

Tillbridge Solar Project
EN010142

Volume 3
Consents and Agreements Position Statement
Document Reference: EN010142/APP/3.3

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

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1. Consents and Agreements Position Statement

1.1 Introduction

- 1.1.1 This document has been prepared by Tillbridge Solar Limited (“the Applicant”). It forms part of the application (“the Application”) for a development consent order (“DCO”) that has been submitted to the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) under section 37 of the Planning Act 2008 (“PA 2008”) (Ref 1).
- 1.1.2 The Applicant is developing the Tillbridge Solar Project (“the Scheme”). The Scheme will comprise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.
- 1.1.3 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.
- 1.1.4 The associated development element of the Scheme includes but is not limited to access provision; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.
- 1.1.5 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS
- 1.1.6 A full description of the Scheme is included in **Chapter 3: Scheme Description** of the Environmental Statement (ES) [EN010142/APP/6.1]. An overview of the Scheme and its environmental impacts is provided in the ES Non-Technical Summary [EN010142/APP/6.4].
- 1.1.7 This document has been updated to take into account comments raised by Interested Parties through their relevant representations. The document references have not been updated from the original submission. For the most up-to-date documents, the reader should access these through the Guide to the Application [EN010142/APP/1.2(Rev03)] and Schedule 13 of the draft DCO [EN010142/APP/3.1(Rev03)].

1.2 Purpose of this Document

- 1.2.1 The purpose of this document is to provide information on the additional consents and licences that are or may be required to construct and operate the Scheme.
- 1.2.2 Section 37 of the PA 2008 (Ref 1) 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").
- 1.2.3 Regulations 5 and 6 of the APFP Regulations (Ref 2) 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) (Ref 3) 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 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.

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 lists those consents which the Applicant currently anticipates could be required for the Scheme.

1.3 The Development Consent Order

- 1.3.1 Section 33 of the PA 2008 (Ref 1) sets out the effect of development consent on other consenting regimes setting out that to the extent that development consent is required for development, that this removes the requirement to secure other consents. Of relevance to this Scheme is that the effect of the development consent will remove the need to secure separate planning permission, as the DCO, if allowed, will be treated as a planning permission approving the authorised development as set out in Schedule 1 of the **draft DCO [EN010142/APP/3.1]**.

- ~~1.3.2 Section 120 of the PA 2008 (Ref 1) sets out what can be included within a DCO. Section 120(3) and (4) relate to ancillary matters set out in Part 1, Schedule 5 of the PA 2008. This includes "Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State for activities specified in the order and subject to such conditions as may be specified in the order."~~

~~1.3.3 The Applicant is seeking a provision deeming a marine licence to have been granted (as provided for under section 149A (Deemed consent under a marine licence) of the PA 2008 (Ref 1)) under section 65 (Requirement for licence) of the Marine and Coastal Access Act 2009 (Ref 4) and a deemed marine licence is included at Schedule 16 of the draft DCO [EN010142/APP/3.1]. This is sought since the Scheme includes the installation of a 400kV cable via a trenchless crossing underneath the River Trent, which is in part tidal and therefore the cable will run under the sea bed.~~

~~4.3.41.3.2~~ Further, ~~section~~ Section 120(5) states that an order granting development consent may:

“(a) apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order;

(b) make such amendments, repeals or revocations of statutory provisions of local application as appear to the [Secretary of State] to be necessary or expedient in consequence of a provision of the order or in connection with the order;

(c) include any provision that appears to the [Secretary of State] to be necessary or expedient for giving full effect to any other provision of the order;

(d) include incidental, consequential, supplementary, transitional or transitory provisions and savings”

~~4.3.51.3.3~~ Section 150 of the PA 2008 (Ref 1) and Regulation 5 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (Ref 1) set out that an order granting development consent may include provisions to the effect of which is to remove a requirement for a prescribed consent or authorisation to be granted if the relevant body has consented to the inclusion of such a provision in the DCO. Schedule 2, Part 1 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (Ref 1) sets out those prescribed consents and authorisations that can be removed by the DCO with the relevant consenting body's agreement. Of relevance to this Scheme is consent under the Land Drainage Act 1991 (Ref 5) and the Environmental Permitting (England and Wales) Regulations 2016 (Ref 6).

~~4.3.61.3.4~~ The principal consent for the Scheme will be the DCO which provides consent for the works and includes powers for compulsory land acquisition and temporary possession, along with other consents and powers. As such, the **draft DCO [EN010142/APP/3.1]** that has been submitted as part of the Application incorporates:

- a. The approval of the authorised development itself, ~~including a deemed marine licence under section 120(4) of the PA 2008, at Schedule 16 of the draft DCO [EN010142/APP/3.1].~~
- b. Provisions for the disapplication of the following legislation:
 - i. Stowe, Sturton and Bransby Inclosures Act 1803;

- ii. Great Grimsby and Sheffield Junction Railway Act 1845;
 - iii. Great Northern Railway Act 1846;
 - iv. Sheffield and Lincolnshire Junction Railway Act 1846;
 - v. Gainsborough Waterworks Act 1865;
 - vi. West Riding and Grimsby Railway (Extension) Act 1865;
 - vii. Trent and Lincolnshire Water Act 1971;
 - viii. Trent (Burton on Trent and Humber) Navigation Act 1887;
 - ix. Trent Navigation Act 1906;
 - x. Great Central Railway Act 1907;
 - xi. Lincolnshire Rivers Fisheries Provisional Order Confirmation Act 1928; and
 - xii. Anglian Water Authority Act 1977.
- c. Provisions for the disapplication of relevant prescribed consents under section 150 of the PA 2008 (Ref 1). The consents to which section 150 applies are as follows:
- i. Land Drainage Consent from the local authority and the Trent Valley (Water Management Consortium), and Upper Witham Internal Drainage Board (IDB), and the Scunthorpe and Gainsborough Water Management Board under section 23 of the Land Drainage Act 1991 (Ref 5).
 - ii. Byelaws for Drainage Consent from the Environment Agency under Paragraph 5 of Schedule 25 of the Water Resources Act 1991 (Ref 7) and under the Land Drainage Act 1991 (Ref 5).
 - iii. Flood Risk Activity Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016 (Ref 6).

4.3.71.3.5 The disapplication of these prescribed consents under section 150 of the PA 2008 (Ref 1) are sought on the basis that protective provisions included within the **draft DCO [EN010142/APP/3.1]** protect the relevant drainage authorities and Environment Agency so whilst the DCO includes express provisions to disapply other consenting requirements, the DCO will ensure that the inclusion of protective provisions secures the interests of the body concerned.

4.3.81.3.6 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 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.

4.3.91.3.7 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.

~~1.3.10~~1.3.8 The **draft DCO [EN010142/APP/3.1]** includes protective provisions for a number of statutory and non statutory bodies. These are set out within the **Explanatory Memorandum [EN010142/APP/3.2]** which is submitted with this Application.

~~1.3.11~~1.3.9 Engagement has taken place with those bodies listed above to progress negotiations and agreements with respect to the draft protected provisions. The Applicant is in discussion with a number of other parties in relation to the protection of their interests and where additional protective provisions are required to be entered into these will be included in the draft DCO during the examination. Discussions will be ongoing following the submission of the application and during the examination stage if required to ensure that a resolution is reached with respect to outstanding issues on the protective provisions contained in the **draft DCO [EN010142/APP/3.1]**.

1.4 Consents

1.4.1 The principal consent for the Scheme will be a DCO. The DCO process enables land acquisition, along with many consents and powers, to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because:

- a. A particular consent cannot be contained in the DCO;
- b. A consenting authority declines to allow a consent to be contained in the DCO; or
- c. It is not desirable, or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.

1.4.2 The majority of consents required are included, or addressed, within the draft DCO, as permitted by various provisions of the PA 2008, although discussions in some of these respects are continuing with the relevant stakeholders. These fall into the following categories:

- a. Authorisation of all permanent and temporary works for the Scheme which are described as the "authorised development" in Schedule 1 to the draft DCO (equivalent to planning permission). Article 3 (Development consent etc. granted by this Order) is the principal power in this respect.
- b. Compulsory acquisition of land and of rights over land, and the temporary possession of land. Articles 21, 30 and 31 in Part 5 (Powers of Acquisition) of the draft DCO provide these powers.
- c. Consent to carry out street works equivalent to powers afforded by the New Road and Street Works Act 1991 (Ref 8). Article 8 (Street works) of the draft DCO provides this power.

- d. Traffic regulation measures required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 (Ref 9). Article 16 (Traffic ~~Regulation Measures~~regulation measures) of the draft DCO provides this power.
- e. Consent to alter the layout of streets and to form new, or alter or improve existing, accesses to the highway equivalent to the Highways Act 1980 (Ref 10). Article 9 (Power to alter layout, etc., of streets) provides this power.
- f. Consent to temporarily close, alter and divert any public right of way equivalent to the Highways Act 1980 (Ref 10) is secured by the powers set out in Article 11 of the draft DCO.
- g. Consent to remove hedgerows equivalent to consent secured through the Hedgerow Regulations 1997 (Ref 11) is secured by the powers set out in Article 39 of the draft DCO.
- h. Land drainage consent(s) under section 23 of the Land Drainage Act 1991 (Ref 5) for works affecting the flow in ordinary watercourses and the provision of relevant byelaws (disapplication of that requirement requires the consent of the relevant body) as indicated in paragraph 1.3.6.
- i. Flood risk activity permit(s) from the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2016 (Ref 6) (disapplication of that requirement requires the consent of the relevant body) as indicated in paragraph 1.3.6.
- j. Requirement of licence for felling under section 9 of the Forestry Act 1967 (Ref 12).

1.4.3 Discussions between the Applicant and these consenting bodies are ongoing, and the Applicant is confident that the necessary agreements will be obtained before or during the examination of its application.

1.5 Agreements

- 1.5.1 It is recognised that as part of the consenting process, agreements with third parties may be entered into in parallel with and during the course of the examination and these agreements may take a variety of forms.
- 1.5.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (SoCGs) with third parties to identify the matters on which we are in agreement that are agreed, in order to narrow the focus for examining the Application concerned and to make the examination process more efficient. These SoCGs are in effect the vehicle for reporting the agreed position on the subject matter of this Statement. The SoCGs will set out the agreed position and identify any remaining matters of difference or in dispute between the Applicant and the relevant body, so as to narrow the focus for the examination and thereby assist the Examining Authority. The SoCGs will be progressed by the Applicant during the pre-examination stage.

- 1.5.3 The **Schedule of Negotiations and Powers Sought [EN010142/APP/4.4]** sets out the current status of agreements with utility providers for gas, electricity, water and sewers, surface water and telecommunications-, and the Crown Estate.

1.6 Other Consents and Licences

- 1.6.1 A summary of the additional consents and licences likely to be required is set out in **Table 1** below.
- 1.6.2 **Table 1** sets out what other consents, licences, or agreements are or may be required, the relevant consenting body or, in the case of agreements, the relevant party with whom the agreement is to be made, and the current progress made by the Applicant.

Table 1. Summary of additional consents and licenses likely to be required.

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
1	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required for the Scheme to generate electricity and supply to National Grid Electricity Transmission (NGET).	No current application.	The Applicant will make an application should the DCO be granted prior to construction.
2.	Bilateral Connection Agreement (BCA)	N/A	National Grid Electricity System Operator Limited (NGESO)	Required in order to physically connect the Scheme via 400kV cables and associated infrastructure to the National Grid Cottam Substation and for the onward supply of electricity of NGET.	Bilateral Connection Agreement in place between the Applicant and NGESO.	<p>The grid connection offer was provided by NGESO to the Applicant in January 2020. This offer was accepted by the Applicant.</p> <p>The BCA was subsequently modified in December 2021 and again in June 2023. Further discussions with NGET have been held following the June 2023 modifications, resulting in the latest modification offer of 15 December 2023. All modifications</p>

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
						have related to the date which the Scheme would connect to the national electricity transmission network. The commissioning date provided by NGESO in the latest modification offer is in August 2028. The Applicant accepted the December 2023 modification offer from NGESO in January 2024.
3	Environmental Permit - Water abstraction or impoundment licence	Water Resources Act 1991 (as amended by the Water Act 2003), Environment Act 1995, Water Resources (Abstraction and	Environment Agency	During construction, groundwater pumping / dewatering will be needed where intrusive cable laying techniques will take place. Depending on the volumes this may require a separate abstraction permit from the Environment Agency.	No application has been made yet. It is anticipated that the main contractor undertaking the works on behalf of the Applicant will secure the required consent prior to construction.	The typical timescale for a decision is 3 months from submission of the application.

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
		Impounding) Regulations 2006				
4	Environmental Permit - 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 need to be made.	No application has been made yet. It is anticipated that the main contractor undertaking the works on behalf of the Applicant will secure the required consent prior to construction.	The typical timescale for a decision is 3 months from submission of the application.
5	Transport of Abnormal Loads Permit	The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	Lincolnshire County Council and Nottinghamshire County Council as relevant local highway authorities	For the delivery of abnormal loads during construction.	The application will be made by the contractor in advance of the delivery of abnormal loads and in accordance with the Construction Traffic Management Plan to be submitted and approved in accordance with requirement 14 of the	Typically, up to 1 to 2 months in advance of the abnormal load movement

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
					draft DCO [EN010142/APP/3.1].	
6	Prior consent to carry out noise generating activities during construction/ Construction Noise Consent	Section 61, Control of Pollution Act 1974	West Lindsey District Council and Bassetlaw District Council	Section 61 consent would offer protection from any subsequent action by the Local Authority under Section 60 of the Control of Pollution Act 1974 or under Section 80 of the Environmental Protection Act 1990 to impose further controls on noise from the site.	Whilst not a mandatory requirement for DCO projects, the Applicant proposes to use Section 61 consents on a voluntary basis to control construction noise. Any applications will follow the DCO being made by the Secretary of State and would be applied for prior to specific construction activities outside of the standard construction hours. Construction works for the Scheme can start prior to this consent being granted. The Applicant does not consider there will be	N/A

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
					an impediment to obtaining such consent.	
7	Health and Safety related consents	Health and Safety at Work Act 1974, and Construction (Design and Management Regulations) 2015 and other subsidiary legislation	Health and Safety Executive (HSE)	To ensure that the construction of the Scheme is in accordance with HSE requirements supported by the detailed CTMP and CEMP that will be secured by requirements attached to the Order.	To ensure that health and safety is managed and that risks of incidents are reduced during construction.	Applications to be made by the contractor before construction commences as appropriate.
8	Building Regulations Approval	The Building Regulations 2010 (as amended)	West Lindsey District Council	Required in respect of buildings forming part of the Scheme.	Buildings Regulations Approval would be sought prior to and during the construction phase of the Scheme for the erection of the Solar Farm Control Centre (operation and maintenance base). The Applicant does not consider there will be	Prior to and during the construction phase of the Scheme.

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
					an impediment to obtaining such consent.	
9	Protected species licence	The Conservation of Habitats and Species Regulations 2017 Wildlife and Countryside Act 1981 Protection of Badgers Act 1992	Natural England	It is not anticipated that any protected species licence will be required.	If future surveys identify any protected species, an application will be made for a protected species licence prior to the commencement of construction. This will be undertaken by the appointed contractor.	Prior to and during the construction phase of the Scheme.
10	New water mains connection	The Water Industry Act 1991	Anglian Water	The need for a mains water supply to the Solar Farm Control Centre (operation and maintenance base).	No application has been made yet. It is anticipated that the main contractor undertaking the works on behalf of the Applicant will secure the required consent prior to construction.	Prior to the construction phase of the Scheme.

No.	Consent/Licence	Relevant Legislation	Relevant Body/Consenting Authority	Requirement for Consent/Licence	Status/Comment	Anticipated submission date/timescales for obtaining consent/licence
<u>9.11</u>	Hazardous Substance Consent	The Planning (Hazardous Substances) Regulations 2015	West Lindsey District Council, Bassetlaw District Council, Lincolnshire County Council and Nottinghamshire County Council. Co <u>Council</u> .	In the event that there is the presence of certain quantities of hazardous substances. It is not anticipated that any hazardous substance consent will be required.	The Applicant is not aware of any reason why a consent would not be granted should one be required.	Applications to be made by the Applicant following detailed design, if that is necessary.

2. References

- Ref 1 The Stationary Office (2008). Planning Act 2008
- Ref 2 The Stationary Office (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
- Ref 3 Ministry of Housing, Communities and Local Government (2013). Planning Act 2008: Application Form Guidance
- ~~Ref 4~~ The Stationary Office (~~2009~~). ~~Marine and Coastal Access Act 2009~~
- ~~Ref 5~~Ref 4 ~~The Stationary Office~~ (2015). The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
- ~~Ref 6~~Ref 5 The Stationary Office (1991). Land Drainage Act 1991
- ~~Ref 7~~Ref 6 The Stationary Office (2016). The Environmental Permitting (England and Wales) Regulations 2016
- ~~Ref 8~~Ref 7 The Stationary Office (1991). Water Resources Act 1991
- ~~Ref 9~~Ref 8 The Stationary Office (1991). New Roads and Street Works Act 1991
- ~~Ref 10~~Ref 9 The Stationary Office (1984). Road Traffic Regulation Act 1984
- ~~Ref 11~~Ref 10 The Stationary Office (1980). Highways Act 1980
- ~~Ref 12~~Ref 11 The Stationary Office (1997). The Hedgerow Regulations 1997
- ~~Ref 13~~Ref 12 The Stationary Office (1967). Forestry Act 1967