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STATUTORY INSTRUMENTS

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**2023 No. 734**

**The Longfield Solar Farm Order 2023**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Longfield Solar Farm Order 2023 and comes into force on 18th July 2023.

**Commencement Information**

**II** Art. 1 in force at 18.7.2023, see [art. 1](#)

**Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1989 Act” means the Electricity Act 1989(6);

“the 1990 Act” means the Town and Country Planning Act 1990(7);

“the 1991 Act” means the New Roads and Street Works Act 1991(8);

“the 2008 Act” means the Planning Act 2008(9);

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act except that, unless otherwise provided, it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1989 c. 29.  
(7) 1990 c. 8.  
(8) 1991 c. 22.  
(9) 2008 c. 29.

“authorised development” means the development and associated development described in Schedule 1 (authorised development), which is development within the meaning of section 32 (meaning of “development”) of the 2008 Act;

“biodiversity design strategy” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the biodiversity design strategy for the purposes of this Order;

“book of reference” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“Bulls Lodge substation works” means that part of the authorised development identified in work numbers 5, 7B and 9 (to the extent work number 9 is to facilitate access to work numbers 5 and 7B);

“carriageway” has the same meaning as in the 1980 Act;

“commence” means beginning to carry out a material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out or for the purposes of the authorised development other than the permitted preliminary works (except where stated to the contrary) and the words “commencement” and “commenced” are to be construed accordingly;

“commissioning” means the process of testing all systems and components of numbered work 1 in order to ensure that they, and the authorised development as a whole, function in accordance with plant design specifications and the undertaker’s operational and safety requirements;

“date of final commissioning” means in respect of each phase of the authorised development as approved under requirement 3 of Schedule 2 (requirements) that contains part or all of numbered work 1, the date on which each such phase commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning;

“decommissioning strategy” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the decommissioning strategy for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“environmental statement” means the document of that name identified in the table in Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the environmental statement for the purposes of this Order;

“flood risk assessment” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“framework construction traffic management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the framework construction traffic management plan for the purposes of this Order;

“grid connection works” means that part of the authorised development identified in work numbers 4 and 9 (to the extent work number 9 is to facilitate access to work number 4);

- “highway” and “highway authority” have the same meaning as in the 1980 Act<sup>(10)</sup>;
- “holding company” has the same meaning as in section 1159 of the Companies Act 2006<sup>(11)</sup>;
- “land plans” means sheets 1 – 9 of the plans of that name identified in the table in Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the land plans for the purposes of this Order;
- “limits of deviation” means the limits of deviation shown for each numbered work on the works plans;
- “maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development and “maintenance” and “maintaining” are to be construed accordingly;
- “NGET” means National Grid Electricity Transmission Plc (company number 2366977) whose registered office is at 1 to 3 Strand, London WC2N 5EH;
- “Order land” means the land shown coloured pink, green, blue and brown on the land plans which is within the limits of land to be acquired or used and described in the book of reference;
- “Order limits” means the limits shown on the land plans and works plans within which the authorised development may be carried out and land acquired or used;
- “outline battery safety management plan” means the plan of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline battery safety management plan for the purposes of this Order;
- “outline construction environmental management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline construction environmental management plan for the purposes of this Order;
- “outline design principles” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline design principles for the purposes of this Order;
- “outline drainage strategy” means-
- (a) section 4 of the SuDS strategy as identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline drainage strategy for the purposes of the solar farm works and the grid connection works under this Order; and
  - (b) section 3 of the Bulls Lodge substation extension drainage strategy as identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline drainage strategy for the purposes of the Bulls Lodge substation works under this Order;
- “outline landscape and ecological management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline landscape and ecological management plan for the purposes of this Order;
- “outline operational environmental management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline operational environmental management plan for the purposes of this Order;
- “outline public rights of way management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the

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<sup>(10)</sup> “highway” is defined in section 328(1). For “highway authority” see section 1.

<sup>(11)</sup> 2006 c. 46.

Secretary of State as the outline public rights of way management plan for the purposes of this Order;

“outline soils resource management plan” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the outline soils resource management plan for the purposes of this Order;

“overarching written scheme of investigation” means the document of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the overarching written scheme of investigation for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(12)</sup>;

“Park Farm planning permission” means planning permission CHL 1890/87 granted by Essex County Council on 15 June 1990 (as amended);

“permissive paths plans” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the permissive paths plans for the purposes of this Order;

“permitted preliminary works” means all or any of—

- (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions and removal of plant and machinery;
- (b) above ground site preparation for temporary facilities for the use of contractors;
- (c) remedial work in respect of any contamination or other adverse ground conditions;
- (d) diversion of existing services and the laying of temporary services;
- (e) the provision of temporary means of enclosure and site security for construction;
- (f) the temporary display of site notices or advertisements; or
- (g) site clearance (including vegetation removal, demolition of structures);

“plot” means any plot as may be identified by reference to a number and which is listed in the book of reference and shown on the land plans;

“relevant planning authority” means the local planning authority for the area in which the land to which the provisions of this Order apply is situated;

“requirements” means those matters set out in Schedule 2 (requirements) and “requirement” means any one of the requirements;

“solar farm works” means that part of the authorised development identified in work numbers 1, 2, 3, 6, 7A, 8, 9 (to the extent work number 9 is to facilitate access to work numbers 1, 2, 3, 6, 7A, 8 and 10), and 10;

“statutory undertaker” means any person falling within section 127(8) (statutory undertakers’ land) of the 2008 Act and includes a public communications provider defined by section 151(1) (interpretation of Chapter 1) of the Communications Act 2003<sup>(13)</sup>;

“street” means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes any footpath and part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act<sup>(14)</sup>;

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(12) 1981 c. 67.

(13) 2003 c. 21.

(14) “street authority” is defined in section 49, which was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

“streets, access and rights of way plans” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the streets, access and rights of way plans for the purposes of this Order;

“street works” means the works listed in article 8(1) (street works);

“subsidiary” has the same meaning as in section 1159 of the Companies Act 2006(15);

“traffic authority” has the same meaning as in section 121A (traffic authorities) of the 1984 Act(16);

“traffic regulation measures plans” means the plans of that name identified in the table at Schedule 13 (documents to be certified) and which are certified by the Secretary of State as the traffic regulation measures plans;

“undertaker” means Longfield Solar Energy Farm Limited (company number 11618210);

“Upper Tribunal” means the Lands Chamber of the Upper Tribunal;

“watercourse” includes every river, stream, creek, ditch, drain, canal, cut, culvert, dyke, sluice, sewer and passage through which water flows except a public sewer or drain;

“vegetation removal plan” means the plan of that name identified in the table at Schedule 13 (documents and plans to be certified) and which is certified by the Secretary of State as the vegetation removal plan for the purposes of this Order;

“works plans” means the plans of that name identified in the table at Schedule 13 (documents and plans to be certified) and which are certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or restrain or to place and maintain anything in, on or under land or in the airspace above its surface and to any trusts or incidents (including restrictive covenants) to which the land is subject and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or over which rights are created and acquired under this Order or is otherwise comprised in this Order.

(3) All distances, directions, capacities and lengths referred to in this Order are approximate and distances between lines or points on a numbered work comprised in the authorised development and shown on the works plans and streets, access and rights of way plans and traffic regulation measures plans are to be taken to be measured along that work.

(4) References in this Order to numbered works are references to the works comprising the authorised development as numbered in Schedule 1 (authorised development) and shown on the works plans and a reference in this Order to a work designated by a number, or by a combination of letters and numbers, is a reference to the work so designated in that Schedule and a reference to “Work No. 2” or “numbered work 2” means numbered works 2A and 2B inclusive and the same principle applies to such numbered works that contain letters.

(5) In this Order, the expression “includes” is to be construed without limitation.

(6) In this Order, references to any statutory body include that body’s successor bodies.

(7) All areas described in square metres in the book of reference are approximate.

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(15) 2006 c. 46.

(16) Section 121A was inserted by paragraph 70 of Schedule 8 to the 1991 Act, and subsequently amended by section 271 of the Greater London Authority Act 1999 (c. 29); section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015; and S.I. 1999/1920 and S.I. 2001/1400.

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Longfield Solar Farm Order 2023, PART 1. (See end of Document for details)

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**Commencement Information**

**I2** Art. 2 in force at 18.7.2023, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Longfield Solar Farm Order 2023, PART 1.