

Steeple Renewables Project

Consents and Agreements Position Statements (Clean Version)

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Consents and Agreements Position Statements

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Consents and Agreements Position Statements

Steeple Renewables Project.

On behalf of Steeple Solar Farm Limited.

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1. Introduction

Overview

- 1.1. Pegasus Group have prepared this Consents and Agreements Position Statement ('Statement') on behalf of Steeple Solar Farm Limited (the 'Applicant') as part of an application for a Development Consent Order (DCO') under Section 37 of the Planning Act 2008 to construct, operate, maintain and decommission the Steeple Renewables Project (the 'Proposed Development'). This includes ground mounted solar photovoltaic arrays and an associated Battery Energy Storage System (BESS') which are proposed to connect into the National Grid at a substation at West Burton Power Station. Further details of the Proposed Development can be found in **Environmental Statement (ES) Chapter 4: Proposed Development [ENO10163/APP/6.2.4]**.
- 1.2. The Proposed Development is proposed to be located on land to the east and west of Sturton le Steeple and south of West Burton Power Station within the county of Nottinghamshire (the 'Site'). The Proposed Development will be located within the **Order limits [ENO10163/APP/2.4]**.
- 1.3. The Proposed Development comprises the installation of a ground mounted solar energy generating station, Battery Energy Storage System ('BESS'), and associated development comprising substation and grid connection integral to the construction, operation (including maintenance) and decommissioning of the development for the delivery of over 50 Megawatts ('MW') of electricity. The Proposed Development has a design life of 40 years, after which time it will be decommissioned.
- 1.4. The Proposed Development will help meet the UK's legally binding commitment to carbon reduction targets and support the UK's energy security.
- 1.5. This statement has been prepared as part of that DCO application ("the Application") and should be read in conjunction with the other documents submitted alongside the Application.

2. Purpose of this Statement

- 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 Proposed Development.
- 2.2. 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").
- 2.3. Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany a DCO application. Guidance issued by the Department for Communities and Local Government: 'Planning Act 2008: Nationally significant infrastructure projects – Application Form Guidance' (June 2013) (paragraphs 45 and 46) 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".
- 2.4. Regulation 5(2)(p) states that applications should be accompanied by "any of the documents prescribed by regulation 6 which are relevant to the particular project" which for the purposes of an application is for a generating station, that is not an offshore generating station would include "a statement of who will be responsible for designing and building the connection to the electricity grid" (Regulation 6(1)(a)(i)).
- 2.5. Regulation 5(2)(q) states that applications should also include "any other documents considered necessary to support the application".
- 2.6. This document lists those consents which the Applicant currently anticipates could be required. Further consents may be required as the Proposed Development develops due to unforeseen circumstances and the Applicant will continue to update the Examining Authority as necessary with any such developments.

3. Consenting requirements incorporated within the draft DCO

- 3.1. Section 33 of the Planning Act 2008 makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Proposed Development).
- 3.2. Part 7 of the Planning Act 2008, in particular section 120, makes it clear that the following can be included within a DCO:
- Ancillary matters (including those listed in Part 1 of Schedule 5 to the Planning Act 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.
- 3.3. Section 150 of the Planning Act 2008 states that a requirement 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.
- 3.4. From the above, it is clear that the intention of the PA 2008 is to encourage as many consents to be 'wrapped up' in a DCO as possible creating a 'one-stop-shop' approach for construction related consents.
- 3.5. The Applicant believes 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 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.
 - 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.

3.6. 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.

4. Consents incorporated in the draft DCO

4.1. The principal consent for the Proposed Development 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 Application may, however, 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 in the DCO; or
- 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.

4.2. The majority of consents required are included, or addressed, within the draft DCO, as permitted by various provisions of the Planning Act 2008, 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 which are 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.
- Consent to carry out street works. Article 8 of the draft DCO provides this power.
- Consent to alter the layout of streets and to form new, or alter or improve existing, accesses. Article 9 provides this power.
- Consent to temporarily stop up streets and public rights of way. Article 11 of the draft DCO provides this power.
- 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 13 of the draft DCO provides this power.
- Water activity permit(s) from the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2016 for temporary construction and permanent operational discharges (disapplication of that requirement requires the consent of the relevant body). Article 14 provides this power.
- Compulsory acquisition of land and of rights over land, and the temporary possession of land. Articles 17 to 27 of the draft DCO provide these powers.
- Requirement of licence for felling under Section 9 of the Forestry Act 1967. Article 36 provides this power.
- Land drainage consent(s) under Section 23 of the Land Drainage Act 1991 for works affecting the flow in ordinary watercourses. This is disapplied under Article 6(1)(a).

- Consent or approval for the carrying out of the works required under any relevant byelaws made under the Land Drainage Act 1991. This is disapplied under Article 6(1)(c);

4.3. Some of these consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. As a result, under section 150 of the Planning Act 2008, the relevant consenting body must agree to the inclusion of these consents within (i.e. disapplied by) the DCO. Where this applies, this is indicated in the list above.

4.4. 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, in exchange for the Applicant including in the DCO appropriate protective provisions.

5. Other consents and licenses

- 5.1. A summary of the additional consents and licences likely to be required, but which are not included in the DCO, is set out in Table 1.
- 5.2. 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).

Table 1: Summary of Additional Consents and Licenses Likely to be Required

Ref.	Nature of consent/license	Key Legislation	Consenting Authority	Status/comment
1	Electricity Generation License	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. An electricity generation licence was obtained on the 12th June 2023.
2	Water abstraction or impoundment license	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 will be made by the contractor before the abstraction or impoundment commences as appropriate.
3	Water discharge	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	If water discharge activities are required then an application for water discharge activity environmental permit will be made by the contractor before water is discharged. If flood risk activities are required then an application for a flood risk activity environmental permit will be made by the

				contractor before the activity is carried out.
4	Bilateral Connection Agreement (to connect the Proposed Development to NETS)	N/A – Commercial Agreement	National Grid Electricity Transmission	A Grid Connection Agreement has been secured with NGET for the export and import of the full electrical capacity of the Proposed Development.
5	Permit for transport of abnormal loads (for deliver 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, Nottinghamshire County Council Highway Authority or the police and bridge owners (if any) as appropriate	Appropriate applications and notifications, in accordance with ES Appendix 13.2 outline Construction Traffic Management Plan [ENO10163/APP/6.3.13] . will be made by the contractor in advance of the delivery of abnormal load.
6	Health and safety 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.
7	Protected species license	Protection of Badgers Act 1992	Natural England	It is expected that a licence will be required due to the presence of badgers around the site, as documented in ES Chapter 7: Ecology and Biodiversity [ENO10163/APP/6.2.7] . The detail of the application will be informed by the latest status of badgers in particular locations once detailed design has been agreed. The Applicant has consulted and agreed with Natural England's Wildlife Licensing Team what the scope of information to be supplied to them will be, to allow the issue of a LoNI (Letter of No Impediment)

				<p>designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of the Proposed Development.</p> <p>It is proposed that the formal application process will take place in order for a licence to be obtained prior to the commencement of construction.</p> <p>The Applicant is taking that approach on a precautionary basis and will consider as part of detailed design whether it is possible to avoid the need for a licence through the layout/design of the Proposed Development.</p> <p>The Applicant is not aware of any reason why any licence required would not be granted should one be required.</p>
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Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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