

# The Drovers Solar Farm

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## Consents and Agreements Position Statement

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# 1 Overview and Purpose

## 1.1 Introduction

- 1.1.1 This Consents and Agreements Position Statement has been prepared on behalf of The Drovers Solar Farm Limited ('the Applicant') in relation to the Development Consent Order (DCO) Application for the construction, operation and maintenance, and decommissioning of The Drovers Solar Farm (hereafter referred to as the 'Scheme'). The Applicant seeks a DCO under the Planning Act 2008 (PA 2008) authorising the Scheme. A summary of the Scheme's description can be found in **Environmental Statement (ES) Chapter 5: The Scheme [APP/6.1]**.
- 1.1.2 The Schedule of Other Consents and Licences has been prepared as part of the DCO Application and should be read in conjunction with the other documents submitted with the DCO Application. 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.
- 1.1.3 Section 37 of the PA 2008 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 ('APFP Regulations').
- 1.1.4 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: Application Form Guidance' (June 2013) (paragraphs 45 and 46) requires that:
- "45. 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. Such other consents could be required for controlling pollution, for example.*
- 46. 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."*
- 1.1.5 This document lists those consents and licences which the Applicant currently anticipates could be required. Further consents may be required as the Scheme continues to be refined, and/or in the event of unforeseen circumstances or legislative changes. Should



any other consents be identified as being required, the Applicant will inform the Examining Authority as soon as this becomes apparent.



## 2 Approach to incorporating multiple consent regimes into a draft DCO

- 2.1.1 Section 33 of the PA 2008 makes clear that there is no requirement for certain principal conventional consents, for example, planning permissions or some archaeological consents, to be obtained where a DCO is required to authorise a project. In the case of the Scheme, Section 33(1)(h) confirms that consent under Section 36 of the Electricity Act 1989 is not required.
- 2.1.2 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; and
  - Incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 2.1.3 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 agreement of the relevant consenting body.
- 2.1.4 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.
- 2.1.5 The Applicant considers 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 of the PA 2008 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 consents 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; and
- 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 provisions 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.

2.1.6 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 granted DCOs.



### 3 Consents incorporated in the draft DCO

3.1.1 The principal consent for the Scheme will be the DCO. The DCO process enables land acquisition, along with a range of consents and powers, to be sought and considered together. The DCO Application may, however, need to be supplemented by other applications because:

- A particular consent cannot be provided as part of a DCO
- A consenting authority declines to allow a consent to be included within a DCO; or
- It is not desirable or appropriate to include a consent within the DCO due to the stage of design development and the level of design detail available at the time the DCO is made.

3.1.2 The majority of consents required are included, or addressed, within the **draft Development Consent Order (draft DCO) [APP/3.1]** submitted with the DCO Application, as permitted by various provisions of the PA 2008. However, 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, described as the “authorised development” in Schedule 1 to the **draft DCO [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. Part 5 of the **draft DCO [APP/3.1]** provides these powers
- Consent to carry out street works; alter the layout of streets and to form new, or alter or improve existing accesses; form new, or alter or improve existing accesses to the highway; and other related works to streets. Part 3 of the **draft DCO [APP/3.1]** provides these powers
- 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 16 of the **draft DCO [APP/3.1]** provides this power
- Consent to undertake ‘flood risk’ activities. Article 6 provides this power, which is expected to be linked to protective provisions that will ultimately be included in the **draft DCO [APP/3.1]**
- Consent to obstruct ordinary watercourses. Article 6 provides this power, which is linked to the provisions for the protection of drainage bodies in the **draft DCO [APP/3.1]**
- Consent or approval for the carrying out of the works required under any relevant byelaws made under the Water Resources Act 1991 or Land Drainage Act 1991. Article 6 provides this power, which is linked to the provisions for the protection of drainage bodies in the **draft DCO [APP/3.1]**; and



- Requirement of a licence for felling under Section 9 of the Forestry Act 1967. Article 6 of the **draft DCO** provides this power.

3.1.3 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 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.





## 4 Other consents and licences

- 4.1.1 A summary of the additional consents and licences likely to be required, but which are not appropriate for inclusion in the DCO, are set out in **Appendix 1** below.
- 4.1.2 **Appendix 1** lists the type of consents or licences 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).



## 5 Agreements

- 5.1.1 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 5.1.2 Statements of Common Ground with third parties are commonly provided where matters of alignment can be agreed, in order to narrow the issues before the Examining Authority, making the examination process more efficient. These will be progressed by the Applicant where appropriate (including where requested by the Examining Authority).



## Appendix 1 Summary of Additional Consents and Licences Likely to be Required

Ref.	Nature of Consent/Licence	Key Legislation	Consenting Authority	Purpose/ Function	Status/Comment
1	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Market (OFGEM)	Required for electricity generation under the Scheme in the areas specified in Schedule 1.	This was granted to the Applicant on 13 February 2025.
2	Bilateral Connection Agreement (BCA)	N/A	National Grid Electricity System Operator Limited (NGESO)	Commercial Agreement – to connect the Scheme to the NETS.	<p>The connection offer was accepted in the form of a BCA between the Applicant and NGESO, allowing for a Transmission Entry Capacity of 500MW and a Demand Capacity of 500MW.</p> <p>The grid connection offer was provided by NGESO to the Applicant in May 2023. This offer was accepted by the Applicant. Further details are set out in the <b>Grid Connection Statement [APP/7.1]</b>.</p>
3	Permit for the transport of abnormal loads by road, for the	Road Vehicles (Authorisation of Special Types)	Department for Transport, National Highways, Norfolk	Required before commencement/delivery of the relevant	The appropriate applications and notifications, in accordance with the principles set out in the



	delivery of loads that fall outside standard practice	(General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	County Council as the Local Highway Authority, or the police and bridge owners (if any), as appropriate	Abnormal Indivisible Load (AIL).	<b>Outline Construction Traffic Management Plan (oCTMP) [APP/7.7]</b> , will be made by the appointed contractor in advance of the delivery of any abnormal load, coordinated via the Electronic Service Delivery for Abnormal Loads (ESDAL2) system.
4	Section 171 Licence	Highways Act 1980	Norfolk County Council, as the Local Highway Authority	Required to erect temporary apparatus on the highway, e.g signage.	If signage is required to inform the mitigation strategy, as detailed within the detailed CTMP and confirmed prior to commencement, an application will be made by the contractor.
5	Permit Scheme	Norfolk Permit Scheme and Breckland Council Permit Scheme	Relevant local authority	In the event certain street works are required.	Applications will be made with respect to works to streets under Part 3 of the <b>draft DCO [APP/3.1]</b> , and this is provided for pursuant to article 10 of the <b>draft DCO [APP/3.1]</b> .
6	European Protected Species Mitigation Licence (EPML) / Protected Species Mitigation Licence	Conservation of Habitats and Species Regulations 2017  Wildlife and Countryside Act 1981	Natural England	Potential requirement for an EPML with regard to Great Crested Newt and/or Badger licence, where avoidance is not possible, albeit based on current survey information/position, unlikely to be required.	Requirements to be reviewed prior to commencement, including in relation to updated survey checks/information at the time to establish any changes, albeit licencing not anticipated to be required based on current survey information.



		Protection of Badgers Act 1992			This is in accordance with the <b>outline Landscape and Ecological Management Plan (oLEMP) [APP/7.11]</b> .
7	Environmental Permit – Water discharge	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Effluent from the welfare facilities may be treated and discharged to groundwater or stored in a cesspit and tankered offsite by a management company.	If discharging to groundwater, the contractor will make an application for a water discharge activity environmental permit before discharging water.
8	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 Impounding) Regulations 2006	Environment Agency	Potential requirement for dust suppression during construction and decommissioning.	Applications are to be made by the contractor before abstraction commences, as appropriate.
9	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.
10	Application for a new water connection	N/A	Anglian Water	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.
11	Section 61 Consent Control of noise on construction sites	Section 61, Control of Pollution Act 1974	Breckland Council, Host Authority	To agree on construction noise limits.	As secured in the <b>outline Construction Environmental Management Plan (oCEMP) [APP/7.6]</b> , applications may be made by the contractor a minimum of 28 days before construction commences.
12	Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation	Health and Safety Executive (HSE)	To ensure that the construction of the Scheme is in accordance with HSE requirements, supported by the Management Plans as part of the DCO Application.	Application to be made by the contractor before construction commences as appropriate, in accordance with the oCEMP.
13	Hazardous Substance Consent	The Planning (Hazardous Substances) Regulations 2015	Relevant local authority	In the event that there is the presence of certain quantities of hazardous substances. Consent may be required.	As required.





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