

Springwell Solar Farm

Schedule of Other Consents and Licences

EN010149/APP/3.3
November 2024
Springwell Energyfarm Ltd

APFP Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009



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1. Overview and purpose

- 1.1. Springwell Energyfarm Limited (**Applicant**) seeks a development consent order (**DCO**) under the Planning Act 2008 (**PA2008**) authorising the Proposed Development. A summary of the description of the Proposed Development can be found in Section 3.1 of the **Environmental Statement (ES) Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1]**. The terminology used in this document is defined in the Glossary **[EN010149/APP/6.1]**.
- 1.2. The Schedule of Other Consents and Licences has been prepared as part of the DCO application (**DCO Application**) and should be read in conjunction with the other documents submitted with the DCO Application. The purpose of this document is to provide information on the additional consents and licences potentially required for the Proposed Development, in addition to the DCO.
- 1.3. Section 37 of the PA2008 governs the content of an application for a DCO, including the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (**APFP Regulations**).
- 1.4. Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany a development consent application. Guidance issued by the Department for Communities and Local Government: 'Planning Act 2008: Application Form Guidance' (June 2013) (paragraphs 45 and 46) requires that:
 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.*
 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.

- 1.5. This document lists those consents which the Applicant currently anticipates could be required. Further consents may be required as the Proposed Development continues to be refined. Should any other consents be identified as being required, the Applicant will inform the Examining Authority as soon as this becomes apparent.

2. Approach to incorporating multiple consent regimes into a draft DCO

- 2.1. The intention of the DCO process under the PA2008 is to authorise certain consents together as a 'one stop shop' for nationally significant infrastructure projects. Section 33 of the PA2008 makes clear that there is no requirement for certain consents to be obtained where a DCO is required to authorise a project. In the case of the Proposed Development, section 33(1)(h) confirms that consent under section 36 of the Electricity Act 1989 is not required.
- 2.2. Other matters the DCO can provide authorisation for include:¹
- 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.
- 2.3. The DCO can also remove the need to secure certain prescribed consents or authorisations, with the agreement of the relevant consenting body.²
- 2.4. The Applicant considers that the approach to including consents within a DCO should apply for both those that do, and those that do not, require the agreement of the relevant body under section 150 of the PA2008 in order for them to be included in the DCO. The Applicant envisages the approach being as follows:
- The DCO contains an express provision disapplying the requirement for the consent in question.

¹ Part 7 of the Planning Act 2008, in particular section 120.

² PA2008, s150. See Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 for a list of the relevant authorisations.

- In exchange, the DCO includes 'protective provisions' for the benefit of the body concerned.
- These protective provisions are specifically stated to have effect unless otherwise agreed between the Applicant and the body concerned.
- Compliance with the provisions is a matter as between the parties and can be enforced accordingly.
- Either way, the protective provisions provide a means for the body concerned to monitor, enforce compliance and to review the effectiveness of the approval regime enshrined in the protective provisions.
- The mechanism of approval being given under the protective provisions allows the body concerned to approach a project in two stages (i) the DCO application stage, where the principle of the project is accepted by the body concerned and the detail of the protective provision is negotiated and (ii) the subsequent approval stages under the protective provisions which cannot be unreasonably refused but when detailed matters going to construction can be properly considered.

2.5. This is a tried and tested approach adopted in numerous local and public (hybrid) Acts, Harbour Act Orders, Transport and Works Act Orders for many decades, and which is now firmly established in the case of DCOs.

3. Consents incorporated in the draft DCO

3.1. The primary consent for the Proposed Development will be the DCO. The DCO process enables land acquisition, along with a range of consents and powers, to be sought and considered together. Other authorisations outside of the DCO process may be required where:

- A particular consent cannot be provided as part of a DCO;
- A consenting authority declines to allow a consent to be included within a DCO; or
- It is not desirable or appropriate to include a consent within the DCO due to the level of design detail available at the time the DCO is made.

3.2. The majority of consents required are included, or addressed, within the **draft DCO [EN010149/APP/3.1]** submitted with the DCO Application, as permitted by various provisions of the PA2008, although discussions in some of these respects are continuing with the principal stakeholders. These fall into the following categories:

- Authorisation of all permanent and temporary works for the Proposed Development, described as the “authorised development” in Schedule 1 to the draft DCO (equivalent to planning permission). Article 3 is the principal power in this respect;
- Compulsory acquisition of land and of rights over land, and the temporary possession of land. Part 5 of the draft DCO provides these powers;
- Consent to carry out street works; alter the layout of streets and to form new, or alter or improve existing accesses; form new, or alter or improve existing, accesses to the highway; and other related works to streets. Part 3 of the draft DCO provides these powers;
- Traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Article 17 of the draft DCO provides this power;
- Consent to undertake ‘flood risk’ activities. Article 6 provides this power, which is expected to be linked to protective provisions that will ultimately be included in the draft DCO;
- Consent to obstruct ordinary watercourses. Article 6 provides this power which is linked to the provisions for the protection of drainage bodies in the draft DCO;
- Consent or approval for the carrying out of the works required under any relevant byelaws made under the Water Resources Act 1991.

Article 6 provides this power which is linked to the provisions for the protection of drainage bodies in the draft DCO;

- Consent or approval for the carrying out of the works required under any relevant byelaws made under the Land Drainage Act 1991. Article 6 provides this power which is linked to the provisions for the protection of drainage bodies in the draft DCO.

3.3. To the extent that any relevant consenting body must agree to consent requirements being disapplied under the DCO in accordance with section 150 of the PA2008, the Applicant is in the process of engaging with the relevant consenting bodies in securing the necessary agreements and is confident that the necessary agreements will be obtained before or during the examination of its DCO Application.

4. Other consents and licences

- 4.1. A summary of the additional consents and licences likely to be required is set out in the Table below.
- 4.2. The Table lists the type of consent or licence required, the relevant consenting body, any agreement that has been reached with that body, actions to be undertaken and the status of the relevant application (e.g. whether the consent or licence has been granted or the anticipated application submission date).

5. Agreements

- 5.1. Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 5.2. Statements of Common Ground (**SoCG**) with third parties are commonly provided where matters of alignment can be agreed, in order to narrow the issues before the Examining Authority, making the examination process more efficient. These will be progressed by the Applicant where appropriate.

Table: Summary of Additional Consents and Licences Likely to be Required

	Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
1	Excavation Licence	Protection of Military Remains Act 1986	Secretary of State (Ministry of Defence)	Required for works on or near identified World War 2 aircraft crash sites.
2	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required for electricity generation under the Proposed Development in the areas specified in Schedule 1 of the draft DCO [EN010149/APP/3.1] . An application for a generation licence will be sought post consent. The Applicant is not aware of any reason why a generation licence would not be granted.
3	Water abstraction or impoundment licence	Water Resources Act 1991 (as amended by the Water Act 2003), Environment Act 1995, Water Resources (Abstraction and Impounding) Regulations 2006	Environment Agency	If groundwater pumping / dewatering is required then applications to be made by the contractor before the abstraction or impoundment commences as appropriate.
4	Water discharge	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	If water discharge activities are required then an application for a water discharge activity environmental permit will be made by the contractor before water is discharged.
5	Bilateral Connection Agreement To connect the Proposed Development to the NETS	Commercial Agreement	National Grid	The Applicant accepted a grid connection offer on 20 April 2022. Further details are given in the Grid Connection Statement [EN010149/APP/7.6] .
6	Permit for transport of	Road Vehicles (Authorisation of	Department for Transport,	Appropriate applications, in accordance with the

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
<p>abnormal loads</p> <p>For delivery by road of loads that fall outside standard practice (if required)</p>	<p>Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988</p>	<p>Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate</p>	<p>Construction Traffic Management Plan, will be made by the contractor in advance of the delivery of abnormal load.</p>
<p>7 Section 61 consent</p> <p>Control of noise on construction sites</p>	<p>Control of Pollution Act 1974</p>	<p>Lincolnshire County Council (LCC)</p>	<p>Applications will be made by the contractor a minimum of 28 days before construction commences.</p>
<p>8 Health and Safety related consents</p>	<p>Health and Safety at Work Act 1974 and subsidiary legislation</p>	<p>Health and Safety Executive (HSE)</p>	<p>Applications to be made by the contractor before construction commences as appropriate.</p>
<p>9 Protected species licence</p>	<p>Protection of Badgers Act 1992</p> <p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>Natural England</p>	<p>If any protected species licences are required, it is proposed that the formal application process will take place and licence granted prior to the commencement of construction.</p> <p>The Applicant is not aware of any reason why a licence would not be granted should one be required, provided the protected species will not be harmed. Or in the case of European Protected Species licencing provided the three licensing tests can be met:</p> <ol style="list-style-type: none"> 1) there is a purpose, for example there's an overriding public interest; 2) there is not a satisfactory alternative; and

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
			3) the protected species will not be harmed as a result of the proposed activities.
10 Hazardous Substance Consent	The Planning (Hazardous Substances) Regulations 2015	North Kesteven District Council (NKDC)	Applications to be made by the Applicant following detailed design where required. The Applicant is not aware of any barriers to consent being granted should one be required.
11 Highways Agreement	Article 16 of the draft DCO [EN010149/APP/3.1]	Lincolnshire County Council (LCC)	The Applicant has had initial discussions with the LCC as to a highways agreement pursuant to which the LCC can approve the detailed design of the alterations to layout of streets proposed to be consented by the draft DCO. The Applicant is agreeable in principle to such an agreement, and will continue discussions with LCC.
12 Permit Scheme	Lincolnshire Permit Scheme for Road Works and Street Works Order 2016	Lincolnshire County Council (LCC)	Applications will be made with respect to works to streets under Part 3 of the draft DCO [EN010149/APP/3.1] and this is provided for pursuant to article 8 of the draft DCO.



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