

# Stonestreet Green Solar

## Schedule of Other Consents and Licences

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APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



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# 1 Introduction

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## 1.1 Introduction

- 1.1.1 This Schedule of Other Consents and Licences ('Schedule') has been prepared on behalf of EPL 001 Limited ('the Applicant') to provide information in relation to additional consents and licences sought in relation to the Development Consent Order ('DCO') application for Stonestreet Green Solar ('the Project').

## 1.2 The Project

- 1.2.1 The Project comprises the construction, operation, maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.
- 1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.
- 1.2.3 The location of the Project is shown on **ES Volume 3, Figure 1.1: Site Location Plan (Doc Ref. 5.3)**. The Project will be located within the Order limits (the land shown on the **Works Plans (Doc Ref. 2.3)** within which the Project can be carried out). The Order limits plan is provided as **ES Volume 3, Figure 1.2: Order Limits (Doc Ref. 5.3)**. Land within the Order limits is known as the 'Site'.

## 1.3 Purpose of this Document

- 1.3.1 This Schedule has been prepared to provide information on the additional consents and licences that may be required for the construction, operation, maintenance and decommissioning of the Project in addition to the Development Consent Order sought.
- 1.3.2 Section 37 of the Planning Act 2008 ('PA 2008') establishes the content of a DCO application, with reference to the necessary accompanying documents detailed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ('the APFP Regs'). Regulations 5 and 6 of the APFP Regs set out the statutory submission requirements for the information accompanying a DCO application.
- 1.3.3 The Department for Communities and Local Government published guidance for the preparation of application forms for DCO applications (the Planning Act 2008 Application form guidance) in 2013. This guidance sets out the following:

*“Box 24: Other consents / licences required under other legislation*

*45. Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.*

*46. The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted.”*

- 1.3.4 This Schedule therefore sets out the consents the Applicant currently anticipates could be required, although further consents may be required during the Project’s lifetime due to unforeseen circumstances or legislative changes. The Applicant will inform the Examining Authority in any such instance.

## 2 Approach to Consenting Requirements

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### 2.1 Planning Act 2008

- 2.1.1 The PA 2008 was drafted to enable the 'wrapping up' of other consenting regimes within a DCO.
- 2.1.2 Section 33 of the PA 2008 (Effect of requirement for development consent on other consent regimes) makes it clear that there is no requirement for certain principal consents to be obtained where a DCO is required to authorise a project.
- 2.1.3 Section 120 of the PA 2008 (What may be included in order granting development consent) outlines the following that may be included within a DCO:
- Ancillary matters (including those listed in Part 1 of Schedule 5 to the PA 2008);
  - The application, modification or exclusion of statutory provisions for which the provision may be made in the DCO;
  - Amendment, repeal or revocation of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO; and
  - Incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 2.1.4 Section 150 of the PA 2008 (Removal of consent requirements) allows an order to include a provision enabling the removal of a requirement for prescribed consent or authorisation under the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (the '2015 Regulations'), with the relevant consenting body's agreement to this removal. The Applicant is not including any consents that are listed in the 2015 Regulations<sup>1</sup> within the DCO. Instead, the Applicant proposes to engage with the relevant consenting bodies both during the consenting process and post-DCO consent, to secure the granting of all required permits and consents at the detailed design stage for the Project and prior to construction of any relevant works. This is explained in further detail in section 4 below.

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<sup>1</sup> See Part 1 of Schedule 2 to the 2015 Regulations.



## 3 Consents Incorporated in the Draft DCO

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### 3.1 Consents

3.1.1 The principal consent for the Project being sought is the Development Consent Order. The DCO process enables land acquisition, planning permission and other consents and powers to be 'wrapped up' and dealt with simultaneously. However in some cases the PA 2008 does not allow for a certain consent to be included. Similarly a consenting body can choose to not allow the inclusion of a certain consent within the DCO, or it may be inappropriate for an Applicant to provide the level of information necessary at application stage for a consent to be included.

3.1.2 The following consents are included within the **Draft DCO (Doc Ref. 3.1)**:

- Authorisation of all permanent and temporary works required for the construction, operation, maintenance and decommissioning of the authorised development (defined by Schedule 1 of the **Draft DCO (Doc Ref. 3.1)**). Articles 3, 4 and 5 provide this authorisation.
- Compulsory acquisition of land and rights over land, and the temporary possession of the land. Articles 22-39 provide these powers.
- Consent to carry out street works, provided by Article 11.
- Powers to alter the layout of streets, provided by Article 12, and for the construction and maintenance of altered streets, provided by Article 13.
- Powers to use private roads and to form, lay out or improve means of access to the highway. Articles 14 and 15 provide these powers.
- Powers to implement traffic regulation measures required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. Article 17 provides these powers.
- Powers to stop up, to use motor vehicles over and to create new Public Rights of Way, provided by Article 18.
- The discharge of water into any watercourse or public sewer or drain, provided by Article 20.

## 4 Other Consents and Licences

### 4.1 Anticipated Consents and Licences

- 4.1.1 A summary of the anticipated additional consents and licences is set out in Table 1 below. Table 1 identifies the type of consent or licence to be sought, details of the nature of this consent, the trigger for it and the status of the consent at submission of the DCO application.
- 4.1.2 This list of consents is not exhaustive but is based on the Applicant's understanding of the Project. Where circumstances change, further consents may be required which will be discussed with the applicable statutory bodies. The Examining Authority will also be informed if this is the case.
- 4.1.3 A fundamental part of the DCO process is the preparation of Statements of Common Ground, which are used to reach agreement with stakeholders on various technical matters and to highlight to the Examining Authority which matters remain outstanding and under discussion between the Applicant and statutory bodies or other parties.

Table 1: Other Consents and Licences

Consent	Legislation	Consenting Authority	Details	Status
Flood Risk Activity Permits ('FRAP')	Environmental Permitting Regulations (England and Wales) 2016	Environment Agency	For any works on a main river or within 8m of the top of the bank of a main river or toe of a flood defence structure, or for any excavations within 16m of the top of the bank of a main river or toe of a flood defence structure. For the Project this will be primarily for the construction of watercourse crossings above and HDDs below the East Stour River, and for sections of the	To be sought prior to commencement of relevant works.

Consent	Legislation	Consenting Authority	Details	Status
			Grid Connection Corridor.	
IDB Land Drainage Consent	Land Drainage Act 1991	River Stour (Kent) Internal Drainage Board	For any works to an IDB-managed drain or other channels (not main river) within the IDB area. For the Project this will include temporary crossings, permanent crossings, HDD, cable trenching and the construction of surface water outfalls.	To be sought prior to commencement of relevant works.
Land Drainage (Ordinary Watercourse) Consent	Land Drainage Act 1991	Kent County Council (as Lead Local Flood Authority)	For any works to ordinary watercourses that do not fall within the IDB area.	Not currently required but will be sought prior to commencement of relevant works if necessary.
Water Discharge Activity Permit	Environmental Permitting Regulations (England and Wales) 2016	Environment Agency	For any discharge of liquid effluent or wastewater into surface waters, including the discharge of any water pumped from excavations during the construction phase.	To be sought prior to commencement of relevant works.
Licence under the Protection of Military Remains Act 1986	Protection of Military Remains Act 1986	Historic England	Licence for the excavation of any Protected Military Remains associated with the Messerschmitt	Granted 22/05/23 for 1 year – to be renewed as required.



Consent	Legislation	Consenting Authority	Details	Status
			Bf109E-4 crash site in Field 17.	
Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets	Required at the operational stage of the Project in relation to generating activities.	To be sought prior to operational phase.
Bilateral connection agreement	N/A	UK Power Networks (on behalf of National Grid)	Agreement to connect the Project to the Sellindge Substation.	The Applicant accepted a revised grid connection offer in September 2023. Further information is set out in the <b>Grid Connection Statement (Doc Ref. 7.3)</b> .
Section 61 consent	Control of Pollution Act 1974	Local authority (Ashford Borough Council)	To agree construction noise limits.	To be sought prior to commencement of relevant works, as indicated in the <b>Outline CEMP (Doc Ref. 7.8)</b> .
Permit for transport of abnormal loads	Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	National Highways, Kent County Council as highways authority	To permit the delivery of relevant Abnormal Indivisible Loads.	To be sought prior to commencement of relevant works.

Consent	Legislation	Consenting Authority	Details	Status
Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation	Health and Safety Executive	To seek construction activity-related health and safety consents.	To be sought prior to commencement of relevant works.
Protected Species licences	Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981	Natural England	To seek licence(s) where works may affect one or more protected species.	To be sought prior to commencement. Further information is set out in the <b>Outline LEMP (Doc Ref. 7.10)</b> .
Traffic Regulation Order	Road Traffic Regulation Act 1984	Kent County Council (as highways authority)	In the event that further highways works are required in addition to those identified in the DCO.	To be sought prior to commencement of relevant works.

## 4.2 Compliance with Guidance

- 4.2.1 Paragraph 46 of the DCLG Planning Act 2008 Application form guidance (June 2013) advises applicants to *“set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted”*.
- 4.2.2 The Applicant does not anticipate any reasons as to why the consents identified in Table 1 would not be granted and has not received any responses from the statutory bodies engaged with that would indicate the potential for any of these future consents to be refused, as these consents are usually sought alongside DCOs. Section 4.3 below summarises the specific engagement had with the Environment Agency (‘EA’) and the River Stour (Kent) Internal Drainage Board (‘IDB’) regarding watercourse activities.

## 4.3 Watercourse Activities

- 4.3.1 The Applicant has engaged with the EA and the River Stour (Kent) IDB regarding the construction of watercourse crossings and other activities within, adjacent to or under/over waterbodies those statutory bodies have remit over.

- 4.3.2 The Applicant has agreed with both the EA and the River Stour (Kent) IDB that the relevant permits will be sought at the detailed design stage, prior to commencement of the Project. This is so further survey and design work can be undertaken to determine the most appropriate locations for the works required. The **Works Plans (Doc Ref. 2.3)** and **Design Principles (Doc Ref. 7.5)** allow for this flexibility.
- 4.3.3 Following granting of the DCO, all permits / consents will be agreed with the relevant statutory body prior to construction of the relevant activities. As part of this permitting process, method statements with relevant mitigation management measures will need to be submitted and adhered to.