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Submitted online

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Dear Examining Authority

Lime Down Solar Project (the Project) – Deadline 8 Submission Closing Submission: Grenergy Renewables UK Limited [REDACTED]

We write on behalf of Grenergy Renewables UK Limited (**Grenergy**).

Following Compulsory Acquisition Hearing 2 (**CAH2**) on 23 September 2026, Grenergy maintains its objections to the compulsory acquisition of its interests / extinguishment of its rights and absent an agreement with the Applicant, respectfully requests protective provisions in favour of its interests.

Background

As previously set out, Grenergy notes that land it is proposing to use for a cable corridor in connection with a battery storage project overlaps with land proposed to be used by Lime Down Solar Park Limited (the **Applicant**) for the Project. Grenergy has a category 2 legal interest in plot 15-014 arising from an option agreement dated 13 August 2025. The option agreement relates to the construction of a proposed battery energy storage system (including electrical connection infrastructure) (the **Proposed BESS**).

Following a detailed review of the Land Plans, Grenergy notes that it may also have an interest in plot 15-020 which is directly adjacent to 15-014. This land had not previously been identified due to its proximity to the highway. This has been communicated to the Applicant and Grenergy understands that the Book of Reference will be updated to reflect its category 2 interest in plot 15-020.

For what comes next

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While it is understood that the Applicant did not become aware of Grenergy's interest until the commencement of the examination period, it should be noted that Grenergy's interest was a pending application at HM Land Registry and capable of being identified early by the Applicant prior to submission.

The compulsory acquisition of plots 15-014 and 15-020 and the extinguishment of Grenergy's private rights under article 25 of the draft DCO would materially prejudice Grenergy's ability to install cables for the Proposed BESS. This would have a significant effect on Grenergy's scheme as it would be unable to connect the Proposed BESS to the National Grid Melksham Substation as planned.

Grenergy is of the view that the Project and the Proposed BESS can co-exist, and this was accepted by the Applicant during CAH2. Grenergy had requested a form of cooperation agreement from the Applicant, but this was only received recently. The cooperation agreement is under negotiation and Grenergy hopes an agreement can be reached as soon as possible. However, absent an agreement, Grenergy still seeks protections in the draft DCO for the Proposed BESS.

Planning Permission

Grenergy submitted its planning application for the Proposed BESS over 12 months ago. There is one minor outstanding point in respect of ecology, which will be resolved shortly, and the application is due to be heard at a committee hearing in December 2026. Grenergy expects that consent for the Proposed BESS could be granted before the Secretary of State's decision on the Project.

The planning application for the cable route is yet to be submitted as this is contingent on the consent for the Proposed BESS first being granted. This is typical of a project of this nature and is not indicative of a lack of progress. The cable route must also be scoped and will invariably be affected by the cooperation agreement to be entered into with the Applicant.

Protection of Non-Existing Apparatus

Following the discussion at CAH2 about protections for proposed developments, Grenergy notes that there are examples of protective provisions being granted for prospective (i.e. not yet consented) schemes. For example:

Net Zero Teesside Order 2024 (the **Order**)

<i>Protected Entity</i>	<i>Commentary</i>
Anglo American – Woodsmith Project (Schedule 12, Part 18)	'Woodsmith Project' includes any planning permission or development consent order issued <i>whether before or after the date of</i> the Order.
South Tees Development Corporation (Schedule 12, Part 20)	'Teesworks development' includes development authorised by any planning permission or DCO granted in relation to the Teesworks site <i>or prospective development planned</i> in relation the site.

The Examining Authority will also note protections for the North Humber to High Marnham Project (no application submitted to date) in the Dogger Bank South East and West Offshore Wind Farms Order 2026.



The above precedents demonstrate that the Secretary of State has endorsed protective provisions where existing apparatus is not yet in place and where planning permission is yet to be obtained. The Proposed BESS is expected to receive its planning permission and absent an agreement, it is reasonable and proportionate to protect the Proposed BESS and its cable corridors using protective provisions.

Electricity Generation Licence

The Applicant highlighted that Grenergy would require an electricity generation licence in order to operate the Proposed BESS, and that in the event of Grenergy becoming a licence holder prior to the Applicant, Grenergy would be protected under the protective provisions contained within Schedule 12, Part 1.

As it is unlikely that Grenergy will obtain an electricity generation licence prior to the Applicant, the Part 1 protections will not apply, and the Proposed BESS and its cable corridor will be vulnerable in the absence of a cooperation agreement or specifically drafted protective provisions.

Cooperation Agreement and Proposed Next Steps

Following a submission made by Grenergy on 7 May 2026 expressing that no contact had been received from the Applicant, there was meeting on 14 May 2026 during which it was agreed that a cooperation agreement would be drawn up. However, the Applicant did not share a draft until September 2026. This has put additional pressure on Grenergy's position considering that the examination period closes on 21 October 2026.

In the first instance, Grenergy is seeking to have a cooperation arrangement in place as soon as possible, and the Applicant has expressed a willingness to enter such an agreement.

However, Grenergy considers it would be unfair for the Applicant to benefit from its own delay in producing the cooperation agreement. The Examining Authority will recall that the level of communication was a common criticism of the Applicant during CAH2.

Grenergy respectfully requests that, should an agreement not be reached prior to close of examination, the Examining Authority recommend a short form of cooperative protective provisions for inclusion in the draft Order. This will preserve Grenergy's proposed project which has strong policy support. Draft protective provisions are set out below. Grenergy reserves the right to provide a more detailed set of protective provisions should it become apparent that an agreement will not be reached.

Grenergy: means Grenergy Renewables UK Limited and any successors in title to their interests at plot 15-014 and 15-020.

Proposed BESS Cable Corridor: means the cable corridor at plots 15-014 and 15-020 proposed to be used by Grenergy in connection with a battery energy storage project

(1) Insofar as the construction, operation, maintenance or decommissioning of any part of the authorised development and the Proposed BESS Cable Corridor would have an effect on each other, the undertaker and Grenergy must—

(a) co-operate with each other with a view to ensuring—

(i) that access for the purposes of constructing, operating, maintaining and decommissioning the authorised development is maintained for the undertaker, as well as their employees, contractors and sub-contractors; and



(ii) that access for the purposes of constructing, operating, maintaining and decommissioning the Proposed BESS Cable Corridor is maintained for Grenergy, as well as their employees, contractors and sub-contractors;

(b) use reasonable endeavours to avoid any conflict arising between the authorised development and Proposed BESS Cable Corridor;

(2) The undertaker must not exercise the powers granted under this Order so as to hinder access to, or the construction, operation, maintenance or decommissioning of the Proposed BESS Cable Corridor by Grenergy, its employees, contractors or sub-contractors.

Conclusion

As previously set out, Grenergy does not oppose the Project in principle. However, given the serious impact compulsory powers may have on the Grenergy's ability to implement the Proposed BESS, Grenergy **objects** to any compulsory acquisition powers over plots 15-014 and 15-020 without either:

- (i) an agreement in place to protect Grenergy's proposed development and cable corridors;
or
- (ii) protection for Grenergy's interests in the form of protective provisions (set out above) within the draft DCO.

Grenergy will endeavour to notify the Examining Authority and Secretary of State if a cooperation agreement is subsequently reached following this submission.

Yours faithfully

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