

1. We are writing for and on behalf of Medebridge Solar Limited (MSL), which is a ground-mounted solar PV project at land off Fen Lane and Medebridge Road, South Ockendon, Essex (the Project). The Project was granted planning permission by Thurrock Council on 10th May 2022 (reference 21/02159/FUL) (the Planning Permission) and it is expected to enter into construction in late 2023, early 2024.
2. MSL benefits from various land agreements in order to develop the Project. It is anticipated that the Project will connect to the electricity network at a substation located on land occupied by the adjoining Ockendon Solar Farm (Ockendon) and consequently, cabling will be installed between the Project and the substation. Furthermore, during the construction and operation of the Project, access will be required between the fields comprising the Project, from both Medebridge Road to the south and from Fen Lane to the north of the Project. Overall, the Project is expected to generate significant benefits for the local community, including the generation of renewable electricity to power some 13,000 homes for an operational life of up to 40 years.
3. The Lower Thames Crossing project (the LTC) intersects the Project and will have other adverse impacts on the Project. Accordingly, MSL registered as an Interested Party to the Lower Thames Crossing DCO Examination (the Examination) and submitted relevant representations on 22nd February 2023 and 31st October 2023.
4. MSL has been working with the Applicant (National Highways) in order to reach agreement on a number of matters impacting the Project arising from the LTC. MSL continues to pursue these discussions and is hopeful that an acceptable solution on all outstanding matters will be achieved.
5. However, agreement has not yet been reached, and there are a number of key outstanding issues between MSL and the Applicant which cause an overhang on the viability of the Project and its ability to secure construction funding and hence may never be built if adequate protective provisions are not provided. Accordingly, MSL wish to lodge this submission in order to provide the Examining Authority with an overview of the outstanding issues and to seek protection for the Project in the event agreement is not achieved ahead of the end of the Examination.
6. An overview of the key outstanding issues is provided below:
 - a. The Project will be comprised of solar panels and electrical infrastructure located in three fields with underground cables transmitting electricity to a shared substation. As the LTC would intersect the Project and the Applicant intends to exercise compulsory acquisition rights over access routes connecting the fields, without protections facilitating the Project's continued access to each of the fields during both the construction and operation of the LTC it would not be possible to operate and maintain the Project. The access rights will also need to include right of way over a new FP136 bridge to be built providing a route to cross over the LTC in order to access the northern and central fields of the Project.
 - b. Further to condition 10 of the Project's Planning Permission, prior to commencement of development of the Project a Landscape and Environmental Management Plan (LEMP) is to have been submitted and approved in writing by the local planning authority (Thurrock Council). The LEMP is to be implemented as approved before operational use of the Project. MSL has submitted a LEMP to Thurrock Council and this has been approved. As part of the approved LEMP, an area has been identified by the Project for implementing the biodiversity works approved under the LEMP. The Project has taken steps to secure the land rights necessary to comply with the approved LEMP and condition 10 of the Planning Permission. The relevant land agreements required for MSL's compliance with the LEMP are anticipated to be entered into shortly, and in any event well before the granting of powers under the LTC DCO (if granted) and exercise of any of those compulsory acquisition powers. However, as currently proposed, the LTC would compulsorily acquire part or all of the area to be utilised by the Project for compliance with the LEMP. MSL seeks comfort from the Applicant that the LTC will not have adverse impacts for the Project in terms of compliance with condition 10 of the Planning Permission. MSL is aware of Article 56(3) of the draft LTC DCO, however MSL notes that this may not be included in the LTC DCO (if granted), may not give protection to the Project, and in any event would not come

into effect for a number of years after the Project requires to comply with condition 10 of the Planning Permission and to enter into the necessary land agreements. Accordingly, the LEMP land will be operational and will be subject to land agreement(s) when compulsory acquisition rights are exercised over it (if those rights are exercised, either in full or in part).

c. As part of the construction of the shared grid infrastructure located on land occupied by Ockendon, a 132kV transformer was delivered through [Fen Lane] and internal access roads on lands owned by E and K Benton Limited. This road infrastructure through which the transformer was delivered was of sufficient specification to enable the delivery of this item which is of very large size and heavy weight. The 132kV transformer at the shared substation is critical to enable the export of electricity by Ockendon and the Project. The acquisition of land contained in the LTC Order Area would remove the Project's ability to access roads on lands owned by E and K Benton Limited thereby isolating the shared grid infrastructure from Fen Lane. The Applicant is not willing to design the FP136 Bridge such that it can accommodate the loads associated with the delivery of a replacement transformer and so alternatively the Project is seeking access rights for a direct route from the LTC which can enable delivery of equipment with similar size and weight so that the Project is in no worse a position than prior to the LTC being in place.

7. Without the satisfactory resolution to the above issues it is not possible to commence the construction of the Project. A failure to secure protective measures related to the above matters impacts the viability of the Project and may result in it never being built.

8. MSL is aware that the LTC Examination concludes in the coming weeks, accordingly MSL wishes to record the current status of these issues and to preserve its position with respect to making further submissions.