

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

The Examining Authority's Further Written Questions and Requests for Information (ExQ2)

Issued on 18 October 2022

The following table sets out the Examining Authority's (ExA's) Further Written Questions in relation to the proposed Longfield Solar Farm project. Responses are required by **Deadline 4** in the Examination Timetable, **Thursday 3 November 2022**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

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

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

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number. If you are responding to a small number of questions, answers in a letter will suffice.

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

References to the draft development consent order (dDCO) are to revision 4 of the dDCO [REP3-006].

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

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Responses are due by **Deadline 4 (Thursday 3 November 2022)**.

Abbreviations used

AIA	<i>Arboricultural Impact Assessment</i>	ICNIRP	<i>International Commission on Non-Ionizing Radiation Protection</i>
Art	<i>Article</i>	IP	<i>Interested Party</i>
BESS	<i>Battery Energy Storage System</i>	ISH	<i>Issue Specific Hearing</i>
BMV	<i>Best and Most Versatile</i>	LVIA	<i>Landscape and Visual Impact</i>
BoR	<i>Book of Reference</i>	ODP	<i>Outline Design Principles</i>
CAH	<i>Compulsory Acquisition Hearing</i>	oLEMP	<i>Outline Landscape and Ecology Management Plan</i>
dDCO	<i>Draft Development Consent Order</i>	PA 2008	<i>Planning Act 2008</i>
EA	<i>Environment Agency</i>	SoCG	<i>Statement of Common Ground</i>
ES	<i>Environmental Statement</i>	TCPA	<i>Town and Country Planning Act 1990</i>
ExA	<i>Examining Authority</i>	WFD	<i>Water Framework Directive</i>
ha	<i>Hectare</i>		

The Examination Library

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

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

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2.1.1 – refers to question 1 in this table.



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ExQ.	Respondent:	Question:
1. Air Quality		
2.1.1	Applicant	<p>Tables 14-11 and 14-12 of ES Chapter 14 appear to contain some errors (e.g. Table 14-12 refers to mitigation 'as outlined in Table 14-10 and 14-11' and use of the phrase 'negligible with mitigation with adequate mitigation'),</p> <p>Please review Tables 14-11 and 14-12 and update accordingly.</p>
2. Biodiversity, Ecology and the Natural Environment; Habitats Regulations Assessment		
2.2.1	Applicant	<p>In its response to Relevant Representations [REP1A-002] (Table B-17), the Applicant notes that the Glint and Glare assessment (ES App 10G: Glint and Glare Assessment [APP-087]) analyses the effects of glint and glare on people rather than ecological receptors. It goes on to state that the Applicant is liaising with Statutory Bodies to identify whether they consider additional work is required in respect of ecology and will, if necessary, provide supplementary information.</p> <p>Please provide an update on these discussions and confirm whether the Applicant intends to undertake further work in relation to the effects of glint and glare on ecological receptors. If so, please provide an indication of when this information will be submitted into the Examination.</p>
2.2.2	Applicant	<p>The ExA notes that the most recent oLEMP [REP3-012] indicates a Biodiversity Net Gain of 87%, an increase on the previous figure of 79%. Please provide an update on the minimum BNG the Applicant intends to include in Requirement 9 of the dDCO (and make any necessary update to the dDCO at the next iteration).</p>
2.2.3	Applicant	<p>The Arboricultural Impact Assessment (AIA) [REP3-033 & REP3-034] indicates that there is potential for a veteran tree (T9) to be impacted by a proposed access route and fencing. It states that this can be avoided by micro-siting the track to avoid the amended RPA of this tree which will not be impacted. Furthermore, it indicates that this will be illustrated on a revised version of the illustrative concept design and updated vegetation removal plan (to be submitted during the Examination (See para 5.2.2). Please indicate where in the Examination documents these can be found and explain how they have taken the findings of the AIA into account.</p>

ExQ.	Respondent:	Question:
2.2.4	Applicant	<p>At ISH1, the Applicant explained that there would be monitoring of the mitigation and enhancements made under the oLEMP, and that results of monitoring would be compared with the baseline data. The ExA notes that at Deadline 3, the Applicant provided an updated oLEMP [REP3-020] which included further details of the Ecological Advisory Group and its role in this process.</p> <p>However, as the ExA noted at ISH2, it would be useful to understand how the results of the monitoring would be used to inform decisions on whether changes to the proposed management measures are required and what the triggers are for when the remedial measures will be considered? For example, where the monitoring demonstrates the absence of/ differences in expected species abundance and diversity.</p>
2.2.5	Applicant	<p>The ExA notes the additional information provided in the oLEMP [REP3-020] in relation to the Ecological Advisory Group. However, the make-up of the group remains somewhat unclear. Furthermore, with reference to paragraphs 4.1.1 and 4.2.7 of the oLEMP [REP3-020], it remains unclear whether the Ecological Advisory Group would have a role in discussing and agreeing any remedial action. The Applicant is asked to provide further details of the group.</p>
3. Compulsory Acquisition and Temporary Possession		
2.3.1	Applicant	<p>Please continue to provide regular updates on discussions with affected persons and whether agreement for the voluntary acquisition of land and rights has been reached.</p>
2.3.2	Applicant/ Relevant Highway Authority	<p>The Applicant explained at CAH1 that plot 1/1a had been removed from the BoR and Land Plans in anticipation of the land being adopted. Please provide an update on the expected timescale for adoption and whether this is likely to take place before the close of the Examination.</p>
4. Battery Storage Technology		
<p>No further questions at this time.</p>		

ExQ.	Respondent:	Question:
5. Draft Development Consent Order		
2.5.1	Applicant	<p>Art 2 – Definition of Commence</p> <p>The definition of ‘commence’ is tied to s.56(4) TCPA 1990, which appears incorrect. Please review and consider whether the definition should instead refer to s.155 PA 2008.</p>
2.5.2	Applicant	<p>Art 2 - definition of “commissioning”. The ExA notes the second part of the definition appears to exclude the generation of electricity during ‘commissioning and testing’. Is this intended? If so, please explain.</p> <p>Furthermore, there appears to be some duplication in this definition and the following definition of “date of final commissioning”. Please can the Applicant review and redraft as necessary.</p>
2.5.3	Host Authorities	<p>Art 43 (and Schedule 16) - The ExA notes that this article has been amended to increase the period after which consent is deemed to have been given to 8 weeks.</p> <p>At ISH1, the Host Authorities, while seemingly agreeable to the 8 week period, nevertheless expressed concern with this timescale, noting that a 13 week period would be preferable. They also sought further assurances that the proposed 8 week period could be extended in the event that it was not possible to meet the timescale.</p> <p>In response, the Applicant expressed a willingness to continue discussions on possible mechanisms, including a memorandum of understanding, which would give further assurance to the host authorities that agreement on extensions, if required, could be reached.</p> <p>The Applicant and the host authorities are asked to provide an update on discussions and to confirm at Deadline 5 whether or not the 8 week period now referred to in Article 43 and Schedule 16 is agreed.</p>
2.5.4	Host Authorities	Please comment on the Applicant’s proposed amendments to Art 11 and Schedule 6 of the dDCO.
2.5.5	Essex County Council	Please comment on the changes to Schedule 15, Part 8 of the dDCO and confirm that the Council is content with the wording proposed.

ExQ.	Respondent:	Question:
2.5.6	Applicant	Schedule 15, Part 3 of the dDCO [REP3-006] - The ExA draws the Applicant's attention to the Office for Parliamentary Counsel Guidance which discourages the use of the word 'shall'.
6. General Matters		
2.6.1	Applicant	<p>Regarding potential effects from magnetic fields, in response to ExQ 1.9.3 the Applicant states that: "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."</p> <p>Can the Applicant explain how the ODPs would secure a minimum buried depth for the 400kv cable, particularly where it is located in proximity to receptors sensitive to effects from magnetic fields?</p> <p>The ExA notes that a minimum buried depth for the 400kv cable is specified in the ODPs for sections below watercourses.</p>
2.6.2	Applicant	ES Chapter 2 (the Scheme) notes that Phase 2 of the BESS (Work No. 2B on the Works Plans) will commence operation not less than 5 years after commencement of operation of the wider Scheme and will comprise a maximum area of 1.8ha. Please can the Applicant explain whether, and if so where, this is secured in the dDCO/ODP.
7. Historic Environment		
2.7.1	Boreham CS	The ExA notes that Boreham Conservation Society refers to two listed buildings which overlook the Solar Farm Site, the setting of which it considers would be compromised by the proposal. Please can Boreham Conservation Society specify the buildings being referred to.
8. Landscape and Visual Effects		
2.8.1	Applicant	<p>Table B-20 (LVIA) of the Applicant's Response to Relevant Representations [REP1A-002], (responding to RR-48 and RR-59), states that an assessment of the proposed lighting on ecology has been undertaken in ES Figure 10-12: Outline Landscape Masterplan [APP-179].</p> <p>Please indicate where on the Outline Landscape Masterplan this assessment can be found.</p>



ExQ.	Respondent:	Question:
9. Land Use, Agriculture and Socio-economics		
2.9.1	Applicant	<p>ES Chapter 12 [APP-044] describes the loss of approximately 150ha of BMV agricultural land during construction as a temporary effect (reversible after operation) and concludes that this would not be significant. The Planning Statement [REP1b-028] (paragraph 6.7.32) explains that higher grade agricultural land "...is very prevalent in the vicinity of the Scheme, and in the wider area...".</p> <p>Can the Applicant provide an estimate of the total area of BMV agricultural land (Grades 1, 2 and 3a) within the regional area, and express the area of temporary loss from the Proposed Development as a percentage of that total area? The Applicant's response should also explain how these figures support the ES conclusion of no likely significant effect from the loss of BMV agricultural land.</p>
2.9.2	Applicant	<p>ES Chapter 12 (and the Applicant's responses to Relevant Representations [REP1a-002] Table B-25) refers to a local skills and employment plan which will set out the measures that the Applicant will implement to advertise and promote employment opportunities associated with the scheme in construction and operation. The ExA understands that these will be secured as part of a s106 agreement.</p> <p>Please provide an update on the progress of the s.106 agreement and confirm that a final, executed copy will be submitted before the close of the Examination.</p>
2.9.3	Applicant	<p>ES Chapter 12 (para 12.9.3) refers to a community benefit fund structure document. Please signpost where this document can be found and whether, (and if so how) the Applicant proposes to secure it in the dDCO.</p>



ExQ.	Respondent:	Question:
10. Noise and vibration		
2.10.1	Applicant	<p>The oCEMP [REP3-018] states that 'operational phase noise monitoring will be carried out to verify the significance of effects presented in the ES [Chapter 11 of Volume 1, APP-043] and if required remedial action such as silencers or acoustic barriers (where not present) will be installed.</p> <p>Can the Applicant indicate what remedial action will be installed where the operational phase monitoring identifies remedial action is required at locations where silencers or acoustic barriers are already present?</p>
11. Water Environment		
2.11.1	Environment Agency	<p>Can the EA confirm whether or not it agrees that the Water Framework Directive (WFD) information provided in the application appropriately demonstrates the Proposed Development's compliance with the requirements of the WFD?</p>
12. Transport and Traffic		
2.12.1	Applicant	<p>The ExA notes the recent acceptance of National Highways' proposed A12/A120 road widening scheme as an NSIP and that, as a result, new information may have become available. Can the Applicant indicate if this influences the cumulative assessments in the ES (in particular, Transport and Access) and their conclusions and if so, describe how?</p>

END