

202* No. ****

INFRASTRUCTURE PLANNING

The Longfield Solar Farm (Amendment) Order 202*

Made - - - - ****

Coming into force - - ****

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008(a), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(b) for non-material changes to the Longfield Solar Farm Order 2023(c).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by Regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consents Orders) Regulations 2011, has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers conferred by paragraphs 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order—

Citation and commencement

1. This Order may be cited as the Longfield Solar Farm (Amendment) Order 202[X] and comes into force on [X] 202[X].

Amendment to the Longfield Solar Farm Order 2023

2. The Longfield Solar Farm Order 2023 (“the 2023 Order”) is amended in accordance with this Order.

Amendments to article 2 of the 2023 Order

3. Insert a new definition for the “main site construction works” in article 2 of the 2023 Order as follows—

““main site construction works” means that part of the authorised development identified in work numbers 1, 2, 3, 7, 8 and 10;”.

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- (a) 2008 c.29. Paragraph 2 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c.23), by paragraphs 1 and 72 of Schedule 13 and Schedule 25(2) of the Localism Act 2011 (c.20), and by section 28 of the Infrastructure Act 2015 (c.7).
- (b) S.I. 2011/2055. Relevant amendments to this instrument were made by S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/552, S.I. 2013/755, S.I. 2015/760, S.I. 2017/314, S.I. 2017/524, S.I. 2018/378 and S.I. 2019/734.
- (c) S.I. 2023/734 as amended by S.I. 2023/1241.

4. Amend the definition for the “Park Farm planning permission” in article 2 of the 2023 Order to the following text—

““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);”.

Amendments to article 6 of the 2023 Order

5. Omit paragraph 6(4) of the 2023 Order.

6. Insert the following text as new paragraphs 6(4), 6(5) and 6(6) of the 2023 Order—

“(4) 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 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).

(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.

(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—

or

- (k) for carrying out development which has been authorised by the Longfield Solar Farm Order 2023.”.

Amendments to Schedule 1 of the 2023 Order

7. Omit the following text in paragraph 2 of Schedule 1 to the 2023 Order—

“(i) works to lay electrical cables including one 400 kilovolt cable circuit connecting Work No. 3 to Work No. 5; and”

and replace with the following text—

“(i) works to lay electrical cables including up to two 400 kilovolt cable circuit connecting Work No. 3 to Work No. 5; and”.

Amendments to Schedule 2 of the 2023 Order

8. Omit the following text in paragraph 9 of Part 2 of Schedule 1 to the 2023 Order—

“(2) The landscape and ecological management plan 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);
- (b) 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

- (c) 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.
- (3) The landscape and ecological management plan must be implemented as approved.
- (4) For the purposes of sub-paragraph (1), “commence” includes site clearance involving vegetation removal.”

and replace with the following text—

“(2) The landscape and ecological management plan submitted under sub-paragraph (1) in respect of the main site construction works must include details of 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.”.

Signed by authority of the Secretary of State for Energy Security and Net Zero

Address

Date

Signature

Title

Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Longfield Solar Farm Order 2023, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material amendment under paragraph 2 of Schedule 6 to the Planning Act 2008. This Order amends article 2, article 6, Schedule 1 and part 2 of Schedule 2 of the 2023 Order relating to various matters.