



Lime Down

Solar Park

Consents and Agreements Position Statement

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1 Consents and Agreements Position Statement

1.1 Introduction

- 1.1.1 Lime Down Solar Park Limited (the Applicant) has prepared this Consents and Agreements Position Statement (the Statement) as part of an application for a Development Consent Order (DCO) to construct, operate, maintain and decommission the Lime Down Solar Park (the Scheme).
- 1.1.2 The Scheme comprises a solar photovoltaic (PV) electricity generating station with a total capacity exceeding 50 megawatts (MW) and associated development comprising Battery Energy Storage System (BESS) with an export capacity of up to 500 MW, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning of the Scheme.
- 1.1.3 The PV electricity generating station and BESS would be contained within five land parcels referred to as Lime Down A, B, C, D and E (collectively referred to as the Solar PV Sites).
- 1.1.4 The Cable Route Corridor is the area within which the export connection cables would be located to connect the Solar PV Sites to the National Grid at the existing Melksham Substation, as well as connecting each of the Solar PV Sites.
- 1.1.5 The Scheme is described in full in the **Environmental Statement (ES) Volume 1, Chapter 3: The Scheme [EN010168/APP/6.1]**.

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 Planning Act 2008 (PA 2008) (Ref 1) sets out the requirements for 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 (the APFP Regulations) (Ref 2).
- 1.2.3 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) (Ref 3) (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”.*

- 1.2.4 This document lists those consents and licences which the Applicant currently anticipates could be required. Further consents may be required as the Scheme develops due to unforeseen circumstances or legislative changes and the Applicant will keep the Examining Authority up to date with any such developments.

1.3 Consenting requirements incorporated within the draft Development Consent Order

- 1.3.1 Section 33 of the PA 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 Scheme).

- 1.3.2 Part 7 of the PA 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 PA 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.
- Incidental, consequential, supplementary, transitional, or transitory provisions and savings.

- 1.3.3 Section 150 of the PA 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.

- 1.3.4 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.
- 1.3.5 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 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 which enables the detailed matters going to construction to be properly considered.
- 1.3.6 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.

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 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.

1.4.2 The majority of consents required are included, or addressed, within the **Draft DCO [EN010168/APP/3.1]**, as permitted by various provisions of the PA 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 Scheme which are described as the "authorised development" in Schedule 1 to the **Draft DCO [EN010168/APP/3.1]** (equivalent to planning permission). Article 3 is the principal power in this respect.
- Compulsory acquisition of land and of rights over land, and the temporary possession of land. Articles 21 to 35 of the **Draft DCO [EN010168/APP/3.1]** provide these powers.
- Consent to carry out street works. Article 8 of the **Draft DCO [EN010168/APP/3.1]** provides this power.
- Traffic regulation measures required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. Article 16 of the **Draft DCO [EN010168/APP/3.1]** provides this power.
- Consent to alter the layout of streets and to form new, or alter or improve existing, accesses to the highway. Articles 10, 11 and 14 of the **Draft DCO [EN010168/APP/3.1]** provides this power.
- Land drainage consent(s) under section 23 of the Land Drainage Act 1991 for works affecting the flow in ordinary watercourses (disapplication of that requirement requires the consent of the relevant body). Article 6 of the **Draft DCO [EN010168/APP/3.1]** provides this power.
- Flood risk activity permit(s) from the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2016 in connection with drainage outfall installation (disapplication of that requirement requires the consent of the relevant body). Article 6 of the **Draft DCO [EN010168/APP/3.1]** provides this power.

- Requirement of licence for felling under section 9 of the Forestry Act 1967. Article 6 of the **Draft DCO [EN010168/APP/3.1]** provides this power.

1.4.3 Some of these consents are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (Ref 4). As a result, under section 150 of the PA 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. 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.

2 Other consents and licences

2.1 Table of other consents and licences

- 2.1.1 A summary of the additional consents and licences likely to be required, but which are not appropriate for inclusion in the **Draft DCO [EN010168/APP/3.1]**, is set out in Table 1 below.
- 2.1.2 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 licences likely to be required

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required for electricity generation under the Scheme in areas specified in Schedule 1 of the Draft DCO [EN010168/APP/3.1] . An electricity generation licence was granted to the Applicant on 9 August 2024.
Bilateral Connection Agreement (to connect the Scheme to the National Electricity Transmission System (NETS))	N/A – Commercial Agreement	National Grid	As set out in the Grid Connection Statement [EN010168/APP/7.5] the Applicant submitted a grid application to the National Energy System Operator (NESO) formally named National Grid Electricity System Operator Limited (NGESO), the system operator of NETS, in March 2021 to connect the

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
			<p>Scheme to the NETS at Melksham 400 kV substation owned by National Grid Electricity Transmission (NGET). NESO then worked with NGET to produce a connection offer which was received by the Applicant in June 2021 (NGESO reference: A/IGP15/21/2302/1EN(0)).</p> <p>The connection offer was accepted in the form of a Bilateral Connection Agreement (BCA) between the Applicant and NGESO, allowing for a Transmission Entry Capacity (TEC) of 500MW and a Demand Capacity of 250MW. This was entered into in July 2021.</p>
Water discharge	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	<p>A new surface water outfall is proposed to the adjacent watercourse in Lime Down D, and a discharge permit will be required. This is confirmed in ES Volume 3, Appendix 11-6 Flood Risk Assessment and Drainage Strategy - Lime Down D / BESS [EN010168/APP/6.3].</p>
Permit for transport of abnormal loads (For delivery	Road Vehicles (Authorisation of	Department for Transport, Highways	Appropriate applications and notifications, in accordance with the

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
by road of loads that fall outside standard practice, if required)	Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	Agency, Local Highway Authority or the police and bridge owners (if any) as required	Outline Construction Traffic Management Plan [EN010168/APP/7.22] , will be made by the contractor in advance of the delivery of abnormal load.
Section 61 consent Control of noise on construction sites	Control of Pollution Act 1974	Wiltshire Council	Any applications required will be made by the contractor before construction commences.
Building Regulations	The Building Regulations 2010	Wiltshire Council	Buildings Regulations Approval will be sought prior to and during construction, if required, in respect of buildings and structures required as part of the Scheme.
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 required.
Protected species licence	Wildlife and Countryside Act 1981 The Conservation of Habitats and	Natural England	The Outline Ecological Protection and Mitigation Strategy [EN010168/APP/7.19] accompanying the application identifies in what

Nature of Consent/Licence	Key Legislation	Consenting Authority	Status/Comment
	Species Regulations 2017 (as amended), and the Protection of Badgers Act 1992		circumstances protected species licences may be required. If licences are required, applications are to be made by the contractor before construction commences as required.
Consent in relation to proximity to registered mine shafts	Coal Industry Act 1994	The Coal Authority	If intrusive work such as piling, drilling or surface loading is carried out, a permit will be required due to proximity to a registered mine shaft.
Hazardous Substances Consent	The Planning (Hazardous Substances) Regulations 2015	Wiltshire Council	Consent will be sought if certain quantities of hazardous substances, set out in set out in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015, are required for the Scheme.
Permit Scheme	Wiltshire Council Permit Scheme and South Gloucestershire Permit Scheme	Wiltshire Council and South Gloucestershire Council	Applications will be made with respect to works to streets under Part 3 of the Draft DCO [EN010168/APP/3.1] and this is provided for pursuant to article 10 of the Draft DCO [EN010168/APP/3.1] .

3 References

- Ref 1 The Planning Act 2008 (as amended). Available at:
<https://www.legislation.gov.uk/ukpga/2008/29/contents>
- Ref 2 The Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009. Available at:
<https://www.legislation.gov.uk/uksi/2009/2264/contents/made>
- Ref 3 Department for Communities and Local Government. Planning Act 2008:
Nationally significant infrastructure projects – Application Form Guidance
(June 2013). Available at:
https://assets.publishing.service.gov.uk/media/5a75ac43ed915d6faf2b4ced/Planning_Act_2008_-_application_form_guidance.pdf
- Ref 4 Infrastructure Planning (Interested Parties and Miscellaneous Prescribed
Provisions) Regulations 2015. Available at:
<https://www.legislation.gov.uk/uksi/2015/462/contents/made>