



## **Great North Road Solar and Biodiversity Park**

Consents and Licenses Required Under Other Legislation

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

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## 1 INTRODUCTION

- 1 This document provides information on the additional consents and licences that may be required for the Great North Road Solar and Biodiversity Park, hereafter referred to as 'the Development'.
- 2 Section 37 of the Planning Act 2008, hereafter referred to as 'the Act', 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).
- 3 Regulations 5 and 6 of the APFP Regulations set out the statutory requirements for what documentation must accompany a DCO application. The Department for Communities and Local Government stated in 'Planning Act 2008: Application Form Guidance', in June 2013, in respect of whether there are, in principle, any reasons why such consents etc. might not be granted, that:
  - 4 *"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, 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."*
- 5 The purpose of this document is to list the consents that the Applicant anticipates will be required in order to construct, operate and maintain the Development. This document will be updated as the Development progresses if further consents are required due to unforeseen circumstances.

## 2 CONSENTS AND AGREEMENTS

- 6 The DCO will provide the principal authorisation for the Development. Section 33 of the Act sets out that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project. For present purposes this means that there is no requirement to secure planning permission or a Section 36 consent.
- 7 Part 7 of the Act sets out a number of matters that can be included in a DCO including:
  - Ancillary Matters (including those listed in Part 1 of Schedule 5 to the Act);
  - The ability to apply, modify, or exclude statutory provisions for which the provision may be made in the DCO;
  - The ability to make amendments, repeals, or revocations of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO; and
  - Include incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 8 Section 150 of the Act then goes on to state that a need to obtain certain prescribed consents, or authorisations, under the Infrastructure Planning

(Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 can be removed by the DCO with the consenting body's agreement.

- 9 Therefore, it is clear that the Act intends to encourage as many consents as possible to be included in a DCO in order to reduce the need for separate consents and agreements to be sought outside of the DCO process.
- 10 Despite this, the DCO application may need to be supplemented by other applications because:
  - A particular consent cannot be contained in the DCO;
  - A consenting authority declines to allow a consent to be contained within the DCO; or
  - It is not desirable, or it is inappropriate, to include a consent within a DCO due to the stage of design development and the level of detail required is unavailable.
- 11 The draft DCO [EN010162/APP/3.1] includes the majority of the consents that are required, as permitted by various provision of the Act. These are classified into the following categories:
  - Authorisation of all permanent and temporary works for the Development which are described as the 'authorised development' in Schedule 1 of the draft DCO;
  - Compulsory acquisition of land and of rights over land. Articles 22 of the draft DCO provides these powers;
  - Consent to carry out street works. Article 10 of the draft DCO provides this power;
  - Consent to alter the layout of streets and to form new or alter or improve existing accesses to the highway. Article 11 provides this power;
  - Consent to close, divert and replace public rights of way. Articles 13 and 14 of the draft DCO provides these powers;
  - Traffic regulation measures required during the construction of the Development, equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. Article 18 of the draft DCO provides this power;
  - Requirement of licence for felling works under section 9 of the Forestry Act 1967. Article 39 of the draft DCO provides this power;
  - Land drainage consent(s) under section 23 of the Land Drainage Act 1991 for works affecting the flow in ordinary watercourses. Article 6 of the draft DCO provides this power, linked to protective provisions in Schedule 13 of the draft DCO.
- 12 Some of the above consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. As a result, under section 150 of the Act, the relevant consenting body must agree to the inclusion of these consents within the DCO. Table 1 outlines the current status of these agreements where they have been sought.

## 2.1 CONSENTS

- 13 The extent of the additional consents likely to be required is set out in Table 1 below, along with a position on the necessary agreements.

- 14 At this stage, the requirement for additional consents and licences is dependent on the finalisation of multiple key areas, such as the final detailed design, the detailed construction methods, and discussions with the relevant consenting authorities in light of the final design. Therefore, there is not sufficient detail to confirm the requirements in full.
- 15 Table 1 identifies the type of consent licence required, the relevant consenting body, any agreements that have been reached with the relevant consenting body, any actions to be undertaken, and the status of the relevant application. This document will be updated accordingly as the application progresses and where any progress has been made with the consenting bodies.

## **2.2 AGREEMENTS**

- 16 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 17 The preparation and agreement of Statements of Common Ground (SoCG) with third parties is a fundamental part of the DCO process. They are used 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. SoCGs have been and will be progressed by the Applicant where appropriate.

**Table 1 Summary of Additional Consents and Licences likely to be required**

Nature of Consent		Key Legislation	Relevant Authority	Requirement for consent	Status
1.	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required at the operational stage of the Development in relation to the generation of electricity.	This has been recently applied for and should be granted during the course of the Examination.
2.	Connection Agreement	N/A	National Grid	Agreement required for purpose of connecting the Development to the National Grid.	A connection agreement was made on the 1 <sup>st</sup> October 2024 <sup>1</sup> .
3.	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	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Required prior to commencement / delivery of the relevant abnormal loads.	Appropriate applications will be made prior to the delivery of the abnormal load, in accordance with the principles set out in the outline Construction Traffic Management Plan.
4.	Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation	Health and Safety Executive (HSE)	Required during multiple phases of the Development to ensure	Appropriate applications to be made prior to the commencement of the construction phase.

<sup>1</sup> The engagement between the Applicant, NESO and NGET to date has resulted in the Applicant receiving a revised grid connection offer in the form of an Agreement to Vary the Bilateral Connection Agreement (AtV BCA) on the 13th June 2025. This agreement amended the Stage 1 connection date to May 2027. The Stage 2 connection date is 2028.

Nature of Consent		Key Legislation	Relevant Authority	Requirement for consent	Status
				compliance with health and safety regulations.	
5.	Section 61 consent	Control of Pollution Act 1974	Relevant Local Authority	Required prior to the commencement of particularly noise- or vibration-generating activities to avoid any significant construction noise and vibration effects.	Applications for this would be submitted at least 28 days prior to the commencement of the relevant works.
6.	European Protected Species Mitigation Licence	Conservation of Habitats and Species Regulations 2017	Natural England	Where avoidance is not possible, the licence is required where works forming part of the Development impact on European protected species.	It is currently anticipated that this will be required, potentially in relation water voles. Discussions with Natural England in regard to this are ongoing. The Applicant will submit draft licences, as required, to Natural England following grant of the DCO and further update species surveys.
7A	Protected Species Mitigation Licence	Wildlife and Countryside Act 1981 (as amended)	Natural England	Where avoidance is not possible, the licence is required where works forming part of the Development impact on protected species.	It is currently anticipated that this will be required, potentially in relation water voles. It is anticipated that a class licence would be suitable. Such licence may be required nearer the time of construction start, following specific surveys.

Nature of Consent		Key Legislation	Relevant Authority	Requirement for consent	Status
					Discussions with Natural England in regard to this are ongoing.
7.	Specific Protected Species	Protection of Badgers Act 1992	Natural England	Where avoidance is not possible, the licence is required where works forming part of the Development impact on badgers.	Not progressed. The licence would not currently be required; however, badger can relocate, and such licence may be required nearer the time of construction start, following specific surveys.
9.	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	Required where pumping or dewatering is proposed.	If this required, appropriate applications to be made prior to the commencement of each phase of construction.
10.	Water discharge permit	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Required prior to discharging liquid effluent or waste water into surface waters and/or the ground.	If this required, an application for water discharge activity environmental permit will be made at detailed design stage and prior to any water being discharged.
11.	Notice of Street Works	Traffic Management Act 2004	Highways Authority	Required prior to the commencement of certain street works	The permit needs to be secured prior to works in a street but Article 10 of the draft DCO makes provision



Nature of Consent		Key Legislation	Relevant Authority	Requirement for consent	Status
				required in connection with the Development.	for how applications will be dealt with.
12.	Hazardous Substance Consent	The Planning (Hazardous Substances) Regulations 2015	Relevant Local Authority	Required prior to the use, or storage of hazardous substances as part of this Development.	It is anticipated that this will not be required. If it is necessary, the appropriate applications would be made following detailed design.
13.	Land Drainage Consent	Land Drainage Act 1991	Trent Valley Internal Drainage Board	Required prior to works in or within 9 m of a watercourse under the jurisdiction of the IDB.	Appropriate applications to be made prior to the commencement of the construction phase.
14.	S185 application	Water Industry Act 1991	Severn Trent	Request to divert or alter a public sewer under Section 185 of the Water Industry Act 1991	It is anticipated that this will not be required. If it is necessary, the appropriate applications would be made following detailed design.
16.	Flood Risk Activity Permit (FRAP)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	A FRAP could be required for activity within 8m of a Main River or within the floodplain.	Appropriate applications to be made prior to the commencement of the construction phase.
17.	Ordinary Watercourse Consent	Section 23 of the Land Drainage Act 1991	Lead Local Flood Authority (LLFA) – Nottinghamshire County Council	Consent required for activities that may obstruct watercourses. The Development will have works within watercourses i.e. crossings, but the exact	Appropriate applications to be made prior to the commencement of the construction phase.

Nature of Consent		Key Legislation	Relevant Authority	Requirement for consent	Status
				location and nature of the activities are not confirmed at this stage.	
18.	Authorisation of drainage works in connection with a ditch	Section 30 of the Land Drainage Act 1991	Lead Local Flood Authority (LLFA) – Nottinghamshire County Council	Authorisation required where the drainage of any land requires: the carrying out of any work in connection with a ditch passing through other land; the replacement or construction of such a ditch; or the alteration or removal of any drainage work in connection with such a ditch.	Appropriate applications to be made prior to the commencement of the construction phase.
19.	Application for new water connection	n/a	Severn Trent	Required for water supply connection	Application to be submitted prior to water supply connection works commencing (including the replacement, enlargement or modification of existing supply), if required