. Is the Applicant aware of any rights already in existence over which this power may be exercisable?
1.3.9	Applicant	There are a number of parcels identified in the BoR [APP-016] for which the owners are not known. Please provide an update on efforts to establish these owners/interests and details on what further steps will be undertaken to identify these owners prior to the exercise of CA powers.
1.3.10	Applicant	Paragraph 7.5.7 of the SoR states that, in terms of site selection, a smaller scheme would not deliver the same generation capacity and as such would not represent a reasonable alternative. However, the ExA notes that there is no upper limit on total generation capacity. Please provide further justification for this statement in view of the uncertainty of total generation capacity as defined in Schedule 1.
1.3.11	Applicant	Please complete the attached CA Schedule (Annex A) providing updates where appropriate on the position in relation to ongoing negotiations for acquisition by agreement and include the total number of plots for which agreement has not been reached. The Applicant is requested to provide regular updates throughout the Examination.
1.3.12	Applicant	Given the extent of the Order land and the proximity of some residential and business premises to the development site, is the Applicant confident that there are no category 3 people outside the development site that might make a claim, and that part 2b of the BoR [APP-016] can remain empty?
1.3.13	Applicant/National Grid	Please provide an update on discussions with National Grid and identify any likely obstacles to reaching an agreement before the close of the Examination. You may wish to include this information in the requested SoCG and/or CA Schedule.
1.3.14	Applicant	What consideration has been given to offering full access to alternative dispute resolution techniques for those with concerns about the CA of their land?
1.3.15	Applicant	Annex C of the Guidance related to procedures for the compulsory acquisition of land indicates (at paragraph 4) that where it is necessary for the Land Plan to have more than one sheet, appropriate references must be made to each of them in the text of the draft order so that there is no doubt that they are all related to the order. Please signpost where these can be found or include appropriate references in subsequent versions of the dDCO.
1.3.16	Applicant	The funding statement [APP-015] identifies the cost estimate for the scheme as £450 - £550 million which includes the compensation payable in respect of CA. Please provide a figure for the estimated



ExQ.	Respondent:	Question:
		compensation payable in respect of CA, including details of how this figure was arrived at and confirmation from an independent person that the range identified is accurate in terms of the current value of land and rights in this part of Essex.
1.3.17	Network Rail Infrastructure Limited	Please explain how the proposed acquisition of new rights/ restrictive covenants would result in serious detriment to Network Rail's undertaking.
<b>4. Battery Storage Technology</b>		
1.4.1	Applicant	The BESS Plume Assessment [APP-103] indicates that the assessment has been undertaken against the Concept Design rather than the Outline Design Principles [APP-206] (ODP). Please provide further explanation as to how this represents a worst-case scenario.
1.4.2	Applicant	The BESS Plume Assessment [APP-103] notes that following initial analysis, the testing/analysis focused on Hydrogen Fluoride, Carbon monoxide, Hydrogen and Ethylene. Please provide further explanation for the discounting Methane, Ethane and Propylene from further analysis.
1.4.3	Host Authorities HSE Essex County Fire and Rescue Service Environment Agency	Please comment on the suitability and content of the Outline Battery Safety Management Plan [APP-210].
1.4.4	Applicant	Regarding the Lithium Ion "cube" arrangement for the BESS units, ES paragraph 2.5.39 [APP-034] states that <i>"Each cube has maximum dimensions of width 2.6m x length 3.1m x Height 3.2m as stated in the Design Principles"</i> . However, whilst these parameters are included in the Concept Design [APP-054], they are not reflected in the ODP [APP-206] secured through the dDCO. The ODP instead state that <i>"No component of the BESS, except the CCTV towers will exceed 4.5m in height AGL (existing levels)"</i> . Can the Applicant explain why the parameters for the cubes as set out in the ES project description and Concept Design, are not reflected in the ODP?
1.4.5	Applicant	Please provide an update on the ongoing discussions regarding the emergency response to a toxic plume event.

ExQ.	Respondent:	Question:
1.4.6	Applicant	In light of the uncertainty regarding the precise number of battery cubes and modules to be constructed, can the Applicant confirm that the proposed volume of fire water storage would be sufficient for the maximum deployable battery capacity?
1.4.7	Applicant	<p>Please provide further explanation as to why the LFP lithium-ion battery technology is considered to be a reasonable worst-case scenario for the purposes of the plume assessment and outline battery safety management plan.</p> <p>Please explain whether, and if so how, the approach to battery safety would differ if a different lithium-ion battery technology was used (e.g. Lithium-Nickel-Manganese-Cobalt-Oxide).</p>
1.4.8	Applicant	Can the Applicant explain what factors will influence the decision whether or not to build Phase 2 of the BESS?
<b>5. Draft Development Consent Order</b>		
1.5.1	Applicant	<p>Art 2 – Definition of ‘permitted preliminary works’ and ‘commence’ – As drafted, site clearance, the laying of services, demolition of buildings and remedial work in respect of contamination or other adverse ground conditions are excluded from the term ‘commence’. Please provide further justification for these exclusions and state why the Applicant considers these activities should be permitted before the submission of the CEMP and CTMPs.</p> <p>There is some overlap between the list of permitted preliminary works (as defined in Art 2) and the “further associated development” listed at the end of Schedule 1. This should be remedied.</p>
1.5.2	Applicant	Art 2 – Please review the definition of ‘Order land’ and consider whether it could be more precisely defined.
1.5.3	Applicant	Art 2 – Please explain why the definition of ‘authorised development’ includes development in addition to that set out in Schedule 1 (i.e. other development within the meaning of s32 PA 2008). Is this necessary or should it be restricted only to that set out in Schedule 1?
1.5.4	Applicant	Art 4 – As drafted this only applies to the operation of a generating station. Is this intended or should it be expanded to cover the totality of the authorised development (including for example the energy storage facility)?

ExQ.	Respondent:	Question:
1.5.5	Applicant	Art 6(4) – The ExA considers that, as drafted, the limit on enforcement action is insufficiently precise and might operate as a restriction on enforcement over the whole of the Park Farm planning permission. Please review the drafting of this article.
1.5.6	Application	Art 6 – The ExA notes that the EA, in its RR [RR-032] does not consent to the disapplication of certain environmental permits as required by s150 PA 2008. Please review whether this article requires amendment in view of the EA's comments.
1.5.7	Essex County Council	Please comment on the proposed disapplication of section 23 of the Land Drainage Act 1991.
1.5.8	Applicant	Art 7(1)(a)(i) – Please review the drafting and consider whether references to the Control of Pollution Act 1974 are required.
1.5.9	Applicant	Art 11: <ul style="list-style-type: none"> <li>• Please consider whether it is possible to 'temporarily stop up' a public right of way (i.e is stopping up by its nature permanent?).</li> <li>• In view of the ability to use a closed right of way as a temporary working site, should this article include provision for reinstatement and a maximum time limit for temporary closure?</li> </ul>
1.5.10	Applicant	Paragraph 5.3.10 of the EM indicates that Art 43(2) includes a general power that would authorise other temporary traffic measures which would be exercisable over the lifetime of the scheme. However, as drafted, Art 14 appears to only provide for temporary provision for the purposes of the construction of the authorised development. Please provide clarification on the Applicant's intended purpose.
1.5.11	Applicant	Art 15 – The Applicant's attention is drawn to Section 146 of PA 2008.
1.5.12	Applicant	Art 17 – The ExA notes that a number of other made DCOs extend this power to any building lying within the 'Order limits'. Is it the Applicant's intention to limit this power to any building lying within the 'Order land'?
1.5.13	Applicant	Art 19(1)(b) – Please explain why this is required and provide a justification for the words '...use of the land for any other purposes in connection with or ancillary to the undertaking'.
1.5.14	Applicant	Art 21 and Schedule 9 – Art 21(2) restricts the exercise of CA powers the acquisition of rights and restrictive covenants for the purposes set out in Schedule 9. However, the ExA notes that the description

ExQ.	Respondent:	Question:
		of the rights and respective covenants in Column 2 of Schedule 9 is brief. Please provide further details on the purposes for which rights may be acquired and restrictive covenants imposed.
1.5.15	Applicant	Art 25 – Please consider whether these provisions are necessary in light of sections 203-205 (and Schedule 19) of the Housing and Planning Act 2016?
1.5.16	Applicant	Art 29(11) – A number of recent DCOs granted by the SoS BEIS provide greater certainty on the maintenance period. The ExA considers that this Art should be similarly drafted.
1.5.17	Applicant	<p>Art 28 - Noting that Art 6 disapplies the provisions of the Neighbourhood Planning Act 2017 (in so far as they relate to TP of land) should the current wording of Art 28 be modified to more closely reflect the incoming statutory regime?</p> <p>As examples:</p> <ul style="list-style-type: none"> <li>• The notice period that will be required under the NPA2017 is 3 months, substantially longer than the 14 days required under Art 28(3). Other than prior precedent, what is the justification for only requiring 14 days' notice in this case?</li> <li>• Under the NPA2017, the notice would also have to state the period for which the acquiring authority is to take possession. Although Art 28(4) limits the period for which possession can be taken, is it sufficiently precise?</li> <li>• Powers of TP are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA2017 provisions include the ability to serve a counter-notice objecting to the proposed TP so that the landowner would have the option to choose whether TP or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA2017? If not, please justify.</li> </ul>
1.5.18	Applicant	Art 28(1) – Please provide further justification for the broad powers included in 28(1)(b-f) of the dDCO (which extends to the removal of drainage, construction of haul roads, fencing, bridges as well as to construct any works mentioned in Schedule 1).
1.5.19	Applicant	Art 34(6) - The ExA notes a number of made DCOs have included a 5 working day time limit. However, more recently, the SoS has inserted provisions requiring the undertaker to notify the SoS at least 14 days before a transfer not requiring consent (For example, see Wheelabrator Kemsley K3 Generating

ExQ.	Respondent:	Question:
		Station Order 2021, Little Crow Solar Park Order 2022 and Thurrock Flexible Generation Order 2022). The ExA considers this is a good indication of the SoS's preferred notice provisions.
1.5.20	Applicant	Art 37 – This article allows the undertaker to fell or lop <b>any</b> tree or shrub <b>near any part</b> of the authorised development. Should it be amended so that it only applies to trees and shrubs <b>within or encroaching upon</b> the Order limits?
1.5.21	Applicant	Art 38 – The Applicant's attention is drawn to the paragraphs 22.2 and 22.3 of AN15. Please provide further details identifying any protected trees likely to be affected by this provision?
1.5.22	Applicant/Relevant IPs	Article 43 – please provide further justification for the wide application of this power (and provide any additional examples of similar provisions in other made DCOs).  Please provide further justification for the 6-week period referred to in Art 43(4).
1.5.23	All IPs who fall within the definition of 'consenting authority' under art 43(7)	Please comment on this Art and in particular the deemed consent provisions set out in Art 43(4).
1.5.24	Applicant	In Schedule 1 'further associated development' includes development that is 'unlikely' to give rise to any materially new or materially different effects from those assessed in ES. Likewise, Schedule 2, R5(2)) allows amendments to the approved plans, details or schemes where they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES.  The ExA considers the term 'unlikely' is unnecessarily wide, creates uncertainty and could allow for the possibility of further development which falls outside the scope of the works assessed by the ES. The ExA considers the term 'does not give rise to...' would provide greater certainty. Please review the drafting or provide additional justification.
1.5.25	Applicant	Schedule 1 – The ExA notes that an upper limit on capacity for the BESS was included in the Little Crow Solar Park Order 2022 (Schedule 1, Work No. 2A). Please explain why no upper limit on battery storage capacity has been included for the present scheme.

<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
1.5.26	Host Authorities	Schedule 2 (General) - Please comment on the requirements set out in Schedule 2 and highlight any proposed changes suggested by the Host Authorities.
1.5.27	Applicant	Schedule 2, R5 – Please explain how the Applicant considers the approach adopted accords with paragraphs 17.2 – 17.6 of AN15.
1.5.28	Applicant	Schedule 2, R6 – please provide details of the ‘various bodies’ referred to in R6(1).
1.5.29	Host Authorities Health and Safety Executive The Environment Agency Essex County Fire and Rescue Service.	Schedule 2, R8 – Please comment on the drafting of this requirement and overall approach to battery safety management set out in the outline battery safety management plan [APP-210].  See also ExQ1.4.3 above.
1.5.30	Applicant	Schedule 2, R9 – The Biodiversity Net Gain Report [APP-200] indicates that the proposed development would result in an overall net gain of 79% of habitat units and 20% of hedgerow habitats. These are also referenced in Paragraph 7.3.2 of the SoR [APP-014] (and elsewhere), as some of the benefits which would be delivered as part of the scheme (including as a significant beneficial effect in ES Chapter 8 (Ecology) (see Paragraph 8.11.2)) [APP-040].  In light of the above, please explain why R9(2)(a) only secures a minimum 10% biodiversity net gain during the operation of the proposed development and what level of biodiversity net gain the Applicant considers should be taken into account when considering potential benefits.
1.5.31	Host Authorities Historic England	Schedule 2, R12 & R25 – please comment on the wording of these requirements and the approach to the WSI set out in the oCEMP [APP-214].  See also ExQ1.9.3 below.

<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
1.5.32	Host Authorities The Environment Agency	Please confirm whether or not the wording of R13 and R14 and the contents of the oCEMP [APP-214] and oOEMP [APP-215] is agreed. If not, please provide further details.
1.5.33	Applicant	Schedule 2, R16 – Should this requirement specify the relevant operational noise rating levels (or specify where in the ES can be found)?
1.5.34	Applicant	Schedule 2, R17 – Please explain how public access to the proposed permissive paths will be secured throughout the lifetime of the development? See also ExQ1.12.1 below.
1.5.35	Applicant	Schedule 2, R18 – Please provide further justification for the tailpiece in R18(2). See section 17 of AN15 for further information on including tailpieces in the dDCO.
1.5.36	Applicant	Schedule 2, R22(1) – Is the reference to approval ‘in writing’ necessary (See Schedule 2, R4) ?
1.5.37	Applicant	Schedule 3 – Please provide further explanation on why the Applicant considers the legislation listed would be incompatible with the powers contained within the dDCO.
1.5.38	Applicant	Schedule 13 – There are a number of discrepancies in the document references included in Schedule 13 (some of which were previously highlighted in the Section 55 Checklist [PD-002]). Please keep under review and update Schedule 13 as appropriate throughout the Examination.  A full, up-to-date list of all plans and other documents that will require SoS certification (including plan/document references) should also be submitted at Deadline 7.
1.5.39	Applicant	Please provide an update on the protective provisions for the benefit of Anglian Water.
1.5.40	Applicant	Schedule 12 – It is unclear how references 1-27 in Schedule 12 of the dDCO relate to the Vegetation Removal Plan [APP-186]. Please provide clarification.
1.5.41	Applicant	The Applicant should ensure that all cross references within the dDCO are checked and corrected where necessary/relevant; this includes references to any plans.
1.5.42	Applicant	The DCO, if made, would be a Statutory Instrument (SI) and so should follow the statutory drafting conventions. The draft DCO (and any subsequent revisions) should be in the form required by the



ExQ.	Respondent:	Question:
		statutory instrument template (see Planning Inspectorate AN15) and validated as such using the current SI template, including detailed footnotes to all statutory references.
1.5.43	Applicant	Please provide an update on Protective Provisions (Schedule 15 of the dDCO).
1.5.44	Applicant	Can the Applicant explain the financial arrangements that would be put in place to secure decommissioning of the Proposed Development at the end of its operational lifetime?
1.5.45	Applicant	Requirement 7(2) - The ExA notes that in the Cleve Hill Solar Park Order 2020, the SoS inserted additional provisions (Schedule 1, part 2, para 2(2)(c)) to ensure that the details accorded with the principles and assessments set out in the environmental statement. This was in order to prevent any potential for project expansion beyond what has been assessed in the ES. Should Requirement 7(2) make similar provision? Likewise, should this requirement also refer to the Works Plans?
1.5.46	Applicant	<p>Schedule 16 – The ExA notes that similar forms of schedule have been used in a number of made orders. However, the Applicant’s attention is drawn to Section 19 and Appendix 1 of AN15 which indicates that a full justification should be provided for a departure from the standard drafting set out in Appendix 1.</p> <p>Please provide a full justification for departing from the standard drafting set out in Appendix 1 of AN15 including the timescales specified (particularly in light of the deemed consent provisions).</p> <p>The ExA does not consider that the term ‘must forthwith notify’ in Schedule 16 (4)(2)(b) would be acceptable to the SoS. Please provide further justification or revise the drafting of this provision.</p> <p>Furthermore, the ExA notes the relevant period for notification of a decision in a number of recent generating station DCOs are between 8 weeks (eg. the Immingham Open Cycle Gas Turbine Order 2020, the Wrexham Gas fired generating Station Order 2017 and the Little Crow Solar Park Order 2022) and 13 weeks (the Thurrock Flexible Generation Plant Order 2022). Please provide further justification for the 6 week period set out in Schedule 16(2)(1).</p>



<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
		Please also explain how this Schedule ties in with Art 43.
1.5.47	Host Authorities	Please comment on the provisions of Schedule 16 including on the 6-week period specified for the notification of decision.
1.5.48	Applicant	Please state whether any land within the Order limits falls within the Order limits of any other made (or proposed) DCO and, if so, how the Applicant proposes to deal with this interaction in the dDCO.
1.5.49	Applicant	Does the Applicant, having viewed the RRs, anticipate including additional protective provisions in the dDCO? If so, please provide details.
1.5.50	Applicant	Please ensure the dDCO is updated throughout the Examination so that definitions are kept up to date as matters evolve.
1.5.51	Applicant	The Explanatory Note at the end of the dDCO states that documents will be available for inspection at third party locations. Please confirm that the stated parties have agreed to this and how they will be accessed in the event of further COVID-19 restrictions.
<b>6. Environmental Statement: General Matters</b>		
1.6.1	Applicant	Please provide a copy of the Park Farm planning permission (CHL 1890/87) and provide details of the overlap with Plot 1/2 (or signpost where this information can be found in the application documents). Please also provide further details on the inconsistency that the Applicant considers is likely to arise between the provisions of the proposed Order and the Park Farm planning permission in respect of mineral extraction and restoration.
1.6.2	Applicant	The Applicant is requested to review the 'Consents and Agreements Position Statement [APP-013], keep it updated throughout the Examination and submit a final, consolidated version at Deadline 7.
1.6.3	Applicant	Regarding Work No.4, the 400kv cable trench parameters (width and depth) as set out in paragraph 2.5.72 of ES Chapter 2 (The Scheme) [APP-034], the Concept Design [APP-054], and the ODP [APP-206], all differ from each other (3m wide and 3m deep; 1900mm wide and 1250mm deep; and 3m wide and 2m deep, respectively). Can the Applicant confirm the correct parameters that have been used to inform the relevant ES assessments?

ExQ.	Respondent:	Question:
1.6.4	Applicant	Regarding Work No.5B, ES Chapter 2 (The Scheme) [APP-034] and the Concept Design [APP-054] specify that the two new temporary pylons would have a maximum height of 41m. Can the Applicant explain why this parameter is not reflected in the ODP [APP-206]?
1.6.5	Applicant	ES Chapter 5 (EIA Methodology) [APP-037] explains that decommissioning has been assumed for the purposes of the assessment to be not earlier than 2066, which is described as <i>“the year when decommissioning would commence based on a typical 40-year lifetime”</i> . The Applicant is seeking flexibility on the decommissioning date, and as such a 40-year limitation on the operational lifetime of the Proposed Development is not included in the dDCO [APP-011]. Can the Applicant comment on the implications for the conclusions of relevant ES assessments, for example the assessment of impacts to agricultural land, should the operational lifetime of the Proposed Development extend beyond 40 years?
1.6.6	Applicant	Table 1 of the ODP [APP-206] states that ‘if additional PV panels are located within the area of Work No 2B shown on the Works Plans, those PV panels will not contribute to the 191.6646 ha total but will be subject to the other limiting controls in this ODP document’. Please clarify what other limiting controls are being referred to.
1.6.7	Applicant	As part of the consideration of alternative sites for the Proposed Development, ES Chapter 3 [APP-035] explains that “discrete areas of land” were identified as potentially suitable to accommodate a solar farm. As the specific alternative sites are not identified, there is limited evidence of how the environmental effects of the alternative sites compare with those of the Proposed Development. Can the Applicant please provide further detail on the site selection process, particularly how environmental effects associated with e.g. flood risk and agricultural land grade at the alternative sites compare with those of the Proposed Development?
1.6.8	Applicant	The ExA notes that the proposed route for the East Anglia GREEN project, a proposed NSIP on the Planning Inspectorate project page, would run to the north of the Proposed Development application site. Based on the available information, can the Applicant explain whether the Proposed Development together with East Anglia GREEN is likely to result in significant cumulative or in combination effects?
1.6.9	Host Authorities and NE	Please confirm whether you are content that all other developments, plans and projects which have potential to result in cumulative or in combination effects together with the Proposed Development have been identified by the Applicant (Appendix 5A [APP-055]) and appropriately assessed in the Environmental Statement and Habitats Regulations Assessment?



ExQ.	Respondent:	Question:
1.6.10	Applicant	There appear to be some errors in the Mitigation Schedule [APP-201] in terms of the dDCO Requirement numbering. For example, measure E-01 in the Page Mitigation Schedule (relating to wildlife and habitat protection) identifies dDCO Requirement 21 as a securing mechanism, although Requirement 21 in the dDCO [APP-011] relates to highways improvements. Can the Applicant review and update the Mitigation Schedule accordingly and submit this to the Examination?
<b>7. Historic Environment</b>		
1.7.1	Applicant	Paragraph 7.4.1 of ES Chapter 7 states that the extended 3km study area excludes Conservation Areas (although highly graded assets within Conservation Areas have been individually considered). Please provide further explanation on why Conservation Areas were excluded from consideration.
1.7.2	Applicant	Production and implementation of a Written Scheme of Investigation (WSI) is secured by Requirement 12 of the dDCO [APP-011]. ES Chapter 7 (Cultural Heritage) [APP-039] indicates that a scope for the WSI is set out in the oCEMP [APP-214]. However, this does not appear to be the case - with the oCEMP [APP-214] stating in Table 3-2 that <i>“An overarching WSI, which will be secured by a DCO Requirement, will set out the objectives for the historic environment mitigation....”</i> . Can the Applicant explain why it does not consider it necessary to provide details of the scope of the WSI within a draft/ outline version for Examination?
1.7.3	Historic England Host Authorities	The Applicant considers there is no further mitigation that can be implemented to minimise the effect on the setting of the Grade I listed Ringers Farmhouse, which is assessed as significant adverse. Do Historic England and the Host Authorities consider there are any additional mitigation measures which could reduce the significant of effect on Ringers Farmhouse?
1.7.4	Applicant	The Applicant states (at Table 3-7 of ES Chapter 7 (Cultural heritage)) that although all assets identified through desk-based work, non-intrusive and intrusive surveys have been assessed where possible, a few assets remain to be investigated prior to construction as agreed with Essex County Council. Please confirm which assets these are and/or signpost where they are identified/discussed in the ES.
1.7.5	Applicant	Paragraph 7.1.6 of ES Chapter 7 (Cultural Heritage) states that for underground heritage assets the design principles have been assessed. However, Paragraph 7.8.6 identifies a number of intrusive construction-related activities which appear to be based on the Concept Design. For example:

ExQ.	Respondent:	Question:
		<ol style="list-style-type: none"> <li>1) Paragraph 7.8.6(b) states that the central inverter solution (Work No.1) would be installed on concrete foundations to a maximum depth of 1m. However, this maximum depth does not seem to be secured in the ODP [APP-206].</li> <li>2) Paragraph 7.8.6(c) states that distribution cables (low and high voltage) for Work No 1 (Work No. 6) may be underground in trenches typically between 0.8m and 1.5m deep. The ODP [APP-206] indicate the maximum parameter for underground cable trench dimensions for Work No. 6 would be up to 3m wide and 2m deep.</li> <li>3) Paragraph 7.8.6(f) states that the converter station (Work No. 3) and related components will be installed on concrete foundations assumed to extend to a depth of 2m. However, it is unclear where this depth is secured in the ODP [APP-206].</li> <li>4) Paragraph 2.5.70 of ES Chapter 2 (The Scheme) [APP-034] indicates an underground cable trench of approximately 3m wide and 3m deep. The ODP [APP-206] indicate 3m wide and 2m deep. Paragraph 7.6.8 states that the grid connection route would be around 1.5m wide and 2m deep.</li> <li>5) Paragraph 7.8.6(g) indicates a trench width of 1.5m and a depth of 2m. However, the ODP [APP-206] indicate a trench width of up to 2m and a depth of up to 3m.</li> <li>6) The preferred option for the extension of Bull's Lodge substation will require concrete foundations to an assumed depth of 1m across its footprint. Please indicate where this is secured in the ODP [APP-206].</li> <li>7) Likewise, there appear to be further inconsistencies in paragraph 7.8.6(h),</li> </ol> <p>Please provide clarification on these apparent inconsistencies and confirm that the assessment of impacts on archaeological remains has been undertaken against the maximum parameters allowed for by the ODP [APP-206].</p>
<b>8. Landscape and Visual Effects</b>		
1.8.1	Applicant/Host Authorities	A Residential Visual Amenity Assessment (RVAA) has not been carried out, with the Applicant stating in paragraph 10.4.48 of ES Chapter 10 [APP-042] that this was agreed with Wynne Williams Associates on behalf of on behalf of Essex County Council, Chelmsford City Council and Braintree District Council via email on 15 October 2021. The Applicant is requested to provide the email dated 15 October 2021

ExQ.	Respondent:	Question:
		agreeing to the methodology that excludes the RVAA and the Host Authorities are requested to provide confirmation that they are content with the approach adopted /or record the position within the SoCGs.
1.8.2	Applicant	<p>ES Chapter 10 [APP-042] and ES Appendix 10B [APP-082] state that where Table 10.2 [APP-042] presents two levels of significance in a cell for receptors (e.g. “moderate or minor”), professional judgement has been used to determine which level is taken forward and that a justification is provided. Furthermore, Paragraphs 10.4.39 and 10.4.40 [APP-042] acknowledge that the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) allow for the assessment of significance of effect to differ from these criteria based on use of professional judgement. However, there appears to be no specific text within Appendix 10E: Landscape Assessment [APP-085] or Appendix 10F: Visual Assessment [APP-086] explaining why one level of significance has been taken forward (for example, where Appendix 10F: Visual Assessment (Ref 7 (page 10F-4) [APP-086] identifies moderate adverse effects on the view east from the Dog and Gun Pub, Boreham Road (Viewpoint 7) as not significant - although a ‘moderate’ effect is defined as significant in the assessment methodology).</p> <p>Can the Applicant clarify how professional judgement has been used to determine significance of effect in this regard?</p>
1.8.3	Host Authorities	Could the relevant Host Authorities confirm whether they are in agreement with the proposed landscaping mitigation measures and (as relevant) monitoring proposals, as set out in the Outline Landscape Masterplan [APP-179], the oCEMP [APP-214], oOEMP [APP-215] and the oLEMP [APP-217]?
1.8.4	Applicant	In relation to ES Chapter 10 (LVIA) [APP-042], the ‘Mitigation/ Enhancement measures’ in Tables 10- 7 to 10-10 all state ‘as above’, including the first rows. As such, no information is provided in these columns. Could the Applicant clarify what mitigation is relied on in Tables 10-7 to 10-10 for each receptor?
1.8.5	Host Authorities	Please provide confirmation that the visual receptors and representative viewpoints identified in ES Chapter 10 (Landscape and Visual Resources) [APP-042] been agreed. See also ExQ 1.10.1 above.
1.8.6	Applicant	Please explain how the Applicant has engaged with local communities and the Host Authorities to minimise impacts on the character and appearance of the surrounding area.

<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>9. Land Use, Agriculture and Socio-economics</b>		
1.9.1	Applicant	Other than the registered public rights of way identified in ES Figure 10-3, [APP-164] is the Applicant aware of any other public rights of access which may be exercisable over the Order limits?
1.9.2	Applicant/ Host Authorities	Please provide an update on the section 106 agreement (as referenced in the planning statement [APP-204]) and provide expected timescales for its completion. Please confirm that an executed agreement will be provided prior to the close of the Examination.
1.9.3	Applicant	ES Chapter 15 (Human Health) [APP-047] states that there would be no sources of electromagnetic fields (EMF) as the 132kV cables and 400kV grid connection cables are proposed to be underground. The burial of electric cables does not entirely remove the potential for magnetic field effects. Please can the Applicant explain how the cable route has been designed to avoid the potential for magnetic field effects on relevant receptors?
1.9.4	Applicant	Please explain how the Applicant has sought to minimise the impacts on Best and Most Versatile (BMV) land and what other areas/alternatives have been considered. Please explain how the temporary loss of 156 ha of BMV land would be an effective use of land and would accord with Paragraph 5.10.8 of NPS EN-1.
1.9.5	Applicant	Please explain how draft Requirement 20 [APP-011] ensures the site would be restored to its former condition following decommissioning.
<b>10. Noise and vibration</b>		
1.10.1	Host Authorities	Please state whether the Host Authorities agree with the assessment methodology and conclusions set out in ES Chapter 11 (Noise and Vibration [APP-043]).
1.10.2	Host Authorities	Do the Host Authorities agree that the locations set out in Figure 11-1 [APP-187] and Table 11-3 [APP-043] are representative of the nearest NSR's?
1.10.3	Applicant	ES Chapter 11 (Noise and Vibration) [APP-043] and the ODP [APP-206] refer to acoustic barriers around inverters within 250m of receptors. Can the Applicant confirm the maximum height of these barriers and how this would be secured through the ODP?



<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
<b>11. Water Environment</b>		
1.11.1	Applicant	The oCEMP [APP-214] states that the detailed CEMPs will incorporate measures aimed at preventing an increase in flood risk during the construction works. Can the Applicant provide an outline of such measures and update the oCEMP to include these?
1.11.2	Applicant	Please comment on the inconsistency highlighted in Paragraph 1.1 of the EA's RR [RR-032] in respect of Boreham Brook and ES Figure 9-2b [APP-160].
1.11.3	Applicant	The ExA notes the information to support the sequential test for the grid connection route, provided in Paragraph 9.2.7 of the FRA [APP-077]. Can the Applicant confirm how the sequential approach has informed the design of the access which follows the same route (mentioned in paragraph 9.1.3 of the FRA) and why a route through Flood Zone 1 or Flood Zone 2 has not been proposed?
1.11.4	Applicant	Please explain why the FRA [APP-077] takes account of the draft NPS EN-1 but does not take account of the draft NPS on renewable energy?
1.11.5	Applicant/Environment Agency	Please provide an update on discussions between the Applicant and the EA to agree the wording of protective provisions for the disapplication of flood risk activity permits.
1.11.6	Applicant	With the exception of flood risk activity permits, the EA considers [RR-032] it is not appropriate to disapply the legislation relating to environmental permits and has requested that Article 6 of the dDCO [APP-011] is amended accordingly. What is the Applicant's response?
1.11.7	Applicant	ES Chapter 9 (Water Environment) [APP-041] states that regular inspection and maintenance of the drainage systems, SuDS and culverts would be undertaken during the operational phase, with indicative requirements set out in the SuDS Strategy [APP-079]. Appendix K of the SuDS Strategy sets out the long-term maintenance schedule for pond structures – can the Applicant confirm where this information is presented for culverts and other relevant structures?
<b>12. Transport and Traffic</b>		
1.12.1	Applicant	Please explain how access to the proposed permissive paths would be secured throughout the lifetime of the development?
1.12.2	Applicant	What consideration has the Applicant given to minimising the number of freight movements by road?



<b>ExQ.</b>	<b>Respondent:</b>	<b>Question:</b>
1.12.3	Applicant	The ExA notes that the proposed eastern access for Bulls Lodge substation will be removed towards the end of construction as it will not be required during the operational stage. Please explain how the removal of this access is secured in the dDCO?
1.12.4	Applicant	Monitoring of transport impacts during construction and decommissioning is proposed, as set out in measures a – d, paragraph 13.9.14 of ES Chapter 13 (Transport and Access) [APP-045]. The Framework Construction Traffic Management Plan (fCTMP) [APP-094] includes measures b, c and d at Section 7.7.3, but can the Applicant confirm where measure a is secured?
1.12.5	National Highways	Does National Highways agree with the methodology and models used for the transport assessment and its conclusions?
1.12.6	Applicant	The ExA notes the potential constraints identified by National Highways in its RR [RR-067] in relation to Boreham Bridge and the possible impact on HGV movements. Please indicate whether, and if so how, the Applicant has considered this and whether, as suggested by National Highways, the Applicant proposes to reflect this in the fCTMP.
1.12.7	Applicant	What consideration has been given to maintaining access to the Church Fields allotments during construction of the Proposed Development?



**ExQ1: 26 July 2022**

**Responses due by Deadline 1B: Thursday 18 August 2022**

**ANNEX A**

Longfield Solar Farm: Compulsory Acquisition Schedule

List of all objections to the grant of Compulsory Acquisition or Temporary Possession powers (ExQ1: Question 1.3.11)

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent / Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection

- 
- i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.
  - ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)
  - iii Reference number assigned to each Relevant Representation (RR) in the Examination library
  - iv Reference number assigned to each Written Representation (WR) in the Examination library
  - v Reference number assigned to any other document in the Examination library
  - vi This refers to parts 1 to 3 of the Book of Reference:



- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
  - Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
  - Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.
- vii This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights
- viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.