

## **Chelmsford City Council**

**LOSF - 002**

### **Written Summary of Comments made during ISH1 (DCO) Hearing 27<sup>th</sup> September 2022**

#### **Longfield Solar Farm**

Written summary of comments made by Ruth Mabbutt, Senior Planning Officer / Planning Lead for Chelmsford City Council (CCC).

Main discussion points

#### **Article 43: Procedure in relation to approvals**

1. RM stated that Chelmsford City Council (CCC) supported Tim Havers (Braintree District Council) concerns regarding the 8-week period.
2. RM confirmed that discussions are ongoing with the applicant with regard to the 13-week period and the potential of creating a Memorandum of Understanding to deal with the discharge of the requirements.
3. RM stated that she shared concerns regarding the need for reassurance that the 8-week period, could / would be extended in circumstances where this was necessary to do so,

#### **Operational lifetime/duration of consent / requirement 20 Decommissioning and restoration**

1. RM suggested that it would be sensible to have a clear 'trigger/start point' for the formal commencement of the development. This would allow the proposal, which is proposed to operate for a temporary 40-year timeframe, to have a clear commencement and finish date.
2. RM shared that as a Local Planning Authority, CCC has previously attached planning conditions to solar farms requiring the commencement of the development to be based upon first export to the National Grid, as opposed to the completion on the construction of the development.
3. RM explained that a planning condition requires the applicant/developer to notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the National Grid.
4. In response to the Inspectors query regarding the appropriateness of using the construction completion date as a trigger point/start point, RM considered that this can be problematic and can create ambiguity causing difficulties for enforcement. In practice, 'completion of construction' can have different meanings and official completion may not take place for a long time in the future. In contrast, 'first export' is clearly defined and enforceable as the permission can be activated by the applicant sending notification and evidence of the date of first export to the grid to the Host Authorities.
5. As the development is split into a number of works, meaning that the export could happen at a number of stages, RM stated that CCC was happy to continue to engage with the applicant to agree when this 'threshold' would take effect.

#### **Schedule 2: Requirements**

1. RM advised that in principle she was broadly content with the proposed requirements and that discussions were being had with the applicant as set out within the Statement of Common Ground.

2. RM reiterated her comments made in respect of article 43 above and stated that she was concerned that there was not a clearly defined process for the 'discharge of requirements' by the relevant planning authorities.
3. Whilst Local Planning Authorities were supportive of the aim to 'facilitate development' where possible. RM noted in practice many of the requirements would not be discharged by a single authority. The process would fall to a number of planning authorities who would in turn, need to consult a number of stakeholders and undertakers on the proposal. From experience, RM noted that these stakeholders would need to work to their own individual timescales and procedures and that these may not align with the obligations placed upon the planning authorities. In this regard RM was concerned that that the proposed 8-week timeframe for determination may not be sufficient.
4. Whilst RM welcomed the inclusion of a clause within Schedule 16, article 2 (c); that would allow for a longer period of time to be agreed between the applicant and the relevant planning authority, RM noted there was no reference within Schedule 16, article 2 (c) as to what would happen if the extension of time was not agreed and what would constitute reasonable circumstances for agreeing a longer period of time.
5. RM asked if consideration could be given to amending the Development Consent Order / Schedule 16 to set out further provisions/clarification to deal with the management of discharging the DCO requirements.
6. RM stated she would welcome the creation of a Memorandum of Understanding, relating to the discharge of the requirements, to be signed between the applicant and the Host Authorities as a mechanism for the management of the requirement process.