

BY E-MAIL

Secretary of State for Energy Security and Net Zero
Energy and Infrastructure Planning
1 Victoria Street
London
SW1H 0ET

**For the Attention of:
Energy Infrastructure Planning Team**

13 November 2025

Dear Energy and Infrastructure Planning Team

REGULATION 4 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011

APPLICATION TO MAKE A NON-MATERIAL AMENDMENT TO THE LONGFIELD SOLAR FARM ORDER 2023 (S.I. 2023/734) AS CORRECTED (S.I. 2023/1241)

1. INTRODUCTION AND BACKGROUND

- 1.1 Longfield Solar Energy Farm Limited ("**Longfield**") (company number 11618210) of registered office Alexander House, 1 Mandarin Road, Rainton Bridge Business Park, Houghton Le Spring, Sunderland, England, DH4 5RA is the undertaker with the benefit of the Longfield Solar Farm Order 2023, which was granted by the Secretary of State for Energy Security and Net Zero on 26 June 2023 (S.I. 2023 No. 734) as corrected by the Longfield Solar Farm (Correction) Order 2023 (S.I. 2023 No. 1241) following an application made by Longfield (the "**Order**").
- 1.2 The Order includes provision authorising the construction, operation, maintenance and decommissioning of a solar photovoltaic electricity generating facility and Battery Storage Energy System with a total capacity exceeding 50MW and associated infrastructure (the "**Scheme**").
- 1.3 Longfield seeks to make four non-material changes (the "**NMCs**") to the Order.

Change 1 – amending Work No. 4A of Schedule 1 of the Order to facilitate the installation of a dual circuit

- 1.4 Work No. 4A of Schedule 1 of the Order authorises, at paragraph (i), works including the installation of one 400 kilovolt cable circuit connecting Work No. 3 (the new onsite substation) to Work No. 5 (the extension to the existing substation).
- 1.5 For resilience purposes, Longfield is seeking to install a second 400 kilovolt cable circuit as part of these works. Longfield is therefore proposing to amend the description of Work No. 4A of Schedule 1 of the Order to authorise this dualing.

Pinsent Masons LLP

30 Crown Place Earl Street London EC2A 4ES

T +44 (0) 20 7418 7000 F +44 (0) 20 7418 7050 DX 157620 Broadgate

Pinsent Masons LLP is a limited liability partnership, registered in England and Wales (registered number: OC333653) authorised and regulated by the Solicitors Regulation Authority and the appropriate jurisdictions in which it operates. Reference to "Pinsent Masons" is to Pinsent Masons LLP and/or one or more of the affiliated entities that practise under the name "Pinsent Masons" as the context requires. The word "partner", used in relation to the LLP, refers to a member or an employee or consultant of the LLP or any affiliated firm, with equivalent standing. A list of members of Pinsent Masons, those non-members who are designated as partners, and non-member partners in affiliated entities, is available for inspection at our offices or at www.pinsentmasons.com

For a full list of the jurisdictions where we operate, see www.pinsentmasons.com

Change 2 – amending Article 6 of the Order to modify the Hedgerows Regulations 1997

- 1.6 Article 6 of the Order identifies extant legislation that is authorised to be modified or disapplied by virtue of the Order being made.
- 1.7 However, the list of legislation in Article 6 of the Order does not include the standard modification of the Hedgerows Regulations 1997 in relation to the carrying out of development for the Scheme. This results in a requirement for Longfield to submit a Hedgerow Removal Notice under the Hedgerows Regulations 1997 every time that any hedgerow needs to be removed, including those already identified and assessed in Schedule 12 of the Order. This is an onerous and complex process that restricts the flexibility of the detailed design of the Scheme and poses a risk to the timing of phases of the Scheme due to determination timescales, and was clearly not the intention of the drafting of the Order. Longfield notes that this amendment will not result in uncontrolled hedgerow removal, as this continues to be controlled by the corresponding and relevant parts of the Order – for example, the vegetation removal plan, which is a certified document under Schedule 13 of the Order.
- 1.8 Longfield is therefore proposing to amend Article 6 of the Order to include the modification of the Hedgerows Regulations 1997. This approach has been consented in recent solar DCOs, including the Oaklands Farm Solar Park Order 2025.

Change 3 – amending Requirement 9 of Schedule 2 of the Order to require one submission of the BNG Strategy

- 1.9 Requirement 9 of Schedule 2 of the Order requires Longfield to submit (for approval by the relevant planning authority) a landscape and ecological management plan (“**LEMP**”) for each phase of the Scheme. As currently written in the Order, each LEMP requires the submission of a Biodiversity Net Gain (“**BNG**”) Strategy to detail how the Scheme is achieving the minimum 87% BNG during the operation of the Scheme.
- 1.10 However, a targeted LEMP has been submitted for various permitted preliminary works (including vegetation removal) without containing a BNG Strategy, as information regarding BNG was not available at the time of the submission of that LEMP (as the landscape design for the Scheme had not yet been developed, nor did it form part of the works to which that LEMP related). Therefore, Requirement 9 of Schedule 2 of the Order has only partially been discharged in relation to that LEMP, which represents an inefficient process.
- 1.11 Longfield is therefore proposing to amend Requirement 9 of Schedule 2 of the Order to alter the approach such that only one site-wide BNG Strategy is required to be submitted as part of the site-wide LEMP for the Scheme’s main site construction works (which are the works that give rise to BNG considerations). This approach has been discussed and agreed with Essex County Council’s ecologist.

Change 4 – amending Article 6(4) of the Order to address interactions with other planning applications

- 1.12 There are four small areas of overlap between the Order and two adjacent planning permissions relating to the extraction of minerals at Bulls Lodge Quarry (i.e. in proximity to the existing substation).
- 1.13 Longfield has sought legal advice on these overlaps, in which it has been concluded that the overlaps are de minimis and neither the Order nor the other planning permissions are prejudiced from ongoing implementation.
- 1.14 However, for the sake of clarity and good order, Longfield is proposing to amend Article 6(4) of the Order to expressly provide for these overlaps to occur. Longfield notes that Article 6(4), as currently written in the Order, already addresses one of the areas of overlap, which lies directly to the north of the existing substation. The proposed change is to ensure that all of the overlaps are covered by Article 6(4), making the Order explicit in this regard whilst continuing to not prejudice the ongoing implementation of the Order and the other planning permissions.

Overall

- 1.15 The NMCs proposed to the Order by Longfield are necessary for the reasons set out above. None of the NMCs will give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would they require additional compulsory acquisition of land, nor would they have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment; therefore, Longfield considers that the proposed changes are non-material in nature. Longfield has produced the Supporting Statement, which is appended in full at Appendix 2 of this letter, in support of these conclusions.
- 1.16 Longfield has held discussions with Essex County Council, Chelmsford City Council and Braintree District Council regarding the proposed non-material changes, all of whom are generally supportive of the proposals.

2. SUPPORTING DOCUMENTATION

- 2.1 Longfield is applying to the Secretary of State pursuant to section 153 and paragraph 2 of Schedule 6 to the Planning Act 2008 to make changes to the Order that are not material. This application is subject to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. As such, the following documents are included to support the application for the NMC:
- 2.1.1 NMC application (included as the first Appendix to this letter);
 - 2.1.2 Supporting Statement (included as the second Appendix to this letter);
 - 2.1.3 Regulation 6 Notice;
 - 2.1.4 Regulation 7 Letter;
 - 2.1.5 Draft amendment Order (Word and PDF version); and
 - 2.1.6 Email confirming successful validation of the draft amendment Order.
- 2.2 Please do contact Alex Tresadern at Alex.Tresadern@pinsentmasons.com should you have any further questions.

Yours sincerely

Pinsent Masons LLP

(This letter has been sent electronically and so is unsigned)



APPENDIX 1

NON-MATERIAL CHANGE APPLICATION REPORT

1. INTRODUCTION

- 1.1 Longfield Solar Energy Farm Limited ("**Longfield**") (company number 11618210) of registered office Alexander House, 1 Mandarin Road, Rainton Bridge Business Park, Houghton Le Spring, Sunderland, England, DH4 5RA is the undertaker with the benefit of the Longfield Solar Farm Order 2023, which was granted by the Secretary of State for Energy Security and Net Zero on 26 June 2023 (S.I. 2023 No. 734) as corrected by the Longfield Solar Farm (Correction) Order 2023 (S.I. 2023 No. 1241) following an application made by Longfield (the "**Order**").
- 1.2 The Order includes provision authorising the construction, operation, maintenance and decommissioning of a solar photovoltaic electricity generating facility and Battery Storage Energy System with a total capacity exceeding 50MW and associated infrastructure (the "**Scheme**").
- 1.3 Longfield seeks to make four non-material changes (the "**NMCs**") to the Order.

Change 1 – amending Work No. 4A of Schedule 1 of the Order to facilitate the installation of a dual circuit

- 1.4 Work No. 4A of Schedule 1 of the Order authorises, at paragraph (i), works including the installation of one 400 kilovolt cable circuit connecting Work No. 3 (the new onsite substation) to Work No. 5 (the extension to the existing substation).
- 1.5 For resilience purposes, Longfield is seeking to install a second 400 kilovolt cable circuit as part of these works. Longfield is therefore proposing to amend the description of Work No. 4A of Schedule 1 of the Order to authorise this dualing.

Change 2 – amending Article 6 of the Order to modify the Hedgerows Regulations 1997

- 1.6 Article 6 of the Order identifies extant legislation that is authorised to be modified or disapplied by virtue of the Order being made.
- 1.7 However, the list of legislation in Article 6 of the Order does not include the standard modification of the Hedgerows Regulations 1997 in relation to the carrying out of development for the Scheme. This results in a requirement for Longfield to submit a Hedgerow Removal Notice under the Hedgerows Regulations 1997 every time that any hedgerow needs to be removed, including those already identified and assessed in Schedule 12 of the Order. This is an onerous and complex process that restricts the flexibility of the detailed design of the Scheme and poses a risk to the timing of phases of the Scheme due to determination timescales, and was clearly not the intention of the drafting of the Order. Longfield notes that this amendment will not result in uncontrolled hedgerow removal, as this continues to be controlled by the corresponding and relevant parts of the Order – for example, the vegetation removal plan, which is a certified document under Schedule 13 of the Order.
- 1.8 Longfield is therefore proposing to amend Article 6 of the Order to include the modification of the Hedgerows Regulations 1997. This approach has been consented in recent solar DCOs, including the Oaklands Farm Solar Park Order 2025.

Change 3 – amending Requirement 9 of Schedule 2 of the Order to require one submission of the BNG Strategy

- 1.9 Requirement 9 of Schedule 2 of the Order requires Longfield to submit (for approval by the relevant planning authority) a landscape and ecological management plan ("**LEMP**") for each

phase of the Scheme. As currently written in the Order, each LEMP requires the submission of a Biodiversity Net Gain (“**BNG**”) Strategy to detail how the Scheme is achieving the minimum 87% BNG during the operation of the Scheme.

- 1.10 However, a targeted LEMP has been submitted for various permitted preliminary works (including vegetation removal) without containing a BNG Strategy, as information regarding BNG was not available at the time of the submission of that LEMP (as the landscape design for the Scheme had not yet been developed, nor did it form part of the works to which that LEMP related). Therefore, Requirement 9 of Schedule 2 of the Order has only partially been discharged in relation to that LEMP, which represents an inefficient process.
- 1.11 Longfield is therefore proposing to amend Requirement 9 of Schedule 2 of the Order to alter the approach such that only one site-wide BNG Strategy is required to be submitted as part of the site-wide LEMP for the Scheme’s main site construction works (which are the works that give rise to BNG considerations). This approach has been discussed and agreed with Essex County Council’s ecologist.

Change 4 – amending Article 6(4) of the Order to address interactions with other planning applications

- 1.12 There are four small areas of overlap between the Order and two adjacent planning permissions relating to the extraction of minerals at Bulls Lodge Quarry (i.e. in proximity to the existing substation).
- 1.13 Longfield has sought legal advice on these overlaps, in which it has been concluded that the overlaps are de minimis and neither the Order nor the other planning permissions are prejudiced from ongoing implementation.
- 1.14 However, for the sake of clarity and good order, Longfield is proposing to amend Article 6(4) of the Order to expressly provide for these overlaps to occur. Longfield notes that Article 6(4), as currently written in the Order, already addresses one of the areas of overlap, which lies directly to the north of the existing substation. The proposed change is to ensure that all of the overlaps are covered by Article 6(4), making the Order explicit in this regard whilst continuing to not prejudice the ongoing implementation of the Order and the other planning permissions.

Overall

- 1.15 The NMCs proposed to the Order by Longfield are necessary for the reasons set out above and Longfield is seeking the NMCs as such. None of the NMCs will give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would they require additional compulsory acquisition of land, nor would they have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment; therefore, Longfield considers that the proposed changes are non-material in nature. The changes required comprise changes to Schedule 1, Article 6, Article 2, Requirement 9 of Schedule 2 and Article 6(4) of the Order, as set out at section 3 below.
- 1.16 Longfield has held discussions with Essex County Council, Chelmsford City Council and Braintree District Council regarding the proposed non-material changes, all of whom are generally supportive of the proposals.
- 1.17 Longfield hereby applies to the Secretary of State pursuant to section 153 and paragraph 2 of Schedule 6 of the 2008 Act to make changes to the Order that are not material (referred to hereafter as the “**NMC Application**”). The NMC Application is subject to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the “**2011 Regulations**”). The NMC Application has been prepared with reference to the Department of Communities and Local Government document ‘Guidance on Changes to Development Consent Orders’ (December 2015).

- 1.18 This document sets out the proposed NMCs to the Order sought by Longfield and the rationale for doing so and details of the consultation process undertaken. It also sets out why the changes sought in the NMC Application will not result in any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, given that the changes proposed are technical and would not result in any development beyond that already consented through the Order, which has already been subject to Environmental Impact Assessment.

2. CONSULTATION PROCESS

Background

- 2.1 Under the 2011 Regulations, on making an NMC Application the applicant must notify and consult those persons specified in the 2011 Regulations, this being all those who were notified (in accordance with section 56 of the Planning Act 2008) when the application for the original development consent order was accepted by the Secretary of State, as well as any other person who may be directly affected by the changes proposed in the application.
- 2.2 Regulation 7(3) of the 2011 Regulations also provides that an applicant need not consult a person or authority specified in the Regulations if they have the written consent of the Secretary of State not to do so.
- 2.3 A letter of 15 October 2025 from Pinsent Masons to the Secretary of State requested written consent from the Secretary of State under regulation 7(3) of the 2011 Regulations that only Anglian Water Services Limited, Boreham Parish Council, Braintree District Council, British Telecommunications Plc, Chelmsford City Council, the Environment Agency, Essex and Suffolk Water Limited, Essex County Council, Lord Rayleigh's Farms Limited, National Grid Electricity Transmission Plc, Natural England, Network Rail Infrastructure Limited, Pioneer Aggregates (UK) Limited, Hanson Quarry Products Europe Limited, Vodafone Limited and UK Power Networks Limited (together, the **"Proposed Consultees"**) should be consulted on the NMC Application, for the reasons set out in that letter for each organisation.
- 2.4 On 5 November 2025, the Secretary of State confirmed that the consultee list should include the Proposed Consultees, but that Historic England and the Joint Nature Conservation Committee (the **"Additional Consultees"**) should also be directly consulted on the NMC Application.
- 2.5 The Secretary of State agreed that all other parties need not be consulted as they are not directly affected by the NMC Application, either because the NMCs proposed will not affect their interests or because their interests relate to a different part of the Scheme.
- 2.6 Accordingly, the Secretary of State gave written consent, under regulation 7(3) of the 2011 Regulations, that only the Proposed Consultees and the Additional Consultees (together, the **"Consultees"**) need be consulted on the NMC Application. No other parties who may be directly affected by the changes proposed in the NMC Application have been identified.

Overview

- 2.7 Regulations 6 and 7 of the 2011 Regulations set out the process for publicising and consulting respectively on an NMC Application. Pursuant to Regulation 7A of the 2011 Regulations, Longfield will submit a separate Consultation and Publicity Statement confirming its compliance with Regulations 6 and 7A of the 2011 Regulations.
- 2.8 In summary, the following has, or is being, undertaken by Longfield to comply with Regulations 6 and 7:
- 2.8.1 Longfield is publicising the NMC Application by publishing a notice in each of the Essex Chronicle and the London Gazette for two successive weeks. The notice will be published for the first time on 13 November 2025 when the NMC Application is

made to the Secretary of State. A copy of the notices will be included in the Consultation and Publicity Statement;

2.8.2 the project email address (LongfieldSolarFarm@planninginspectorate.gov.uk) has been included in the notice publicising the NMC Application so that members of the public can make a formal response to the Planning Inspectorate (“PINS”) in relation to the NMC Application; and

2.8.3 following receipt of notice from the Secretary of State pursuant to Regulation 7(3) on 5 November 2025, the list of consultees contacted regarding the NMC Application will be the Consultees defined above.

2.9 The NMC Application will be available to view on the project website at:

<https://www.longfieldsolarfarm.co.uk/>

and also on PINS’ website at:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010118/documents>

2.10 Hard copies of the NMC Application can be requested by contacting Longfield at info@longfieldsolarfarm.co.uk or on 0800 0194 576. Each hard copy is available at the cost of £20 per copy.

2.11 Consultees are invited to provide comments on the NMC Application until the closing date for consultation which is no less than 28 days following the date when the notice is last published.

3. PROPOSED NON-MATERIAL CHANGES TO THE ORDER

3.1 The Order consists of 44 articles and 16 schedules. The NMC Application proposes changes only to Schedule 1, Article 6, Article 2, Requirement 9 of Schedule 2 and Article 6(4). The content of these changes is set out in the table below.

Table 1 – Proposed changes to the Order

Article of the Order	Proposed Change
Schedule 1	Amend paragraph 2 as follows: Work No. 4— works to lay high voltage electrical cables, access and temporary construction laydown areas for the electrical cables including— (a) Work No. 4A— (i) works to lay electrical cables including one up to two 400 kilovolt cable circuits connecting Work No. 3 to Work No. 5; and (ii) laying down of internal access tracks, ramps, means of access, footpaths, roads, including the laying and construction of drainage infrastructure, signage and information boards; and (b) Work No. 4B— temporary construction laydown areas.
Article 6	Insert a new sub-paragraph (6) as follows: (6) Regulation 6 of the Hedgerows Regulations 1997 is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

Article of the Order	Proposed Change
	“or (k) for carrying out development which has been authorised by the Longfield Solar Farm Order 2023.”
Article 2	Insert a new definition for the “main site construction works” as follows: “main site construction works” means that part of the authorised development identified in work numbers 1, 2, 3, 7, 8 and 10;
Requirement 9 of Schedule 2	Amend Requirement 9 as follows: 9.—(1) No phase of the solar farm works and grid connection works may commence until a written landscape and ecological management plan (which must be substantially in accordance with the outline landscape and ecological management plan) has been submitted to and approved by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both Braintree District Council and Chelmsford City Council, both relevant planning authorities. (2) The landscape and ecological management plan submitted under sub-paragraph (1) in respect of the main site construction works must include details of: (a) how the plan will secure a minimum of 87% biodiversity net gain during the operation of the authorised development, calculated using The Biodiversity Metric 4.0, published by Natural England on 20 April 2023 (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body); (3) Any and all landscape and ecological management plans submitted under sub-paragraph (1) must include details of: (a) how the landscaping and ecological measures will be managed and maintained during the operational life of the solar farm works and grid connection works to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20 (decommissioning and restoration); and (b) how any approaches and measures in the biodiversity design strategy have been incorporated into the design of the solar farm works and grid connection works. (4) The landscape and ecological management plan must be implemented as approved. (5) For the purposes of sub-paragraph (1) “commence” includes site clearance involving vegetation removal.
Article 2	Amend the definition of “Park Farm planning permission” as follows: “Park Farm planning permission” means planning permission CHL 1890/87 granted by Essex County Council on 15 June 1990 (as amended) and/or planning permission CHL 1019/87 granted by Essex County Council on 15 June 1990 (as amended);
Article 6(4)	Amend sub-paragraph (4) as follows: As from the date on which the permitted preliminary works are carried out or the authorised development is commenced, whichever is the earlier, any conditions of the Park Farm planning permission that relate to the Order land at plot 1/2C cease to have effect to the extent that they are inconsistent with the authorised development or with anything done or approved under Schedule 2 (requirements). Insert a new sub-paragraph (5) as follows:

Article of the Order	Proposed Change
	(5) To the extent that the Park Farm planning permission compliance with any conditions of that permission is inconsistent with authorised development which is carried out under this Order, then from the point at which that inconsistency arises— (a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and (b) no enforcement action under the 1990 Act may be taken against development carried out in accordance with that planning permission by reason of such inconsistency, whether inside or outside the Order limits.

- 3.2 The changes to the Order proposed are required for the reasons set out in paragraphs 1.4 to 1.14 above.
- 3.3 Longfield has produced the Supporting Statement, which is appended in full at Appendix 2, in order to confirm that the proposed changes will not result in any materially new or materially different environmental effects to those originally assessed as part of the application for the Order.
4. **SUMMARY AND CONCLUSIONS**
- 4.1 Longfield is proposing to change the Order for the reasons set out in paragraphs 1.4 to 1.14 above.
- 4.2 No change to the other provisions in the Order, physical development or other controls regulating the construction, operation, maintenance or decommissioning of the authorised development are proposed.
- 4.3 The proposed changes would not give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would they require additional compulsory acquisition of land, nor would they have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment.
- 4.4 Given the information presented in this document, as summarised above, it is considered that the proposed changes are non-material changes for the purposes of the 2011 Regulations. Accordingly, Longfield submits that the proposed changes as outlined in section 3 of this document can be granted consent by the Secretary of State as non-material changes.



APPENDIX 2

SUPPORTING STATEMENT



Longfield Solar Farm

Non-Material Change: Supporting Statement

November 2025

Longfield Solar Energy Farm Limited

Table of Contents

1.	Introduction.....	2
2.	Guidance	2
3.	Environmental Statement	3
3.1	Changes 2, 3 and 4	3
3.2	Change 1.....	3
4.	Habitats and Protected Species	6
5.	Compulsory Acquisition	6
6.	Impact on Businesses and Residents	6
7.	Conclusion.....	6

1. Introduction

1.1.1 Longfield Solar Energy Farm Limited (the “Applicant”) proposes four non-material changes (“NMCs”) to the Longfield Solar Farm Order 2023 (the “Order”), as set out in the Application Document to which this Supporting Statement (hereafter referred to as the “Statement”) is an Appendix. The NMCs proposed to the Order by the Applicant are necessary for the reasons set out in the Application Document, and are summarised as follows:

- Change 1: amending Work No. 4A of Schedule 1 of the Order to facilitate the installation of a dual circuit;
- Change 2: amending Article 6 of the Order to modify the Hedgerows Regulations 1997;
- Change 3: amending Requirement 9 of Schedule 2 of the Order to require one submission of the BNG Strategy; and
- Change 4: amending Article 6(4) of the Order to address interactions with other planning applications.

1.1.2 None of the NMCs will give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would they require additional compulsory acquisition of land, nor would they have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment. This Statement is produced in support of these conclusions.

2. Guidance

2.1.1 The Planning Act 2008: Guidance on Changes to Development Consent Orders guidance published in 2015 by the Department for Communities and Local Government (“DCLG”) provides non-statutory advice on the preparation and determination of applications to change development consent orders.

2.1.2 This guidance acknowledges that there is no statutory definition of a material or non-material change, and does not attempt to prescribe such a definition *“given the range of infrastructure projects that are consented through the 2008 Act and the variety of changes that could possibly be proposed for a single project”*.

2.1.3 The guidance does, however, acknowledge that there are certain characteristics that indicate where a change is more likely to be treated as material. These are summarised as follows:

- **Environmental Statement (“ES”)** (paragraphs 12-13) – a change should be treated as material if it would require an updated ES to take account of new, or materially different, likely significant effects on the environment;
- **Habitats and protected species** (paragraph 14) – a change is likely to be material if it would invoke the need for a Habitats

Regulations Assessment, or the need for a new or additional European Protected Species Licence;

- **Compulsory acquisition** (paragraph 15) – a change is likely to be material if it were to authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Order; and
- **Impact on business and residents** (paragraph 16) – the potential impact of the proposed changes on local people will also be a consideration in determining whether a change is material.

2.1.4 These characteristics are considered in the following sections.

3. Environmental Statement

3.1 Changes 2, 3 and 4

- 3.1.1 Changes 2, 3 and 4 do not constitute or facilitate additional physical works being undertaken; therefore, they will not result in any new or materially different environmental effects and do not change the mitigation secured in the certified documents in Schedule 13 of the Order.
- 3.1.2 Change 2 simply comprises a correction, whilst Changes 3 and 4 comprise minor wording adjustments for practical purposes. These changes do not affect the conclusions of the ES and do not fulfil the materiality criteria set out in the DCLG guidance; therefore, further environmental appraisal of Changes 2, 3 and 4 is not necessary.

3.2 Change 1

3.2.1 Change 1 would facilitate the installation of up to two 400kV cable circuits, authorised by Work No. 4A, rather than the single 400kV cable circuit currently authorised by the Order. The additional works that could be facilitated by Change 1 are as follows:

- Construction phase:
 - Three additional cables laid in ducts within the same buried trench parameters (3m wide and 3m deep) as the currently-consented (and already assessed) single circuit;
 - Additional works required to install the second 400kV cable circuit as part of the Grid Connection Route; and
 - The delivery of additional construction materials to install that second 400kV cable circuit.
- Operational phase:
 - Additional buried cables in situ (and therefore there are no environmental effects).
- Decommissioning:

- Effects of a similar nature to the construction phase, unless the cables are left in situ (in which case there would be no environmental effects).

- 3.2.2 All other parameters and the description of the Grid Connection Route provided in Chapter 2: The Scheme of the ES **[REP1B-011]** (paragraphs 2.5.70 to 2.5.89) remain applicable.
- 3.2.3 As set out in paragraph 2.1.3 above, the test in respect of the materiality of a change is whether it would require an updated ES to take account of new, or materially different, likely significant effects on the environment.
- 3.2.4 The additional works set out in paragraph 3.2.1 above are not materially new, as they are the same effects as those that are already assessed in the ES. Therefore, there is no requirement for further consideration of the potential for new effects.
- 3.2.5 To consider whether the effects are materially different, the ES has been reviewed in the context of Change 1 and the resultant additional works to assess whether there are any changes that would require an update to the ES.

Additional cable ducts

- 3.2.6 Three additional 400kV cables with associated fibre optic communications cables and warning tape etc would be installed to form the second 400kV cable circuit. The cables would be located in the same trench as the first cable circuit and would continue to observe all Design Principles **[REP6-007]** which control the cable trench parameters. These cables would all be located within Work No. 4A, which controls the location of the trench.
- 3.2.7 There is, therefore, no potential for materially different environmental effects as a result of the additional 400kV cable circuit, which falls within the original trench parameters.

Additional construction works

- 3.2.8 The parameters provided in Chapter 2: The Scheme of the ES **[REP1B-011]** set out that the construction of the Longfield Substation and Grid Connection Route was expected to take place over an approximate 18 month period. Both 400kV cable circuits would be installed in a single trench and using the same equipment as a single 400kV cable circuit. The installation of two 400kV cable circuits, rather than one, would therefore not extend the anticipated construction timescale in the ES. The parameters used to form the basis of the technical assessments in the ES therefore remain unchanged.
- 3.2.9 There is, therefore, no potential for materially different environmental effects as a result of the additional 400kV cable circuit as its installation would fall within the originally anticipated construction parameters and timescales.

Additional construction materials

- 3.2.10 The additional 400kV cable circuit will result in more cables needing to be installed and, therefore, there will be an increase in the number of construction vehicles delivering material to the site, predominantly the three 400kV cables themselves. The second cable circuit would not result in a doubling of vehicle

movements associated with the overall Grid Connection Route, as the cables would be laid in the same cable trench. The increase in construction deliveries as a result of the second 400kV cable circuit would be limited to the deliveries of the cables themselves and any jointing materials, and is estimated to result in approximately 25 additional Heavy Goods Vehicles (HGVs) deliveries (50 movements) across the construction period. This is fewer than the maximum number of HGVs permitted to access the site in a single day under the Framework Construction Traffic Management Plan (CTMP) **[REP7-015]** and is therefore a negligible increase.

- 3.2.11 These additional vehicles would access the Grid Connection Route via the two construction traffic routes to access east and west of Boreham Brook, which would further dilute their addition to the existing baseline. However, further consideration is given below to the technical chapters of the ES which have the potential to be affected by any increase in construction vehicle movements.

Chapter 13: Transport and Access **[APP-045]**

- 3.2.12 Construction vehicle movements are controlled by the Framework CTMP **[REP7-015]** and the mitigation measures secured by that document would continue to appropriately mitigate the environmental effects of construction traffic, including the negligible increase as a result of a second 400kV cable circuit.
- 3.2.13 There is therefore no potential for materially different environmental effects as a result of the second 400kV cable circuit, as the associated deliveries of construction materials will lead to a negligible increase in deliveries for the Grid Connection Route component of the Scheme and will not affect the assessment of construction traffic in ES Chapter 13: Transport and Access **[APP-045]** or the mitigation secured by the Framework CTMP **[REP7-015]**.

Chapter 11: Noise and Vibration **[APP-043]**

- 3.2.14 The noise assessment (paragraphs 11.8.23 and 11.8.24) considered the increase in HGV volumes as a result of construction traffic and the associated potential increase in noise emissions and found that the increase was less than the threshold of perception at receptors, of very low magnitude and not significant. This would remain the case with the negligible increase in construction traffic volumes associated with the second 400kV cable circuit. There is therefore no potential for materially different environmental effects in this respect.

Chapter 14: Air Quality **[REP4-005]**

- 3.2.15 The air quality assessment (paragraph 14.15.12) found that the number of HGVs associated with the construction of the Scheme did not meet the criteria to require an air quality assessment. This conclusion remains the case in the context of the negligible increase in construction traffic associated with the second 400kV cable circuit. There is therefore no potential for materially different environmental effects in this respect.

Summary

- 3.2.16 Change 1 will not result in any new, or materially different, likely significant effects on the environment beyond those reported in the certified version of

the ES. As such, an updated ES is not required as the conclusions of the current ES are not affected; therefore, Change 1 does not fulfil the materiality criteria set out in the DCLG guidance.

4. Habitats and Protected Species

4.1.1 The Secretary of State's Decision Letter for the Scheme stated:

"The Secretary of State is satisfied that the Development, either alone or in-combination with other plans or projects would not have a LSE on any protected site in other European Economic Area states."

4.1.2 The changes sought by the NMC application do not affect this conclusion.

5. Compulsory Acquisition

5.1.1 The changes sought by the NMC application will not authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Order.

6. Impact on Businesses and Residents

6.1.1 The changes sought by the NMC application will not give rise to any new, or materially different, impacts on businesses and residents. Such impacts on economic and human receptors were assessed in the ES – section 3 of this Supporting Statement considers whether Changes 1-4 would affect the ES, and concludes that they do not.

7. Conclusion

7.1.1 None of the NMCs will give rise to any materially new or materially different environmental effects to those originally assessed as part of the application for the Order, nor would they require additional compulsory acquisition of land, nor would they have new or different effects on local residents or business or any additional implications in respect of habitats regulation assessment.

7.1.2 Therefore, for the reasons set out in this Supporting Statement, none of the materiality criteria set out in the DCLG guidance are engaged and the NMCs are all non-material in nature.