



East Pye Solar Consents and Agreements Position Statement

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1 Consents and Agreements Position Statement

1.1 Introduction

- 1.1.1 This Consents and Agreements Position Statement has been prepared on behalf of East Pye Solar Limited (the 'Applicant') in relation to an application for a Development Consent Order (DCO) (the 'DCO Application') for East Pye Solar (the 'Scheme'), pursuant to the Planning Act 2008 (PA 2008) (**Error! Reference source not found.**).
- 1.1.2 The Scheme comprises the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating station with a total capacity exceeding 100 megawatts (MW) and associated development including a Battery Energy Storage System (BESS), up to three 132kV Project Substations and up to three 400kV Project Substations, Grid Connection Infrastructure and a new National Grid Substation (connecting into the National Electricity Transmission System ('NETS') overhead line that passes through the Site). A description of the Scheme can be found in **ES Volume 1, Chapter 4 – The Scheme [EN0110014/APP/6.1.4]**.
- 1.1.3 The Scheme would be located within the Order Limits (shown on the **Location Plan [EN0110014/APP/2.1]** and **Works Plan [EN0110014/APP/2.3]** submitted as part of the DCO Application and secured by Article 3 of the **draft DCO [EN0110014/APP/3.1]**). The Order Limits contain all elements of the Scheme comprising the Solar PV Arrays, 132kV and 400kV Project Substations, the National Grid Substation, the BESS, Grid Connection Infrastructure, interconnecting cables within the Cable Route Corridor (CRC), Mitigation and Enhancement Areas and Highway Works. A description of the Order Limits is provided in the **ES Volume 1, Chapter 3 - The Order Limits [EN0110014/APP/6.1.3]**.
- 1.1.4 The land within the Order Limits comprises predominantly agricultural (arable) fields crossed by farm tracks, rural lanes, the A140, hedgerows, tree belts, scattered trees, watercourses, ponds and Public Rights of Way (PRoW), including the Boudicca Way and Via Beata recreational routes. The Scheme comprises Sites numbered 1 to 10 which accommodate the Solar PV generating stations; Site 1 accommodates the new National Grid Substation; the BESS; the Cable Route Corridor (CRC) sections 1 - 14 ; and areas associated with Highway Works, within the Order Limits. An existing 400kV overhead line and associated transmission pylons pass through Site 1. Further existing overhead utilities and existing underground utilities are present within the Order Limits.

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:
- *“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.*
 - *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.”*
- 1.2.4 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 the 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 DCO

- 1.3.1 Section 33 of the PA 2008 makes it 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 (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 made 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 provided as part of a 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 [EN0110014/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 [EN0110014/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 [EN0110014/APP/3.1]** provide 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 [EN0110014/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 and the Traffic Management Act 2004. Article 16 of the **draft DCO [EN0110014/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] provides this power. Consent or approval for the carrying out of 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]**.
 - 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] provides this power.
 - Requirement of licence for felling under section 9 of the Forestry Act 1967. Article [6] 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., disappplied 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

- 2.1.1 A summary of the additional consents and licences likely to be required, but which are not appropriate for inclusion in the **draft DCO [EN0110014/APP/3.1]**, is set out in Table 2-1 below.
- 2.1.2 Table 2-1 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 2-1: 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 the areas specified in Schedule 1 of the draft DCO [EN0110014/APP/3.1] . An electricity generation licence was granted to the Applicant on 13th February 2025.
Bilateral Connection Agreement (to connect the Scheme to the National Electricity Transmission System (NETS))	N/A – Commercial Agreement	National Energy System Operator (NESO)	The Applicant submitted a grid application to National Energy System Operator (NESO), formerly named National Grid Electricity System Operator Limited (NGESO), the system operator of the National Electricity Transmission System (NETS), in June 2022 to connect the Scheme to the NETS existing overhead transmission line between Norwich Main and Bramford via the new National Grid Substation. A connection offer was received by the Applicant in October 2022. The connection offer was accepted in the form of a Bilateral Connection Agreement (BCA) between the Applicant and NESO, allowing for a Transmission

			<p>Entry Capacity (TEC) of 500 MW (AC) export to and 500 MW (AC) import from the NETS. This was entered into in July 2023. The acceptance of the connection offer demonstrates that a connection at the PoC is technically feasible. Further details are set out in the Grid Connection Statement [EN0110014/APP/7.12].</p>
Water discharge	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	If water discharge activities are required, then an application for a water discharge activity environmental permit will be made by the contractor before water is discharged.
Water abstraction or impoundment licence	Water Resources Act 1991, Environment Act 1995, Water Resources (Abstraction and Impounding) Regulations 2006	Environment Agency	Applications are to be made by the contractor before abstraction or impoundment commences, as appropriate.
Permit for transport of abnormal loads (For delivery by road of loads that falls 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, Local Highway Authority or the police and bridge owners (if any) as appropriate.	Appropriate applications and notifications, in accordance with the Outline Construction Traffic Management Plan [EN0110014/APP/7.6] , 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	Relevant local authority	As secured in the Outline Construction Environmental Management Plan [EN0110014/APP/7.1] ('OCEMP'), any applications required to agree on construction noise limits will be made by the contractor before construction commences.
Building Regulations	The Building Regulations 2010	Relevant local authority	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, in accordance with the OCEMP, to ensure that the construction of the Scheme is in accordance with HSE requirements.
Protected Species Licence	Wildlife and Countryside Act 1981 The Conservation of Habitats and Species Regulations 2017 Protection of Badgers Act 1992	Natural England	Volume 3, Appendix 8.10 Outline Protected Species Mitigation Strategy [EN0110014/APP/6.3.8.10] is an appendix to the Environmental Statement and identifies in what circumstances protected species licences may be required. If licences are required, applications are to be made by the contractor prior to commencement. Additionally, the Outline Landscape and Ecology Management Plan [EN0110014/APP/7.4] will detail ecological enhancements and habitat creation.
Hazardous Substance Consent	The Planning (Hazardous Substances) Regulations 2015	Relevant local authority	Consent will be sought if certain quantities of hazardous substances, set out in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015, are required for the Scheme.
Permit Scheme	Norfolk Permit Scheme and South Norfolk Council Permit Scheme	Relevant local authority	Applications will be made with respect to works to streets under Part 3 of the Draft DCO [EN0110014/APP/3.1] and this is provided for pursuant to article [10] of the Draft DCO [EN0110014/APP/3.1] .
Section 171 Licence	Highways Act 1980	Norfolk County Council, as the Local Highway Authority	If signage is required to inform the mitigation strategy, as detailed within the Outline Construction Traffic Management Plan [EN0110014/APP/7.6] and

			confirmed prior to commencement, an application will be made by the contractor.
Application for a new water connection	N/A	Anglian Water	Application to be submitted prior to water supply connection works commencing (including the replacement, enlargement or modification of existing supply), if required and subject to discussions with Anglian Water.

3 Agreements

- 3.1.1 Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms.
- 3.1.2 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).

References

- Ref 1. The Planning Act 2008 (as amended). Available at:
<https://www.legislation.gov.uk/ukpga/2008/29/contents>. Accessed [13/11/2025].
- Ref 2. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available at:
<https://www.legislation.gov.uk/uksi/2009/2264/contents/made>. Accessed [13/11/2025].
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