

SCHEDULE 2

Article 2

REQUIREMENTS

Interpretation

1. In this Schedule—

“both relevant planning authorities” means Braintree District Council and Chelmsford City Council each being the relevant planning authority for part of the authorised development.

PART 1

GENERAL REQUIREMENTS

Commencement of the authorised development

2. The authorised development must not be commenced after the expiration of five years from the date this Order comes into force.

Phasing of the authorised development and date of final commissioning

3.—(1) No part of the authorised development may commence until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to and approved by both relevant planning authorities.

(2) The scheme must be implemented as approved.

(3) Notice of the date of final commissioning with respect to the first phase of numbered work 1 to complete commissioning must be given to both relevant planning authorities within 15 working days of the date of final commissioning for that phase.

Requirement for written approval

4. Where under any of the requirements the approval, agreement or confirmation of both relevant planning authorities or of the relevant planning authority (as applicable) or another person is required, that approval, agreement or confirmation must be provided in writing.

Approved details and amendments to them

5.—(1) With respect to the documents certified under article 38 (certification of plans and documents, etc) and any plans, details or schemes which have been approved pursuant to any requirement (together the “Approved Documents, Plans, Details or Schemes”), the undertaker may submit to the relevant planning authority or both relevant planning authorities (as applicable) for approval any amendments to any of the Approved Documents, Plans, Details or Schemes and, following approval by the relevant planning authority or both relevant planning authorities (as applicable), the relevant Approved Documents, Plans, Details or Schemes is to be taken to include the amendments as so approved pursuant to this paragraph.

(2) Approval under sub-paragraph (1) for the amendments to any of the Approved Documents, Plans, Details or Schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority or both relevant planning authorities (as applicable) that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Community liaison group

6.—(1) Prior to the commencement of the authorised development the undertaker must submit to both relevant planning authorities for approval the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction of the authorised development.

(2) For the purposes of sub-paragraph (1) the relevant organisations include Braintree District Council, Chelmsford City Council, Essex County Council, Essex Fire and Rescue Service, East of England Ambulance Trust, National Highways, Essex Ramblers Association.

(3) The community liaison group must be established prior to commencement of the authorised development and must be administered by the undertaker and operated in accordance with the approved terms of reference.

(4) The community liaison group is to continue to meet until the date of final commissioning of the final phase of the authorised development unless otherwise agreed with the relevant planning authorities.

PART 2

SOLAR FARM WORKS AND GRID CONNECTION WORKS

Detailed design approval

7.—(1) No phase of the solar farm works and grid connection works may commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) external appearance;
- (e) hard surfacing materials;
- (f) vehicular and pedestrian access, parking and circulation areas;
- (g) refuse or other storage units, signs and lighting;
- (h) drainage, water, power and communications cables and pipelines; and
- (i) programme for landscaping works,

relating to that phase have been submitted 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 details submitted must accord with—

- (a) the outline design principles; and
- (b) for Work No. 2, the outline battery safety management plan.

(3) The solar farm works and grid connection works must be carried out in accordance with the approved details.

(4) The relevant planning authority must consult with Essex County Council in its role as lead local flood authority before approving details in relation to drainage or water under sub-paragraph 7(1)(h).

Battery safety management

8.—(1) Work No. 2 must not commence until a battery safety management plan has been submitted to and approved by both relevant planning authorities.

(2) The battery safety management plan must prescribe measures to facilitate safety during the construction, operation and decommissioning of Work No. 2 including the transportation of new, used and replacement battery cells both to and from the authorised development.

(3) The battery safety management plan must be substantially in accordance with the outline battery safety management plan.

(4) Both relevant planning authorities must consult with the Health and Safety Executive, the Essex County Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.

(5) The battery safety management plan must be implemented as approved.

Landscape and ecological management plan

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 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 the current version of the metric if this has been superseded when the plan is submitted for approval);
- (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.

Fencing and other means of enclosure

10.—(1) No phase of the solar farm works and grid connection works may commence until written details of all proposed temporary fences, walls or other means of enclosure (including those set out in the construction environmental management plan), for that phase have been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both Braintree District Council and Chelmsford City Council, both relevant planning authorities.

(2) No phase of the solar farm works and grid connection works may commence until written details of all permanent fences, walls or other means of enclosure for that phase (which must be substantially in accordance with the relevant outline design principles) have been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both Braintree District Council and Chelmsford City Council, both relevant planning authorities.

Status: This is the original version (as it was originally made).

(3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works.

(4) Any construction site must remain securely fenced in accordance with the approved details under sub-paragraph (1) at all times during construction of the solar farm works and grid connection works.

(5) Any temporary fencing must be removed on completion of the phase of construction of the authorised development for which it was used.

(6) Any approved permanent fencing in a phase must be completed before the date of final commissioning in respect of such phase.

Surface and foul water drainage

11.—(1) No phase of the solar farm works and grid connection works may commence until written details of the surface water drainage scheme and (if any) foul water drainage system (which must be substantially in accordance with the outline drainage strategy) have 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 such approval to be in consultation with Essex County Council as the lead local flood authority.

(2) Any approved scheme must be implemented as approved and maintained throughout the construction and operation of the solar farm works and grid connection works.

Archaeology

12.—(1) No phase of the solar farm works or grid connection works may commence until a written scheme of investigation (which must accord with the overarching written scheme of investigation and outline construction environmental management plan) for that phase has been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities, such approval to be in consultation with Essex County Council and Historic England.

(2) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works.

(3) The scheme submitted under sub-paragraph (1) must include details of the following which applies in the event that site investigation is required—

- (a) an assessment of significance and research questions;
- (b) the programme and methodology of site investigation and recording;
- (c) the programme for post investigation assessment;
- (d) provision for analysis of the site investigation and recording;
- (e) provision for publication and dissemination of the analysis and records of the site investigation;
- (f) provision for archive deposition of the analysis and records of the site investigation; and
- (g) nomination of a competent person, persons or organisation to undertake the works set out within the written scheme of investigation.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

(5) In the event that site investigation is required, the site investigation and post investigation assessment must be completed in accordance with the programme set out in the written scheme of

investigation and provision made for analysis, publication and dissemination of results and archive deposition.

Construction environmental management plan

13.—(1) No phase of the solar farm works and the grid connection works may commence until a construction environmental management plan (which must be substantially in accordance with the outline construction environmental management plan) for that phase has been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities, such approval to be in consultation with the relevant highway authority and the Environment Agency.

(2) All construction works associated with the solar farm works and the grid connection works must be carried out in accordance with the approved construction environmental management plan.

(3) For the purposes of sub-paragraph (1), “commence” includes remedial works in respect of any contamination or other adverse ground conditions and site clearance involving vegetation removal.

Operational environmental management plan

14.—(1) Prior to the date of final commissioning for any phase of the solar farm works and grid connection works, an operational environmental management plan (which must be substantially in accordance with the outline operational environmental management plan) for that phase must be submitted to and approved by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities, such approval to be in consultation with the relevant highway authority and the Environment Agency.

(2) The operation of the solar farm works and grid connection works must be carried out in accordance with the approved operational environmental management plan.

Construction traffic management plan

15.—(1) No phase of the solar farm works and grid connection works may commence until a construction traffic management plan (which must be substantially in accordance with the framework construction traffic management plan) for that phase 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 the Braintree District Council and Chelmsford City Council, both relevant planning authorities, such approval to be in consultation with National Highways and the relevant highway authority.

(2) The construction traffic management plan must be implemented as approved.

Operational noise

16.—(1) No part of numbered works 1, 2 or 3 may commence until an operational noise assessment containing details of how the design of that numbered work has incorporated mitigation to ensure the operational noise rating levels as set out in Tables 11-13, 11-14 and 11-15 of Chapter 11 of the environmental statement are to be complied with for that part has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of both Braintree District Council and Chelmsford City Council, both relevant planning authorities.

(2) The design as described in the operational noise assessment must be implemented as approved.

Permissive paths

17.—(1) Where a phase of the solar farm works includes a permissive path or paths, the permissive path or paths must be provided and open to the public prior to the date of final commissioning in respect of that phase as shown on the permissive paths plans.

(2) The permissive paths must be maintained and access by the public permitted for 364 days a year (subject to closures for maintenance or emergencies) until commencement of decommissioning of the authorised development pursuant to requirement 20 (decommissioning and restoration).

Public rights of way diversions

18.—(1) No phase of the solar farm works and grid connection works may commence until a public rights of way management plan (which must be substantially in accordance with the outline public rights of way management plan) for any sections of public rights of way shown to be temporarily closed on the streets, access and rights of way plans for that phase has been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both Braintree District Council and Chelmsford City Council, both relevant planning authorities, such approval to be in consultation with the relevant highway authority.

(2) The plan must be implemented as approved.

Soils Management

19.—(1) No phase of the solar farm works and the grid connection works may commence until a soils resource management plan (which must be substantially in accordance with the outline soils resource management plan as relevant to construction activities) for that phase has been submitted to and approved by the relevant planning authority or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities.

(2) All construction works associated with the solar farm works and the grid connection works must be carried out in accordance with the approved soils resource management plan.

(3) Prior to the date of final commissioning for any phase of the solar farm works and grid connection works, a soils resource management plan (which must be substantially in accordance with the outline soils resource management plan as relevant to operational activities) for that phase must be submitted to and approved by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities.

(4) The operation of the solar farm works and grid connection works must be carried out in accordance with the approved soils resource management plan.

(5) Prior to the start of any decommissioning works for any phase of the solar farm works and grid connection works, a soils resource management plan (which must be substantially in accordance with the outline soils resource management plan as relevant to decommissioning activities) for that phase must be submitted to and approved by the relevant planning authority for that phase or, where the phase falls within the administrative areas of both the Braintree District Council and Chelmsford City Council, both relevant planning authorities.

(6) The decommissioning of the solar farm works and grid connection works must be carried out in accordance with the approved soils resource management plan.

Decommissioning and restoration

20.—(1) Within 3 months of the date that the undertaker decides to decommission any part of the solar farm works and grid connection works, the undertaker must submit to the relevant

planning authority for that part (or both relevant planning authorities where that part falls within the administrative areas of both Braintree District Council and Chelmsford City Council) for approval a decommissioning environmental management plan and a decommissioning travel management plan for that part. Decommissioning will commence no later than 40 years following the date of final commissioning of the first phase of numbered work 1 as notified by the undertaker pursuant to requirement 3 (phasing of the authorised development and date of final commissioning).

(2) The plans submitted and approved must be substantially in accordance with the relevant part of the decommissioning strategy.

(3) The decommissioning environmental management plan submitted and approved must include a resource management plan that includes details of proposals to minimise the use of natural resources and unnecessary materials.

(4) No decommissioning works must be carried out until the relevant planning authority or both relevant planning authorities (as applicable) has/have approved the plans submitted in relation to such works.

(5) The plans must be implemented as approved.

(6) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.

Highway improvements

21. Save in respect of the works identified in this requirement, no phase of the solar farm works and grid connection works may commence until the necessary accesses, visibility splays and works to widen the public highway to facilitate access to the solar farm works (part of Work Number 9) have been carried out and completed.

PART 3

BULLS LODGE SUBSTATION WORKS

Detailed design approval

22.—(1) No phase of the Bulls Lodge substation works may commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) external appearance;
- (e) hard surfacing materials;
- (f) vehicular and pedestrian access, parking and circulation areas;
- (g) refuse or other storage units, signs and lighting;
- (h) drainage, water, power and communications cables and pipelines; and
- (i) programme for landscaping works,

relating to that phase have been submitted and approved by the relevant planning authority for that phase.

(2) The details submitted must accord with the outline design principles.

(3) The Bulls Lodge substation works must be carried out in accordance with the approved details.

(4) The relevant planning authority must consult with Essex County Council in its role as lead local flood authority before approving details in relation to drainage or water under sub-paragraph (1) (h).

Fencing and other means of enclosure

23.—(1) No phase of the Bulls Lodge substation works may commence until written details of all proposed temporary fences, walls or other means of enclosure (including those set out in the construction environmental management plan), for that phase have been submitted to and approved by the relevant planning authority.

(2) No phase of the Bulls Lodge substation works may commence until written details of all permanent fences, walls or other means of enclosure for that phase (which must be substantially in accordance with the relevant outline design principles) have been submitted to and approved by the relevant planning authority.

(3) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works.

(4) Any construction site must remain securely fenced in accordance with the approved details under sub-paragraph (1) at all times during construction of the Bulls Lodge substation works.

(5) Any temporary fencing must be removed on completion of the phase of construction of the Bulls Lodge substation works for which it was used.

(6) Any approved permanent fencing must be completed before final commissioning of the Bulls Lodge substation works.

Surface and foul water drainage

24.—(1) No phase of the Bulls Lodge substation works may commence until written details of the surface water drainage scheme and (if any) foul water drainage system (which must be substantially in accordance with the outline drainage strategy) have been submitted to and approved by the relevant planning authority for that phase, such approval to be in consultation with Essex County Council as the lead local flood authority.

(2) Any approved scheme must be implemented as approved and maintained throughout the construction and operation of the Bulls Lodge substation works.

Archaeology

25.—(1) No phase of the Bulls Lodge substation works may commence until a written scheme of investigation (which must accord with the overarching written scheme of investigation and outline construction environmental management plan) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with Essex County Council and Historic England.

(2) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works.

(3) The scheme submitted under sub-paragraph (1) must include details of the following which applies in the event that site investigation is required—

- (a) an assessment of significance and research questions;
- (b) the programme and methodology of site investigation and recording;
- (c) the programme for post investigation assessment;
- (d) provision for analysis of the site investigation and recording;

- (e) provision for publication and dissemination of the analysis and records of the site investigation;
 - (f) provision for archive deposition of the analysis and records of the site investigation; and
 - (g) nomination of a competent person, persons or organisation to undertake the works set out within the written scheme of investigation.
- (4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.
- (5) In the event that site investigation is required, the site investigation and post investigation assessment must be completed in accordance with the programme set out in the written scheme of investigation and provision made for analysis, publication and dissemination of results and archive deposition.

Construction environmental management plan

26.—(1) No phase of the Bulls Lodge substation works may commence until a construction environmental management plan (which must be substantially in accordance with the outline construction environmental management plan) for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the relevant highway authority and the Environment Agency.

(2) All construction works associated with the Bulls Lodge substation works must be carried out in accordance with the approved construction environmental management plan.

(3) For the purposes of sub-paragraph (1), “commence” includes remedial works in respect of any contamination or other adverse ground conditions and site clearance involving vegetation removal.

Construction traffic management plan

27.—(1) No phase of the Bulls Lodge substation works may commence until a construction traffic management plan (which must be substantially in accordance with the framework construction traffic management plan) for that phase has been submitted to and approved by the relevant planning authority for that phase, such approval to be in consultation with National Highways and the relevant highway authority.

(2) The construction traffic management plan must be implemented as approved.

Soils Management

28.—(1) No phase of the Bulls Lodge substation works may commence until a soils resource management plan (which must be substantially in accordance with the outline soils resource management plan as relevant to construction activities) for that phase has been submitted to and approved by the relevant planning authority.

(2) All construction works associated with the Bulls Lodge substation works must be carried out in accordance with the approved soils resource management plan.

(3) Prior to the completion of any phase of the Bulls Lodge substation works, a soils resource management plan (which must be substantially in accordance with the outline soils resource management plan as relevant to operational activities) for that phase must be submitted to and approved by the relevant planning authority.

(4) The operation of the Bulls Lodge substation works must be carried out in accordance with the approved soils resource management plan.

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Operational environmental management plan

29.—(1) Prior to the completion of any phase of the Bulls Lodge substation works, an operational environmental management plan (which must be substantially in accordance with the outline operational environmental management plan) for that phase must be submitted to and approved by the relevant planning authority, such approval to be in consultation with the relevant highway authority and the Environment Agency.

(2) The operation of the Bulls Lodge substation works must be carried out in accordance with the approved operational environmental management plan.