



Longfield Solar Farm

Applicant Response to ExA Round 1 Written Questions

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Longfield Solar Energy Farm Ltd

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1. Introduction

- 1.1.1 This report responds to the Examining Authority's (ExA) first written questions, issued on 26 July 2022 [PD-007]. It responds to each of the questions posed to the Applicant. The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 2.
- 1.1.2 Section 2 of this report is tabularised to include the ExA's questions and a response to each question as follows:
- Air Quality (3 questions)
 - Biodiversity, Ecology and the Natural Environment; Habitats Regulations Assessment (4 questions)
 - Compulsory Acquisition and Temporary Possession (17 questions)
 - Battery Storage Technology (8 questions)
 - Draft Development Consent Order (51 questions)
 - Environmental Statement: General Matters (10 questions)
 - Historic Environment (5 questions)
 - Landscape and Visual Effects (6 questions)
 - Land Use, Agriculture and Socio-economics (5 questions)
 - Noise and Vibration (3 questions)
 - Water environment (7 questions)
 - Transport and Traffic (7 questions)

2. Air Quality

ExQ	Respondent	Question	Applicant's Response
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.	<p>As mentioned in Chapter 14 (Air Quality) of the ES [APP-046], the Applicant has assessed a worst case scenario for BESS phasing. For air quality this is the BESS being built out in a single phase. The mitigation measures and conclusions of the assessment are based on this worst-case assumption.</p> <p>Should the BESS be built in phases in different years, which is mentioned as a possibility in the ES, there may be some emissions and dust generation from on-site construction equipment when building Phase 2 in the early years of operation. However, this would be temporary and of lower or the same magnitude and significance of effect than the impacts associated with building the BESS in a single phase that is more intensive and a larger scale activity. There are nil or negligible emissions associated with the operational phase of the Scheme. Therefore, there are no concerns with the construction of Phase 2 of the BESS coinciding with operation; the impacts in this case would be lower than if Phases 1 and 2 are constructed together.</p> <p>The impact on road traffic emissions would also be lower if the BESS is phased. The air quality assessment scopes out road traffic emissions in the Environmental Impact Assessment (EIA) by the fact they are not significant. Building the BESS in phases would reduce the peak daily movements by distributing the trips across a longer time period, thereby reducing the impacts on air quality from road traffic.</p> <p>The Applicant is satisfied that the assessment of the BESS being built as a single phase is the worst-case assumption in the Environmental Statement (ES).</p>
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</i>	The mitigation measures in the oCEMP [APP-214] do not need to reproduce the IAQM's ' <i>Guidance on the assessment of dust from demolition and construction (2014)</i> ' verbatim, providing the essence of the mitigation measure is captured by the oCEMP. However, in response to the written question, the oCEMP [APP-214]

ExQ	Respondent	Question	Applicant's Response
		<p><i>construction (2014)</i>' verbatim. However, some of the cross references do not align and as a result create ambiguity. Please review and update accordingly.</p>	<p>has been amended and is included within the suite of documents submitted at this deadline (Deadline 1B) as Revision 2.0.</p>
1.1.3	Applicant and Host Authorities	<p>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?</p>	<p>The Applicant has amended Table 3-9 of the oCEMP [APP-214] in the revised version (2.0) submitted at this deadline to provide that the DMP '<i>will include monitoring of dust deposition</i>'.</p>

3. Biodiversity, Ecology and the Natural Environment; Habitats Regulations Assessment

ExQ	Respondent	Question	Applicant's Response
1.2.1	Applicant	Following the initial assessment that took account of embedded mitigation, ES 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?	<p>Section 8.9 of ES Chapter 8: Ecology [APP-040] considers whether there is potential for significant effects from the Scheme on ecological receptors. Where the potential for significant effects is stated, the relevant receptors are then assessed in Section 8.10 of the chapter.</p> <p>In each case, for the purposes of the assessment, the Applicant confirms that no additional mitigation beyond the embedded measures was applied to reach the conclusion that significant effects would not occur on the receptors identified at paragraph 8.10.3 following assessment. These embedded mitigation measures are presented in Section 8.8 of the chapter. This conclusion is supported by the substantial biodiversity net gain achieved by the Scheme, over and above the embedded mitigation.</p>
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 oLEMP to provide details of potential remedial measures should the proposed management measures not work as expected?	<p>The Applicant considers that the management of mitigation and enhancement measures set out in the oLEMP [APP-217] are appropriate and will be resilient against climatic changes and changes in species and habitats distributions. However, as committed in section 4 of the oLEMP [APP-217], this will be monitored during operation to ensure this continues to be the case.</p> <p>On a precautionary basis however, the oLEMP [APP-217] has been amended for this deadline to provide details of potential measures should the proposed management measures not work as expected (see paragraphs 4.1.6 to 4.1.8).</p>

ExQ	Respondent	Question	Applicant's Response
1.2.3	Applicant	<p>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 "...through appropriate monitoring and management during construction and decommissioning, impacts will be avoided...". 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?</p>	<p>ES Chapter 8: Ecology [APP-040] Table 8-10 states:</p> <p><i>"there will be no direct loss of habitat used by breeding Red Kite, Hobby, or Barn Owl during construction of the Scheme". It also says "The provision of additional nest boxes (for Barn Owl) and creation of new habitats (such as hedgerows for Hobby) will increase the availability of potential nesting and foraging habitat on and adjacent to the Order limits for these species."</i></p> <p>Chapter 8, paragraph 8.10.11 states:</p> <p><i>"Pre-commencement surveys for sensitive breeding birds, i.e. those listed on Schedule 1 of the WCA, will be undertaken in advance of construction works commencing and...suitable measures, including appropriate buffers from nests during the breeding season, will be delivered to ensure disturbance to sensitive breeding birds is avoided...."</i></p> <p><i>...further enhancement will also include Barn Owl boxes within the Order limits to provide alternative nesting / roosting provision for this species across the order limits and these will be retained at decommissioning".</i></p> <p>These are secured through the Outline CEMP [APP-214], Outline LEMP [APP-217], and Decommissioning Strategy [APP-216], all of which are submitted as part of this deadline to include other updates. Table 3-3 of the Outline CEMP [APP-214] states in bullet (a):</p> <p><i>"Pre-construction surveys will be undertaken to validate and, where necessary, update the survey findings. The purpose of the pre-construction surveys is to ensure mitigation during the construction phase is based on the latest protected species information. This will also be required for any protected species licensing".</i> It also states <i>"The Outline Landscape and Ecology Management Plan (LEMP) [EN10118/APP/7.13] sets out the key measures required to avoid, mitigate, and compensate for the impacts and effects of the Scheme on biodiversity (and landscape) features, and to enhance the biodiversity, landscape and green infrastructure value of all land within the Order limits."</i></p>

ExQ Respondent Question

Applicant's Response

Within the **Outline LEMP [APP-217]**, paragraph 2.31 states that there will be *'increase in buffer habitats (e.g. around woodlands), foraging habitats (e.g. grassland) and barn owl boxes to mitigate a temporary disturbance to breeding Red Kite, Hobby and Barn Owl'*.

Para 3.3.6 of the **Outline LEMP [APP-217]** says *'A 15m grassland buffer will be maintained around retained individual trees and bird boxes will be installed'*. Section 3.11 states that *"A minimum of five tree mounted or tower mounted barn owl boxes will be provided in the Order limits located >1km from the A12 and Boreham Road'*.

Paragraphs 3.11.5 to 3.11.7 provide more detail on the long-term management of these boxes. Table 3-3 of the **Outline CEMP [APP-214]** includes mitigation for the *'avoidance of the nesting bird period i.e. March to August (inclusive) for any management of vegetated areas'*.

The **Decommissioning Strategy [APP-216]** states that where reasonably practicably, vegetation clearance works would be undertaken outside the bird breeding season (March-August).

Requirement 9 of the **dDCO [APP-011]** secures the mitigation in the **Outline LEMP [APP-217]**. Requirements 13 and 14 secure the mitigation in the **Outline CEMP [APP-214]** and **Outline OEMP [APP-215]**. Requirement 20 secures the mitigation in the **Decommissioning Strategy [APP-216]**.

The **Decommissioning Strategy [APP-216]** has been updated as Revision 2 and is submitted as part of this deadline as follows:

- Pre-decommissioning surveys for sensitive breeding birds (i.e. those listed on Schedule 1 of the WCA) will be undertaken in advance of decommissioning works commencing to determine the distribution of each of these species and its breeding status.
- An Ecological Clerk of Works (ECoW) will advise on the need for and, if required, carry out the supervision of works during decommissioning.

ExQ	Respondent	Question	Applicant's Response
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"> • Confirm the separation distance between the proposed works and the River Ter and how this commitment is secured; and • 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? 	<p>The Barn Owl boxes installed within the Order limits as part of the Scheme will not be removed as part of the decommissioning works.</p> <p>The 50m referred to in paragraph 4.3.2 of the HRA report [APP-202] relates to the infrastructure, that is the solar panels, and their installation. The Applicant confirms that the separation distance between the proposed infrastructure and the River Ter is 50m and that this is embedded within the dDCO [APP-011]. This is shown on the Works Plans [APP-007] and secured in the dDCO [APP-011]. Additionally, the only works that would occur within this 50m zone are habitat creation and habitat management.</p> <p>The distances referred to in documents, such as the oCEMP [APP-214], are the minimum standard guidance provided by the Environment Agency and may be less than the actual offset that will be used in the Scheme. The final offsets will be determined during detailed design and agreed with stakeholders through Requirement 7 of the dDCO [APP-011].</p> <p>The Applicant confirms that there is no impact on the River Ter. Consequently, there is no functional link to the Essex Estuaries Special Area of Conservation (SAC), the blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection area (SPA) or the Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar site.</p>
1.2.5	Solar Campaign Alliance	<p>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”.</p>	No comments.

4. Compulsory Acquisition and Temporary Possession

ExQ	Respondent	Question	Applicant's Response
1.3.1	Applicant	<p>The Statement of Reasons (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.</p> <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>	<p>The next iteration of the Book of Reference [APP-016] and Statement of Reasons [APP-014] will be provided at Deadline 2. It will provide clarity in relation to Part 6 of the Book of Reference.</p> <p>It is not believed there will be any impediments to securing agreements with Statutory Undertakers (SUs). The ExA's questions 1.5.43 and 1.5.49 provide a full update on the status of the ongoing engagement regarding the Protective Provisions. The questions also confirms that no additional Protective Provisions are currently proposed to be included.</p>
1.3.2	Applicant	<p>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.</p>	<p>The Applicant is seeking flexibility over a range of work areas.</p> <p>For some work areas it is not feasible to carry out a final detailed design at this early stage, before contractors are brought into the Project, and years in advance of procurement. For Works No.1 and Works No.2 (the PV arrays and BESS), the technology is still improving – both becoming more efficient in generation, efficient</p>

ExQ	Respondent	Question	Applicant's Response
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	<p>in transmission, and efficient in storage. Consequently, the Applicant is seeking consent for a development based on design principles, so at the time of procurement the project is not required to use technology from multiple years previous, nor is it bound to a particular procurement route of equipment and contractors. Retaining this flexibility will ensure the delivery of a scheme that is as efficient in generation as possible, and a scheme which is able to adapt to future market conditions. Works No.6 reflects this approach too, as a final layout for the collector cable (33kv cables) is still to be completed.</p> <p>Works No.3 is also seeking some flexibility in the final layout of the Longfield High voltage substation. Again, the applicant has not yet selected equipment providers for switchgear or high voltage transformers. The same applies for Works No.5.</p> <p>There are other works numbers where flexibility is being sought to limit the impact of development, rather than retain flexibility for procurement. An example of this is Works No.4 – the 400kv cable route. Flexibility was sought for this works number to allow for future micro siting – for example to avoid veteran trees, ecology features, or unexplored buried archaeology. The applicant recognises that this flexibility needs to be balanced with the voluntary land negotiations currently ongoing.</p> <p>The Applicant has made sure all EIA assessments cover this proposed optionality. For example, in Works No.3 Longfield Substation, the EIA has assessed the visual impact of 13m maximum height for the entire works area. This allows for future design refinement to move the tallest piece of infrastructure (the air insulated switchgear is 13m) to any location within this defined works area.</p> <p>The Applicant has sought to strike a balance between reducing these deviation limits, whilst ensuring the retention of sufficient flexibility in the future design to account for all reasonably foreseeable designs.</p>
			Although Protective Provisions were issued it was subsequently confirmed that Anglian Water does not have any apparatus within the Order Limits and as such will not be impacted by the CA powers sought. This will be clarified in the next iteration of the Statement of Reasons at Deadline 2.

ExQ	Respondent	Question	Applicant's Response
		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).	A revision of the Book of Reference [APP-016] will be provided at Deadline 2, which will address the typographical errors.
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.	Plot 8/1D/1 has been reassessed and it has been determined that the footpath 113_33 does not fall within this plot. As such, the interest in Essex County Council will be removed from this plot in the next iteration of the Book of Reference that will be submitted at Deadline 2.
1.3.6	Applicant	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 [APP-131]). Paragraph 3.2.4 refers to full details of phasing being available in the oCEMP [APP-214] . Please signpost where in the oCEMP [APP-214] further details of the proposed phasing can be found (See also ExQ 1.4.8 below).	Paragraph 3.2 of the SoR [APP-014] should say that full details of the phasing will be available in the detailed CEMP. Outline detail of the phasing is available in the oCEMP [APP-214] , in section 2.3.2.
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).	<p>Taking each of the benefits in turn:</p> <ul style="list-style-type: none"> (i) Biodiversity net gain of 79%. This is secured via a Requirement in Schedule 2 of the dDCO [APP-011]. Please see the response to ExQ 1.5.30 for further detail. (ii) A network of permissive paths will be retained during the operational phase of the Scheme, improving connectivity across the site Order limits. Refer to the response to ExQ1.12.1 for details. (iii) Employment during the construction phase (being the creation of an average of 380 jobs during the construction period, 8 full time staff on site during operation). These are estimated figures based on the Applicant's assessment of the Scheme. These jobs are a natural benefit of the consenting, construction and operation of the Scheme, and do not need to be explicitly secured by the DCO. (iv) A local skills and employment plan to be prepared prior to the commencement of construction. The local skills and employment plan is

ExQ	Respondent	Question	Applicant's Response
			<p>proposed to be secured by a legal agreement, the Heads of Terms for which are included at Appendix B to the Planning Statement [APP-204]. A draft of the legal agreement has been shared with the Host Authorities, with the intention that the final, executed, version will be submitted on or before Deadline 7.</p> <p>The Applicant will also make a skills and education contribution. This contribution is proposed to be secured by a legal agreement, the Heads of Terms for which are included at Appendix B to the Planning Statement [APP-204]. Again, a draft of the legal agreement has been shared with the Host Authorities, with the intention that the final, executed, version will be submitted on or before Deadline 7.</p>
1.3.8	Applicant	<p>Paragraph 5.5.14 of the EM indicates that Art 25 in the dDCO [APP-011] 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?</p>	<p>Part 3 of the Book of Reference [APP-015] sets out those known persons who have private easements or rights that may be extinguished, suspended or interfered with. However, there may be additional, unknown rights which become apparent. Article 25 would enable the undertaker to deal appropriately and reasonably with those rights to prevent a situation arising in which a person entitled to the benefit of such a right, easement or covenant to bring an action for nuisance so as to prevent the carrying out or use of the authorised development, on the basis that doing so interferes with the right or easement or breaches the restrictive covenant. If such a situation were to occur, it would undermine the utility of the DCO and the ability to achieve the public interest benefits that justifies the powers of compulsory acquisition it contains. The inclusion of a provision within the DCO to prevent that situation occurring is a necessary and standard accompaniment to the powers of compulsory acquisition to prevent them being frustrated.</p>
1.3.9	Applicant	<p>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.</p>	<p>Statement of Reasons [APP-014] sets out the approach taken to identifying interests included in the Book of Reference [APP-016], with paragraph 5.1.4 of the Statement of Reasons [APP-014] detailing the approach taken where land was unregistered and 'Unknown'.</p> <p>The Applicant will continue with diligent inquiry to ensure unknown owners and rights are identified where possible. This will include further Land Registry</p>

ExQ	Respondent	Question	Applicant's Response
1.3.10	Applicant	Paragraph 7.5.7 of the SoR [APP-014] 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.	<p>searches, discussions with neighboring landowners and installation of site notices as appropriate.</p> <p>Total generation capacity is linked to the size of the site and the Grid Connection offer that the Applicant has received and accepted, being 500MW as explained in the Grid Connection Statement [APP-208]. The size of the site is directly linked to the Grid Connection offer together with the necessary and appropriate mitigation for the Scheme. A smaller scheme would deliver a smaller generation capacity and would not make best use of the available grid connection capacity. That is consistent with draft NPS EN-3 [BEIS. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), 2021], which includes an anticipated range of 2 to 4 acres for each MW of output generally required for a solar farm along with its associated infrastructure.</p> <p>The Applicant does not agree with any argument that suggests that there is uncertainty as to the total generation capacity of the Scheme. The Applicant has a Grid Connection offer that it has accepted of 500MW, and the Scheme has been designed to make best use of that capacity. A smaller scheme would not deliver on that capacity. Imposing an upper limit on total generation capacity would not provide certainty as to the likely generation of the Scheme, rather it would only confirm it would not be any higher than the cap which is unnecessary and is not linked to any environmental impact given the Scheme already secures the developable area.</p> <p>The Applicant requests no maximum limit on generating capacity to enable it to take advantage of future technologies and innovation to make the Scheme as efficient as possible. The Applicant submits that the Examining Authority (and Secretary of State) can take comfort from that approach, because it follows that in seeking to make the Scheme as efficient as possible, that the energy the Applicant would generate from a site is directly proportionate to the size of the site (i.e. by seeking to make the Scheme as efficient as possible, the bigger the site the more energy that would be generated). That is consistent with the Secretary of State's conclusions in the decision letter making The Little Crow Solar Park Order 2022 (see in particular paragraph 4.35), which concluded as follows on this point:</p>

ExQ	Respondent	Question	Applicant's Response
			<p><i>"The Secretary of State has no information in front of him to conclude otherwise than that the Applicant would make best efforts to make the proposed Development as efficient as possible in terms of land use. Indeed the Applicant's request that the Secretary of State should not set a maximum generating capacity is indicative of its desire to ensure the most efficient use of land that it can in terms of the production of electricity. The Secretary of State anticipates it would in most cases be in an operator's commercial interest to do so."</i></p> <p>The Applicant's position is that there is no inconsistency between its approach to consideration of smaller sites and its request not to have a limit on generation capacity of the Scheme.</p>
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.	The Applicant has populated the CA Schedule (provided at Annex A of the ExA's questions) [Ref. 8.8] which details the position in relation to ongoing negotiations for acquisition by agreement. The CA Schedule also includes the total number of plots for which an agreement has not yet been reached.
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?	<p>The Applicant has instructed specialist surveying and land referencing firm Gateley Hamer to produce and update the Book of Reference [APP-016].</p> <p>There has been a detailed assessment of interests that may be able to make a claim pursuant to section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 and section 152(3) of the Planning Act 2008 (Category 3 parties).</p> <p>This assessment is two-fold; firstly, interests in land are considered to determine whether they would satisfy any of the requirements to be considered Category 3 parties. Secondly, relevant (including environmental) impacts arising because of the project are considered to determine whether any of the interests identified as potential Category 3 parties would give rise to a claim being made.</p>

ExQ	Respondent	Question	Applicant's Response
			<p>Having undertaken this assessment, the Applicant is confident that Part 2b of the Book of Reference can remain empty. However, if a party were identified at a later date they could be included in the Book of Reference [APP-016], and any party that considers that they could make an eligible claim would not be prevented from submitting a claim, with a reference to the Upper Tribunal (Lands Chamber) available to them to resolve any dispute related to eligibility or compensation.</p>
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.	Please see the NGESO SOCG (Ref. 8.4) submitted as part of this deadline for an update on these discussions.
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?	<p>The Applicant has been engaging with all Affected Persons impacted by the Project. The Applicant has also sought to ensure that Affected Persons have had the opportunity to be appropriately represented by suitably qualified professionals (i.e. Members of the RICS who can satisfy the RICS Professional Statement 'Surveyors advising in respect of compulsory purchase and statutory compensation'), or, where required, relevant legal advice. Although there is no statutory obligation on the Applicant to pay for the fees for Affected Persons' professional advisors, the Applicant has sought to enter into fees agreements so that Affected Persons were not financially disadvantaged and to ensure that negotiations can be progressed.</p> <p>If a technical dispute were to arise then the Applicant would consider the use, or the proposed use, of an Alternative Dispute Resolution process. No such technical matters have yet arisen that would require this.</p> <p>Matters relating to compensation are not considered at examination. The appropriate means of resolving compensation disputes would be a reference to the Upper Tribunal (Lands Chamber) although prior use of an Alternative Dispute Resolution, where appropriate, is considered best practice.</p>

ExQ	Respondent	Question	Applicant's Response
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.	The Applicant has proposed amendments to the definition of "land plans" in the dDCO and to Schedules 9 and 11 of the dDCO [APP-011] to include references to sheet numbers, in accordance with the Guidance.
13.16	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 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.	<p>The Applicant appointed specialist Chartered Surveying firm Gateley Hamer to produce a 'Property Cost Estimate' and independently identify the compensation liability arising out of the proposed acquisition of land/rights required for the Project. The Property Cost Estimate was produced by RICS Registered Valuers, adhering to the RICS Professional Standards. Further advice was provided by specialist surveying firm Wardell Armstrong, to provide valuation advice in respect of mines and minerals. This advice was also provided by RICS Registered Valuers and was used to input into the Property Cost Estimate for land/rights required for the Scheme that may have the potential for mineral extraction.</p> <p>The Property Cost Estimate applies the valuation principles from the compensation code. In addition to the value of the land/rights sought, other elements of a potential claim are captured, including statutory loss payments, injurious affection/severance, disturbance costs and associated professional fees that would be required to negotiate the claim.</p> <p>The total figure for the compensation liability for the Scheme is £17.5 million. This figure is periodically updated when appropriate, to reflect changes that may occur in the market.</p> <p>The Property Cost Estimate has not been externally reviewed, nor would it be usual practice to do so. In respect of land/rights values, figures are adopted through consideration of comparable evidence and engagement with local agents and the application of relevant market knowledge and professional judgement.</p>

ExQ	Respondent	Question	Applicant's Response
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.	No comments.

5. Battery Storage Technology

ExQ	Respondent	Question	Applicant's Response
1.4.1	Applicant	<p>ES Appendix 16B: 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.</p>	<p>The Design Principles [APP-206] limit the design to be a similar battery chemistry as the concept design, through the design principle of ‘<i>The BESS will utilise a lithium ion energy storage system</i>’.</p> <p>Different cell technologies within this lithium ion definition will have different worst-case parameters. Not all worst cases will be covered by one technology. Using Lithium Iron Phosphate LFP, which is the battery type selected in the concept design, is a reasonable assessment of the likely consequences.</p> <p>The design principles make a commitment to re-assess the final selected lithium ion batteries, and any battery types which show a plume assessment of greater impact than the one shown in ES Appendix 16B: BESS Plume Assessment [APP-103] will not be selected for installation. The relevant design principle states:</p> <p><i>“The BESS will be designed to ensure that the impacts of the BESS will be no worse than the conclusions set out in the Battery Safety Strategy Report - Plume Assessment. This will be demonstrated by an updated assessment.”</i></p>
1.4.2	Applicant	<p>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.</p>	<p>The assessment has considered the likely effects on sensitive receptors in the event of fire focused on substances that could disperse downwind, namely Hydrogen Fluoride, Carbon Monoxide, Hydrogen, and Ethylene. During a fire other substance (including flammable gases such as methane, ethane, propylene) may be generated and then immediately consumed in the fire. In the example of Methane, molecules of methane which find an ignition source would have been oxidised into molecules of water, carbon dioxide and if combustion was not complete into carbon monoxide.</p> <p>Identification of flammable substances is one consideration, and the density of those substances is also a consideration. Molecules of methane which do not find an ignition source are more buoyant than air and as such would not form part of a plume. Ethylene has a similar density to air and could sink (under certain</p>

ExQ	Respondent	Question	Applicant's Response
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] .	No comments.
1.4.4	Applicant	Regarding the Lithium Ion “cube” arrangement for the BESS units, paragraph 2.5.39 of ES Chapter 2 [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 [APP-011] . The ODP [APP-206] 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?	<p>It is proposed that the height of individual components (e.g. lithium ion cube, transformer, inverter) within a pre-defined works area is not an important factor to be considered in an EIA. Provided that a maximum ‘ceiling height’ has been assessed, the Applicant would like to retain flexibility to move equipment around or use equipment from different manufacturers.</p> <p>The lithium ion cubes are not the tallest piece of infrastructure in this works area, it is the transformers which are the tallest. It is the height of the transformers which has set the height of the whole of the works area as a worst-case scenario, as set out in the Design Principles [APP-206] and it is this height which has been assessed as a maximum height for the works area within the Environmental Statement (ES). Assessing the entire area for this maximum height allows optionality to future final layout design.</p> <p>Chapter 2 of the ES [APP-034] has been amended to say that the maximum dimensions of the cubes are shown in ES Appendix 2A: Concept Design [APP-054]. The heights of these cubes in the concept design are within the 4.5m maximum height of the BESS that has been assessed in the ES. Therefore, it does not require a change to the technical assessments.</p>

ExQ	Respondent	Question	Applicant's Response
1.4.5	Applicant	Please provide an update on the ongoing discussions regarding the emergency response to a toxic plume event.	<p>No discussions have taken place since the application was submitted in February 2022, as no change has been proposed to the scheme.</p> <p>At a time when the Applicant is developing the detailed battery safety management plan, it will engage with Essex County Fire and Rescue Service (ECFR) on emergency response time and modelling. Refer to the SoCG between the Applicant and the Essex County Fire and Rescue Service for details.</p>
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?	<p>Discussions were held with ECFR to identify statutory requirements regarding water supply. This requirement was developed with discussion of the likely methods ECFR would employ when fighting a battery fire and the water demand this represented.</p> <p>These discussions were based around the layout shown on the concept design, which shows Works No.2b included in the BESS. This layout shows battery units in their maximum number of locations, and the firewater storage proposals are based on that maximum size.</p> <p>ECFR provided an estimate for a flow rate which would be appropriate for firefighting. This flow rate was for a minimum 1,800 litres per minute. As this flow rate resulted in the largest capacity requirement, the Applicant used this flow rate for the basis of their firewater storage sizing. Therefore, the Applicant is proposing the following design principle:</p> <p><i>“The BESS will incorporate fire detection and suppression measures including adequate provision for water storage to provide a minimum supply of 1,800 litres per minute for 4 hours.”</i></p>
1.4.7	Applicant	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>LFP (Lithium Iron Phosphate) battery cells are safer in terms of fire risk. However, LFP has the higher Hydrogen Fluoride (HF) content, in comparison to NMC battery cells (Lithium-Nickel-Manganese-Cobalt-Oxide). The assessment considers LFP as a worst case, because from the modelling undertaken HF is the most likely to have the ability to significantly impact receptors at the furthest distance.</p>

ExQ	Respondent	Question	Applicant's Response
		<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>	<p>The Design Principles [APP-206] make a commitment to re-assess the final selected lithium ion batteries, and any battery types which show a plume assessment of greater impact than the one shown in Plume Assessment [APP-103] will not be selected for installation. The relevant design principle is:</p> <p><i>“The BESS will be designed to ensure that the impacts of the BESS will be no worse than the conclusions set out in the Battery Safety Strategy Report - Plume Assessment. This will be demonstrated by an updated assessment.”</i></p>
1.4.8	Applicant	<p>Can the Applicant explain what factors will influence the decision whether or not to build Phase 2 of the BESS?</p>	<p>The Scheme includes electricity storage by providing a BESS. The Applicant can install battery energy storage systems to aid the integration of high levels of renewable power generation into the electricity market, in response to a developing need. This provides much needed flexibility to the electricity network to manage demand.</p> <p>The model of supply for electricity from the BESS, which enables the security and integrity of the electrical transmission and distribution networks, is rapidly evolving to meet network demands and react to deployment rates. The decision whether to build Phase 2 of the BESS will be taken based on the supply models available at the time and if or how these might interact with the PV plant generation and Phase 1 BESS. For example, the Applicant may choose to build a BESS which supplies electricity to the grid at a 500MW for 2 hours, or it may seek to build a BESS to supply electricity to the grid at 400MW for 4 hours. Consequentially, the total size of the BESS may vary up to the maximum size shown in the Works Plans [APP-007].</p>

6. Draft Development Consent Order

ExQ	Respondent	Question	Applicant's Response
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>	<p>With respect to the first part of the question, the Applicant has given careful consideration to the works comprised in the definition of “<i>permitted preliminary works</i>” in the context of “<i>commence</i>”, and where in the dDCO [APP-011] they would be able to be undertaken without restriction. With some exceptions (discussed below) the works identified as “<i>permitted preliminary works</i>” have been identified as such as it is considered their environmental impact does not require the mitigation secured by the Requirements in Schedule 2 to be in place before those works can be undertaken.</p> <p>Where it has not been considered appropriate that “<i>permitted preliminary works</i>” can be carried out without restriction, such works have been expressly included in the works comprising “<i>commence</i>” for the purposes of the relevant requirement. This can be seen with Requirement 10 (fencing and other means of enclosure) and Requirement 12 (archaeology), which confirm that for the purposes of those requirements, “<i>commence</i>” includes any permitted preliminary works. That is because some aspects of the permitted preliminary works (for example, intrusive archaeological surveys, site preparation, means of enclosure) are required to be subject to the detail or measures approved pursuant to these requirements.</p> <p>Requirement 13 (construction environmental management plan) and Requirement 15 (construction traffic management plan) exclude permitted preliminary works from the commencement requirement. This is because such works would not result in likely significant environmental effects requiring management or mitigation to be in place before they are carried out. With respect to the CTMP, the permitted preliminary works were not considered to generate sufficient traffic to justify traffic management measures. In responding to this question, the Applicant has further considered where “<i>permitted preliminary works</i>” are excluded from “<i>commence</i>” with respect to the CEMP and CTMP, and its responses on specific elements of the “<i>permitted preliminary works</i>” definition are below:</p>

ExQ	Respondent	Question	Applicant's Response
1.5.2	Applicant	Art 2 – Please review the definition of 'Order land' and consider whether it could be more precisely defined.	<p>(c) remedial work in respect of any contamination or other adverse ground conditions – The Applicant has amended the dDCO [APP-011] so that these works would be included as "<i>commencement</i>" for the purposes of the submission and approval of the CEMP. Given such remediation (if required) would be unlikely to generate significant vehicle movements, it is not considered the same amendment is required for the CTMP requirement.</p> <p>(d) diversion and laying of services – The Applicant has amended the dDCO [APP-011] to change this to "<i>diversion of existing services and laying of temporary services</i>", to make clear this relates to more minor works with respect to services.</p> <p>(g) site clearance (including vegetation removal, demolition of existing buildings and structures) – the Applicant has deleted reference to demolition of "<i>existing buildings</i>" in the dDCO [APP-011]. In terms of vegetation removal, the Applicant has amended the requirements in relation to the CEMP and the Landscape and Ecological Management Plan, so that these plans would need to be submitted and approved prior to vegetation removal.</p> <p>With respect to the second point, the Applicant is unclear why the overlap would require remedying. The authorised development set out in Schedule 1, including the "<i>further associated development</i>", is the development sought to be consented by the Order. The definition of "<i>permitted preliminary works</i>" is not excluding development from the need for consent, but rather from restrictions imposed on the authorised development via Requirements.</p> <p>The Applicant considers the definition of "<i>Order land</i>" is clear and consistent with the approach taken on other made energy DCOs (see for example, The Cleve Hill Solar Park Order 2020, The Wheelabrator Kemsley K3 Generating Station Order 2021, and The Thurrock Flexible Generation Plant Development Consent Order 2022). The Applicant notes the definition adopted in The Immingham Open Cycle Gas Turbine Order 2020, which specifically cites the colours of the Order land as shown in the land plans, and the Applicant is happy to adopt that approach in the dDCO [APP-011].</p>

ExQ	Respondent	Question	Applicant's Response
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?	The Applicant agrees the definition can be restricted only to that development set out in Schedule 1 and will amend the definition to bring it in line with that used in made DCOs: The Little Crow Solar Park Order 2022, The Thurrock Flexible Generation Plant Development Consent Order 2022, and The Wheelabrator Kemsley K3 Generating Station Order 2021.
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)?	<p>The drafting of Article 4 adopted by the Applicant is in keeping with recently made energy DCOs: The Little Crow Solar Park Order 2022, The Wheelabrator Kemsley K3 Generating Station Order 2021, The Immingham Open Cycle Gas Turbine Order 2020, The Cleve Hill Solar Park Order 2020 and The Drax Power (Generating Stations) Order 2019. This reflects section 140 of the Planning Act 2008 which provides that “<i>An order granting development consent may include provision authorising the operation of a generating station only if the development to which the order relates is or includes the construction or extension of the generating station</i>”.</p> <p>In any event, the Applicant's view is that “<i>generating station</i>” in this Article would include the energy storage facility. The Applicant notes that “<i>generating station</i>” in the Planning Act 2008 is defined as having the same meaning as in section 64(1) of the Electricity Act 1989 (the definition in the 1989 Act is not instructive on the point as to whether a generating station includes electrical storage). Article 3 of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 amended section 15 of the Planning Act 2008 to exempt an “<i>exempt electricity storage facility</i>” from requiring development consent (and therefore being a nationally significant infrastructure project). In doing so, the definitions provided in section 15(6) for “<i>exempt electricity storage facility</i>” and “<i>electricity storage facility</i>” and the amendments made to section 15 confirm that an electrical storage facility would otherwise be considered a “<i>generating station</i>”. The Applicant does not understand the amendments made under the 2020 Order to have amended the scope of section 140 of the Planning Act 2008, nor the definition of generating station more generally in the Electricity Act 1989.</p>
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	The Applicant has amended Article 6(4) as follows in the dDCO [APP-011] submitted at this deadline, to address this comment:

ExQ	Respondent	Question	Applicant's Response
		over the whole of the Park Farm planning permission. Please review the drafting of this article.	6(4) <i>To the extent that there is an inconsistency on plot 1/2C between any provision of this Order and the Park Farm planning permission there is deemed to be no breach of the Park Farm planning permission and no enforcement action can be taken in respect of such breach the Park Farm planning permission following the commencement of permitted preliminary works, commencement or operation of the authorised development.</i>
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.	<p>The Applicant has considered the Environment Agency's response in relation to the disapplications sought in Article 6. It accepts the Environment Agency's position in this respect and amendments have been made to the dDCO [APP-011] at this deadline to reflect this.</p> <p>A SoCG is being progressed with the EA and the position recorded in that document to outline where agreement has been reached over the Protective Provisions referenced above for disapplication of flood risk activity permits.</p>
1.5.7	Essex County Council	Please comment on the proposed disapplication of section 23 of the Land Drainage Act 1991.	No comments.
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.	The Applicant agrees that reference to the Control of Pollution Act 1974 should be included in Article 7(1)(a)(i). This amendment has been made in the dDCO submitted at this deadline.
1.5.9	Applicant	<p>Art 11: Please consider whether it is possible to 'temporarily stop up' a public right of way (i.e is stopping up by its nature permanent?).</p> <p>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?</p>	The Applicant agrees that " <i>stopping up</i> " is generally intended to mean permanent closure, and that the public highway is no longer a public highway. The reference to " <i>temporary stopping up of street</i> " has been taken from the model provisions and is consistent with the approach taken in The Cleve Hill Solar Park Order 2020 and The Drax Power (Generating Stations) Order 2019. The Applicant considers that in the context of the whole article, the intention and scope of the power is very clear. However, the Applicant is amenable to amending the drafting to delete reference to " <i>stopping up</i> " if that is the Examining Authority's preference (in line with The Immingham Open Cycle Gas Turbine Order 2020, The Little Crow Solar Park Order 2022 and The Thurrock Flexible Generation Plant Development Consent Order 2022, which instead refer to temporary prohibition or restriction of use of streets, or temporary closure and diversion).

ExQ	Respondent	Question	Applicant's Response
1.5.10	Applicant	<p>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.</p>	<p>Requirement 18 in Schedule 2 of the dDCO [APP-011] requires the submission and approval of a Public Right of Way Management Plan, to be prepared in accordance with the Outline Public Right of Way Management Plan [APP-095]. The Outline Public Right of Way Management Plan [APP-095] identifies the public rights of way ("PRoW") to be diverted for the construction period within the Solar Farm Site (paragraph 3.1.4), confirms that PRoW to be diverted during construction will be reinstated during the operational phase (paragraph 3.1.6), and that temporary closures (without diversions) will be for no longer than one day (paragraph 3.1.11). For the Grid Connection Route, the outline plan confirms PRoW closures with diversions for circa 2-3 weeks (paragraph 3.1.12). The Applicant considers appropriate controls over the use of the PROWs are in place via the PRoW Management Plan [APP-095].</p> <p>The powers in Article 14(2) with respect to temporary traffic measures are required for the construction and decommissioning of the Scheme. Article 14(2) has been amended in the updated dDCO submitted at this deadline and paragraph 5.3.10 of the Explanatory Memorandum has also been updated.</p>
1.5.11	Applicant	<p>Art 15 – The Applicant's attention is drawn to Section 146 of PA 2008.</p>	<p>The Applicant is aware of the provisions of section 146 of the Planning Act 2008 and does not consider that it in any way limits the effectiveness of article 15 of the dDCO [APP-011].</p> <p>Section 146 of the Planning Act 2008 applies in circumstances where a DCO: (i) includes a provision authorising the discharge of water into inland waters; and (ii) but for the DCO, the person to whom development consent is granted would have had no power to 'take water', or to require discharges to be made, 'from' the inland waters or other 'sources from which' the discharges authorised by the order are intended to be made. Where it applies, the effect of section 146 is to render the provision ineffective.</p>

ExQ	Respondent	Question	Applicant's Response
			<p>As should be clear, section 146 is concerned with ensuring that a DCO cannot authorise the removal of water from existing sources where the undertaker does not already have the power to do so. This is made clear in the explanatory notes to the Planning Act 2008 (emphasis added):</p> <p><i>“This section relates to an order granting development consent which authorises the discharge of water into inland waters or underground strata. The person to whom the order is granted <u>does not acquire the power to take water or require discharges to be made from</u> the source of water mentioned in the order.”</i></p> <p>In this regard it should be remembered that the Planning Act 2008 can apply to a wide range of infrastructure (and indeed business and commercial projects) such as water resources infrastructure to which this provision would be relevant.</p> <p>Article 15, which follows the original Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 very closely, is concerned with the discharge of water to drainage and sewerage systems and is not concerned with the taking of water and so it does not engage the limitations imposed by section 146 of the Planning Act 2008.</p>
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’?	The Applicant confirms its intention to limit this power to the Order land, as it only anticipates carrying out minor ancillary works (if any works) on those areas that are within the Order limits, but not the Order land (i.e. the small areas coloured white on the Land Plans).
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’.	The Applicant has amended Article 19 in the dDCO to be submitted at this Deadline to remove Article 19(1)(b). The amended drafting is consistent with model provisions and section 122 of the Planning Act 2008, which is the enabling power for this article.
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	The Applicant notes that the description of the powers in Column 2 of Schedule is brief, however, those terms are defined immediately before the table, at paragraph 1 of Schedule 1. Each power is set out, with detail as to the rights and restrictions sought in connection with each power. The Applicant considers the

ExQ	Respondent	Question	Applicant's Response
		description 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.	level of detail provided to be comparable, for example to Schedule 5 of The Cleve Hill Solar Park Order 2020, Schedule 5 of The Thurrock Flexible Generation Plant Development Consent Order 2022, and Schedule 6 of The Immingham Open Cycle Gas Turbine Order 2020.
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?	In terms of the suggestion that sections 203 to 205 of the Housing and Planning Act 2016 would supersede the effect of this article, the Applicant is of the clear view that this would not be the case. The power in section 203 of the Housing and Planning Act 2016 has effect only in respect of building or maintenance work. Article 25(2)(b) extends this to apply to <i>"the exercise of any power authorised by this Order"</i> . The extension to the exercise of other Order powers is necessary to ensure that the Applicant can exercise its full range of powers under the DCO and to ensure that persons whose rights are overridden by that exercise have a clear and unambiguous route to claim compensation if it is due to them.
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.	The Applicant has amended Article 29(11) in the dDCO as follows: <i>"(11) In this article "the maintenance period" means the period of five years beginning with the date of final commissioning of the part of the authorised development for which temporary possession is required under this article except in relation to landscaping where "the maintenance period" means such period as set out in the landscape and ecological management plan which is approved by the relevant planning authority pursuant to requirement 9 beginning with the date on which that part of the landscaping is completed."</i>
1.5.17	Applicant	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? As examples: • The notice period that will be required under the NPA2017 is 3 months, substantially longer than the	The provisions of the Neighbourhood Planning Act 2017 ("NPA 2017") relevant to the temporary possession of land (Chapter 1 of Part 2) will come into force on a date to be appointed. The NPA 2017 received royal assent on 27 April 2017 and despite six sets of commencement regulations having been made in the intervening five years, a date has not been appointed for the coming into force of Chapter 1 of Part 2 of the NPA 2017. The provisions are not in force and there is no certainty as to when, or whether, they will come into force.

ExQ	Respondent	Question	Applicant's Response
		<p>14 days required under Art 28(3). Other than prior precedent, what is the justification for only requiring 14 days' notice in this case?</p> <ul style="list-style-type: none">• 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?• 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.	<p>The Applicant's rationale for disapplying the relevant provisions of the NPA 2017 is that the regulations required to provide more detail on the operation of the regime have not yet been consulted upon, let alone made. This creates uncertainty for the Applicant, and indeed affected persons, as to the legal regime that would apply should the development consent order be granted.</p> <p>As such, it is considered appropriate to apply the '<i>tried and tested</i>' temporary possession regime which has been included in numerous DCOs and Orders made under the Transport and Works Act 1992 to date and to ensure that this endures throughout construction of the Scheme. The Applicant's approach here is not novel and is consistent with other DCOs made since the NPA 2017 came into force.</p> <p>Taking each of the bullets in turn:</p> <p>Notice period</p> <p>The 14-day minimum notice period is sufficient and appropriate to the Scheme and would ensure that the construction programme would not be threatened, which might occur if the Applicant is required to give the three months' notice envisaged by Chapter 1 of Part 2 of the NPA 2017. Article 6(1)(j) of the dDCO [APP-011] protects the Scheme from this disruption.</p> <p>If the Applicant is required to give three months' notice it would reduce the Applicant's flexibility in how to exercise the temporary possession power. An unintended consequence of this is that it may need to make decisions on when it requires land on a precautionary basis to avoid programme disruption, leading to land being possessed temporarily earlier than would otherwise be the case which would be to the detriment of affected persons through the unnecessary disruption and to the Applicant through being required to compensate the affected persons for that additional disruption.</p> <p>Duration of period of temporary possession</p>

ExQ Respondent Question

Applicant's Response

The Applicant considers that the duration of the period of temporary possession is reasonable, necessary and proportionate.

The justification for the temporary possession power is that the land is needed for the construction of the Scheme and, without its use, the Scheme and the public benefits it offers, would not be able to be delivered. It is also justified in respect of other land where a need for a greater interference such as outright acquisition or the acquisition of rights, has been justified, as temporary possession would be a lesser interference and the power would allow a more proportionate exercise of those greater powers. In either case, the underlying driver is that the land is required to construct the Scheme.

The drafting in article 28 is carefully crafted to align the need for the temporary use of the land, with the duration of the temporary possession. So long as the land is needed for the construction of the Scheme, the Applicant is justified in taking temporary possession of the land. Once that need has been satisfied the Applicant is afforded a reasonable period to restore the land and return it, in accordance with article 28(4) and (5). When it no longer needs the land, the Applicant would not be justified to possess it. This is reflected in the drafting of article 28.

The Applicant is of the firm view that it would be unreasonable to impose a finite maximum duration of the period of temporary possession. A duration limit, by its nature, would give rise to a risk of land still being required for the construction of the Scheme beyond the duration limit, because of circumstances beyond the Applicant's control. This would risk the delivery of the Scheme and its wider public benefits. To avoid this risk the duration would likely be set very conservatively, which calls into question whether the imposition of the limit would achieve its objective of providing certainty to the affected person.

The Applicant considers that its approach, of aligning the need for the land with the duration of temporary possession, is reasonable, proportionate, and necessary to secure the delivery of the public benefits of the Scheme.

Counter-notice

ExQ	Respondent	Question	Applicant's Response
			<p>The Applicant does not consider the power of temporary possession to be “for the benefit” of the affected persons. By its nature it is adverse to their interests in that its exercise would dispossess them from their land and suspend the exercise of private rights during the period of possession. As noted above, the power is justified in that it is required to facilitate the construction of the Scheme and to realise its wider public benefits.</p> <p>The Applicant considers that the provision of some form of counter-notice procedure in a similar vein as that set out in the provisions of the NPA 2017 (which are not in force) would be of no practical benefit to any party and it is not clear that such a provision would be within the <i>vires</i> of a what a development consent order may authorise.</p> <p>There are two main circumstances in which the temporary possession power may be exercised: (i) in relation to the land which is required only temporarily (shown in green on the Land Plans [APP-006]); or (ii) in relation to other land (shown in pink) prior to its acquisition, or the land shown in brown and blue, in relation to the acquisition of rights).</p> <p>In relation to the first category (temporary possession only) the Applicant is clear that it cannot meet the tests for compulsory acquisition set out in section 122 of the Planning Act 2008 because its requirement is only to use the land temporarily during construction. As such, it is not clear that a provision in a DCO that would authorise compulsory acquisition of such land, through a counter-notice provision, would meet the tests in section 122(2) and (3) of the PA 2008.</p> <p>In relation to the second category of land (where temporary possession is required in advance of the acquisition of the land or rights required for the Scheme), a counter notice provision would serve no purpose. The Applicant is seeking to obtain the land and rights required for the Scheme through negotiations with landowners with the exercise of compulsory powers being the last resort. If a landowner wished to transfer the land, or rights required, to the Applicant at an earlier stage, the Applicant would have no reason not to do so; early purchase would avoid the Applicant having to pay compensation both for</p>

ExQ	Respondent	Question	Applicant's Response
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).	<p>the period of temporary possession and then for the acquisition of the land or rights over land.</p> <p>The Applicant does not consider the provisions of article 28(1)(b) to (f) to be 'broad'. They are the powers that it requires to construct the Scheme.</p> <p>It should be noted that there are two main scenarios where the temporary possession power would be exercised. The first is in relation to the land shown in green on the Land Plans and listed in Schedule 11 to the dDCO [APP-011], over which only the temporary possession power may be exercised.</p> <p>The Applicant has identified a requirement to use that land temporarily for the purposes of constructing the Scheme and article 28 (1)(a)(i) and Schedule 11 limits the purposes for which such land can be occupied.</p> <p>In relation to other Order land, article 28(1)(a)(ii) authorises its temporary possession prior to compulsory acquisition powers being exercised. This is important, particularly in relation to the Grid Connection Route, as it would permit the Applicant to take possession of the land for the purposes of constructing the Scheme and once constructed, could acquire the rights it requires only over the minimum amount of land and in relation to the precise location of the cable, as constructed. Without this power, the Applicant would instead be required to acquire, or acquire rights over, a greater amount of land than would otherwise be the case.</p> <p>In that context then:</p> <ul style="list-style-type: none">- Paragraph (b) is required to ensure that any agricultural plant and apparatus, fences, debris and vegetation would not impede the construction of the Scheme. The Applicant has removed reference to 'buildings' and 'drainage' from this sub-paragraph.- Paragraph (c) is required to ensure the Applicant has the power whilst in temporary possession to construct temporary works, haul roads, security fencing, bridges, structures and buildings on that land that are required to facilitate its construction. For example, some temporary bridge improvements

ExQ	Respondent	Question	Applicant's Response
			<p>or works to facilitate the crossing of Boreham Brook with construction vehicles may be required.</p> <ul style="list-style-type: none"> - Paragraph (d) is required to ensure that the Applicant has the power, whilst in temporary possession, to use the land for the purposes of a temporary working site, and to access the working site. This is required to construct the Scheme. - Paragraph (e) permits the permanent works in Schedule 1 to be constructed on land temporarily possessed. This approach would enable the compulsory acquisition power to be exercised later once there is a high degree of certainty of the Applicant's land requirements once the Scheme is constructed. Without this power, the Applicant would have to exercise the power to acquire the land, or acquire rights over the land, before it could start construction which would inevitably lead to more land than is ultimately needed on a permanent basis, being acquired. It should be noted that nothing in this article overrides article 3 which grants development consent to the authorised development within the limits of deviation for the works shown on the Works Plans [APP-007]. <p>Paragraph (f) permits the conduct of the mitigation works required under requirements. As with (e) above, this would permit those mitigation works to be underway at an early stage and permit permanent acquisition of land or rights over land to follow once the precise land requirements are known.</p>
1.5.19	Applicant	<p>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 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.</p>	<p>The Applicant is content to amend the period in Article 34(6) to 14 days, in line with recently made energy DCOs.</p>
1.5.20	Applicant	<p>Art 37 – This article allows the undertaker to fell or lop any tree or shrub near any part of the</p>	<p>The drafting adopted by the Applicant has precedent in other made solar DCOs, being Article 16 of The Little Crow Solar Park Order 2022 and Article 32 of The</p>

ExQ	Respondent	Question	Applicant's Response
		authorised development. Should it be amended so that it only applies to trees and shrubs within or encroaching upon the Order limits?	<p>Cleve Hill Solar Park Order 2020. This also reflects the model provision (“<i>The undertaker may fell or lop any tree or shrub near any part of the authorised project</i>”). The power to fell or lop trees or shrubs near any part of the authorised development is sought to ensure the passage of construction vehicles to the Order limits is not prevented.</p> <p>Sub-paragraphs (2), (3) and (5) of Article 16 ensure the power is appropriately limited, including that a tree may not be felled or lopped within the extent of the publicly maintainable highway without the prior consent of the highway authority.</p>
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?	<p>An arboriculture survey has been carried out since the DCO submission of the areas of vegetation loss, based on Figure 10-15 Vegetation Removal Plan [APP-186] to confirm the assumptions in the ES. This assessment is being finalised and will be submitted into the examination at Deadline 3. In summary:</p> <ul style="list-style-type: none"> - No trees subject to TPO are to be removed or impacted. The Applicant does not currently anticipate needing to rely on the power in Article 38 of the dDCO. However, it would propose retaining this article in case a TPO is made after the making of the Order, which would obstruct or interfere with the authorised development. - The design flexibility allows for micro-siting of tracks and cables to avoid impacts on high value trees. Three veteran trees would be directly impacted by the layout illustrated in the Concept Design and therefore infrastructure (in this case internal tracks and the grid connection cable) will be micro-sited within the parameters allowed by the dDCO [APP-011] and Works Plans [APP-007] to avoid any RPA incursion or Buffer Zone incursion for any veteran trees, ancient woodland or high quality (BS5837:2012 Category A) tree features. <p>Overall, there is considerable new planting of trees proposed as part of the Scheme, as mentioned in the OLEMP [APP-217].</p>
1.5.22	Applicant/Relevant IPs	Article 43 – please provide further justification for the wide application of this power (and provide any	Article 43 is drafted to provide a procedure for the agreement or approvals required pursuant to the Order (not including the requirements). There is precedent for this approach in Article 38 of The Immingham Open Cycle Gas

ExQ	Respondent	Question	Applicant's Response
		<p>additional examples of similar provisions in other made DCOs).</p> <p>Please provide further justification for the 6-week period referred to in Art 43(4).</p>	<p>Turbine Order 2020. The Article is considered appropriate and justified to ensure that the Scheme can proceed in a reasonable timescale, and so that there is a consistent approach to consents and approvals that must be sought by the undertaker pursuant to the Order.</p> <p>The Applicant considers the 6 weeks provided is a reasonable period for approvals under the Order, and ensures the delivery of the Scheme, as a nationally significant infrastructure project, is not unnecessarily delayed. The Applicant is happy to consider this further in light of any other responses received from Interested Parties who would be a “<i>consenting authority</i>” for the purposes of this article. A meeting is scheduled with the Host Authorities on 5 September 2022, where matters relating to the dDCO will be discussed. Amendments agreed at that meeting will be reflected in an updated version of the dDCO at Deadline 3.</p>
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).	No comments.
1.5.24	Applicant	<p>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.</p> <p>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</p>	<p>The Applicant has adopted the term “<i>unlikely</i>” in Schedule 1 and Requirement 5(2), which is consistent with the approach taken in The Little Crow Solar Park Order 2022 and The Cleve Hill Solar Park Order 2020 (both solar DCOs). The drafting in Schedule 1 and Requirement 5(2) relates to the environmental impacts of the Scheme, as assessed, and it is appropriate and reasonable for the language used here to reflect the language adopted with respect to such assessments in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, being the requirement to assess the “<i>likely</i>” significant effects of a development on the environment.</p>

ExQ	Respondent	Question	Applicant's Response
		<p>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.</p>	
1.5.25	Applicant	<p>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.</p>	<p>The reason for the imposition of the 90MW limit on the capacity of the BESS by the Secretary of State in The Little Crow Solar Park Order 2022 is not clear to the Applicant from the Examining Authority's recommendation or the Secretary of State's decision letter.</p> <p>Nevertheless, the Applicant does not consider an upper limit on capacity is the appropriate way to control the impacts of the BESS in this case. The impacts of the BESS are not directly related to its capacity. It is for that reason that the Applicant's approach is to focus on directly controlling and managing the potential impacts of the BESS, rather than arbitrarily limiting its capacity.</p> <p>The design of the BESS and its impacts are controlled in several ways. Prior to commencement of construction of the BESS, a Battery Safety Management Plan (in accordance with the Outline Battery Safety Management Plan (BSMP) [APP-210] submitted with the Application) is required to be submitted to the relevant local planning authority and approved, in consultation with the Health and Safety Executive, Essex County Fire and Rescue Service and the Environment Agency. The Applicant must operate the BESS in accordance with the approved plan.</p> <p>Further, pursuant to a requirement of the dDCO [APP-011], the detailed design of the BESS must be in accordance with the Outline Battery Safety Management Plan (BSMP) [APP-210] which includes safety requirements for the BESS design, and the Design Principles [APP-206]. The Design Principles [APP-206] contain controls over the BESS which restrict the area, height, lighting and some design features of the BESS. The controls in the Design Principles also include: (i) that the chemistry of the BESS will be lithium ion, and (ii) that an assessment will be undertaken, based on the detailed design for the BESS, to demonstrate that the risk of fire and impacts from such a fire will be no worse than as assessed in ES Appendix 16B: BESS Plume Assessment</p>

ExQ	Respondent	Question	Applicant's Response
			<p>[APP-103]. The Design Principles [APP-206] also include controls for noise emissions from the BESS.</p> <p>In this way the dDCO [APP-011] controls and limits the BESS in a way that reflects its potential impacts.</p>
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.	No comments.
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.	<p>Paragraph 17.1 of AN15 states that ‘Any provisions in the dDCO that allow for flexibility must be thoroughly justified within the Explanatory Memorandum and assessed within the ES’. Paragraphs 17.4 and 17.5 of AN15 then go on to provide:</p> <p><i>“17.4 Therefore, adding a tailpiece (a tailpiece is a mechanism inserted into a condition (or by analogy a Requirement) providing for its own variation) such as the one below would not be acceptable because it might allow the discharging authority to approve a change to the scope of the Authorised Development applied for and examined, thus circumventing the statutory process:</i></p> <p style="padding-left: 40px;"><i>“The authorised development must be carried out in accordance with the principles set out in application document [x] [within the Order limits] unless otherwise approved in writing”</i></p> <p><i>17.5 On the other hand, a Requirement might make the development consent conditional on the discharging authority approving detailed aspects of the development in advance (for example, the relevant planning authority approving details of a landscaping scheme). Where the discharging authority is given power to approve such details it will be acceptable to allow that body to approve a change to details that they had already approved. However, this process should not allow the discharging authority to approve details which are outside the parameters authorised within any granted DCO.”</i></p>

ExQ	Respondent	Question	Applicant's Response
			<p>The approach taken in Requirement 5 of the dDCO [APP-011] is in accordance with this advice. The circumstances in which the relevant planning authorities can approve any amendments are carefully limited, unlike the open-ended example given at the end of paragraph 17.4 of AN15. Pursuant to Requirement 5, any amendment must still be within the assessment outcomes set out in the Environmental Statement. Approval for amendments '<i>must not be given</i>' (emphasis added) '<i>except where it has been demonstrated to the satisfaction of the relevant planning authority or both relevant planning authorities (as applicable) that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement</i>'.</p> <p>The dDCO [APP-011] has been drafted to ensure the Scheme is constructed, operated and decommissioned within certain parameters, and subject to principles, plans and management plans, aimed at controlling the environmental impacts of the Scheme so that they are not worse than those assessed in the Environmental Statement. The restriction in Requirement 5 that approval of amendments can only occur in limited circumstances, is drafted to achieve the same objective; that is, that the Scheme when constructed, operated and decommissioned does not result in environmental effects any worse than or different to those in the Environmental Statement. In this way the requirement permits the flexibility paragraph 17 of AN15 refers to, whilst ensuring approved amendments must be within the parameters authorised within the DCO (as per paragraph 17.5).</p>
1.5.28	Applicant	Schedule 2, R6 – please provide details of the 'various bodies' referred to in R6(1).	Section 4.7 of the Applicant's Planning Statement [APP-204] expands upon what is proposed with respect to the community liaison group. The "various bodies" referred to in Requirement 6(1) refers to local community representatives. With the local community meaning people living in the vicinity of the Scheme. The intention is that other relevant organisations would also be included. This requirement has been amended in the dDCO [APP-011] to more clearly define who the group could involve.
1.5.29	Host Authorities	Schedule 2, R8 – Please comment on the drafting of this requirement and overall approach to battery	No comments.

ExQ	Respondent	Question	Applicant's Response
	Health and Safety Executive The Environment Agency Essex County Fire and Rescue Service.	safety management set out in the outline battery safety management plan [APP-210] . See also ExQ1.4.3 above.	
1.5.30	Applicant	<p>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].</p> <p>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.</p>	<p>The Applicant agrees that the requirement should be amended to more accurately reflect and secure the biodiversity net gain the Applicant is committing to. In the dDCO submitted at this deadline, the Applicant has amended the figure to 79%. The Applicant notes that this figure is an estimate and is, therefore, in square brackets in the dDCO at present. The Applicant is undertaking further calculations of the figure with Metric 3.1 to provide a more accurate minimum figure that can be secured in the DCO. The Applicant will undertake those calculations and seek agreement with the Host Authorities as to the outcome of those calculations. The Applicant will then be able to confirm the exact figure for the requirement in the dDCO. The Applicant can confirm that the figure will not be significantly different to the approximate 79% figure cited in its application documents.</p>
1.5.31	Host Authorities Historic England	<p>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].</p> <p>See also ExQ1.9.3 below.</p>	No comments.
1.5.32	Host Authorities	Please confirm whether or not the wording of R13 and R14 and the contents of the oCEMP [APP-	No comments.

ExQ	Respondent	Question	Applicant's Response
	The Environment Agency	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)?	The Applicant has amended the requirement in the dDCO submitted at this deadline to include reference to the noise rating levels, set out at Table 11-13 to Table 11-15 in Section 11.8 of Chapter 11 of the Environmental Statement [APP-043] .
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.	The Applicant has amended Requirement 17 in the dDCO submitted at this deadline in response to this question, as follows: <i>“(2) The permissive paths must be maintained and access by the public permitted for 364 days a year (subject to closures for maintenance or emergencies) until commencement of decommissioning of the authorised development pursuant to requirement 20 (decommissioning and restoration).”</i>
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.	The Applicant has deleted the tailpiece in Requirement 18 in the dDCO submitted at this deadline.
1.5.36	Applicant	Schedule 2, R22(1) – Is the reference to approval ‘in writing’ necessary (See Schedule 2, R4) ?	The Applicant agrees that ‘ <i>in writing</i> ’ is not necessary in Requirement 22(1), in light of Requirement 4, and has also removed it from Requirement 7. These updates have been made to the dDCO submitted at this deadline.
1.3.37	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.	As outlined in the Explanatory Memorandum [APP-012] , the Applicant has conducted a review of any local legislation that might conflict with the powers and rights sought in the Order. The list of local legislation in Schedule 3 of the dDCO [APP-011] that is sought to be disapplied has been prepared taking a precautionary approach, because in some cases it was difficult to conclusively determine whether or not the provisions of the legislation were relevant to the Order, given that plans were not available in respect of the majority of the Acts considered to make clear their precise geographic scope. Article 6 disapplies the legislation listed in Schedule 3 in so far as the provisions still in force are inconsistent with how the powers in the Order can be exercised. Taking each piece of local legislation in Schedule 3 in turn:

ExQ	Respondent	Question	Applicant's Response
			<p>(i) Eastern Counties Railway Act 1836 – This legislation provides for provision of a railway ‘<i>passing from, through, or into...</i>’ Terling and Hatfield Peverell. Although it appears as though the railway has been constructed outside of these locations, the Applicant has proposed disapplying this legislation as a precaution.</p> <p>(ii) Eastern Counties Railway Act 1838 – This legislation extends the effect of the 1836 Act above, and so the same approach has been taken.</p> <p>(iii) Great Eastern Railway Act 1882 – This legislation provides for the diversion and alteration of footpaths in Braintree. It is unclear precisely where within Braintree but given the close proximity to the Order limits the Applicant has sought to disapply this legislation on a precautionary basis.</p> <p>(iv) Great Eastern Railway (General Powers) Act 1883, Great Eastern Railway (General Powers) Act 1885; Great Eastern Railway (General Powers) Act 1898 – These are Acts providing for the building of a railway in Witham which is in close proximity to the Order limits. The Applicant has therefore sought disapplication on a precautionary basis.</p> <p>(v) Chelmsford Corporation Water Act 1923 – This legislation includes powers to take lands, and to enter and use lands. The geographic extent of these powers is unclear and so the Applicant has proposed disapplication on a precautionary basis.</p> <p>(vi) County of London Electric Supply Company’s Act 1927 – This legislation authorises electricity supply in Essex with, for example, provisions which permit electric lines to be laid on routes to be agreed with the local authority (with no requirement for agreement with landowners) and is therefore sought to be disapplied.</p> <p>(vii) Essex County Council Act 1933 – This legislation provides certain powers in relation to water courses potentially including the River Chelmer (close to the Order limits).</p> <p>(viii) Ely Ouse-Essex Water Act 1968 – This legislation gives powers to divert and stop up footpaths, and to stop up, divert and interfere with watercourses, roads, bridleways, or footpaths. For this reason, the Application seeks disapplication.</p> <p>(ix) Essex River and South Essex Water Act 1969 - This Act provides for the power to construct certain works, dredge etc. as well as to acquire of land. The geographic extent of these powers is unclear and so the Applicant has proposed disapplication on a precautionary basis.</p>

ExQ	Respondent	Question	Applicant's Response
			<p>(x) Essex River Authority Act 1972 – This legislation confers powers on the Essex River Authority in relation to acquisition of land and carrying out experimental borings or other works. Given the potential for these powers in the vicinity of the Order limits, this Act is sought to be disappled.</p> <p>Anglian Water Authority Act 1977 – This legislation has effect in Essex and relates to the 1968, 1969 and 1972 water related legislation sought to be applied above. Relevant provisions include powers to temporarily stop up watercourses, highways and private rights of way.</p>
1.5.38	Applicant	<p>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.</p> <p>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.</p>	<p>The Applicant confirms it will submit a full, up to date list of plans and other documents requiring certification in Schedule 3 of the dDCO [APP-011] submitted at Deadline 7.</p>
1.5.39	Applicant	<p>Please provide an update on the protective provisions for the benefit of Anglian Water.</p>	<p>In accordance with the response provided to ExAQ 1.3.3, although Protective Provisions were issued to Anglian Water, it was subsequently confirmed that Anglian Water do not have any apparatus within the Order Limits and as such will not be impacted by the powers sought in the dDCO [APP-011].</p>
1.5.40	Applicant	<p>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.</p>	<p>The Applicant agrees and at this deadline has provided a corrected Figure 10-15 (Vegetation Removal Plan) that now shows the labels for the hedgerows. There are also slight amendments made to Schedule 12 of the dDCO [APP-011] so that both the schedule and the plan are aligned.</p>
1.5.41	Applicant	<p>The Applicant should ensure that all cross references within the dDCO are checked and</p>	<p>The Applicant confirms it will undertake these cross checks.</p>

ExQ	Respondent	Question	Applicant's Response
		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 dDCO (and any subsequent revisions) should be in the form required by the statutory instrument template (see Planning Inspectorate AN15) and validated as such using the current SI template, including detailed footnotes to all statutory references.	The dDCO is in the SI template. The Applicant confirms the drafts of the DCO submitted at future deadlines will also be in the SI template. The Applicant would not propose validating the SI template for every version submitted, although it confirms it will validate the final version of the dDCO to be submitted, including footnotes. If the Examining Authority requires the dDCO to be validated for every version submitted, the Applicant can do that.
1.5.43	Applicant	Please provide an update on Protective Provisions (Schedule 15 of the dDCO).	<p>National Grid: The Applicant has recently received revisions to the National Grid protective provisions from National Grid's legal representatives. The Applicant is currently considering these. The Applicant has made updates to the protective provisions with National Grid in the dDCO at this Deadline to reflect some of the comments received from National Grid, however it is noted that these are not yet in agreed form.</p> <p>Network Rail: The Applicant has been in discussions with Network Rail's legal representatives to confirm the interaction between the Scheme and Network Rail's rights. Network Rail has provided draft protective provisions for consideration by the Applicant, and draft protective provisions have been included in the dDCO for this Deadline 1B. The protective provisions are largely agreed, with limited points outstanding.</p> <p>UKPN: The Applicant and UKPN's legal representatives are at an advanced stage with negotiation of the protective provisions. There is one point outstanding between the parties. Updates to the protective provisions at this Deadline reflect amendments agreed between the parties.</p> <p>Environment Agency: The Applicant has recently been provided with revised protective provisions by the EA's legal representatives. The Applicant is currently considering these, with a view to making any changes in a future version of the dDCO.</p>

ExQ	Respondent	Question	Applicant's Response
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?	<p>Essex County Council: The Applicant has recently been provided with protective provisions from Essex County Council in its role as drainage authority. The Applicant has reviewed these and included the protective provisions in the dDCO submitted at this Deadline. These are in an agreed form.</p> <p>Essex and Suffolk Water: The Applicant has recently begun discussions with Essex and Suffolk Water in relation to protective provisions, and the Applicant anticipates including protective provisions for Essex and Suffolk Water in a future version of the dDCO.</p> <p>Vodafone: The Applicant is engaging with Vodafone to confirm whether it has assets within the Order limits, requiring protection. These discussions are ongoing.</p> <p>The Order, if made, would require the decommissioning of the Scheme in accordance with a Decommissioning Environmental Management Plan (DEMP). A Decommissioning Strategy [APP-216] has been prepared as part of the DCO application. This provides the outline mitigation measures to be adhered to during decommissioning. The DCO includes a requirement to prepare and approve of the DEMP substantially in accordance with the Decommissioning Strategy, and for the approved DEMP to be implemented.</p> <p>The Applicant is aware of its obligations in the dDCO [APP-011] with respect to decommissioning and will need to plan for decommissioning of the Scheme if the Order is made.</p> <p>Further, the requirement with respect to decommissioning is enforceable via the Planning Act 2008 against the person with the benefit of the Order of the time. The Applicant is aware of its obligations in this respect (should the Order be made) and that it is a criminal offence to fail to comply with the terms of an Order granting development consent.</p>
1.5.45	Applicant	Requirement 7(2) - The ExA notes that in the Cleve Hill Solar Park Order 2020, the SoS inserted	The Applicant does not consider Requirement 7(2) needs to require that details of the authorised development accord with the <i>'principles and assessments set out</i>

ExQ	Respondent	Question	Applicant's Response
1.5.46	Applicant	<p>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?</p>	<p><i>in the environmental statement</i>'. This is because the purpose of the Environmental Statement has been to assess the likely significant effects of the Scheme, and then the Applicant has carefully considered those outcomes and what needed to be secured (whether by way of parameters, design principles, the works plans, management plans or other restrictions in requirements) for the effects of the Scheme to be no worse than assessed in the Environmental Statement. For example, to ensure the Scheme accords with the outcomes of the landscape and visual assessment, various design principles and a landscape and ecological management plan have been secured. With respect to the noise assessment, this resulted in appropriate design principles and an operational noise requirement.</p> <p>The environmental impact assessment is a tool providing outcomes, which can then inform the controls on the authorised development. The Applicant has had careful and close regard to the assessment outcomes in creating the '<i>consent envelope</i>' for the Scheme (i.e. the controls included in the design principles, works plans, requirements, management plans). It is not necessary (and could unnecessarily complicate the process of discharging the requirements for the relevant planning authorities) to also secure that details are in accordance with the Environmental Statement.</p> <p>With respect to the works plans (The Cleve Hill Solar Park Order 2020 Requirement 2(2)(b)) the Applicant does not consider it is necessary to secure that the details of the authorised development accord with the works plans, as Article 3(2) already provides that each numbered work must be situated within the corresponding numbered area shown on the works plans and within the limits of deviation. In addition, in Design Principles [APP-206] also confirm that each work package will be located within the corresponding area on the works plans. There is no need for a further limb to Requirement 7 in this respect.</p>
		<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</p>	<p>The inclusion of a bespoke procedure for discharge of requirements is not novel in made energy DCOs. See for example The Immingham Open Cycle Gas Turbine Order 2020, The Drax Power (Generating Stations) Order 2019, The Abergelli Power Gas Fired Generating Station Order 2019, The Tees Combined Cycle Power Plant Order 2019, The Millbrook Gas Fired Generating Station</p>

ExQ	Respondent	Question	Applicant's Response
		<p>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> <p>Please also explain how this Schedule ties in with Art 43.</p>	<p>Order 2019 and The Eggborough Gas Fired Generating Station Order 2018, all of which include a procedure for discharge of requirements (and other approvals) including imposing time limits and deemed consent provisions. The procedure in each is very similar to that proposed by the Applicant in the dDCO [APP-011].</p> <p>Of the made energy DCOs cited above, with the exception of The Tees Combined Cycle Power Plant Order 2019, all include an obligation on the Secretary of State that they "<i>must forthwith notify</i>" the appeal parties of the person appointed to determine the appeal.</p> <p>The bespoke procedure, time limits, deemed consent and obligations on the Secretary of State all reflect the national significance of the project being consented by the DCO in each case. The provisions are put in place to ensure all parties have clarity in advance in terms of their obligations and expectations on them, aimed at avoiding or minimising delay to the delivery of nationally significant infrastructure, for which, in the case of energy NSIPs, there is an urgent need.</p> <p>If the Examining Authority or the Secretary of State do not consider "<i>must forthwith notify</i>" to be acceptable wording, despite the above precedents and reasoning, the Applicant can consider this further (for example, the deletion of the word "forthwith").</p> <p>In terms of the six-week period, given the precedents referred to, the Applicant is content to amend this in the dDCO to eight weeks.</p> <p>Schedule 16 relates only to the procedure for discharge of requirements under the Order. Article 43(3) gives effect to Schedule 16 (procedure for discharge of requirements), confirming that it has effect in relation to all consents, agreements or approvals required, granted, refused or withheld in relation to the requirements.</p> <p>The other sub-paragraphs of Article 43 relate to where the consent, approval or agreement of a "<i>consenting authority</i>" (defined in sub-paragraph 7) is required under the Order, <u>other than in the case of requirements</u>.</p>

ExQ	Respondent	Question	Applicant's Response
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.	No comments.
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.	<p>The Order limits for the Scheme overlap slightly within the proposed Order limits for the A12 Chelmsford to A120 Widening Scheme DCO. This overlap occurs over the private road the Applicant proposes to use for access to the Bulls Lodge Substation for the construction of the extension to that substation. National Highways also proposes to use this private road for access during construction of the A12 scheme.</p> <p>The Applicant had engaged with National Highways regarding the A12 widening scheme to understand the potential for cumulative impacts as well as synergies between the projects. It is not considered there is any inconsistency between the two DCOs that requires specific provisions in the dDCOs themselves, however, the parties have agreed to put measures in place to manage any interaction, given construction of both projects is likely to occur at the same time.</p> <p>As indicated in ES Appendix 13B: Framework Construction Traffic Management Plan [APP-094] the Construction Traffic Management Plan will include details of how the projects will liaise on an ongoing basis during the construction phase.</p> <p>Further detail is provided as to the discussions and agreement reached between the parties in the SoCG with National Highways, submitted at this deadline.</p>
1.5.49	Applicant	Does the Applicant, having viewed the RRs, anticipate including additional protective provisions in the dDCO? If so, please provide details.	The Applicant has included provisions for the protection of Network Rail in the dDCO submitted at this Deadline. The Applicant is also in discussions with Essex and Suffolk Water and the Applicant anticipates including Protective Provisions for that undertaker in the next version of the dDCO to be submitted after this deadline. The Applicant has also been provided with draft Protective Provisions from Essex County Council as drainage authority. The Applicant has reviewed these and included the Protective Provisions in the dDCO submitted at this deadline.

ExQ	Respondent	Question	Applicant's Response
			No additional Protective Provisions are currently proposed to be included.
1.5.50	Applicant	Please ensure the dDCO is updated throughout the Examination so that definitions are kept up to date as matters evolve.	The Applicant confirms it will keep the dDCO, including definitions, updated throughout the examination.
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.	The stated parties have agreed that the documents can be made available in this way. The Applicant confirms that it would comply with any further COVID-19 regulations that were put in place. Access in the event of the closure of public buildings would be provided by hosting the documents on a website controlled by the Applicant and by making the documents available in hard copy by request to the Applicant.

7. Environmental Statement: General Matters

ExQ	Respondent	Question	Applicant's Response
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.	<p>Appendix A of this report provides a copy of the planning permission.</p> <p>With respect to minerals the Mineral Infrastructure Impact Assessment [APP-212] has been updated (Revision 2.0) to amend the broken citations within the text that PINS noted in the S55 advice.</p>
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.	The Applicant confirms it will keep this document under review and submit a final 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?	<p>Paragraph 2.5.72 of ES Chapter 2: The Scheme [APP-034] presents the maximum trench parameters for which consent is being sought and which have been assessed in the ES.</p> <p>The Concept Design [APP-054] presents an illustrative example for the trench width and depth (1.9m wide and 1.25m deep) allowed within the Design Principles for the Scheme, but also states that the Design Principle (maximum parameters) is 'The 400kV cable trench will be up to 3m deep and 3m wide'. This aligns with Paragraph 2.5.72 of ES Chapter 2: The Scheme [APP-034].</p> <p>ODP [APP-206] states that "The 400kV cable trench will be up to 2m deep and 3m wide'. The width aligns with Paragraph 2.5.72 of ES Chapter 2: The Scheme [APP-034]. The reference to depth is an error and should have said 3m. The ODP [APP-206] has been updated and issued as Revision 2 for this deadline.</p>
1.6.4	Applicant	Regarding Work No.5B, ES Chapter 2: The Scheme [APP-034] and the Concept Design	This is an omission from ODP [APP-206] . It is mentioned in the description of 'Work No. 5B –temporary overhead line alterations including two new temporary

ExQ	Respondent	Question	Applicant's Response
		<p>[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]?</p>	<p><i>pylons and realignment of the existing 400kV overhead line</i>, but the maximum height of these has been omitted. The Applicant confirms these will be 41m.</p> <p>The ODP [APP-206] has been updated and issued as Revision 2 for this deadline.</p>
1.6.5	Applicant	<p>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?</p>	<p>The Applicant seeks the flexibility to keep generating renewable energy should the life of the solar PV panels extend beyond the expected design life. Should this happen, the decommissioning date would be in the order of and not dramatically different from 40 years following commissioning of the Scheme. It is most likely that any extension in operating lifetime would be by a few years, and not decades or centuries.</p> <p>The assessment of decommissioning effects in the ES is not time limited. The Scheme will need to adhere with the regulations and shall align with good industry practice whether it is decommissioned in Year 40 or at a later date far into the future. It is acknowledged in the ES [APP-033 – APP050] that the effects will be similar to, but slightly less than, the effects during construction, and this is likely to remain the case even if the operation extends far beyond 40 years. Taking agricultural land as an example, the continued use of the land for solar PV for a few more years (or even decades) will not change the conclusions of the ES, which note that the absence of arable crops does not reduce or change the agricultural land value, and that the land use is reversable (except for a small amount of land for the substation extension and planting). It would merely extend the period of soil recovery and period during which arable farming does not take place. For the other technical topics, it similarly would not change the operational or decommissioning effects; the activity of decommissioning would be unaffected by the year it takes place, and it is assumed that the future baseline conditions are the same whether it is 40 years after operation or later.</p> <p>The duration of operation is therefore not a key factor in the significance of effects. This conclusion changes if the lifetime were sufficiently long that wholesale changes to the solar PV panels occurs, swapping out all the panels part way through operation to double the lifetime. This would trigger significant activity and associated impacts such as road trips if it did occur. This is not the intention however and the description of “maintain” in the dDCO [APP-011] does not allow for this (that definition expressly does not include the ability to “remove,</p>

ExQ	Respondent	Question	Applicant's Response
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 [APP-007] , 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.	<p>reconstruct or replace the whole of, the authorised development"); it therefore cannot happen. The lifetime of the Scheme allows for a few more years should the panels still be operating efficiently beyond their design life.</p> <p>The other limiting controls are a combination of the documents listed in page 3 of the design principles [APP-206], and the other design principles set out for Work No. 1, which include:</p> <ul style="list-style-type: none"> - The maximum height of highest part of the PV Panels will be 3m above ground level (AGL) (existing levels). - The minimum height of the lowest part of the PV Panels will be 0.6m AGL (existing levels). - The minimum spacing gap between consecutive rows of PV Tables will be 2m. <p>The PV Tables will slope towards the south.</p>
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?	<p>As recorded in Chapter 3 of the ES [APP-035], the point of connection of the Scheme to the National Grid was a key criterion for the site. Given the urgent need for renewable energy, the site needed to make full use of the available grid capacity (and 500MW grid connection offer), thereby maximising its contribution to a net zero economy.</p> <p>Land within viable proximity to the point of connection was therefore considered, and a desk-based assessment undertaken of discrete areas of land, to ascertain whether there was land that offered the same advantages of the proposed site for the Scheme, whilst avoiding any adverse impacts potentially caused by the Scheme.</p> <p>Generally, land further north of the Longfield site is of better quality ALC grade than the proposed Longfield site. No land was identified that would have maximised the available grid capacity whilst having less of an impact on BMV land than the Scheme. It was therefore considered that there were no reasonable alternatives to the north. To the south there are more built-up urban areas, meaning limited opportunities to identify a contiguous area of land that could make</p>

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full use of the grid connection capacity and make the same contribution to the urgent need for renewable energy.

Two areas of land were identified to the south, south east of the Longfield site as having the potential for a viable grid connection and ability to take full advantage of the available grid capacity. These two areas were considered further based on environmental and other considerations.

In the case of the first area of land:

- The topography of the Longfield site was considered better suited in terms of the most efficient use of land for solar energy generation.
- The equivalent land area to the Longfield site was in the ownership of approximately 13 landowners, compared with the Longfield site, where the main site is owned by one landowner. The Longfield site therefore had the advantage of minimising or avoiding use of compulsory acquisition powers.
- The Longfield site had more opportunities for screening from existing woodland.
- The land area is closer to/immediately adjacent to settlements unlike the Longfield site, meaning there would be less impact on residential amenity at the Longfield site.
- The land area identified had slightly fewer constraints to work around in terms of heritage and the potential for archaeology than the Longfield site.
- In terms of flood risk, both areas were largely within Flood Risk Zone 1, with small areas within Zones 2 and 3, and this was not a factor weighing in favour of either area.

In the case of the second area of land, the comparison with the Longfield site is quite similar to the first area of land:

- The topography of the Longfield site was considered better suited in terms of the most efficient use of land for solar energy generation.
- The equivalent land area to the Longfield site was in the ownership of approximately 13 landowners, compared with the Longfield site, where the main site is owned by one landowner. The Longfield site therefore had the advantage of minimising or avoiding use of compulsory acquisition powers.
- The Longfield site had more opportunities for screening from existing woodland.

ExQ	Respondent	Question	Applicant's Response
1.6.8	Applicant	The ExA notes that the proposed route for the East Anglia GREEN project, a proposed NSIP on the	<ul style="list-style-type: none"> - The land area is closer to/immediately adjacent to settlements unlike the Longfield site, meaning there would be less impact on residential amenity at the Longfield site. - The land area identified had slightly fewer constraints to work around in terms of heritage and the potential for archaeology than the Longfield site. - In terms of flood risk, both areas were largely within Flood Risk Zone 1, with small areas within Zones 2 and 3, and this was therefore not a factor weighing in favour of either area. <p>In terms of ALC grades, consideration of the alternate areas of land was dependent upon a desk-based review of the national dataset for ALC. The ALC grade for the areas of land identified to the south is shown as Grade 3. Grade 3 land is not distinguished between Grade 3a (BMV) and 3b (non-BMV) on the national dataset. For the purposes of this exercise, it was assumed that the national dataset is accurate, however the experience from Longfield has been that the site-specific survey generally found land to be of lesser agricultural quality.</p> <p>Overall, it was also considered that as the site at Longfield had fewer constraints and had the advantages in relation to one landowner and topography, there was more scope at the Longfield site to refine the extent of the site and developable areas to avoid and minimise use of BMV land, in line with policy requirements (which has been borne out as demonstrated in Chapter 3 of the ES). The Applicant was also mindful of the draft revisions to NPS EN-3 providing that '<i>land type should not be a predominating factor in determining the suitability of the site location</i>' (2.48.13).</p> <p>Taking into account the grid connection and the need to make full and efficient use of available capacity, all environmental impacts, and policy and legislative requirements including in relation to compulsory acquisition powers, use of BMV Land and need for renewable energy, it was not considered that other areas of land identified would offer the benefits of the Longfield site, whilst avoiding both any adverse effects resulting from it, and the introduction of new adverse effects.</p> <p>It is understood that East Anglia GREEN is a proposal by National Grid Electricity Transmission (National Grid) to reinforce the high voltage power network in East</p>

ExQ	Respondent	Question	Applicant's Response
		<p>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?</p>	<p>Anglia. The proposal includes building a new 400 kV electricity overhead transmission line, work at existing substations and building a new substation to connect new proposed offshore wind farms to the electricity transmission network. It is expected that the GREEN DCO application will be submitted at the end of 2024, with construction scheduled for 2027 and operation in 2031.</p> <p>Based on the current alignment, GREEN would not cross the Longfield Order limits, but would be close to the northern and western extents, passing to the north of Fuller Street and Lyons Hall, before heading south to the west of Lyonshall Wood, continuing south west to the west of Chelmsford.</p> <p>GREEN is expected to be constructed when Longfield is already operational (based on the assumptions in the Longfield ES and the GREEN indicative timeline), therefore avoiding cumulative construction effects. Overlap only occurs if Longfield Solar Farm is built later or slower than currently intended.</p> <p>GREEN would not change the conclusions of the assessment of cumulative effects for any chapters other than Landscape and Visual. Chapters 6-9 and 11-16 are described below:</p> <ul style="list-style-type: none">- Chapter 6: Climate Change [APP-038]: Construction and decommissioning of GREEN will inevitably lead to green house gas emissions and the project will have its own embedded carbon, but this is not expected to be on a scale that would increase the cumulative effect on climate above minor adverse. The operational phase of GREEN is not likely to have any significant adverse effects and should not change the major beneficial effect associated with Longfield Solar Farm.- Chapter 7: Cultural Heritage [APP-039]: Given the distance of GREEN from the Scheme, it is not expected that there would be cumulative effects on buried archaeology. It is expected that the GREEN project will carry out its own geophysical survey and agree a mitigation strategy with the ECC's archaeologist to avoid significant effects. These effects would be local and are unlikely to combine with the effects from Longfield Solar Farm. The operation of both projects will introduce a change to the landscape for some heritage assets. There are several listed buildings and a non-designated asset within the

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current corridor shown for the GREEN project. This may lead to new significant effects on these receptors, although this would be due to GREEN on its own and not as cumulative impacts. Effects on these receptors within the GREEN corridor from Longfield Solar Farm are mainly negligible, raising to minor adverse for the Grade I Church of St Mary the Virgin because of its elevated value. It is possible that the GREEN project could lead to new significant effects on this receptor, however it is expected that National Grid will design the routing to minimise impacts on heritage assets and avoid new significant effects on these receptors.

- **Chapter 8: Ecology [APP-040]:** GREEN is sufficiently far from the Scheme – at least 440m at its closest point, and generally further - for construction and decommissioning impacts to be separate and not combine. Longfield Solar Farm may lead to negligible and minor effects during construction and decommissioning on breeding birds, but it is not expected that the GREEN project will add to these effects. During operation the GREEN project may affect migratory birds and bats, but this would be an impact by GREEN and Longfield Solar Farm is not expected to add to this. The ES for Longfield Solar Farm concludes that the operational Scheme will not lead to any impacts on important ecological features and any adverse effects are identified as negligible, which do not have the potential to lead to significant cumulative effects when considered with GREEN. The GREEN project is also expected to achieve BNG, which will further enhance the biodiversity in the area.
- **Chapter 9: Water Environment [APP-041]:** Impacts on the water environment associated with the Longfield Solar Farm are relatively local and as such the ES chapter limits the study area to 1km. Most of the GREEN project will be out with this study area, and itself is likely to only impact the environment within a few hundred metres of its footprint. Therefore, the potential for cumulative impacts is limited. It is assumed that GREEN will adhere with good industry standard measures, will prepare a Flood Risk Assessment and Drainage Strategy as part of their DCO application, and will be sensitively routed and designed to avoid significant effects on the water environment. Based on the information currently in the public domain it is not expected that GREEN will change the cumulative effect assessment presented in the ES for the water environment. Should GREEN lead to a significant effect, this would be a result

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of the GREEN project in isolation and not due to the contribution of any effects associated with the Longfield Solar Farm Scheme.

- **Chapter 10: Landscape & Visual [APP-042]:** The addition of GREEN would likely result in new significant cumulative landscape and visual effects. This is discussed further below.
- **Chapter 11: Noise & Vibration [APP-043]:** Construction activities of GREEN may overlap with construction activities at Longfield Solar Farm. Although the final route of the overhead line is not fixed, the southern edge of the corridor is located approximately 440m from the northern edge of Longfield Solar Farm. Consequently, there is potential for cumulative construction noise effects. However, given the scale of both GREEN and Longfield Solar Farm, it is considered unlikely that works would be undertaken simultaneously at the two closest points. As such, cumulative construction noise effects are unlikely to occur. Significant noise effects from overhead lines may occur due to 'corona noise' (which may occur at night under humid or wet conditions) from 400kV overhead lines. As such, it is sometimes appropriate for the design of 400kV overhead line to try and retain a 200m buffer between pylons and sensitive receptors, and a 100m buffer between sensitive receptors and overhead lines. The closest point of the overhead line corridor passes approximately 440m from the most northern point of the Order Limits and has a width of approximately 700m. Consequently, if the overhead lines were located at the southern end of the corridor, there would be potential for cumulative noise effects. However, the only sensitive receptors in the area are located at the southern edge of the corridor, so it is unlikely that the southern area of the corridor would be the preferred route and the overhead line is likely to be located at a suitable distance that cumulative noise effects are unlikely.
- **Chapter 12: Socio economics [APP-044]:** GREEN may lead to an increase in local construction and decommissioning employment and spending, which may increase the beneficial effects associated with the Longfield Solar Farm Scheme. However, this is not expected to change the significance of effect. Any additional demand on local accommodation for workers if the construction periods overlap is not expected to be significant given the peak periods are unlikely to occur at the same time, the distance of GREEN from the Order limits, and the transient nature of the GREEN project. Should any PROWs be

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affected by GREEN, this is unlikely to occur at the same time as the Scheme and even if it did, would be several hundred metres apart. It is not expected that GREEN would affect the cumulative effects.

- **Chapter 13: Transport and Access [APP-045]:** The number of trips and routing of vehicles during the construction and decommissioning phases for GREEN is not yet known, but it is unlikely that the peak construction periods would overlap or that there would be a significant overlap of the road network being used, other than potentially Wheelers Hill and Cranham Road (if the route via Great Leighs to the north is not utilised). The GREEN project is situated to the north of the Order limits and is expected to cross Boreham Road circa. 3.5km to the north of the Waltham Road/Cranham Road junction. This section of Boreham Road is a Protected Lane. Construction HGVs travelling to/from the Solar Farm Site will be required to comply with the agreed routing strategy in accordance with the Framework CTMP [APP-094], to avoid Protected Lanes. The contractor will also discourage the construction workers from using Protected Lanes (including Boreham Road) when travelling to/from the site. The Applicant will liaise with National Grid on transport management measures should any interaction be identified once further information is available on GREEN. However, based on the information available, it is not expected that the cumulative effects on the transport network associated with Longfield Solar Farm and other local projects would change due to GREEN.
- **Chapter 14: Air Quality [APP-046]:** The study area for air quality is 350m for the Longfield Solar Farm. Given the distance to GREEN, the nature of its development, and expected localised construction or decommissioning impacts, it is not expected that cumulative effects with the Longfield Solar Farm Scheme are possible. Neither project should create to any noticeable air quality impacts during operation.
- **Chapter 15: Human Health [APP-047]:** No new human health impacts were identified in the ES that are not already mentioned above. The GREEN project may increase the perception of energy infrastructure in the landscape, which is discussed further in the landscape and visual section below.
- **Chapter 16: Other Environmental Topics [APP-048]:** This chapter of the ES discusses minor topics that did not warrant a standalone chapter and where the

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impacts were inherently not significant. The potential for cumulative effects is low and it is not considered that GREEN would interact with Longfield Solar Farm on glint and glare, ground conditions, major accidents or disasters, telecommunications, or waste.

Chapter 10: Landscape and Visual

The addition of GREEN would likely result in increased significant cumulative landscape effects on:

- LCA B17 Terling Farmland Plateau (district level character area)
 - The cumulative assessment submitted in the ES reported a cumulative effect of moderate adverse (significant).
 - The cumulative impact may increase from medium to high, given the extent of the LCA affected, resulting in a major adverse cumulative effect (significant).

- LLCA 02 Western Farmland Plateau (local level character area)
 - The cumulative assessment submitted in the ES reported a cumulative effect of moderate adverse (significant).
 - The cumulative change may increase from medium to high as a result of GREEN, given the extent of the LCA affected, resulting in a major adverse effect (significant).

- LLCA 03 Ter Valley North (local level character area)
 - The cumulative assessment submitted in the ES reported a cumulative effect of minor adverse (not significant).
 - The additional infrastructure introduced through GREEN would, in combination with Longfield, affect the perceptual qualities of LLCA 03 resulting in a moderate adverse effect (significant). It is anticipated that the significant effect would be mostly the result of GREEN, rather than Longfield, given the geographic extent of LLCA 03 potentially affected.

The addition of GREEN would likely result in new significant cumulative visual effects on:

- People walking on the Essex Way (Viewpoint 45)
 - The cumulative assessment submitted in the ES did not identify any cumulative effects for this receptor group. The Year 1 effect resulting from

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Longfield Solar Farm alone was identified as moderate adverse (significant).

- This is a panoramic view. Longfield Solar Farm would impact part of the view. The addition of GREEN would increase the extent of the view affected by the introduction of new infrastructure. Given the sensitivity of the receptor, the cumulative impact would likely be major adverse (significant).

– Residents of Fairstead Lodge (north of Fuller Street – Viewpoint 47)

- The cumulative assessment submitted in the ES did not identify any cumulative effects for this receptor group. The Year 1 effect resulting from Longfield Solar Farm alone was identified as moderate adverse (significant).
- GREEN would be seen in combination with Longfield. The cumulative effect would likely be major adverse (significant).

It should be noted that the detailed siting and routing of GREEN has not yet been completed. As such, available information is limited to an identified '*preferred corridor*' which covers a relatively wide area. The potential significant cumulative effects identified above are based on worst case assumptions, that the alignment of GREEN would be on the southern extent of National Grid's '*preferred corridor*'. The alignment of GREEN in the northern part of the '*preferred corridor*' would likely reduce the predicted cumulative level of effect for some of the receptors identified above. For example, GREEN and Longfield Solar Farm would not appear in combination in southerly views from Fairstead Lodge, and the cumulative level of effect would likely reduce.

The Applicant will engage with National Grid through its pre-application consultation and engagement to understand potential impacts from GREEN. However, as noted above, this project is only at early planning stage and National Grid will need to take account of Longfield Solar Farm in its design to avoid or minimise new significant effects.

ExQ	Respondent	Question	Applicant's Response
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?	No comments.
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?	<p>Thank you for identifying these typing errors. A revised Mitigation Schedule is included in the suite of documents submitted by the Applicant at this deadline. This updated document incorporates the following changes:</p> <ul style="list-style-type: none"> • E-01 now refers to Requirement 20 instead of Requirement 21. • E-04 now refers to Requirement 24 instead of Requirement 23. • E-05 now includes reference to Requirement 14 to cover operation. • E-12 now refers to Requirement 13 rather than Requirement 9. • E-14 now refers to Requirement 13 rather than Requirement 9. • WE-03 now includes Requirement 7 on detailed design. • WE-04 now refers to Requirement 24 rather than Requirement 23. • NV-02 now also includes Requirements 26 and 27 for Bulls Lodge Substation Works. • The mitigation for socio-economics has been renumbered to include SE-02, which was missing in Revision 1.0. • TA-04 and TA-05 now include Requirement 27 CTMP for Bulls Lodge Substation Works. • TA3, TA-4, TA7, and TA10 have had Requirement 21 added to the Securing mechanism. • LV02 now includes Requirement 20 to cover decommissioning. <p>TTU-01 now also includes Requirement 7 Detailed Design Approval.</p>

8. Historic Environment

ExQ	Respondent	Question	Applicant's Response
1.7.1	Applicant	Paragraph 7.4.1 of ES Chapter 7 [APP-039] 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.	The extended 3km study area is designed to ensure that built heritage assets of the highest significance (heritage value) at a distance from the site were properly assessed. Consequently, scheduled monuments and grade I and II* listed buildings and registered parks and gardens were assessed. Had the baseline (ES Appendix 7A, Cultural Heritage Desk-based Assessment [APP-057]) identified conservation areas of high heritage value within the extended 3km these would have been assessed within ES Chapter 7 [APP-039] . All built heritage assets of high heritage value within the 3km study area including those within conservation areas were individually assessed within ES Chapter 7 [APP-039] . This approach was outlined in the EIA Scoping Report [APP-051] and Preliminary Environmental Information Report [APP-066] .
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?	<p>An archaeological mitigation strategy is currently being drafted and will be presented in an Overarching Written Scheme of Investigation for the Scheme. The Applicant will seek to agree the detail of its content with the relevant statutory consultees through the course of the examination; with details set out in the relevant Statements of Common Ground (i.e. between the Applicant and the Host Authorities, and the Applicant and Historic England). The Overarching Written Scheme of Investigation will be in line with the outline strategy set out in Table 3-2 of the oCEMP [APP-214].</p> <p>The Overarching Written Scheme of Investigation is expected to be agreed by the close of the examination. This will be a certified document that the Applicant will need to comply with during construction. The Applicant has amended the requirement in this respect in the dDCO to reflect this.</p>
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	No comments.

ExQ	Respondent	Question	Applicant's Response
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 [APP-039]) 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.	As explained in Table 7-4 of ES Chapter 7 Cultural Heritage [APP-039] , access was not granted for the trial trenching to investigate asset A92 (cropmarks) at Benning Hall. The impacts of the Scheme on this asset are as set out in paragraph 7.8.83 and Table 7-7 ES Chapter 7 Cultural Heritage [APP-039] , with mitigation measures proposed in Table 7-8 and the residual effect in Table 7-9.
1.7.5	Applicant	<p>Paragraph 7.1.6 of ES Chapter 7: Cultural Heritage [APP-039] 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:</p> <ol style="list-style-type: none"> 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]. 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. 	<p>As stated in Table 7-3 (page 7-13) of ES Chapter 7 Cultural Heritage [APP-039]:</p> <p><i>"all potential impacts to buried archaeology [underground heritage assets] have been considered as part of this ES chapter. The report has taken a worst-case scenario approach where design information was uncertain and is based on the latest relevant guidance."</i></p> <p>The cultural heritage impact assessment on archaeological remains has been undertaken against the maximum parameters allowed for by the ODP [APP-206].</p> <p>The ODP [APP-206] has been updated and included within the suite of documents submitted at this deadline to address these comments. Specifically, paragraph 7.8.6(c) refers to the typical trench dimensions, whilst the ODP refers to the maximum; the ES has assessed the maximum parameters. Paragraph 7.8.6(h) states the dimensions presented in the Concept Design (aside from item (g) which contains an error), whereas the ODP presents the maximum parameters. The ES has assessed the maximum parameters.</p> <p>For completeness and clarity, the applicant has made sure the outline design principles include for all potential limits to development. Answering the points in the same order as the question received:</p>

ExQ	Respondent	Question	Applicant's Response
		<p>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].</p> <p>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.</p> <p>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.</p> <p>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].</p> <p>7) Likewise, there appear to be further inconsistencies in paragraph 7.8.6(h).</p>	<p>1) This maximum depth of foundations has been added to the Outline Design Principles</p> <p>2) This is a mistake, the design principles for work no.1 and no.6 cable trenches have been reduced to 0.8 wide and 1.5m deep. However as stated above, the archaeology team have taken larger dimensions in their assessment work.</p> <p>3) This maximum depth of foundations has been added to the outline design principles</p> <p>4) The maximum cable trench dimensions for work no.4 (the 400kv cable) of 3m deep and 3m wide are correct. Section 7.8.6 of ES chapter 7 incorrectly stated the maximum cable trench dimensions of works no.1 and works no.6 (the 33kv cables). This has been amended in section 7.6.8.</p> <p>5) This has been amended to 3m x 3m and so have the outline design principles. These dimensions are the maximum dimensions of the 400kv cable trench.</p> <p>6) This has been added to the outline design principles, to say that maximum foundation depths for Bulls Lodge substation will be at a depth of no more than 2m.</p> <p>7) Paragraph 7.8.6(h) is describing dimensions of the design principles (the maximum size) as shown in Outline Design Principles [APP-206] and Concept Design Appendix [APP-054] and not the concept design. The text in the chapter has been amended to reflect this.</p>
		<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>	<p>The Applicant would like to reconfirm that it believes all assessment and mitigation is appropriately provided within this submission. All earth works are subject to the controls specified in the outline soils resource management plan [APP-092] and oCEMP [APP-214] and all heritage assessments have been based on the maximum bounds provided in the outline design principles.</p>

9. Landscape and Visual Effects

ExQ	Respondent	Question	Applicant's Response
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 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.	<p>The requested email is presented in the appendix. For ease of reference, the relevant agreement is copied below:</p> <p>“Residential amenity assessment <i>The work that you have done to review the impact of the proposals on a residential property by property basis is greatly appreciated and having reviewed the revised proposals which now have greater set backs from residential properties and which seek to maintain key views from properties within the study area, we agree that a residential amenity assessment is not required.”</i></p>
1.8.2	Applicant	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]	<p>The example raised (of Viewpoint 7) identifies a formatting error. Appendix 10F: Visual Assessment (Ref 7 (page 10F-4) [APP-086] does record both construction and Year 1 effects as being moderate adverse and ‘<i>not significant</i>’. This should read ‘<i>significant</i>’. This was correctly recorded as a significant effect in ES Chapter 10 [APP-042] in Table 10-7 under ‘<i>Residents on the eastern side of Waltham Road</i>’.</p> <p>A further check of Appendix 10E: Landscape Assessment [APP-085] and Appendix 10F: Visual Assessment [APP-086] has been undertaken, confirming that the remaining record of significance is correct, with the addition of ‘<i>not significant</i>’ under Negligible adverse for Construction effects from Viewpoint 33 and 34 where there was previously no statement of significance. Appendix 10F: Visual Assessment (Ref 7 (page 10F-4) [APP-086] has been updated accordingly, and is included in the suite of documents submitted at this deadline.</p> <p>More generally, professional judgement is an important part of the LVIA process and is informed by observations in the field combined with professional experience of the assessor and application of the detailed methodology. Judgements related</p>

ExQ	Respondent	Question	Applicant's Response
		<p>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>	<p>to the level of significance are based on evaluation of a range of factors that inform sensitivity and magnitude for each receptor, with reference to the criteria and descriptions set out in the methodology.</p> <p>The descriptive text provided in relation to sensitivity (Appendix 10C and 10D) and assessment commentary (Appendices 10E and 10F) for each receptor supports the final level of significance attributed.</p>
1.8.3	Host Authorities	<p>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]?</p>	No comments.
1.8.4	Applicant	<p>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?</p>	<p>Chapter 10 Landscape and Visual of the ES [APP-042] has been revised following receipt of the S55 advice from PINS. The mitigation/enhancement measures stated 'as above' in each row without any introduction to what the mitigation/enhancement was. This has been amended to say that '<i>All mitigation and enhancement measures have been embedded into the Scheme. No additional measures are proposed</i>'. The other rows remain valid. This revised chapter is included in the suite of documents submitted at this deadline.</p>
1.8.5	Host Authorities	<p>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.</p>	No comments.
1.8.6	Applicant	<p>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.</p>	<p>Engagement with local communities has taken a number of forms, namely:</p> <ul style="list-style-type: none"> - Discussions with residents living in close proximity to the Order Limits held at their residence during week commencing 30/08/2021. The

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- discussions included presentation of the Scheme in proximity to residents' boundaries and agreement of mitigation measures, including off-sets, view corridors and new planting. The properties visited were: Stocks Cottage, Little Holts, Thatched Cottage, Noakes Barn, Hedgerow Cottage, Little Weathers, Sparrows Farm, Stocks Farm and White House Farm.
- Drop-in sessions open to the local community during Non-Statutory and Statutory Consultation in which a 3D virtual model of the Scheme was available for the local community to interrogate the effectiveness of the proposed landscape and visual mitigation from any location.

Engagement with the Host Authorities has been via a number of virtual meetings to agree the approach to the LVIA and present the proposed Scheme at project milestones. These meetings included updates regarding the proposed mitigation. Such meetings took place on: 29 June 2021, 15 September 2021 and 16 December 2021.

A site visit, attended by the Host Authorities' Landscape Advisors and the Applicant's Landscape Architect was conducted on 5 October 2021, focusing on the proposed boundary of the River Ter Valley and mitigation proposed in the northernmost extent of the Order Limits.

10. Land Use, Agriculture and Socio-Economics

ExQ	Respondent	Question	Applicant's Response
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?	The Applicant is not aware of any other public rights of access that may be exercisable over the Order limits other than those shown on Figure 10-3 [APP-164] .
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.	<p>The Applicant provided a draft of the legal agreement to the local authorities on 9 August 2022. A meeting is scheduled to discuss the draft with the local authorities on 5 September 2022.</p> <p>The Applicant confirms that its intention is to submit a completed legal agreement at Deadline 7.</p>
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?	<p>A single 400kV cable circuit consisting of 3 cables will run underground from Longfield Substation (Work No 3) north of Toppinghoehall Wood to the Bulls Lodge Substation Extension (Works No 5) approximately 1.9km to the south west. Underground cables eliminate the electric field altogether as it is screened out by the sheath around the cable, but they still produce magnetic fields which require consideration.</p> <p>There are no residential properties or any other properties of any other kind within the Grid Connection Route within which the 400kV cables can be installed. The nearest properties to the cable corridor are generally 10m or more away, with the exception of one property which is approximately 1 or 2m from the Order limits. It is unlikely the cable will be installed that close to any property due to the need for construction vehicles to manoeuvre both sides of the trench within a 20m working right of way (as noted in Paragraph 2.5.74 in Chapter 2 of the ES [APP-034]). The Illustrative Concept Design [APP-110] shows the likely cable route as more than 10m from any property. Some Public rights of Way do cross over the proposed cable route, as shown on Figure 2-2 [APP-107], although these users would be transient and present only for short periods.</p>

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The National Grid document 'Undergrounding high voltage electricity transmission lines' states that for a 400kV cable buried at 0.9m depth, the *typical* magnetic field is 24 microteslas when on top of the cable, 3 microteslas at 5m from the centreline, and 0.9 microteslas at 10m the centreline, with the *maximum* known by National Grid being 96 microteslas on top of the cable, 13 microteslas at 5m, and 3.6 microteslas at 10m.

The Energy Networks Associate publication 'Electric and Magnetic Fields' states:

"The Government sets guidelines for exposure to EMFs in the UK on advice from the Health Protection Agency (HPA). In March 2004 the UK adopted the 1998 guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and this policy was reaffirmed by a Written Ministerial Statement in October 2009. These guidelines also form the basis of a European Union Recommendation on public exposure and a Directive on occupational exposure. The ICNIRP 'reference levels' for the public are: 100 microteslas for magnetic fields". It goes on to say: "These are the levels above which more investigation is needed if this level of exposure is likely to occur; the permitted levels of exposure are somewhat higher, 360 microteslas and 9000 volts per metre. They apply where the time of exposure is significant. These guidelines are designed to ensure that EMFs do not interfere with nerves, but were set after examining all the evidence, including the evidence on cancer. The occupational limits are five times higher".

The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. The reference level is the level above which more investigation is required if this level of exposure is likely to occur; the permitted levels of exposure (basic restrictions) are somewhat higher as noted above, 360µT. They apply where the time of exposure is significant, for instance in a residence (as noted in the Energy Networks Association publication 'Electric and Magnetic Fields') and ICNIRP guidelines.

For context, the Energy Networks Associate publication 'Electric and Magnetic Fields' states that in *'the vast majority of homes in the UK, the magnetic field,*

ExQ	Respondent	Question	Applicant's Response
			<p><i>averaged over 24 hours, is between 0.01 and 0.2 microteslas</i>, but goes on to notes that exposure to EMF from a vacuum cleaner is 800 microteslas, reducing to 2 microteslas at 1m away, and for a TV, washing machine or microwave exposure is 50 microteslas next to these appliances and 0.2 microteslas at 1m distance.</p> <p>For individuals using the public rights of way who are exposed to EMF from the buried cables for only short periods of time, the exposure is similar to the EMF associated with general household appliances (and noticeably less than associated with the exposure when using a vacuum cleaner). For permanent residents, taking into account this guidance and the UK limits set for safety of members of the public, the maximum reported EMF for high voltage cables buried at 0.9m would comply with the ICNIRP limits even if the cabling were directly under a residential property. The maximum EMF levels on top of the cables is expected to be less than 30% of the permitted EMF levels and 96% of the reference levels set by ICNIRP. The EMF reduces rapidly with distance and would be a maximum 4% of the permitted levels at 5m distance, or an expected 1% of the permitted level when applying the typical EMF recorded by NGET.</p>
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.	<p>Paragraphs 6.7.19 to 6.7.27 of the Planning Statement [APP-204] explain how the Applicant has sought to minimise impacts on best and most versatile agricultural land, as per the first part of NPS EN-1 paragraph 5.10.8. These make the points summarised as follows:</p> <ul style="list-style-type: none"> - Refinement of the Order limits through iterative design development to exclude BMV agricultural land from the Scheme where this was consistent with other sustainability considerations (Planning Statement, paragraphs 6.7.20 – 6.7.21). - Protection of soil resource during construction, operation and decommissioning in order to retain the ability to reinstate agricultural use after decommissioning (Planning Statement, paragraphs 6.7.23 – 6.7.24). - The ability to retain agricultural use on parts of the biodiversity mitigation and enhancement areas and/or the Solar Farm Site during the operational phase of the Scheme (Planning Statement, paragraph 6.7.26).

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Paragraph 3.4.2 of **ES Chapter 3: Alternatives and Design Evolution [APP-034]** provides more detail, noting that the environmental surveys, including agricultural land surveys, led to a reduction in the Site from 582ha to 474ha at statutory consultation. Table 3-2 confirms:

“Following initial Agricultural Land Classification surveys and a geophysical investigation, the PEI Boundary was revised to remove a discrete parcel of land located to the south of Toppinghoehall Wood, immediately to the north of the A12. This land was identified as being Best and Most Versatile (BMV) land in entirety, and also as containing below ground archaeological assets.” And *“Land to the south of Ringers Farm was proposed as set-aside and this was excluded from the Order limits after discussions with the landowner. This land also formed parcels of Grade 2, 3a and 3b agricultural land, so their removal resulted in further areas of BMV land being removed from the Order limits.”* This same table then describes: *“Following statutory consultation, several changes were made to the Statutory Consultation Layout, including:*

- *The removal from the Order limits of further fields and parts of fields that were formed of BMV land, including a section of the Order limits to the west of Toppinghoehall Wood (Grade 3a), and two fields to the north east of Ringers Farm (Grade 3a and 3b) PDA 24 and 25, which were also removed to protect the setting of the listed building at Ringers Farm;*
- *Further areas of agricultural land were retained within the Order limits but proposed development was removed from the layout of the Scheme, including a parcel of land to the north of White House Farm (Grade 3b), a field to the north of Little Weathers (Grade 3b), sections of land to the east of White Oak Cottages (Grade 3b), land to the north and east of Noakes Barn (Grade 3b), and land to the east of Buftons (Grade 3a).”*

Paragraph 6.7.28 of the **Planning Statement [APP-204]** sets out the justification for the inclusion of best and most versatile agricultural land within the Order limits. This makes the points summarised below:

- the urgent need for the delivery of a large amount of renewable energy;
- the lack of identifiable alternative sites in the vicinity of the 400 kV power line between Rayleigh and Braintree with a lower ALC rating than the vast majority of the Site;

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- the non-permanent, reversible impact of the Scheme on agricultural land meaning the permanent agricultural resource is not lost;
- the possible retention of an element of agricultural use throughout the life of the Scheme; and
- the Applicant's careful design to limit the amount of BMV land included within Order limits.

Paragraphs 6.7.29 and 6.7.30 **[APP-204]** go on to explain why the specific areas of BMV agricultural land that are included within Order limits are justified and therefore represent an effective use of land with reference to their location and context within the Scheme, the wider landholding, and in relation to adjacent and surrounding land. The reasoning set out includes the matters summarised as follows:

- Exclusion of the BMV land included within the Solar Farm Site would reduce the amount of generation capacity of the Scheme and would reduce the contribution it is able to make to delivering the government's objectives and commitments for the energy system and for combatting climate change, including decarbonisation of energy generation through provision of renewable energy generation capacity. The Applicant expects that this would be afforded substantial positive weight in the Secretary of State's decision.
- Exclusion of areas of BMV land from biodiversity mitigation and enhancement areas would affect the ability of the Scheme to provide biodiversity mitigation and enhancement, whilst having only a small impact on the agricultural use of the fields, which may continue to be grazed by livestock as part of habitat management arrangements.
- To make the most of the existing features of the landscape, in particular woodland blocks, to provide visual screening to the largest structures that form part of the Scheme.
- To create a single, contiguous site that is required to deliver an efficient and effective solar farm development.
- To avoid splitting agricultural units.
- To avoid separating fields from the remainder of the agricultural land holding.
- Land in the vicinity of woodland blocks may be more prone to wildlife such as rabbits and pigeons damaging crops.

ExQ	Respondent	Question	Applicant's Response
1.9.5	Applicant	Please explain how draft Requirement 20 of the dDCO [APP-011] ensures the site would be restored to its former condition following decommissioning.	<p>Together, paragraphs 6.7.28 to 6.7.30 of the Planning Statement explain why the Scheme's inclusion of 156 ha of BMV agricultural land represents an effective use of land.</p> <p>Requirement 20 specifies that a decommissioning environmental management plan and decommissioning travel management plan need to be agreed with the Host Authorities ahead of decommissioning. These plans will be substantially in accordance with the Decommissioning Strategy [APP-216] submitted as part of the DCO application. Paragraph 2.11 of the Decommissioning Strategy [APP-216] states '<i>The land within the Solar Farm Site will be returned to the landowner and to its original use after decommissioning. All above ground infrastructure will be removed, with the exception of the Bulls Lodge Substation Extension, which will remain in NGETS's control</i>'.</p> <p>It continues by explaining how foundations and other below ground infrastructure will be removed to enable future ploughing. Paragraph 2.1.7 of the Decommissioning Strategy [APP-216] states '<i>Where localised soil compaction occurs...management measures are identified to alleviate compaction (e.g. through ploughing), to maintain soil structure and enable reinstatement of the land (including best and most versatile land) to its original use and ALC grade</i>'.</p> <p>The Requirement will bring about the return of the Site to its former condition, albeit the Decommissioning Strategy does note that the 400kV cable may be left in-situ (as noted in Paragraph 2.1.3 this will depend on the method which is likely to have the least environmental impact and future regulatory requirements at that time), some primary access tracks may be retained if the landowner requests it, and the mitigation vegetation planting will be left in-situ.</p>

11. Noise and Vibration

ExQ	Respondent	Question	Applicant's Response
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]) .	No comments.
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?	No comments.
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?	<p>To achieve 10dB of attenuation, the barrier would need to be located in close proximity to the inverter and be higher than the inverter noise source. The height of the barrier would depend on the height of the inverter noise source and, therefore, will be dependent on the type of inverter that is selected during the detailed design.</p> <p>The maximum allowed height of the inverters is 3.5m. Should it be built to this maximum with the noise source at the very highest point of the inverters (which is not realistic), the barriers would also need to be up to 4.0m. If the inverters or position of the noise source within the inverters (which is the fans) are lower, the barrier can be lower. As a rule of thumb, it is expected that the acoustic barrier will be 0.5m higher than the position of the noise source on the inverter. Modelling can be carried out during detailed design stage to confirm if barriers are needed and their optimal height (up to the maximum parameters allowed by the ODP). The ODP has been amended to include the maximum height (4.0m) of any acoustic barriers associated with the inverters.</p> <p>The barrier locations and heights will be secured through Requirement 7 Detailed Design Approval and Requirement (which requires detailed design to be in compliance with the ODP [APP-206]), Condition 14 Operational environmental management plan (see Table 3-6 of the oOEMP [APP-215]), and Requirement 16 Operational Noise. The latter requires the Applicant to demonstrate the detailed design meets the noise findings set out in the ES.</p>

12. Water Environment

ExQ	Respondent	Question	Applicant's Response
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?	<p>Table 3-4 of the oCEMP [APP-214] contains numerous outline measures aimed at preventing an increase in flood risk to and from the Scheme. The measures are summarised below:</p> <ul style="list-style-type: none"> - Construction works undertaken adjacent to watercourses will comply with relevant guidance (e.g. CIRIA guidance) during construction. - The detailed CEMPs will incorporate measures aimed at preventing an increase in flood risk during construction works. - Materials would be stored outside of Flood Zone 2 and 3 and the construction laydown area site office and supervisor would be notified of any potential flood occurring by use of the Flood line Warnings Direct service. - Construction works within the grid connection corridors, specifically in areas located within Flood Zone 3, would not be undertaken when an Environment Agency Flood Warning is in place. - Placing arisings and temporary stockpiles outside of the Flood Zone 3 flood extent and away from drainage systems to mitigate loss of floodplain and commensurate increase in flood risk to the Site or elsewhere (Mitigation of Flood Risk to and from the Scheme). If areas located within Flood Zone 2 are to be utilised for the storage of construction materials, then a standard rules permit will be sought from the Environment Agency. <p>Table 3-1 notes that the following measure will be carried out to protect against flood risk by appointing a designated Flood Warden who is familiar with the risks and remains vigilant to new reports, Environment Agency flood warnings, relevant water warnings and water levels of the local waterways. These are all already included in the oCEMP [APP-214].</p> <p>In addition, the following new/amended measures have been added to the oCEMP (Revision 2.0) that is included as part of the suite of documents submitted at this deadline:</p>

ExQ	Respondent	Question	Applicant's Response
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] .	<ul style="list-style-type: none"> - Connectivity will be maintained between the floodplain and the adjacent watercourses, with no increase in ground levels within the floodplain (Mitigation of Flood Risk from the Scheme elsewhere). - The Contractor(s) will move all plant, machinery and material capable of being mobilised in a flood risk area, to safe locations, to mitigate flood risk elsewhere by blocking flood flow paths etc during a flood event. <p>This is considered a sufficient outline upon which the detailed CEMP can be developed, to address flood risk to and from the site during construction.</p>
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 [APP-	<p>The EA's RR states:</p> <p><i>"Section 9.7 of the Environmental Statement outlines the requirements for a Flood Risk Activity Permit. This section states 'Please also note that Boreham Brook is only a Main River downstream of the Order limits and not within the Order limits itself'. We however highlight that there is in fact a section of Main River known as the Boreham Brook that is within the order limits as shown on drawing EN010118 Figure 92b – Fluvial Flood Zones including indicative concept design"</i>.</p> <p>The statement in regarding being a Main River downstream of the Order limits is an error in Table 9-1 of the ES Chapter 9 [APP-041]. However, in paragraph 9.6.20 of ES Chapter 9 it is correctly stated that <i>"Boreham Tributary is an ordinary watercourse, while it becomes Main River south of Brick House Farm"</i>. This latter statement agrees with the EA's relevant representation. The error in Table 9-1 does not impact on any of the assessment outcomes. It is not considered necessary to submit a revised ES Chapter 9 [APP-041].</p>

ExQ	Respondent	Question	Applicant's Response
		077]) and why a route through Flood Zone 1 or Flood Zone 2 has not been proposed?	<p>A key consideration for all routes was minimising ecological and hydrological disturbance, and land use; aiming to minimise the disturbance to the Minerals Safeguarding Area within which Hanson has permission to extract minerals.</p> <p>Of eight routes assessed and described in ES Chapter 3: Alternatives and Design Evolution [APP-035], all were heavily constrained. The proposed route is considered to have the optimal combination of being deliverable with the minimum impact on the environment based on these criteria.</p> <p>Figure 2.1 of the ES [APP-035] presents the Environmental Constraints for the Scheme. Figure 13-3 [APP-195] illustrates the location of the cable access from Generals Lane along the length of the grid connection corridor. It is not possible to travel along the grid connection corridor without entering Flood Zone 3 due to the extent of flood risk in the grid connection corridor. Existing tracks have been utilised as far as possible to reduce the physical footprint of the Scheme, as well as aiming to minimise the removal of vegetation which would be required along the length of the grid connection corridor to avoid Flood Zone 3. In the vicinity of Bulls Lodge Substation an alternative access route avoiding Flood Zone 3 would have meant introducing an additional crossing of the Boreham Brook, which would have increased the impact of the Scheme. The chosen route and access to the grid connection corridor is therefore considered the best option based on a combination of technical and environmental considerations.</p>
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?	<p>As agreed with the EA in the SoCG, the FRA has been updated (Revision 2.0) to reflect the draft NPS EN-3 and is included as part of this deadline. This is a minor change to acknowledge the draft policies; the FRA is already compliant with draft NPS EN-, with the FRA also considering drainage, with reference to the Drainage Strategy within the ES which is in accordance with the draft NPS EN-3.</p>
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.	No comments.

ExQ	Respondent	Question	Applicant's Response
1.11.6	Applicant	<p>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?</p>	<p>The EA has stated in its relevant representation that, <i>"We have no objection in principle to the disapplication of flood risk activity permits under the EPR subject to protective provisions acceptable to us being included in the Development Consent Order (we are currently considering the draft protective provisions included in the draft Development Consent Order by the applicant and will endeavour to agree a form of protective provisions with the applicant).</i></p> <p>The Applicant has considered the Environment Agency's response in relation to the disapplications sought in Article 6 and accepts the Environment Agency's position in this respect. Amendments made to the dDCO at this deadline reflect this.</p> <p>A SoCG is being progressed with the EA and will outline where agreement has been reached over the Protective Provisions referenced above for disapplication of flood risk activity permits.</p>
1.11.7	Applicant	<p>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?</p>	<p>The oOEMP [APP-215] states in Table 3-4 that, <i>"Regular inspection and maintenance of the drainage systems, SuDS and culverts will take place throughout the operational phase. This will be undertaken in accordance with good practice guidance"</i>. Further detail has not been provided in the ES with the exception of SuDS maintenance which is outlined in the SuDS Strategy [APP-079].</p> <p>Inspections for culverts for highway and other crossings, which do not form part of the SuDS maintenance requirements, will be in line with DMRB Document CS 450, Table 4.1 schedule of inspections. Trash screens on culverts to prevent debris blockage will be considered at detailed design in line with CIRIA C753 Table 28.1 using a risk-based approach.</p>

13. Transport and Traffic

ExQ	Respondent	Question	Applicant's Response
1.12.1	Applicant	Please explain how access to the proposed permissive paths would be secured throughout the lifetime of the development?	<p>Requirement 17 of the dDCO [APP-011] requires:</p> <ul style="list-style-type: none"> - For each phase of the solar farm works that includes a permissive path(s), such paths must be provided and open to the public prior to the date of final commissioning of that phase. The permissive paths are to be as shown on the Permissive Paths Plan [APP-218], which will be a certified document. - The permissive paths must be maintained until commencement of decommissioning. Please also see the Applicant's response to ExQ 1.5.34, where it has set out an amendment to Requirement 17 in order to confirm that the permissive paths will be accessible by the public 364 days a year (subject to maintenance and emergency closures), until the commencement of decommissioning. <p>Requirement 14 of the dDCO [APP-011] requires the approval and implementation of the Operational Environmental Management Plan (OEMP). The OEMP will include details of the maintenance and management of the permissive paths throughout the lifetime of the Scheme.</p>
1.12.2	Applicant	What consideration has the Applicant given to minimising the number of freight movements by road?	<p>The Applicant will ensure that deliveries to site are appropriate and efficient. Suppliers of equipment such as PV panels and battery units will be made aware of the vehicle movement assessments contained within the DCO, and they will be requested to deliver equipment to site in as few vehicle movements as possible.</p> <p>There is limited scope for freight deliveries not via the road network, due to the inland nature of the site. The EIA has been based on a worst-case scenario, which assumes construction will happen rapidly within 24 months and including some contingency within the trip numbers. It is expected that the actual trip numbers will be lower than this.</p>

ExQ	Respondent	Question	Applicant's Response
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?	The Applicant has amended Article 12 in the dDCO submitted at this deadline, to require the restoration of temporary means of access to the reasonable satisfaction of the street authority.
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?	The Applicant has amended the fCTMP submitted at this deadline to include measure (a) from paragraph 13.9.14 of Chapter 13 of the Environmental Statement.
1.12.5	National Highways	Does National Highways agree with the methodology and models used for the transport assessment and its conclusions?	No comments.
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.	For clarity, this comment relates to paragraph 6.3.3 of National Highways' RR which states: <i>“Within paragraph 5.4 of LSF Framework CTMP, it states there is expected to be no daytime closures at Boreham Interchange during the A12 construction, which National Highways can confirm is correct for Monday-Friday with weekend closures occurring for the structure. However, on Boreham Bridge, lanes in both directions will be narrowed to enable extension works on the northside of the bridge. Similarly, the mainline on the existing A12, will be narrowed, pushing traffic away from the verge towards the central reservation. Para 6.3.4 states: The narrowing of lanes may have an impact on LSF HGV movement, particularly abnormal loads, therefore National Highways suggest Longfield Solar Energy Farm Ltd should be reflect this highway constraints within the detailed CTMP.”</i>

ExQ	Respondent	Question	Applicant's Response
1.12.7	Applicant	What consideration has been given to maintaining access to the Church Fields allotments during construction of the Proposed Development?	<p>It is noted that RR-067 Paragraph 6.3.4 states that these highway constraints should be reflected within the detailed CTMP, which is the Applicant's intention. This will be prepared by the appointed contractor for the Scheme and it will consider and address such potential constraints. Appropriate management and mitigation will be implemented to retain construction vehicle access to/from the Order limits, such as by avoiding parts of the network which are unsuitable for accommodating construction vehicles, including potential abnormal loads or by avoiding periods when parts of the network are closed if necessary.</p> <p>The Framework CTMP does not currently make reference to the narrowing of lanes on Boreham Bridge or on the A12 mainline (to accommodate National Highways works), as these details were not known at the time of submission. Discussions are ongoing with Jacobs/National Highways as part of the Statement of Common Ground to discuss if any further work is required at this stage.</p> <p>For clarity, this comment relates to the following comments from the Church Fields Allotment Association:</p> <p><i>"My comments are in relation of the works with respect to the access and use of The Church Fields Allotments situated on the Waltham Road which are in very close proximity to the Grid Connection Route. In particular I would like to understand how the construction of the cable route will be managed such that there is no impact to the tenants of the Allotments on getting access to and using them as per normal. Note that tenants access the allotments both by car, cycle and on foot along the Waltham Road."</i></p> <p>A construction vehicle crossing point will be required on Waltham Road circa. 50m to the south of the access to the allotments as part of the works to construct the proposed grid connection cable. The crossing point will be safely managed as per the details set out within Section 6.5.3 of the Framework CTMP [APP-094].</p> <p>Temporary traffic management (currently proposed to be a traffic signal arrangement) will be implemented for a period of up to 30 weeks to install the</p>

ExQ	Respondent	Question	Applicant's Response
			<p>grid connection cable and allow construction vehicles to safely cross Waltham Road to access the section of the cable route to the west. There are expected to be up to 30 such vehicle crossing movements per day (equivalent to 3-4 crossing movements per hour) which would only hold up traffic momentarily (when construction vehicles cross Waltham Road). Otherwise, Waltham Road will remain free-flowing, with mainline traffic having priority under a green traffic signal, other than when construction vehicles need to cross Waltham Road. Therefore, access to the allotments will be retained and the temporary traffic signals are not expected to have a material impact on journey times or driver delay along Waltham Road.</p> <p>In terms of the installation of the grid connection cable itself across Waltham Road, it is envisaged that this will be dealt with through a lane closure(s) rather than a whole road closure. The exact methodology for implementing the temporary traffic management will be determined by the contractor once appointed and designed to minimise any potential effects as far as possible. Further details will be provided within the detailed CTMP(s) in due course. Nonetheless, should any temporary road closures be required, then access to the allotments would still be possible via Waltham Road to/from the north (e.g. by using the A131, Wheelers Hill and Cranham Road).</p> <p>Lastly, conditions for cyclists and pedestrians will not change significantly and the allotments will still be accessible by these modes albeit arguably in a safer, more controlled road environment given the traffic signal control in place.</p> <p>Note that during review of the ES figures it was noted that Figure 2-3 contained an error and was not properly showing the construction transport access and routes. This figure has been updated and is included as Revision 2.0. This figure duplicates Figure 13-13 [APP-195] in the ES, so it is not new information and does not change any assessments or the description of the construction routes or access in the ES.</p>

Appendix A – CHL/1890/87 Decision Notice (in response to ExQ 1.6.1)

ESSEX COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning General Development Orders 1977-1985

To: **TMC Pioneer Aggregates Ltd.**
Brook Road, Tiptree, Essex, CO5 0RH

In pursuance of the powers exercised by it as county planning authority the Essex County Council has considered your application to carry out the following development:

Winning and working of sand and gravel, the erection of a processing plant and ready mixed concrete and mortar plants, workshop and weighbridge and office at Bulls Lodge and Park Farms, Boreham, Essex.

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION for † (the said development)

* as amended by the Revised Statement (December 1988) submitted on 19 December 1988

subject to compliance with the following conditions:

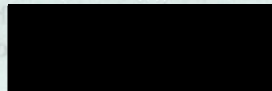
See attached schedule signed by the Chief Executive and Clerk

The reasons for the foregoing conditions are as follows:

See attached schedule signed by the Chief Executive and Clerk

COUNTY HALL
CHELMSFORD

Dated **15 June 1990**

Signed 
Chief Executive and Clerk

† Details of the development now permitted will be inserted here where this is not precisely the same as that described in the application.

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES OVERLEAF

CHL/1890/87
Application No. ~~CHL/1019/87~~

SCHEDULE

Conditions:

1. The development hereby permitted shall be carried out in all respects in accordance with the details submitted by way of the application, and amended plans - 8720 1, 8720 1a, 8720 2b and 2c 8720 3b and 3c and JAB 1 and accompanying letter of 21st November 1989 and supporting statement dated December 1989, as amended and varied by the following conditions
2. The development hereby permitted shall be begun not later than the expiration of two years from the date of this permission.
3. This permission shall expire on 31 December 2030 by which date all extraction and processing of minerals within the site shall have ceased and all requirements for its reclamation shall have been complied with, including the removal of all plant, buildings, hardstandings and other structures erected or placed on any part of the site in connection with such extraction and processing, unless otherwise agreed in writing by the Mineral Planning Authority

4. Extraction of minerals shall not proceed on any phase or sub-phase of working as shown on plan 8720/2c until detailed schemes of working and reclamation have been submitted to and approved by the Mineral Planning Authority in writing. Working and reclamation of each phase or sub-phase shall then only be carried out in accordance with schemes as so approved . The reclamation provisions of any submitted scheme shall be in accordance with the overall scheme for reclamation required by condition 6 below except for phase 1

5. Except for phase 1 excavation shall not commence on the site until a scheme for Water Management has been submitted to and approved in writing by the Mineral Planning Authority. Such scheme shall deal with surface and ground water and provide details of the proposals for:-

- a) Protection of wells and other abstractions
- b) Maintenance of water levels on adjacent water filled areas
- c) Maintenance of the flow in existing water courses on adjacent land.
- d) The filling of any water areas to be provided in the

reclamation of the site and the maintenance of those water areas to an agreed depth (generally not less than 1.9 metres in the principal lake) and quality including the retention of such surplus water as may be necessary for the filling of the water areas.

e) The water requirements of the extraction and processing operations.

f) Ground water monitoring

Any proposals of the scheme shall be carried out in accordance with the programme specified in the scheme or otherwise as required by the Mineral Planning Authority in conjunction with the scheme.

6. Working shall not proceed beyond sub phases Aa-Ac as shown on Plan 8720/2c until a Reclamation Master Plan has been submitted to and approved by the Mineral Planning Authority showing the contours to be achieved in the overall reclamation of the site. Such contours shall be designed to provide for the future use of the land for recreational purposes. The reclamation of the site shall be carried out in accordance with the approved plan.

7. A landscape planting scheme for the boundaries of the site and other adjacent land in the same ownership in general conformity with the proposals shown on plan 1457/2 accompanying the applicants letter of 30th November 1989 shall be submitted to the Mineral Planning Authority within twelve months of the date of this permission and such scheme as approved shall be implemented in accordance with the approved programme of planting forming part of the scheme. Any tree or shrub forming part of the approved scheme that dies, is damaged or removed within a period of five years of planting shall be replaced by the applicants or their successors in title with a tree or shrub of the same species during the first following planting season to the satisfaction of the Mineral Planning Authority.

8. Landscaping schemes which shall include details of the existing trees and hedgerows to be retained and of the trees and hedgerows to be planted shall be submitted to the Mineral Planning Authority for approval concurrently with the working and reclamation schemes referred to in Condition 4 above. Such schemes as approved shall be carried out in accordance with the approved programme of planting forming part of the scheme. Any tree or shrub forming part of the approved scheme that dies, is damaged or removed within a period of 5 years of planting shall be replaced by the applicant or their successors in title with a tree or shrub of the same species during the first following planting season to the satisfaction of the Mineral Planning Authority.
9. Details of all fixed plant and structures and other buildings to be erected on the site shall be submitted to and approved by the Mineral Planning Authority prior to erection.
10. Any building, plant, or other structure or erection in the nature of plant, including foundations and hardstandings, erected, installed or used in connection with any mineral related operation or use on the site shall be removed within 6 months of completion of mineral working on the site or when they are no longer required for the winning or working of minerals under this permission. Upon their removal, the land shall be reinstated to the reasonable satisfaction of the Mineral Planning Authority.
11. Notwithstanding the permission granted by Article 3 of the Town and Country Planning General Development Order 1988, development falling within Part 19 and Part 8 classes A, B & C of Schedule 2 to the Order shall not be carried out without the express consent of the Mineral Planning Authority.
12. The winning or working of minerals from the site shall only be

carried out in accordance with the phasing plan Drwg No. 8720/2c dated November 1989 and other conditions herein imposed, or as may otherwise be approved by the Mineral Planning Authority.

13. Unless otherwise approved by the Mineral Planning Authority no extraction of minerals shall be undertaken on the Park Farm and Bulls Lodge areas beyond sub-phases Aa-Ad without the written consent of the Mineral Planning Authority and which shall only be given following written notice that the mineral extraction on the adjacent land on Boreham Airfield has been completed.
14. Subject to the detailed working and reclamation schemes (and excluding sub-phases Aa-Ad) no more than 3 sub-phases of working shall be open or unrestored at any one time and minerals shall not be extracted from more than one sub-phase at any one time. Reclamation excepting aftercare of each sub-phase shall be completed within 12 months of the completion or cessation of extraction of that sub-phase.
15. At least seven days written notice shall be given to the Mineral Planning Authority of the intention to commence the stripping of top soil on each phase and sub-phase.
16. No minerals extracted under this permission shall be transported other than by ground conveyor to the plant site shown on plan dwg. no. 8720/2c except as may otherwise be approved by the Mineral Planning Authority
17. No working or other operations other than maintenance in connection with the development hereby permitted shall be carried out other than during the following hours:

Weekdays	0700 hrs - 1800 hrs
Saturdays	0700 hrs - 1300 hrs

except that lorries may leave the site between the hours of 0600 and 0700.

No workings shall take place on Sundays or Bank Holidays.

18. The number of vehicular movements in and out of the site during the hours of 0730-0900 and 1630-1800 shall not exceed 60 per hour.
19. No minerals shall be brought onto the site other than from the adjacent Boreham Airfield Site without the written consent of the Mineral Planning Authority.
20. The site shall be worked in accordance with the applicant's submitted schemes of soil handling as revised by Messrs D K Symes Associates' letter dated the 9 January 1990 and enclosures, except as amended by the following conditions.
21. All watercourses existing on or adjacent to the site shall not be damaged or affected in terms of quantity and quality by the extraction and reclamation operations, except as may be approved in writing by the Mineral Planning Authority.
22. Before topsoils and subsoils are stripped on each phase, or part phase, a scheme of soil movement and a scheme for machine movements shall be submitted to the Mineral Planning Authority for approval as part of the schemes to be submitted under condition 4 above and at least six months before the expected date of commencement except for sub-phases Aa-Ac which may be submitted not less than two months prior to soil stripping. Such schemes shall:-
 - a) Identify where soils will be stripped and placed into storage and/or where direct placement is expected.
 - b) Provide revised and detailed proposed contours and identify those areas being restored to productive

agriculture and those areas being restored to woodlands and for other amenity areas.

- c) Identify the agricultural soils which are to be retained for use in the restoration process.
- d) Where subsoils are not to be retained, identify and quantify the subsoil substitute intended to be used in its place.
- e) All such machine movements shall be restricted to those agreed and the Schemes shall also define the type of machinery to be used within the context of the following criteria:-
 - i) The stripping of topsoil, subsoil or subsoil substitute into storage shall be by box scraper.
 - ii) The placement of calcareous chalky boulder clay subsoils, or agreed subsoil substitute, shall be by box scraper and in accordance with the method detailed at figure 1 of the "soil handling, restoration and aftercare proposals for land at Bulls Lodge and Park Farm, Near Chelmsford, Essex dated July 1988" (Reading Agricultural Consultants).
 - iii) Where the subsoiling has been carried out in accordance with (ii) the topsoil shall be placed by means of dumper truck and backactor, as detailed in the same document.
 - iv) Placement of decalcified boulder clay subsoil shall be by dumper truck and backactor.
 - v) Where the subsoil placement has been carried out in accordance with paragraph (iv) above, the topsoil

shall also be placed by means of dumper truck and backactor; a detailed methodology for the placement of both subsoil and topsoil shall be included within the submitted scheme.

23. The criteria for moving agricultural soils is to be based on measurement of the Lower Plastic Limit (LPL), unless an alternative criteria is previously agreed in writing with the Mineral Planning Authority and in this connection:-
- a) The LPL for both topsoil and subsoil for each major soil type is to be determined and agreed with the Mineral Planning Authority.
 - b) Agricultural soils shall not be moved by dumper truck and backactor unless they are drier than the LPL.
 - c) Soils shall not be moved by other machinery unless they are at least 5% drier than the LPL.
 - d) A speedy moisture meter, in good working order, shall be available on site for use by the Mineral Planning Authority at all times.
24. The topsoil shall be stripped to full depth (generally 30cm) and shall, wherever possible, be immediately respread over an area of reinstated subsoil. If this immediate respreading is not practicable, the topsoil shall be stored separately for subsequent replacement.
25. When the subsoil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 75cm and shall, wherever possible, be immediately respread over the replaced overburden. If this immediate respreading is not practicable the subsoil shall be stored separately for subsequent replacement.

26. Subsoil not being retained for use in the restoration process shall be regarded as overburden.
27. Weathered Calcareous Overburden identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately respread over the replaced overburden. If this respreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement.
28. Bunds for storage of agricultural soils shall conform to the following criteria:-
 - a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
 - b) Where continuous bunds are used, dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority
 - c) Topsoil bunds shall not exceed 3m in height.
 - d) Subsoil (or subsoil substitute) bunds shall not exceed 5m in height.
29. All storage mounds intended to remain in situ for more than 6 months are to be grassed over and managed to the satisfaction of the Mineral Planning Authority. The seed mixture and application rates are to be agreed with the Mineral Planning Authority in writing no less than 1 month before the expected completion of the formation of the storage mounds/bunds.
30. Upon reclamation the minimum settled depth of subsoil and topsoil shall be 1m.
31. Prior to soil replacement (or immediately after in the case of

placement from store) the applicant shall obtain a chemical analysis of the topsoils to determine the lime and fertilizers required; the analysis shall be submitted to the Mineral Planning Authority. When the subsoils and topsoils are respread the recommended lime and fertilizers shall be added in accordance with the timing and rates agreed in the aftercare scheme.

32. The subsoil is to be spread to an even depth over the restored overburden so as to follow the final contours.
33. The topsoil is to be spread to a minimum depth of 30cm over the reinstated subsoil so as to form the final contours.
34. The applicant shall notify the Mineral Planning Authority at least 3 working days in advance of the commencement of the final subsoil placement on each phase, or part phase. On completion of the subsoil placement no further work is to be carried out for a period of 7 days without the consent of the Mineral Planning Authority, to allow an inspection of the site to take place.
35. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final contour with suitable soils, to a specification to be agreed with the Mineral Planning Authority.
36. The schemes of working and reclamation required under condition 4, above shall include aftercare schemes specifying the steps necessary to bring the land to the required standard for use for agriculture, woodland and amenity purposes, and provide for annual aftercare management meetings with the Mineral Planning Authority and the Ministry of Agriculture Fisheries and Food. Such schemes shall be carried out in accordance with a programme of operations which shall form part of the scheme.

The submitted schemes shall -

- a) Provide an overall strategy giving the broad programme for the 5 year aftercare period for cropping patterns, cultivation practices, remedial treatments, field drainage, irrigation, shelter belts and hedgerows.
 - b) Provide for an annual site management scheme describing each year's programme to be sent to the Mineral Planning Authority not later than 1 month prior to the annual aftercare management meeting.
37. No water shall be discharged into any watercourse without the prior written consent of the Mineral Planning Authority.
 38. For the purposes of the development hereby permitted access to and egress from the site shall be obtained solely by way of Generals Lane and Boreham Interchange on the route included on the working plan drwg. no. 8720/2C dated November 1989.
 39. Sand and gravel shall only be stored within the site in areas and to heights previously agreed in writing by the Mineral Planning Authority for that purpose.
 40. The access road between Generals Lane and the plant area, as shown on the working plan drwg. no. 8720/2C shall be hard surfaced in concrete asphalt or bituminous macadam for its total length and maintained in a clean condition to the satisfaction of the Mineral Planning Authority.
 41. Extraction shall not take place within 3 metres of any boundary to the site, except as may otherwise be approved in the detailed working schemes.
 42. No material shall be brought onto the site for tipping or

infill other than inert soils as may be required for restoration purposes and with the prior written approval of the Mineral Planning Authority.

43. Prior written notice shall be given to the Mineral Planning Authority of the date or dates when topsoil will be removed from the site or any part thereof and such period as may be specified on behalf of the Mineral Planning Authority but not exceeding one month shall elapse after such removal before any of the underlying materials are excavated. During this period persons authorised by the Mineral Planning Authority shall be afforded access for inspecting the site cleared of topsoil and for carrying out works of excavation for the purpose of recording any features thereon of historic or archaeological significance. When any part of the site is ready for inspection the Mineral Planning Authority shall be contacted in writing.
44. Any field drainage disturbed on adjoining land shall be made good.
45. The access to Generals Lane shall be constructed in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority.
46. All reasonable steps shall be taken to ensure that the wheels of vehicles leaving the site shall be free of debris, soil and slurry. For this purpose wheel cleaning equipment of a specification and in a location to be agreed with the Mineral Planning Authority shall be installed, maintained and used as necessary.
47. Except as may be agreed in the approved schemes of working and reclamation at no time shall any operation carried out in conjunction with the development hereby permitted cause or result in a noise exceeding the ambient noise level by more than 5 dB(A). For the purposes of this condition the


measurements of noise shall be made adjacent to the outside face of any dwelling, and all measurements shall be established on the Leq scale, during any one hour period.

48. No working shall take place within 100 metres of any dwelling adjoining the site, and the measures recommended in the report ref 76/89 by Moir Hands and Associates dated the 29th September 1989 shall be incorporated in the submitted schemes of working and reclamation.

Reasons:-

- 2,8 To comply with Section 41 of the Town and Country Planning Act 1971.
- 1,12,20 For the avoidance of doubt as to the nature of the development
42 hereby permitted.
- 3,4&6,7 That operations are carried out in an orderly manner
8,10,13 which will safeguard the amenity of the area, protect adjoining
15,16, land uses and vegetation and result in the eventual return of the
17, 22- land disturbed by the operations, or used in connection with them,
36,38, to a satisfactory and beneficial agricultural and woodland
39-41, afteruse.
47 & 48
- 5,21,37 To prevent the pollution of surface or underground water and to
monitor effectiveness of safeguarding measures.
- 44 To minimise the disturbance to existing agricultural operations.
- 38,45,46 In the interest of highway safety.
43. To afford the Mineral Planning Authority a reasonable opportunity
to examine any remains of historic or archeological interest which
are unearthed and to decide on any action required for the
preservation or recording of any such finds.
- 18,19 To control the level of operations so as to minimise the impact of
the resultant traffic on the local environment.
- 9,11,14 To enable the Mineral Planning Authority to control such
development.

Dated this 15 day of June 1990


Chief Executive and Clerk