



SUNNICA ENERGY FARM

EN010106

Draft Statement of Common Ground with the Environment Agency

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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(Examination Procedure) Rules 2010**

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Planning Inspectorate Scheme Reference	EN010106
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Version	Date	Status of Version
Rev 00	11/11/2022	Deadline 2 submission

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed Sunnica Energy Farm Development Consent Order ("the Application") made by Sunnica Limited ("Sunnica") to the Secretary of State for Department for Business, Energy and Industrial Strategy ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Sunnica to construct, operate (including maintain) and decommission a ground mounted solar farm across Sunnica East Site A, Sunnica East Site B, Sunnica West Site A and Sunnica West B. The Scheme includes the following key components:
- a. Solar PV modules;
 - b. PV module mounting structures;
 - c. Inverters;
 - d. Transformers;
 - e. Switchgear;
 - f. Onsite cabling (including high and low voltage cabling);
 - g. One or more BESS (expected to be formed of lithium ion batteries storing electrical energy) on Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A;
 - h. An electrical compound comprising a substation and control building (Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A only);
 - i. Burwell National Grid Substation Extension should Burwell National Grid Substation Extension Option 2 be taken forward;
 - j. Office/warehouse (Sunnica East Site A and Sunnica East Site B only)
 - k. Fencing and security measures;
 - l. Drainage;
 - m. Internal access roads and car parking;
 - n. Landscaping including habitat creation areas; and
 - o. Construction laydown areas.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.

- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Sunnica as the Applicant and (2) the Environment Agency.
- 1.2.2 Sunnica is a Special Purpose Vehicle (SPV) incorporated in December 2013 to construct, operate, and decommission the Sunnica Energy Farm.
- 1.2.3 The Environment Agency is an interested party to the Examination of the Application.
- 1.2.4 Collectively Sunnica and the Environment Agency are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG:
- a. "Agreed" indicates where the issue has been resolved.
 - b. "Not Agreed" indicates a final position, and
 - c. "Under discussion" indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to the Environment Agency's representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint interest in matters arising from the Scheme.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between Sunnica and the Environment Agency in relation to the Application is outlined in **Table 1**. There has been email correspondence between the parties to discuss the sharing of information, arrangement of meetings and for them to comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the parties.

Table 1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
13.03.2019	Email from Sunnica	Issue of EIA Scoping Report

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
11.04.2019	Email from Environment Agency	EIA Scoping Response submitted to PINS.
12.07.2019	Email from Environment Agency	Non-statutory consultation response.
26 th July 2019	Email to Environment Agency requesting baseline information	Requesting for baseline information, Response Ref: EAN/2019/136538 dated 30.08.2019.
16.04.2021	Meeting	Key topics: <ul style="list-style-type: none"> • Design update • Water receptors • Issues and scope of assessment • Assessment outcomes, mitigation and enhancement • Construction risks
16.04.2021	Email from Sunnica	Queries regarding the Burwell Substation flood risk element of the assessment and SSSI impacts and request to review FRA.
26.04.2021	Email from Environment Agency	Comments from the Groundwater & Contaminated Land Team on dewatering methods
30.04.2021	Email from Sunnica	Response to Groundwater & Contaminated Land Team comments on dewatering methods
14.05.2021	Email from Environment Agency	Comments on the FRA.
18.05.2021	Email from Environment Agency	Response to Sunnica's email from 30.04.2021 confirming that the proposed approach is considered appropriate.
28.05.2021	Email from Sunnica	Response to the EA's comments on the FRA and submission of updated draft.
11.06.2021	Email from Environment Agency	Response accepting approach to PV panels in the floodplain in the River Lark.
02.08.2021	Letter from Environment Agency	Notification of the Environment Agency's receipt of a request for information under the Freedom of Information Act 2000.
14.09.2021	Email from Sunnica	Request for feedback on the reduction of panel height.
22.09.2021	Email from Environment Agency	Confirmation that the reduction in panel height to 850mm in floodplain of River Lark should be acceptable and request that the West Suffolk SFRA from April 2020 conclusion be incorporated into the FRA (note, FRA already included SFRA reference).

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.11.2021	Email from Environment Agency	Confirmation that a piling risk assessment would be required should be piling be needed.
05.01.2022	Email from Sunnica	Details of how the potential for piling has been addressed in the Environmental Statement submitted with the DCO Application.
07.03.2022	Meeting with the Environment Agency	Meeting between the Applicant and the Environment Agency to discuss the Flood Risk Assessment and responses to Burwell substation extension.
10.10.2022	Meeting with the Environment Agency	Further Meeting between the Applicant and the Environment Agency to discuss the Flood Risk Assessment and responses to Burwell substation extension.
02.11.2022	Meeting with the Environment Agency	Further Meeting between the Applicant and the Environment Agency to discuss the Flood Risk Assessment and responses to Burwell substation extension.
10.11.2022	Emails between Sunnica Ltd and the Environment Agency	Emails exchanged to agree wording within the SoCG to be submitted at Deadline 2.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Sunnica and (2) the Environment Agency in relation to the issues addressed in this SoCG as at the date of this SoCG.

2.1.3 The issues and matters highlighted in **Table 2** to **Table 4** summarise the key issues that have been in discussion between the two parties.

3 Issues

3.1 Matters Agreed

3.1.1 **Table 2** below details the matters agreed with Environment Agency.

Table 2: Matters Agreed

Topic	Sub-topic	Details of Matters Agreed
General	Legislation and policy	<p>The Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme:</p> <ul style="list-style-type: none"> • Ecology and Nature Conservation [APP-040]; • Ground conditions [APP-048]; • Flood Risk, Drainage and Water Resources [APP-041]; and • Effect Interactions [APP-049].
	Study area definition and extents	<p>The study areas adopted by Sunnica within the following assessments reflect current best practice and standards:</p> <ul style="list-style-type: none"> • Ecology and Nature Conservation [APP-040]; • Ground conditions [APP-048]; • Flood Risk, Drainage and Water Resources [APP-041]; and • Effect Interactions [APP-049]. <p>The geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.</p>
	Application of expert/professional judgements	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary. The application of professional judgement by its specialists within the following assessments are appropriate and robust:</p> <ul style="list-style-type: none"> • Ecology and Nature Conservation [APP-040]; • Ground conditions [APP-048]; • Flood Risk, Drainage and Water Resources [APP-041]; and • Effect Interactions [APP-049].
	Assessment assumptions and limitations	<p>The following assessments record the assumptions applied and the approaches taken by Sunnica to reduce any uncertainty resulting from any limitations encountered:</p> <ul style="list-style-type: none"> • Ecology and Nature Conservation [APP-040]; • Ground conditions [APP-048];

Topic	Sub-topic	Details of Matters Agreed
		<ul style="list-style-type: none"> Flood Risk, Drainage and Water Resources [APP-041]; and Effect Interactions [APP-049]. <p>It is considered by the parties that the assumptions adopted in these assessments are reasonable and appropriate.</p>
	Presentation of results	<p>The following application documents present the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operation and decommissioning phases of the Scheme:</p> <ul style="list-style-type: none"> Ecology and Nature Conservation [APP-040]; Ground conditions [APP-048]; Flood Risk, Drainage and Water Resources [APP-041]; and Effect Interactions [APP-049]. <p>It is considered by the parties that the format and methods used to present the assessments undertake are clear and unambiguous.</p>
Baseline	Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>It is considered by the parties that the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the assessments provided within Chapter 9: Flood Risk, Drainage and Water Resources [APP-041], Chapter 8: Ecology and Nature Conservation [APP-040]; and Ground conditions contained within Chapter 16: Other Environmental Topics [APP-048].</p>
Assessment findings	Assessment findings: Construction, operation and decommissioning effects	<p>It is considered by the parties that the assessments provided within Chapter 9: Flood Risk, Drainage and Water Resources [APP-041], Chapter 8: Ecology and Nature Conservation [APP-040]; and Ground conditions contained within Chapter 16: Other Environmental Topics [APP-048] have identified the adverse and beneficial effects that would potentially result from construction, operation and decommissioning of the Scheme; however, none of these would result in significant residual effects.</p>
Mitigation	Construction	<p>Measures outlined within Chapter 9: Flood Risk, Drainage and Water Resources [APP-041], Chapter 8: Ecology and Nature Conservation [APP-040]; Ground conditions contained within Chapter 16: Other Environmental Topics [APP-048]; and the Framework Construction Environmental Management Plan [APP-123] are considered acceptable by the parties to mitigate potential impacts and manage potential affects during the construction phase.</p> <p>The proposed firewater basins/lagoons will be lined to prevent a pathway to ground or surface water.</p>

Topic	Sub-topic	Details of Matters Agreed
		During construction foul drainage will be self-contained, such as a cess pit sealed tank, or portaloos, with no discharge to ground.
	Operation	Measures outlined within the Chapter 9: Flood Risk, Drainage and Water Resources [APP-041] , Chapter 8: Ecology and Nature Conservation [APP-040] ; Ground conditions contained within Chapter 16: Other Environmental Topics [APP-048] ; and the Framework Operation Environmental Management Plan [APP-126] are considered acceptable by the parties to mitigate potential impacts and manage potential affects during the operational phase.
	Decommissioning	Measures outlined within the Chapter 9: Flood Risk, Drainage and Water Resources [APP-041] , Chapter 8: Ecology and Nature Conservation [APP-040] ; Ground conditions contained within Chapter 16: Other Environmental Topics [APP-048] ; and the Framework Decommissioning Environmental Management Plan [APP-125] are considered acceptable by the parties to mitigate potential impacts and manage potential affects during the decommissioning phase.
Drainage Strategy	Methodology	No concerns have been raised regarding the methodology and scope used in the Drainage Strategy (Annex F – Drainage Technical Note [AS-010]).
	Proposed solution	No concerns have been raised regarding the proposed drainage solution outlined in the Drainage Strategy (Annex F – Drainage Technical Note [AS-010]).
	Firefighting water	The approach outlined to managing potential firewater, and its potential contaminates, as outlined in the Drainage Strategy (Annex F – Drainage Technical Note [AS-010]) are agreed.
Surface and Ground Water	WFD Assessment	No concerns have been raised regarding the methodology and scope used in the WFD Assessment (Appendix 9B of the Environmental Statement [APP-094]). The Scheme would not impact on the WFD status or objectives of any associated surface water or groundwater bodies within the Scheme's zone of influence, subject to the proposed mitigation measures being applied, as outlined in the WFD Assessment (Appendix 9B of the Environmental Statement [APP-094]).
	Geo-environmental investigation	The approach to the geo-environmental investigation to confirm ground conditions and update conceptual site models and risk assessments is line with relevant guidance.
Flood Risk	Solar stations located within Flood Zone 3	Sunnica has reviewed the EA Eastern Rivers model for the 1% AEP + 20% climate change scenario to determine the flood depth/level at the location of identified Solar Stations

Topic	Sub-topic	Details of Matters Agreed
		<p>potentially located within the flood extent. This included for PV areas W10, W11, W12, W15, E01, E02, E03 and E05.</p> <p>Model outputs for parcels indicate W10, W11, W15 are not within the climate change fluvial extents (for the 1in 100 year plus 20% climate change event).</p> <p>For the same design storm event, PV areas E01 and E02, E03 and E05 are very marginally within the climate change Flood Zone 3a extents. However, review of the flood level for parcel areas E01, E02, E03 and E05 confirms solar stations are not within the flood extents. No fluvial floodplain compensation is required.</p>
	<p>Solar PV panels located within Flood Zone 3.</p>	<p><u>PV Panel areas:</u></p> <p><u>E01, E02</u></p> <p>From the fluvial hydraulic assessment of the Eastern Rivers model, the 1 in 100 year plus 20% climate change flood level was derived to be 2.94m AOD.</p> <p>Later EA supplied Product 4 data (provided on 13th and 17th October for areas E01/E02 and E03/E05 respectively), noted the 1% AEP plus 20% climate change level as 2.96m AOD for E01 and E02. This level has been used to assess flood depths; superseding the previous model data levels.</p> <p>Table 3.1 of the Flood Risk Modelling Technical note indicates peak flood depths within E01 as 180mm, and E02 as 470mm. However, review of the topographical survey data indicates flood waters would not enter PV area E01 as the minimum ground level is noted as 3.00m AOD (this is likely due to LiDAR data used in the hydraulic model and tolerances within it).</p> <p>Similarly, area E02 would only flood to a depth of approx. 110mm, with the minimum ground level noted as 2.85m AOD from the topographical survey.</p> <p>Further assessment of flood risk in this area, including appropriate allowances for climate change, will be included in the FRA Addendum, which will be submitted to the EA and the ExA.</p> <p><u>E03</u></p> <p>The provided Eastern Rivers model showed no model result data on a length of the Lee Brook between Beck Road and the confluence with the River Lark. This section of watercourse runs between PV panel areas E03 and E05.</p> <p>The EA noted in an email on 11 October that AECOM had not received all Product 4 model data for the Lee Brook, and subsequently provided the additional flood risk Product 4 data on 17th October for the Lee Brook reach adjacent to E03 and E05.</p> <p>The modelled 1% AEP plus 20% climate change level from the Product 4 for E03 is 2.96m AOD. This level has been used to assess flood depths; superseding the previous interpolation used from the previous model data.</p>

Topic	Sub-topic	Details of Matters Agreed
		<p>The minimum ground level in area E03, from the topographical survey, is 3.45m AOD, 490mm above the predicted flood level.</p> <p>Further assessment of flood risk in this area, including appropriate allowances for climate change, will be included in the FRA Addendum, which will be submitted to the EA and the ExA.</p> <p><u>E05.</u></p> <p>The modelled 1% AEP plus 20% climate change level from the Product 4 for E05 is 3.91m AOD. This level has been used to assess flood depths; superseding the previous interpolation used from the previous model data.</p> <p>From the topographical survey and LiDAR data the minimum ground level in E05 is 3.60m AOD, 310mm below the design flood level.</p> <p>Further assessment of flood risk in this area, including appropriate allowances for climate change, will be included in the FRA Addendum, which will be submitted to the EA and the ExA.</p>

3.2 Matters Under Discussion

3.2.1 **Table 3** below details the matters under discussion with Environment Agency.

Table 3: Matters Under Discussion

Topic	Sub-topic	Details of Matters Under Discussion
Flood Risk Assessment	Inadequate assessment of residual flood risk at Burwell Substation.	<p>The AECOM hydraulic model of the Cam Lodes model provided by the EA, discussed within the FRA Addendum, has been reviewed to determine the fluvial flood risk for Option 2, with and without a breach of Burwell Lode.</p> <p>The model results, as shown in Figure 2.1 of the Fluvial model Technical Note, to be included as Annex C of the FRA Addendum, indicate:</p> <ul style="list-style-type: none"> Option 2, with no bank failure is at low risk of fluvial flooding during the 1 in 100 year plus 20% climate change event. Option 2 during a breach of Burwell Lode is within the inundation zone, up to a peak depth of 700mm. The proposal to raise finished floor levels by 850mm is considered sufficient with 150mm freeboard above the peak inundation level. <p>EA responded to AECOM hydraulic model assessment suggesting the EA model was not suitable to base the above levels on. Agreed with Environment Agency on 10.10.2022 to model 45% climate change with current model, instead of 22%, to provide a cautionary increase in flood risk and appropriate mitigation to ensure flood risk not increase and avoids revising the detailed hydraulic model. AECOM reviewing model and discussion ongoing with the EA.</p>
	Solar PV panels located within Flood Zone 3.	<p>Sunnica has reviewed the EA Eastern Rivers model for the 1% AEP + 20% climate change scenario to determine the flood depth/level at the location of identified PV areas at risk of flooding. This included PV areas W10, W11, W12, W15, E01, E02, E03 and E05.</p> <p>In addition, sensitivity analysis to take into account the credible maximum scenario is also under discussion with the EA, following an agreement on 17 October to use 22% climate change for the sensitivity test for a design life epoch for the 1950s. This is intrinsically linked to the agreement above by the EA not to undertake further modelling but to review the flood level data and topographical survey to assess this risk. This discussion is also ongoing with the EA.</p> <p>Discussions are ongoing with EA.</p>
	No drawings showing site layout in relation to Flood Zones.	<p>The drawings have been updated and will be provided within an FRA Addendum, to be submitted to the EA and the ExA, following the completion of the work related to Burwell and River Lark as outlined above.</p> <p>Figures provided within a Flood Risk Modelling Technical Note, that will be annexed with the FRA Addendum identify modelled floodplain, overlain on EA mapping along with the DCO parameter plan layout. Figures show Flood Zone 3a and 3b.</p>

Topic	Sub-topic	Details of Matters Under Discussion
	Temporary use of land within the floodplain.	Temporary compounds and storage areas will not be within areas at risk of flooding. Plans will be prepared and will be provided with an FRA Addendum following the completion of the work related to Burwell and River Lark as outlined above.
Water resources	Disapplication of consents	<p>The draft DCO [APP-019] proposes the disapplication of the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991 and the disapplication of the requirement to obtain an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016 for 'flood risk activities'. In accordance with section 150 of the Planning Act 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, the Environment Agency's consent is required for these disapplications.</p> <p>The Applicant has included in Part 5 of Schedule 12 to the draft DCO, protective provisions for the benefit of the Environment Agency. The terms of those provisions are still under discussion but it is anticipated by the parties that agreement will be reached before the close of the examination and that once protective provisions have been agreed, the Environment Agency would provide its consent to the disapplications. The parties agree that the grant of consent will be recorded in this SoCG or through other appropriate means.</p>

3.3 Matters Not Agreed

3.3.1 **Table 4** below details the matters not agreed with Environment Agency.

Table 4: Matters Not Agreed

Topic	Sub-topic	Details of Matters Not Agreed
None	None	None