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For and on behalf of  
**Warley Green Limited**

**WRITTEN REPRESENTATION**  
*Unique Reference Number: 20035563*

**Application by National Highways for an Order Granting Development Consent for the  
Lower Thames Crossing**

**Response to the Examining Authority's Commentary on the draft Development Consent  
Order (the dDCO)**

**Prepared by  
DLP Planning Ltd  
Bedford**

December 2023



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|--------------|-------------------------------------------|
| Prepared by: | Avneesh Bains<br><b>Planner</b>           |
| Checked by:  | Hollie Renney<br><b>Associate Planner</b> |
| Approved by: | Louise Newcombe<br><b>Director</b>        |
|              |                                           |
| Date:        | December 2023                             |

**DLP Planning Ltd**  
**4 Abbey Court**  
**Fraser Road**  
**Priory Business Park**  
**Bedford**  
**MK44 3WH**

**Tel: 01234 832740**

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## APPENDICES

**Appendix 1** Site Location Plan

## 1.0 INTRODUCTION

- 1.1 This Representation has been prepared by DLP Planning Ltd on behalf of Warley Green Limited ('the client') in relation to the Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing ('the Project').
- 1.2 This Representation is to be read in conjunction with our previous submissions (unique reference 20035563):
- Relevant representation submitted on 23<sup>rd</sup> February 2023 (RR-1131);
  - Deadline 1 Written Representation submitted on 21<sup>st</sup> July 2023 (REP1-431);
  - Response to the Examining Authority's Written Questions and Requests for Information (ExQ1) in light of the Applicant's submission at D4 on 3<sup>rd</sup> October 2023 (REP5-130); and
  - Response to the Examining Authority's Written Questions (ExQ2) and comments on the Applicant's submissions at D5 on 31<sup>st</sup> October 2023 (REP6-208).
- 1.3 Our client continues to seek assurances that any works relating to the DCO, or Order Limits, would not prejudice the consented development for a solar farm and energy storage facility at Land adjacent Fen Farm Judds Farm and Part of Bulphan Fen, Harrow Lane, Essex (known as the Bulphan Fen Solar Farm).

### Background

- 1.4 Warley Green Limited is a wholly owned subsidiary of Verdant, which is jointly owned by DIF Capital Partners (DIF) and ib Vogt (IBV).
- 1.5 The Bulphan Fen Solar Farm is part of a portfolio of Verdant sites with a total capacity of 720MW of solar and battery storage. The extant permission applies to land sited within the administrative boundaries of both the London Borough of Havering (ref. P0059.21) and Thurrock Council (ref. 21/00077/FUL). The solar development and energy storage facility is now progressing towards construction which is expected to complete by early 2024. The development will be fully implemented when the DCO works are expected to begin.
- 1.6 As stated in our previous representations, our client is broadly supportive of the proposed scheme and the majority of our client's concerns have been addressed by information provided by the Applicant. However, our client principally remains concerned about the potential impact of dust upon the operation of the Bulphan Fen Solar Farm and seeks further assurances in relation to proposed dust control/monitoring.

- 1.7 This Written Representation responds to the Examining Authority's Commentary on the draft Development Consent Order (the dDCO), where the questions directed to the Interested Parties are of relevance to our clients' interests.

## 2.0 RESPONSES TO EXAMINING AUTHORITY'S COMMENTARY ON THE DRAFT DEVELOPMENT CONSENT ORDER

### **QD6: Should the REAC be individually identified in Schedule 16 (certified documents)?**

- 2.1 Our client is of the view that the REAC should be individually identified within Schedule 16 (certified documents) as opposed to being integrated within the Code of Construction Practice (CoCP). The REAC includes various commitments which the future contractor will be responsible for meeting for the lifetime of the construction phase and beyond. In order to increase the visibility of the REAC and to reflect its importance, the REAC should be a standalone Control Document (CD) which is easy for all parties to identify and locate.

### **QD50: Is the iteration and approval process sufficiently clear? Does it provide adequate security for initial stage commitments and for the REAC? If amendments are sought, why are they required?**

- 2.2 This question relates to Provision: 'R4', Examination Issue: 'Construction and Handover Environmental Management Plans'.

#### ***Preliminary works***

- 2.3 The CoCP / REAC is not expressly referenced at provision R4(1) of the dDCO in relation to preliminary works, which only requires the preliminary works to be undertaken in accordance with the 'preliminary works EMP' (REP6-043). Preliminary works are defined by the CoCP as including "environmental surveys and monitoring".
- 2.4 Notably, there is no reference to air quality or monitoring specifically within the 'preliminary works EMP' (REP6-043).
- 2.5 In relation to air quality, AQ006 of the REAC requires the contractor to identify where monitoring is required and the type of monitoring required in relation to each worksite and the location of receptors around the site. AQ007 of the REAC requires that where dust monitoring is required it would begin at least six months prior to the commencement of construction works.
- 2.6 The requirements of the REAC for the monitoring of air quality are therefore of particular relevance to the 'preliminary works' and the contractors must be aware of these requirements in order for them to be adequately secured prior to the commencement of construction works.

#### ***EMP Second and Third Iterations***

- 2.7 Provision R4(2) of the dDCO requires the EMP Second Iteration to be approved prior to the

commencement of any development. Provision R4(2) and R4(3) requires that the EMP second iteration is written in accordance with the CoCP and REAC.

- 2.8 Provision R4(5) requires completion of an EMP Third Iteration by the end of the construction, commissioning and handover stage.
- 2.9 Our client is of the view that the iteration and approval process is sufficiently clear, however, as raised in our previous written representations (REP6-208) and covered further below in our response to QD85, we remain concerned that solar farms are not expressly identified as a receptor for dust monitoring within the REAC (REP6-038). As drafted the dDCO does not therefore require the contractor to consider solar farms as a receptor for dust in the EMP Second and Third Iterations.

**QD85: Do any IPs have any final submission to make on the CDs and their content? Is there additional content that should be added? Any responses to this question should be accompanied by an explanation of the changes sought and the reasons for them.**

- 2.10 Our clients seek additional content within the REAC, as contained within the CoCP (REP6-038) and/or the Stakeholder actions and Commitments Register (REP7-153) in order to ensure that solar farms are clearly identified as a potential receptor for dust (to be considered by the contractor when fulfilling the commitments of the REAC and preparing the iterations of the EMP).
- 2.11 The Government's legally binding target of reaching net zero emissions by 2050 in order to tackle the climate change emergency (identified by The Sixth Assessment Report of the Intergovernmental Panel on Climate Change as "a threat to human well-being and planetary health") and provide UK energy security (helping to stabilise energy prices for consumers) is entirely dependent upon maximising renewable energy production from solar farms. Our client's solar farm, which will be operational by early 2024, is partly located within the area identified as being most at risk of being impacted by construction dust (Figure 1: Construction Dust Study Area, Application Document 6.2 of Document APP-143). Gradual dust accumulation can reduce solar panel efficiency which translates to a decline in the amount of renewable energy produced and therefore, lost benefits for the wider public, in addition to lost income for our client. In addition, dust deposition will incur large costs for our client due to the necessary additional cleaning and maintenance required to ensure that the solar panels remain fully efficient. It is therefore essential that dust accumulation associated with the Project does not adversely effect the operation of the Bulphan Fen Solar Farm.

- 2.12 It is noted that the Register of Environmental Actions and Commitments (REAC) (REP6-038) includes measures to reduce dust (REAC ref nos. AQ002-AQ007). However, REAC ref no. AQ006 states that the contractors shall determine the level of any dust and particulate monitoring carried out on Project construction sites by means of a risk-based approach, taking account of the specific packages of works and the location of receptors around the site. The onus to identify receptors for dust monitoring is therefore placed entirely on the contractor with no potential receptors or guidelines regarding the identification of possible receptor sites contained in the REAC. Our client's concern is that solar farms will be overlooked as a potential receptor.
- 2.13 As set out in our previous written representations (REP6-208), it is understood (based on conversations with representative of the Applicant) that receptors located more than 100m from proposed compounds (as is the Bulphan Fen Solar Farm) are considered to be at low risk of adverse impacts from dust and soiling, subject to good practice guidelines being followed. However, solar farms are a relatively new form of infrastructure, and it is not clear if the levels of dust and soiling deemed acceptable (by the established guidelines) to human health are equally acceptable to the optimal operation of solar farms. This is a concern which was acknowledged by the Applicant during a meeting which took place between representatives of the Applicant and representatives of the Bulphan Fen Solar Farm on 26<sup>th</sup> October 2023.
- 2.14 In response to QD85 of the Examining Authority's Commentary (and as set out in our previous written representations REP6-208), our client therefore requests that solar farms are identified as a potential receptor for dust monitoring (in addition to traditional human health receptors) in the REAC. Alternatively (as suggested in our previous written representations REP6-208), a commitment for the Bulphan Fen Solar Farm to be considered as a potential receptor for dust could be included within the Stakeholder Actions and Commitments Register (REP7-153). This will ensure that solar farm receptors, including our client's site, are duly considered by the contractor when fulfilling the commitments contained within the REAC and within the second and third iteration of the EMP.
- 2.1 As set out in our previous written representations (REP-208), we would also request:
- a commitment within the REAC (REP6-038) to ensure clear quality control/record keeping of monitoring data and frequent publicly available reporting of monitoring data. This is not currently reflected in the commitments of the REAC regarding air quality



monitoring and doing so will ensure transparency for interested parties;

- a commitment within the REAC to provide (within the Engagement and Communications Plan (ECP)) neighbouring stakeholders with direct contact details for the site manager (or another contractor staff with direct knowledge of the works taking place within the area) so that any issues can be reported directly (as opposed to via the generic customer contact centre). This will ensure that our clients, as a neighbouring stakeholder whose operations could be negatively impacted, can notify the contractor of any issues arising without having to go via the National Highways customer contact centre (and wait 10 working days for a response).

### **3.0 CONCLUSION**

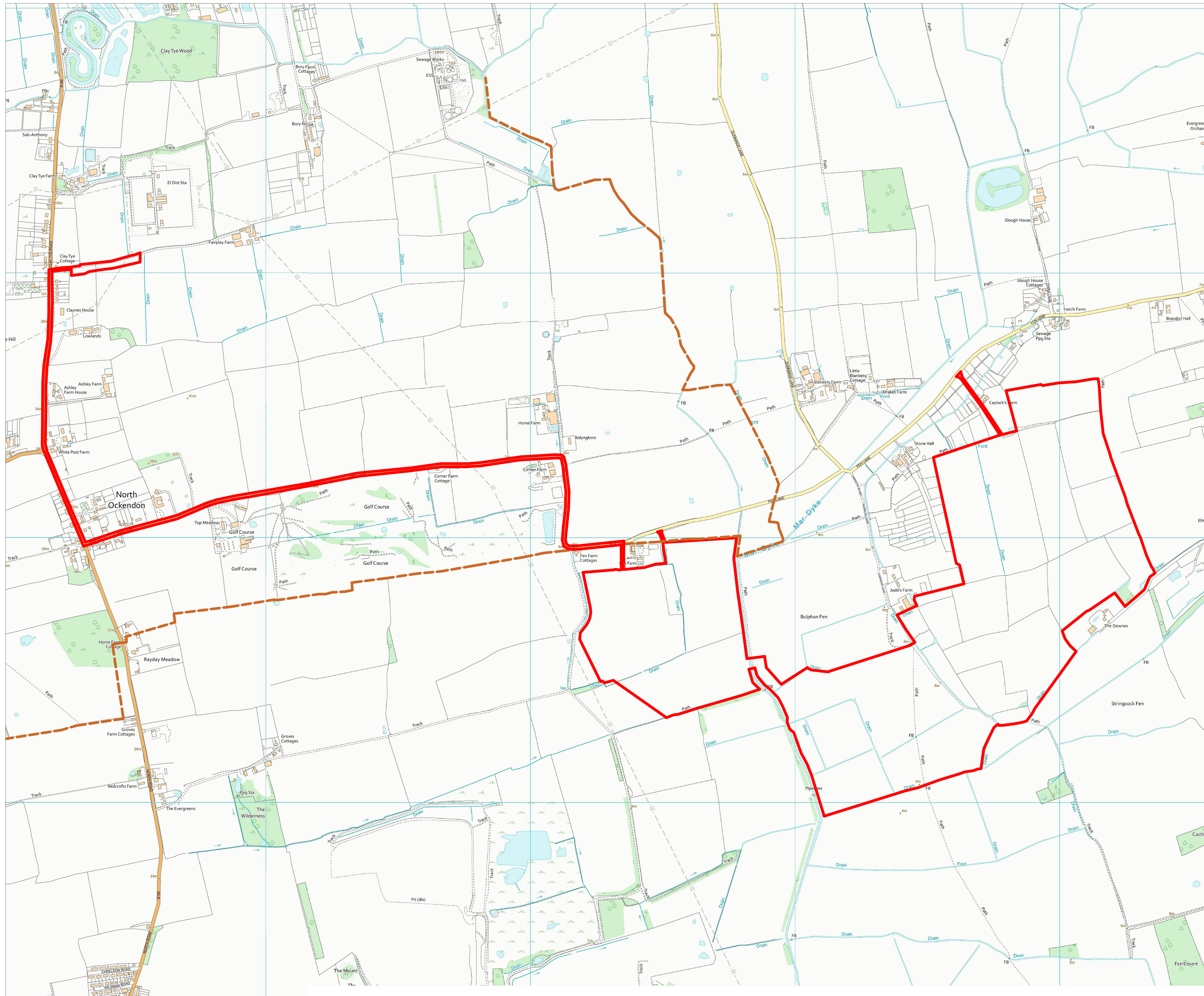
- 3.1 As stated previously, our client has no in-principle objection to the Project but seeks assurances in relation to proposed dust control/monitoring at the Bulphan Fen Solar Farm. As set out within these written representations, this can be achieved via suggested additional content within the REAC (REP6-038) and/or the Stakeholder Actions and Commitments Register (REP7-153).
- 3.2 In response to the Examining Authority's Commentary on the dDCO, our client has responded to QD 6, 50 and 85. We trust that these comments are helpful and respectfully request that these responses to be considered and incorporated within the final DCO issued at Deadline 9 (11<sup>th</sup> December).



G5117/2  
Warley Green Limited  
Application by National Highways for an Order Granting  
Development Consent for the Lower Thames Crossing  
December 2023

**Appendix 1**  
Site Location Plan





General Notes

Key

- Site Application Boundary
- Administrative Boundary

| REVISED | DATE | MODIFICATION |
|---------|------|--------------|
|         |      |              |
|         |      |              |
|         |      |              |

PROJECT NAME:  
**Bulphan Fen Solar Farm**

DRAWING TITLE:  
**Consolidated Location Plan**

DRAWING No: **BF1.0**      REVISION: **v.b**

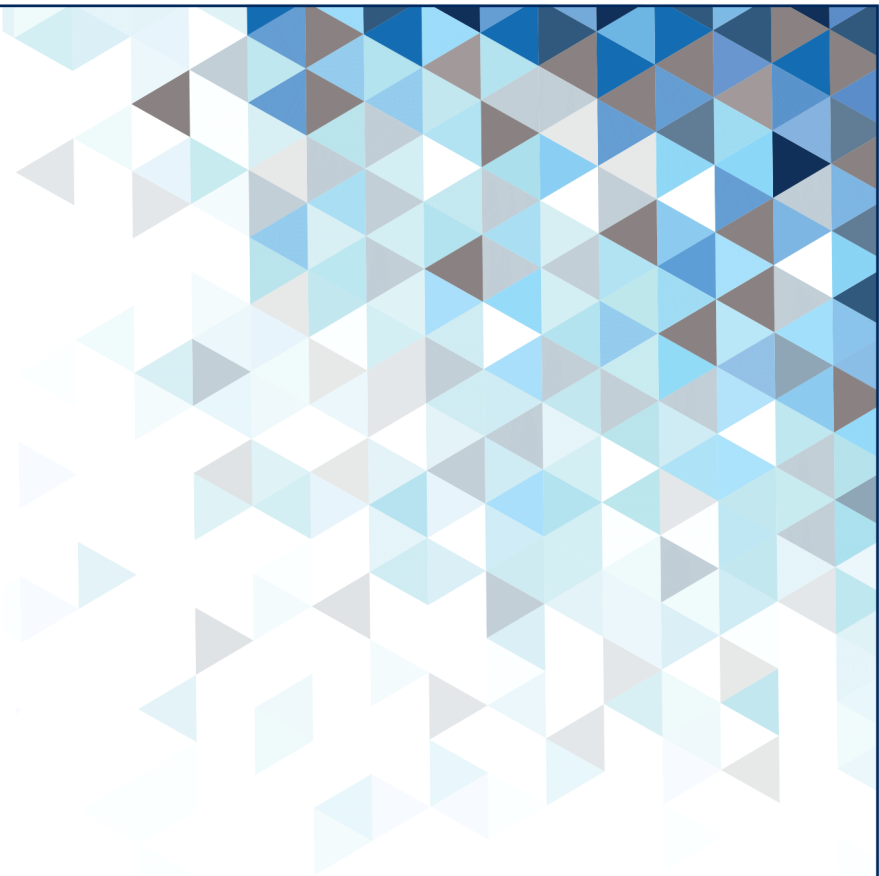
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 Drawn By: **DP**      Checked By: **NL**

**aardvark**  
 environment matters  
 Aardvark EM Limited  
 Higher Ford • Wiveliscombe  
 Taunton • Somerset • TA4 2RL  
 Tel: 01984 624989  
 Fax: 01984 623912  
 environment@aardvarkem.co.uk  
 www.aardvarkem.co.uk

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**BEDFORD**

**Planning / SDD / SPRU**

[bedford@dlpconsultants.co.uk](mailto:bedford@dlpconsultants.co.uk)

**BRISTOL**

**Planning / SDD / SPRU**

[bristol@dlpconsultants.co.uk](mailto:bristol@dlpconsultants.co.uk)

**EAST MIDLANDS**

**Planning/ SDD**

[nottingham@dlpconsultants.co.uk](mailto:nottingham@dlpconsultants.co.uk)

**LEEDS**

**Planning**

[leeds@dlpconsultants.co.uk](mailto:leeds@dlpconsultants.co.uk)

**LIVERPOOL**

**Planning**

[liverpool@dlpconsultants.co.uk](mailto:liverpool@dlpconsultants.co.uk)

**LONDON**

**Planning**

[london@dlpconsultants.co.uk](mailto:london@dlpconsultants.co.uk)

**MILTON KEYNES**

**Planning**

[miltonkeynes@dlpconsultants.co.uk](mailto:miltonkeynes@dlpconsultants.co.uk)

**RUGBY**

**Planning**

[rugby.enquiries@dlpconsultants.co.uk](mailto:rugby.enquiries@dlpconsultants.co.uk)

**SHEFFIELD**

**Planning/ SDD / SPRU**

[sheffield@dlpconsultants.co.uk](mailto:sheffield@dlpconsultants.co.uk)

