

Longfield Solar Farm

Essex County Council (ECC)

Unique reference: 20031541

ECC Responses to Written Questions (ExQ1)

1ExQ	Respondent	Question	Essex County Council response
Air Quality			
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.</p> <p>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 "...may include monitoring of dust deposition...". 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>With respect to dust deposition, the interests of the Mineral and Waste Planning Authority (MWPA) extend solely to the potential impacts of dust arising from the proximate Bulls Lodge sand and gravel quarry impacting on the proposed solar farm development.</p> <p>Paragraph 187 of the NPPF sets out the Agent of Change principle. This states, inter-alia, that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' In this case, the existing business is Bulls Lodge Quarry and the Agent of Change is the proposed Longfield Solar Farm.</p> <p>In ECC's representation to the Applicant, dated 18th January 2022, the MWPA noted that <i>'The MWPA however contends that the principle of the Agent of Change does extend to potential dust impacts. In the absence of any information justifying that energy generation at the proposed development would not be compromised by any dust originating as a consequence of the working and wining of material at Bulls Lodge quarry, the MWPA requests an acknowledgement from the developer that any such impacts are the responsibility of the future managers of the proposed solar farm to mitigate, such as through an enhanced cleaning schedule, and not the responsibility of the operators of Bulls Lodge Quarry.'</i></p>

			<p>This has subsequently been addressed in the Mineral Infrastructure Impact Assessment February 2022 (PINS Ref: EN010118) which states, at Paragraph 4.2.5 that 'It is not anticipated that the Scheme would experience significant adverse effects relating to dust generated by Bulls Lodge....Outputs from the solar farm will also be monitored and if generation drops due to dust this will be addressed by cleaning.'</p> <p>The MWPA is satisfied with this response.</p>
4. Battery Storage Technology			
1.4.3	<p>Host Authorities HSE Essex County Fire and Rescue Service Environment Agency</p>	<p>Please comment on the suitability and content of the Outline Battery Safety Management Plan [APP-210].</p>	<p>ECC defers to CCC and BDC Environment Health, the HSE and Essex County Fire and Rescue.</p>
5. Draft Development Consent Order			
1.5.7	<p>Essex County Council</p>	<p>Please comment on the proposed disapplication of section 23 of the Land Drainage Act 1991</p>	<p>ECC has proposed/drafted Protected Provisions (PPs) wording (Section 23 LDA consents) for consideration by the Applicant. The Applicant has agreed to the draft PPs in an email dated 12th August, in which the Applicant has also confirmed they would include the PPs in the next draft of the DCO for submission Deadline 1B.</p>
1.5.23	<p>All IPs who fall within the definition of 'consenting authority' under art 43(7)</p>	<p>Please comment on this Art and in particular the deemed consent provisions set out in Art 43(4).</p>	<p>ECC consider that the proposed 6-week timescale should be increased to a minimum 8-weeks. Further, there is a need for the applicant to resource ECC to enable it to respond in a timely and effective way to the DCO post consent, without degradation to its performance standards.</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.	<p>A meeting is scheduled to be held on 5th September 2022 between the Applicant and the Host Authorities to discuss the Requirements and drafting changes.</p> <p>Please also refer to the Local Impact Report (LIR) which comments on the adequacy of the DCO under each topic heading and the Statement of Common Ground (SoCG) in relation to requirements.</p>
1.5.29	Host Authorities Health and Safety Executive, the Environment Agency Essex County Fire and Rescue Service.	Schedule 2, R8 –Please comment on the drafting of this requirement and overall approach to battery safety management set out in the outline battery safety management plan [APP-210].	ECC defers to CCC Environmental Health, BDC Environmental Health, HSE, the Environment Agency and Essex County Fire and Rescue Service.
1.5.31	Host Authorities Historic England	Schedule 2, R12 & R25 –please comment on the wording of these requirements and the approach to the WSI set out in the oCEMP [APP-214]. See also ExQ1.9.3 below.	<p>ECC Historic Environment confirm that the proposed wording of draft R12 and R25 will be acceptable once the draft oCEMP is agreed.</p> <p>Additional comments: the approach to the draft WSI does not include any provision for outreach and enhanced public understanding. The draft oCEMP is currently not agreed for the reasons stated in the draft SoCG. The potential impact of construction to cultural heritage does not accurately reflect the effect to archaeological remains. The effect of the impact is likely to be permanent and not temporary as stated. There is no assessment on the visual and noise impact to archaeological remains and no mitigation proposed in relation to the visual and noise impact on built heritage.</p> <p>A meeting is scheduled to be held on 5th September 2022 between the Applicant and the Host Authorities to discuss the Requirements and drafting changes.</p>

1.5.32	Host Authorities The Environment Agency	Please confirm whether or not the wording of R13 and R14 and the contents of the oCEMP[APP-214] and oOEMP [APP-215] is agreed. If not, please provide further details.	<p>The wording of R13 and the R14 and the contents of the oCEMP [APP-214] and oOEMP [APP-215] is not agreed. These remain under discussion with a meeting scheduled for 5th September 2022 between the Applicant to discuss Requirements and drafting changes.</p> <p>A further update will be provided subsequent to the meeting on 5th September 2022.</p>
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.	<p>A meeting is scheduled to be held on 5th September 2022 between the Applicant and the Host Authorities to discuss the Requirements and drafting changes.</p> <p>ECC considers that a minimum 8-week period should be specified. ECC will undertake further review of schedule 16 and will provide further response to the acceptability of Schedule 16 at the meeting on 5th September and via on-going SoCG discussions.</p>
6. Environmental Statement General Matters			
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?	<p>ECC is content in principle to the approach to cumulative impacts. However, ECC disagrees with paragraph 12.6.7 of the ES which states that <i>'There are no planning site allocations within the Order limits boundary'</i>. This is not correct. Bulls Lodge Quarry, with planning consent for mineral extraction, falls within the Order limits.</p> <p>This also contradicts Paragraph 12.8.33 of the ES which states that <i>'Land take from within the consented quarry will be needed permanently during and beyond the construction period of the Scheme to accommodate the Bulls Lodge Substation extension.'</i></p> <p>Paragraph 12.8.34 of the ES further states that <i>'Construction of the Scheme at this location will also require temporary land take from extraction areas within the consented mineral site. This temporary land take will occur for approximately 24 months, and is expected to</i></p>

			<p><i>commence not earlier than the first quarter of 2024 and be completed not earlier than the first quarter of 2026 covering approximately 140,000 square metres (sqm) of the consented mineral site. Although this land would not be able to be used during this period, it is not likely that it would be required for quarrying activity within this timeframe.'</i></p> <p>The MWPA has not to date confirmed whether the above timescales would cause operational issues at Bulls Lodge Quarry.</p> <p>Paragraph 12.8.34 of the ES further states, '<i>Further detail is given in the Mineral Infrastructure Impact Assessment which concludes that the construction and operation of the Scheme will not experience adverse effects a result of operations at Bulls Lodge Quarry, and vice versa.'</i></p> <p>This conclusion is not supported.</p> <p>The MWPA notes that the area in question is also permitted to be used for overburden and topsoil stockpiling as part of working Bulls Lodge Quarry. The MWPA therefore notes that its loss could have unforeseen operational implications for the wider Bulls Lodge Quarry, although the MWPA has not sought to examine this further. It is also noted that Figure 3.4 of the MIIA shows that there is another area within the Order Limits which is proposed to be used temporarily during construction of the solar farm to the north of the existing substation owned by the National Grid which has planning permission for mineral extraction. The ability to extract mineral could potentially be compromised depending on the phasing/ delivery of the solar farm. The MIIA does not comment on this piece of land.</p> <p>As has also been raised in previous correspondence, including in a consultation response in January 2022, the proposed development, as currently configured, would potentially sterilise 18,000 m3 of mineral with planning permission for extraction in the south-west of the Brick</p>
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			<p>Farm area of Bulls Lodge Quarry (CHL/1890/87). Whilst it is noted that this is a small proportion of the wider Bulls Lodge Quarry, the MWPA objects in principle to the loss of mineral with planning permission for extraction.</p> <p>Further, it is the understanding of the MWPA that the mineral operator has not expressed any intention to not work the land associated with Bulls Lodge Quarry to the extent permitted through their extant planning permission.</p> <p>Please also refer to the LIR and the SocG where these matters are covered in more detail.</p>
9. Land Use, Agriculture and Socio -economics			
1.9.2	Applicant/Host Authorities	<p>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>	<p>ECC consider that at this stage, the question is best answered by the Applicant.</p> <p>ECC confirms that an executed agreement will be provided prior to the close of the Examination.</p> <p>ECC has provided the following generic Heads of Terms in relation to education, employment and skills:</p> <p>ECC require all proposals for NSIPs to use a Skills and Employment Plan to set out a strategy for supporting and delivering any S106 and non-S106 education, skills and employment obligations. We encourage developers to use best practice guidance) which, as a minimum, should include commitments, clear plans and targets as below:</p> <ol style="list-style-type: none"> 1. Working within the existing education, skills and employment partnership(s) as advised by ECC and maximising the number of local skills and job opportunities on offer

			<ol style="list-style-type: none">2. Recruiting through Jobcentre Plus and other local employment vehicles3. Advertising jobs through the Essex Opportunities portal or any other portal as advised by ECC4. Setting targets and monitoring systems for-<ol style="list-style-type: none">a) New jobs createdb) Diversity and inclusion for both jobs created, and apprenticeship and employment opportunities offeredc) Work trials and interview guaranteesd) Pre-employment traininge) Apprenticeships and traineeships both offered and completedf) Vocational training (NVQ)g) Paid and unpaid work experience (14-16 years, 16-19 years and 19+ years) and engagement with T Levelsh) School, college and university site visits, career events and courses sponsoredi) Construction Skills Certification Scheme (CSCS) cardsj) Supervisor trainingk) Leadership and management trainingl) Support with transport, childcare and work equipmentm) In-house training schemes
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