



# EAST PARK ENERGY

**East Park Energy**

EN010141

## **Other Consents and Licences Statement**

**Document Reference: EN010141/DR/5.5**

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

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# EAST PARK ENERGY

Planning Act 2008

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

## Other Consents and Licences Statement

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## 1.0 INTRODUCTION

### 1.1 Introduction

- 1.1.1 This Other Consents and Licences Statement (the ‘Statement’) has been prepared to support an application made by BSSL Cambsbed 1 Limited (‘the Applicant’) for a Development Consent Order (DCO) for the East Park Energy project (‘the Scheme’). The application for development consent will be submitted to the Planning Inspectorate, with the decision whether to grant a DCO being made by the Secretary of State for the Department for Energy Security and Net Zero (hereafter referred to as the ‘Secretary of State’) pursuant to the Planning Act 2008 (‘the PA2008’).
- 1.1.2 The Scheme comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site BESS on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation.
- 1.1.3 The Scheme would allow for the generation and export of 400 megawatts (MW) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS. The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant has a grid connection agreement with National Grid for 400 MW export and 100 MW import.
- 1.1.4 A full description of the Scheme is provided within **ES Vol 1 Chapter 2: The Scheme [EN010141/DR/6.1]**.

### 1.2 Purpose of this Statement

- 1.2.1 The purpose of this Statement is to provide information on the additional consents and licences that are or may be required to construct and operate the Scheme, in addition to the powers sought within the **draft DCO [EN010141/DR/3.1]**.

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- 1.2.2 Section 37 of the PA2008 sets out the required content of an application for development consent, and the accompanying Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations') stipulate the documents and information that must be submitted.
- 1.2.3 Regulations 5 and 6 of the APFP Regulations stipulate the statutory requirements for the materials that must accompany a development consent application. Guidance issued by the Department for Communities and Local Government: 'Planning Act 2008: Application Form Guidance'<sup>1</sup> (June 2013) 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. 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.*
- 1.2.4 This document sets out the additional consents or licences that are, or may be, required to construct, operate or decommission the Scheme.
- 1.2.5 This Statement reflects the Applicant's current understanding of the consent requirements. It will be kept updated as the project progresses, so that any new or changing requirements (for example due to design refinements,

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unforeseen circumstances, or legislative changes) can be communicated to the Examining Authority in due course.

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## 2.0 LEGISLATIVE FRAMEWORK FOR CONSENTS

### 2.1 Development Consent Orders

2.1.1 The PA2008 provides a framework intended to streamline the consenting of Nationally Significant Infrastructure Projects (NSIPs) by consolidating, as far as practicable, multiple consent requirements into a single DCO. Section 33 of the PA2008 states that where a DCO is required for a project, certain conventional consents under other legislation are not required separately, because the DCO will subsume or supersede those needs. However, it is not essential, or in some instances possible, to include all consents and licences within the DCO.

2.1.2 Part 7 of the PA 2008, in particular section 120 outlines the scope of what can be included within a DCO. In summary, a DCO may contain a broad range of provisions, including but not limited to:

- ancillary matters (including those listed in Part 1 of Schedule 5 to the PA2008);
- the application, modification or exclusion of statutory provisions through the DCO;
- the amendment, repeal or revocation of local legislation as necessary as a consequence of the DCO; and
- any incidental, consequential, supplementary, transitional or savings provisions needed for the project.

2.1.3 This allows a DCO to effectively disapply or replace certain requirements that would otherwise apply under other laws, subject to appropriate safeguards.

2.1.4 However, the DCO application may need to be supplemented by other applications for separate consents and licences because:

- a specific consent cannot be contained in the DCO;
- a consenting authority declines to allow a consent to be contained within the DCO (where they have the power to do so); or

- it is not desirable, or it is inappropriate, to include a consent within a DCO due to the stage of design development meaning the detail required is unavailable.

## 2.2 Consents Requiring Separate Approval

### General

- 2.2.1 Some consents and licences under other legislation cannot be included in a DCO or are less suitable to incorporate. In certain cases this is by design of the legislation, or due to the nature of the consent (for example, operational permits that depend on detailed design or site conditions).
- 2.2.2 In other cases, Section 150 of the PA2008 and the related Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 designate specific consents (known as “prescribed consents”) which may be disapplied by the DCO only with the agreement of the relevant consenting body. This includes various environmental permits, licences, and other regulatory approvals typically granted by relevant authorities such as the Environment Agency, Natural England, local drainage authorities, etc. For these consents, the DCO can remove the requirement for a separate consent only if the relevant authority that normally issues the consent agrees to that arrangement. The intent is to preserve the relevant authority’s control where necessary, while still enabling those consents to be incorporated into the DCO when the regulator agrees.

## 2.3 Protective Provisions

- 2.3.1 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 PA 2008 in order for them to be included in the DCO. To facilitate the inclusion of as many consents as possible within the DCO, the Applicant intends to use the well-established “protective provisions” model that will be drafted taking into consideration the Planning Inspectorate’s Guidance “*Planning Act 2008*:

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*Content of a Development Consent Order required for Nationally Significant Infrastructure Projects*". Under this approach, for each consent or approval being integrated into (and thereby disapplied by) the DCO, the following measures are put in place:

- **Disapplication of Consent:** The DCO contains an express provision that disapplies the requirement to obtain that particular consent under its usual legislation, meaning the Scheme can proceed without a separate application for it.
- **Protective Provisions:** In exchange, the DCO includes protective provisions for the benefit of the relevant authority or body ('the relevant authority') that would normally issue the consent. These provisions set out conditions, standards, or an alternative approval mechanism that the Applicant must comply with in relation to that aspect of the project. Protective Provisions are incorporated into the **draft DCO [EN010141/DR/3.1]** for the Scheme at Schedule 13.
- **Ongoing Relevant Authority Control:** The protective provisions are drafted to remain in force unless and until the relevant authority agrees otherwise with the Applicant. This ensures the relevant authority retains control, and any detailed plans or methodologies required (previously obtained via the separate consent) must be approved by that relevant authority under the DCO's protective provisions. The relevant authority can monitor compliance and, if necessary, enforce the protective provisions as if they were conditions or requirements.
- **Two-Stage Approval:** In practice, this mechanism allows the relevant authority to consider the matter in two stages – first at the DCO application stage where the overall principle of granting the consent through the DCO and the broad protective framework is agreed, and secondly post consent when detailed designs or method statements are submitted for the authority's approval under the protective provisions. The protective provisions stipulate that such approval cannot be unreasonably withheld, to give the Applicant certainty, while still safeguarding the authority's interests.

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- 2.3.2 This approach enables a balance between the streamlining intent of the PA2008 and the legitimate oversight of consenting bodies. The Applicant is proposing to use this approach to incorporate a number of consents into the DCO, as detailed in Section 3.0 below.
- 2.3.3 Where such an approach is taken, the Applicant is engaging with the relevant bodies to secure their agreement under Section 150 of the PA2008 (where required) and to agree protective provisions.

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## 3.0 CONSENTS INCORPORATED WITHIN THE DRAFT DCO

### 3.1 The Draft Development Consent Order

3.1.1 The primary consent for the Scheme will be the DCO. The DCO, once granted, authorises the development of the solar generating station and associated works. It will also encompass many ancillary rights and powers needed to deliver the Scheme, meaning that separate applications under other regimes are not required for those elements. The majority of the consents and powers required for the construction, operation and decommissioning of the Scheme are intended to be included in (or addressed by) the **draft DCO [EN010141/DR/3.1]**.

3.1.2 Key categories of consents and powers that are being sought through the DCO are set out under the relevant headings below.

#### Development and Works Authority

3.1.3 Authorisation for all permanent and temporary works comprising the Scheme (the 'authorised development'), as described in Schedule 1 of the **draft DCO [EN010141/DR/3.1]**. Article 3 is the principal power in this respect.

3.1.4 This provision, contained in the core articles of the DCO, permits the construction, operation and maintenance, and decommissioning of the solar arrays, battery storage facility, grid connection works, and all associated development.

#### Land Acquisition and Temporary Possession

3.1.5 Powers to acquire land and rights over land compulsorily, and to use land temporarily, as needed for the Scheme. The **draft DCO [EN010141/DR/3.1]** in particular, Part 5 (Articles 21 to 25) provides powers of compulsory acquisition for the necessary land and interests (e.g. easements for cables) and temporary possession powers for construction areas and working sites.

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- 3.1.6 These provisions negate the need for separate compulsory purchase orders under other legislation.

### Street Works

- 3.1.7 Consent to undertake works in or affecting streets and highways. This includes the power to carry out street works (e.g. install cables under streets and highways) and to alter the layout of streets (for instance, to form or improve junctions and site access points). The **draft DCO [EN010141/DR/3.1]** in particular, Articles within Part 3, enable the creation of new or improved accesses to public highways and the temporary interference with streets as required, in lieu of needing highway authority permissions under the Highways Act 1980 and the New Roads and Street Works Act 1991. These powers are subject to the Protective Provisions in Schedule 13 of the **draft DCO [EN010141/DR/3.1]**.

### Traffic Regulation

- 3.1.8 Powers to implement necessary traffic management measures for construction. For example, the **draft DCO [EN010141/DR/3.1]** Article 17, allows for temporary traffic regulation orders or restrictions (such as road closures, speed limit changes, or diversions) during construction, equivalent to those normally made under the Road Traffic Regulation Act 1984.
- 3.1.9 These provisions avoid the need to apply separately to the local highway authority for road closure orders or similar traffic permits, as the DCO itself will authorise them (subject to the requirements of the **draft DCO [EN010141/DR/3.1]**). The DCO will also authorise the placement of temporary signs and signals on any road, including roads outside the Order limits.

## Public Rights of Way

- 3.1.10 Authority to temporarily alter, divert, restrict or prohibit the use public rights of way that intersect the Site are provided in Article 15 of the **draft DCO [EN010141/DR/3.1]**.
- 3.1.11 These provisions remove the need for separate orders under the Town and Country Planning Act 1990 or Highways Act 1980 for footpath diversions.

## Land Drainage Consents

- 3.1.12 The disapplication of the requirement to obtain separate land drainage consent under section 23, section 32 and any bylaws made under section 66 of the Land Drainage Act 1991 for works that may affect the flow of an ordinary watercourse. Instead, the **draft DCO [EN010141/DR/3.1]** grants the power to carry out such works, subject to the protective provisions for the protection of drainage authorities contained within Schedule 13 of the **draft DCO [EN010141/DR/3.1]**.

## ~~Flood Risk Activity Permits~~

- ~~3.1.13 The disapplication of the requirement for a flood risk activity permit from the Environment Agency, which is normally required under the Environmental Permitting (England and Wales) Regulations 2016 for works in, under, or near a main river or flood defences. The **draft DCO [EN010141/DR/3.1]** Article 8 includes this power, so that activities such as constructing new bridge crossings over watercourses, altering existing crossings, or undertaking any other works near a main river or flood defence can proceed under the DCO. Protective provisions for the Environment Agency have been included at Schedule 13, based on the Agency's standard provisions, and the Agency's consent under Section 150 of the PA2008 will be obtained for this disapplication.~~

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## Tree and Vegetation Removal

~~3.1.14~~3.1.13 The disapplication of certain controls on felling or lopping of trees or removing hedgerows that might otherwise apply. If the Scheme requires felling of trees, Article 8(5) of the **draft DCO [EN010141/DR/3.1]** removes the need for a separate felling licence under section 9 of the Forestry Act 1967, with any necessary replacement planting secured through the DCO Requirements. Article 8(2) of the **draft DCO [EN010141/DR/3.1]** provides authorisation for the removal of hedgerows pursuant to Regulation 6 of the Hedgerows Regulations 1997. Article 8(3) of the **draft DCO [EN010141/DR/3.1]** modifies Regulation 5 of the Management of Hedgerows (England) Regulations 2024. These provisions avoid the need for separate felling licence applications to the Forestry Commission or to seek consent from the local planning authority for the removal of hedgerows.

## Scheduled Monument Consent

~~3.1.15~~3.1.14 Scheduled Monument Consent (SMC) is ordinarily required under the Ancient Monuments and Archaeological Areas Act 1979 for any works that may affect a scheduled monument. However, Section 33 of the Planning Act 2008 provides that development consent granted through a DCO removes the need for separate consent under regimes such as the 1979 Act. Accordingly, the draft DCO for the Scheme includes the necessary consent for works affecting the scheduled monument known as the Roman Small Town south of Great Staughton (National Heritage List for England ref. 1491190), without a separate application under the 1979 Act. These works include the installation of the Scheme's electrical cables beneath the monument via horizontal directional drilling (HDD), and the provision of temporary construction access across the monument.

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## 3.2 Status of Consents in the Development Consent Order

- 3.2.1 Some of the consents intended to be covered by the DCO (as listed above) require the consenting body's approval under Section 150 of PA2008. In those cases, it is noted in the list above that an agreement is needed.
- 3.2.2 The Applicant has been in discussions with the relevant authorities and is confident that the necessary Section 150 consents will be obtained prior to or during the Examination of the DCO application. These agreements will likely be documented in letters of no objection or in Statements of Common Ground with the bodies, and the **draft DCO [EN010141/DR/3.1]** will be updated to reflect any requirements by those bodies.
- 3.2.3 As noted in exchange for the disapplication of consents, the draft DCO contains appropriate protective provisions to ensure those authorities can approve and oversee the relevant works.
- 3.2.4 If for any reason a particular agreement cannot be reached, the Applicant would then need to secure that consent separately outside the DCO. However, at this stage no insurmountable obstacles to obtaining the necessary approvals in principle have been identified.
- 3.2.5 The **draft DCO [EN010141/DR/3.1]** submitted with the application reflects the Applicant's current intentions. Should further consultation with regulators reveal that additional consents can or should be included in the DCO (or, conversely, that certain consents should be removed from the DCO and pursued separately), the Applicant will adjust the **draft DCO [EN010141/DR/3.1]** accordingly.

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## 4.0 OTHER CONSENTS AND LICENCES LIKELY TO BE REQUIRED

4.1.1 Not every consent or licence required for the Scheme can be, or is best, included within the DCO. Table 1 below provides a summary of the other consents and licences that are expected to be required to enable the development of the Scheme. These will be obtained separately from the DCO. In general, these are consents either:

- not capable of being contained in a DCO (due to statutory limitations);
- for which the relevant authority has indicated they prefer a separate application (or would not agree to DCO inclusion); or
- which relate to more detailed operational matters that will be addressed at a later stage (often by the construction contractor or operator, once detailed design and method statements are known).

4.1.2 Table 1 lists the type of consent/licence, the principal legislation under which it is required, the relevant authority or body responsible for granting it, and a brief note on its purpose/status in the context of the Scheme. Where possible, an indication of timing or whether an application has been or will be made is included.

4.1.3 The Applicant is not currently aware of any fundamental reason why any of the consents in Table 1 would be refused. The Applicant will continue to liaise with the relevant authority or bodies as the project progresses to ensure any necessary applications are made in good time and any requirements are met.

**Table 1: Summary of additional consents and licences likely to be required**

Issue	Nature of Consent/Licence	Key Legislation	Consenting Authority	Status / Comments
<b>Electricity Generation</b>	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (Ofgem)	Required when the Scheme is operational to lawfully generate electricity over 50 MW. The Scheme (as an NSIP >50 MW) will require a generation licence. The Applicant will apply to Ofgem for an electricity generation licence at the appropriate time prior to commissioning of the Scheme. The Applicant is not aware of any reason this licence would not be granted in due course.
<b>Nature Conservation</b>	Protected Species Licences	Wildlife and Countryside Act 1981; Conservation of Habitats and Species Regulations 2017; Protection of Badgers Act 1992, etc.	Natural England acting under the authority of the Secretary of State	One or more protected species licences may be needed if the Scheme's works will disturb or impact legally protected species or habitats. For example, a licence would be required if otters, bats, badgers, or other protected species are found and need relocation or if their habitat is affected. The need for such licences will be confirmed by the pre-construction ecological surveys (refer to the <b>outline Landscape and Ecological Management Plan [EN010141/DR/7.7]</b> ). If required, the contractor will apply to Natural England for the necessary licence(s) prior to commencing any works that could affect the protected species. Natural England has been consulted and no obstacles to obtaining any necessary licences are foreseen.
<b>Water</b>	Water Abstraction and/or Impoundment Licence	Water Resources Act 1991 (as amended); Water Act 2003; Water Resources (Abstraction	Environment Agency	If the construction or operation requires abstraction of water (e.g. for dust suppression or hydrostatic testing) or impounding of any watercourse (e.g. creating a temporary pond or

		and Impounding) Regs 2006		reservoir), a licence from the Environment Agency would be obtained. At present, significant abstraction is not anticipated for the Proposed Development. If needed, the construction contractor will apply for the relevant licence in advance of the activity, in accordance with EA requirements.
	Water Discharge Activity Permit	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	If water discharge activities are required (for example, discharging treated site run-off or dewatering effluent to a watercourse or sewer), an environmental permit for the discharge will be obtained from the EA. Typically, the need might arise during construction for site dewatering or during operation for discharge of excess surface water. Any necessary permit applications will be made by the contractor before the discharge commences.
<b>Flood Risk</b>	<a href="#">Flood Risk Activity Permit</a>	<a href="#">Environmental Permitting (England and Wales) Regulations 2016</a>	<a href="#">Environment Agency</a>	<a href="#">The only main river crossing is Crossing C01 of the Pertenhall Brook, for which the Applicant would be retaining and utilising the existing open span crossing shown in the <b>Watercourses Crossing Assessment [APP-100]</b>. The Applicant would be required to provide an electrical connection across this crossing, which would either be trenched within the track surface of the crossing, or ducted on the external parapet of the crossing. Whilst the cable crossing within or ducted to the structure would typically be an exempt activity (FRA4<sup>1</sup>), the trenching of the cable alongside the track on the approach to the structure would be activity within 8m of the bank</a>

<sup>1</sup> <https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#service-crossings-attached-to-the-outside-of-existing-structures-over-a-main-river-fra4>

				<p><a href="#">of a main river, and therefore require a Flood Risk Activity Permit (FRAP).</a></p> <p><a href="#">The Applicant will be required to obtain a FRAP from the Environment Agency prior to undertaking the above works. The Applicant does not see any reason why a FRAP would not be granted for these works, and therefore it is not expected to cause any delay to, or affect the delivery of, the authorised development.</a></p>
<b>Materials and Waste</b>	Exemption for using, treating, storing and disposing of waste	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	The reuse of any excavated materials during construction would be managed in accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice <sup>2</sup> (DoWCoP) which would be achieved through the verification of a Materials Management Plan by a Qualified Person and if necessary, approval of a Remedial Strategy by the relevant local planning authority and the Environment Agency.
<b>Noise</b>	Section 61 Prior Consent	Control of Pollution Act 1974	Relevant local authority	A Section 61 consent may be sought from the local authority for construction works, particularly if certain works are to be carried out outside of standard working hours. This is a voluntary prior approval process for a construction noise management plan. The Applicant (or its contractor) will engage with the relevant council's environmental protection team and, if determined to be required, submit a Section 61 application before the relevant construction activities commence, agreeing appropriate noise controls. Any applications required will be made by the contractor a minimum of 28 days before construction commences.

<b>Health and Safety</b>	Health & Safety Notifications/Consents	Health and Safety at Work etc. Act 1974 and relevant regulations (e.g. CDM Regulations 2015)	Health and Safety Executive (HSE)	While no specific “licence” is expected from HSE, the Scheme must comply with health and safety legislation. This includes notifying HSE of the construction project (via an F10 notification under CDM) and obtaining any specific approvals for hazardous operations if needed. If any operations require HSE consent (for instance, handling of explosives or certain hazardous substances), the contractor will secure those approvals prior to undertaking such activities. The Scheme will be executed in accordance with all HSE requirements, and the HSE will be kept informed as necessary.
<b>Traffic and Transport</b>	Permit for Transport of Abnormal Loads	Road Vehicles (Authorisation of Special Types) Order 2003 (under the Road Traffic Act 1988); Road Traffic Act 1988 (Section 44)	Department for Transport; National Highways; Local Highway Authority; Police; Bridge Owners	Oversized or abnormal loads (e.g. large transformers or construction cranes) may need to be delivered to Site. For any loads exceeding standard highway dimensions or weights, the haulage contractor will follow the notification and permitting process as required by law and highway authorities. This typically involves notifying the police, highway authorities, and bridge owners in advance, and obtaining any necessary permissions or special order from DfT for the movement. Applications/notifications will be made in line with the <b>outline Construction Traffic Management Plan [EN010141/DR/7.4]</b> in advance of the transport of any abnormal load.
<b>Hazardous Substances / Control of Major Accidents or Hazards</b>	Hazardous Substances Consent	Control of Major Accident Hazards Regulations 2015; Planning (Hazardous Substances) Regulations 2015	Local Planning Authority / Health and Safety Executive (HSE)	At this stage, the need for a Hazardous Substances Consent or consideration of Control of Major Accident Hazards Regulations for the Scheme or BESS is not anticipated, but this will be kept under review in line with any future changes in legislation.

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## 5.0 AGREEMENTS WITH THIRD PARTIES

### 5.1 Protective Agreements

- 5.1.1 The Applicant recognises that protective provisions and side agreements with third parties may be necessary to facilitate the Scheme and protect existing infrastructure and operations. Specifically, the Applicant is proactively engaging with relevant statutory undertakers whose apparatus or interests may be affected by the Scheme, including electricity, gas, water, and telecommunications utilities, and has put forward proposed provisions in the **draft DCO [EN010141/DR/3.1]**. These protective provisions set out detailed arrangements to safeguard infrastructure, secure appropriate consultation and approval mechanisms, and provide effective dispute resolution procedures.
- 5.1.2 The Applicant is committed to progressing these protective provisions diligently through ongoing dialogue and negotiation, ensuring clarity and certainty for all parties. Protective provisions progressed to date are included in Schedule 13 of the **draft DCO [EN010141/DR/3.1]**.

### 5.2 Ongoing Engagement

- 5.2.1 The Applicant will continue to engage with all relevant parties to finalise any necessary agreements in parallel to the DCO. This collaborative approach, combined with the strategy for consents described in this Statement, is aimed at providing certainty that the Scheme is deliverable in a timely and legally robust manner, with all required permissions in place.
- 5.2.2 The Applicant commits to updating the Examining Authority on the status of consents and agreements throughout the Examination, ensuring there are no material gaps in the consents regime for the Scheme.

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## 6.0 REFERENCES

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<sup>1</sup> Department for Communities and Local Government, (2013). *Planning Act 2008: Application Form Guidance*. [online] Available at: <<https://www.gov.uk/government/publications/planning-act-2008-application-form>> [Last accessed 01 August 2025].

<sup>2</sup> Contaminated Land: Applications in Real Environments, (2011). *Definition of Waste: Development Industry Code of Practice (Version 2)*. [online] London: CL:AIRE. Available at: <https://www.claire.co.uk/projects-and-initiatives/dow-cop> [Accessed 01 August 2025].