



CLEVE HILL SOLAR PARK

CONSENTS AND LICENSES REQUIRED UNDER OTHER LEGISLATION

November 2018
Revision A

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CLEVE HILL
SOLAR PARK

Planning Act 2008
Cleve Hill Solar Park
Details of Other Consents and Licences
(APFP Ref: 5(2)(q))
November 2018

1. INTRODUCTION

- 1.1 Cleve Hill Solar Park Ltd (the “Applicant”), a joint venture between Hive Energy Ltd, and Wirsol Energy Ltd, proposes to make an application for a development consent order (“DCO”) under the Planning Act 2008 for a solar and energy storage generating station project, connecting to the National Electricity Transmission System (“NETS”) at Cleve Hill Substation in Kent. This document has been prepared in support of that DCO application (the “Application”) and should be read in conjunction with the other documents submitted with that Application.
- 1.2 The Cleve Hill Solar Park (“CHSP”) project will deliver a large-scale, zero-subsidy, solar and energy storage generation assets, with each expecting to have a generating capacity of over 50MW. These assets will help the UK meet its legally binding carbon emissions targets, and it has the potential to support operation and balance of the NETS through the delivery of an integrated electricity storage capability.

2. PURPOSE OF THIS DOCUMENT

- 2.1 Section 37 of the Planning Act 2008 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”).
- 2.2 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 Government¹, requires that:

'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 [SoS] is not the authorising body, then the applicant must list and briefly describe these in ... the application. 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.'

- 2.3 This document comprises part of the application documents and provides details of consents required in addition to those being requested as part of the DCO².

3. OTHER CONSENTS AND LICENCES

- 3.1 A summary of the additional consents likely to be required is set out in Table 1 below.

¹ Planning Act 2008 Application Form Guidance, Department of Communities and Local Government, June 2013

² This document lists those consents which the Applicant currently anticipates could be required. Further consents may be required as the project develops due to unforeseen circumstances and the Applicant will keep the Examining Authority up to date with any such developments.

- 3.2 Table 1 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).
- 3.3 This document will be updated by the Applicant during the examination of the Application and documents that have been superseded will be clearly identified as such.

4. **AGREEMENTS**

- 4.1 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 4.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (“SoCG”) with third parties to identify the matters on which we are in agreement, in order to narrow the focus for examining the Application concerned and to make the examination process more efficient. These will be progressed by the Applicant where appropriate.

TABLE 1

SUMMARY OF ADDITIONAL CONSENTS LIKELY TO BE REQUIRED

NATURE OF CONSENT		KEY LEGISLATION	CONSENTING AUTHORITY	STATUS/COMMENT
1.	Electricity generation licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required at the operational stage of the project in relation to generating activities The generation licence was granted on 9 November 2018
2.	Bilateral Connection Agreement To connect the Project to the NETS	N/A - Commercial Agreement	National Grid	The Applicant accepted a grid connection offer on 25 October 2018, further details of which are given in the Grid Connection Statement (Document Ref: 5.4)
3.	Environmental Permit (EP) for flood risk activities	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Required to undertake any maintenance activities associated with the flood defence. Such permit to be applied for post grant of DCO and prior to construction commencing
4.	European Protected Species Mitigation Licence	Conservation of Habitats and Species Regulations 2017	Natural England	Discussions with Natural England will be commenced if required
5.	Science, Education & Conservation or Class licence	Conservation of Habitats and Species Regulations 2017. Wildlife & Countryside Act 1981 (as	Natural England	Discussions with Natural England will be commenced if required

		amended)		
6.	Request permission for works or an activity on an SSSI	Wildlife and Countryside Act 1981 (as amended and inserted by section the Countryside and Rights of Way Act 2000)	Natural England	Discussions with Natural England will be commenced if required
7.	Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation	Health and Safety Executive (HSE)	Applications to be made by the contractor before construction commences as appropriate
8.	Permit for transport of abnormal loads For delivery by road of loads that fall outside standard practice (if required)	Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Appropriate applications, in accordance with the Construction Traffic Management Plan, will be made by the contractor in advance of the delivery of abnormal load
9.	Section 61 consent Control of noise on construction sites	Control of Pollution Act 1974	Local Authority	Applications may be made, if required, by the contractor a minimum of 28 days before construction commences
10.	Land Drainage Consent (for structures in ordinary watercourse s / permanent culverts)	Water Resources Act 1991	Kent County Council	Applications to be made by the contractor before construction commences as appropriate.
11.	Temporary Road Traffic Orders and other	Road Traffic Regulation Act 1984, New Roads and Street Works	Highways Agency, Local Highway Authority	Only expected for Abnormal Indivisible Loads movements. Applications to be

	Street Works Consents	Act 1991, Traffic Management Act 2004		made by the contractor before construction commences as appropriate
12.	Authorisation for drainage works in connection with a ditch	Land Drainage Act 1991	Lower Medway Internal Drainage Board	Applications to be made by the contractor before construction commences as appropriate
13.	Section 278 Agreement	Highways Act 1980	Local Highways Authority	Required to undertake remedial works to the highway To be agreed with the Local Highways Authority
14.	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 construction commences as appropriate
15.	Crashed military aircraft of historical interest Licensing of excavations In the UK	Protection of Military Remains Act 1986	Ministry of Defence	The outline written scheme of investigation proposes metal detecting of the WWII crash site. Applications to be made by the archaeological contractor before metal detecting commences as appropriate



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