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## **Draft Statement of Common Ground with the Environment Agency**

**February 2025**





# Helios Renewable Energy Project

## Draft Statement of Common Ground

### with the Environment Agency

Planning Inspectorate Reference: EN010140

February 2025

**Prepared on behalf of Enso Green Holdings D Limited**

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## 1. Introduction

### 1.1. Overview

- 1.1.1. This Statement of Common Ground ('SoCG') has been prepared by Enso Green Holdings D Limited (the 'Applicant') in conjunction with the Environment Agency in respect of the Helios Renewable Energy Project Development Consent Order (DCO) (the 'Proposed Development').
- 1.1.2. The SoCG sets out the matters of agreement between the Applicant and the Environment Agency and also explains those matters which, at the time of writing, remain in progress, or where agreement has not been achieved.
- 1.1.3. This SoCG is based on the Environment Agency's Relevant Representation received on 10 October 2024 **[RR-117]**, their Written Representation submitted at Deadline 2 **[REP2-027]** and their Deadline 3 Submission **[REP3-011]**.
- 1.1.4. Many of the matters raised by the Environment Agency have been addressed within a Technical Note (the 'Water Environment Supplementary Assessment') which was shared with the Environment Agency on 9<sup>th</sup> January 2025. The Water Environment Supplementary Assessment will be submitted to the Examination at Deadline 4.
- 1.1.5. The SoCG will be amended as the examination progresses to enable a final version to be submitted to the Examining Authority.
- 1.1.6. This SoCG covers all the matters which are relevant to the Environment Agency.

## 2. Record of Engagement

### 2.1. Summary of consultation and engagement

- 2.1.1. There have been various meetings and correspondence between the Applicant and the Environment Agency relating to the Proposed Development, which is set out in full at ES Chapter 9 Water Environment **[APP-029]**.
- 2.1.2. Since receiving the Environment Agency's Relevant Representation, meetings have taken place to discuss and resolve the matters that have been raised. These meetings are summarised in Table 2.1 below.

**Table 2.1: Record of Engagement**

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
07/11/2024	Email	Environment Agency's preferred SoCG approach.
14/11/2024	Meeting	SoCG format and draft response to relevant representation.
17/12/2024	Email	Applicant provided an update to the Environment Agency notifying them that a Technical Note would be shared prior to Deadline 2.
17/12/2024	Email	Environment Agency thanked the Applicant for the notification of their intention to share the Technical Note in January.
07/01/2025	Email	Applicant confirmed they are content with the protective provisions from the Viking DCO (used as an example).
08/01/2025	Email	Environment Agency explained that they will issue their updated protective provisions shortly and would prefer to agree the updated protective provisions than the previous set.

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
09/01/2025	Email	Applicant shared the Water Environment Supplementary Assessment with the Environment Agency and requested their comments by 16/01/2024.
14/01/2025	Email	Applicant shared suggested wording of Requirements and Article 18(7) with the Environment Agency.
14/01/2025	Email	Applicant sought to clarify the definition of <i>site preparation works</i> with the Environment Agency.
16/01/2025	Email	Environment Agency shared interim comments in response to the Water Environment Supplementary Assessment. Environment Agency comments on ISH1 Action Points 6, 7, 9 and 11.
17/01/2025	Email	Environment Agency sent their new standard Protective Provisions to the Applicant.
20/01/2025	Email	Applicant responded to the Environment Agency's comments on ISH1 Action Point 6.
21/01/2025	Email	Environment Agency shared interim comments in response to the Water Environment Supplementary Assessment. Environment Agency comments on ISH1 Action Point 8.
05/02/2025	Email	Environment Agency shared comments on suggested wording of and confirmed satisfaction with the wording of Article 18(7) and the Applicant's revised wording regarding Finished Floor Levels (ISH1 Action Point 6).

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
06/02/2025	Email	Applicant agreed with the Environment Agency's wording for the Foundation Works Risk Assessment Requirement and provided suggested amended wording to the Hydrogeological Risk Assessment Requirement. Applicant requested a meeting with the Environment Agency w/c 17 <sup>th</sup> February to discuss outstanding matters.
17/02/2025	Email	Applicant sent suggested amended wording for the Flood Management Strategy Requirement and the definition of Site Preparation Works (Part 1 Article 2). Applicant requested a meeting with the Environment Agency w/c 17 <sup>th</sup> February to discuss outstanding matters.
21/02/2025	Email	Environment Agency confirmed agreement with the definition of Site Preparation Works (Part 1 Article 2) and advised that they would send detailed comments regarding the Flood Management Strategy Requirement w/c 24 <sup>th</sup> February.
21/02/2025	Email	Applicant asked for confirmation of the suggested amended wording to the Hydrogeological Risk Assessment Requirement.
24/02/2025	Email	Environment Agency confirmed agreement with the amended Hydrogeological Risk Assessment wording and sent detailed comments regarding the Flood Management Strategy Requirement.

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
25/02/2025	Meeting	Discussion of the Flood Management Strategy Requirement.



### 3. Current Position

- 3.1.1. Table 3.1 provides a schedule that summarises the position on key matters between the Applicant and the Environment Agency. Appendix A details the position between the Applicant and the Environment Agency on each relevant representation.
- 3.1.2. Each matter is attributed a status as follows:

<b>Agreed</b>	The matter is agreed between the parties, or there are no significant disagreements such that the matter is considered closed.
<b>Under discussion</b>	This matter is neither 'agreed' or 'not agreed'. Technical work is being undertaken with the aim of achieving agreement, though the risk of disagreement remains.
<b>Not agreed</b>	The matter is not agreed between the parties and the outcome of the approach taken by the Applicant or the Environment Agency is considered to result in a materially different impact to the assessment conclusions.

**Table 3.1: Key Matters**

Matter	Status	Date
Hydraulic Flood Model		Nov 2024
Volumetric assessment of solar infrastructure		Jan 2025
Flood compensatory storage scheme		Nov 2024
Finished floor levels		Feb 2025
Operation in times of flood – contingency in the event of remote failure		Jan 2025
Outline CEMP		Nov 2024
CEMP to apply to site preparation works		Nov 2024
Pollution prevention measures for routine management of drainage from BESS compound		Jan 2025
Hydrogeological Risk Assessment (HyRA)		Nov 2024
Piling Risk Assessment		Nov 2024
WFD Compliance Assessment		Nov 2024
Water Abstraction Licence strategy		Jan 2025
Protective Provisions		Nov 2024
Water Resources Strategy		Nov 2024
Waste Management Strategy		Nov 2024

## 4. Signatures

4.1.1. This Statement of Common Ground is agreed upon:

On behalf of the Environment Agency:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

## Appendix A: Detailed Matters

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
EA-01 [RR-117]	Groundwater source protection	In their Relevant Representation (RR), the EA stated that an additional requirement was necessary for a Hydrogeological Risk Assessment and follow up actions.  The EA and the Applicant have agreed the wording of this Requirement.	This is consistent with the recommendations contained in the Flood Risk Assessment (FRA) [APP-232] and Water Environment ES Chapter 9 [APP-029]. Paragraphs 3.50 – 3.52 of the FRA [APP-232] and paragraphs 9.5.67 and 9.6.4 – 9.6.5 of the ES Chapter 9 [APP-029] discuss this matter.  The requirement for a Hydrogeological Risk Assessment is included as Requirement 19 in the draft Development Consent Order to be submitted at Deadline 4, as per the wording agreed with the EA.	Agreed
EA-02 [RR-117]	Groundwater source protection	In their RR, the EA stated that an additional requirement was necessary for a Piling Risk Assessment and follow up actions.  The EA and the Applicant have agreed the wording of this Requirement.	This is consistent with the recommendations contained in the Flood Risk Assessment (FRA) [APP-232] and Water Environment ES Chapter 9 [APP-029]. Paragraphs 3.50 – 3.52 of the FRA [APP-232] and paragraphs 9.5.67 and 9.6.4 – 9.6.5 of the ES Chapter 9 [APP-029] discuss this matter.  The requested requirement is included within Requirement 20 in the draft Development Consent Order submitted at Deadline 4, as per the wording agreed with the EA.	Agreed
EA-03 [RR-117]	Construction site management	In their RR, the EA requested that the wording of Requirement 4 is amended to ensure the Construction Environmental Management Plan (CEMP) applies to site preparation works, and to include that the CEMP is approved by the local planning authority in consultation with the Environment Agency.  The EA agree that the revised wording of Part 1 Article 2 addresses this issue.	The definition of “commence” and “site preparation works” in Part 1 Article 2 has been amended in the draft DCO to be submitted at Deadline 4.	Agreed
EA-04 [RR-117]	Protective provisions	In their RR, the EA stated that they do not agree the wording of the protective provisions included in Part 4 of Schedule 9 of the draft DCO.  The EA provided their standard protective provisions to the Applicant on 17.01.25.	The wording of the protective provisions included in Part 4 of Schedule 9 of the draft DCO will be reviewed in consultation with the EA and amended wording will be agreed in due course.  The standard EA protective provisions were sent to the Applicant on 17.01.25. The Applicant will continue to liaise with the Environment Agency to agree the wording of protective provisions.	Under discussion
EA-05 [RR-117]	BESS floodplain compensation	In their RR, the EA stated that: <i>We require further detail as to how the flood risk compensation scheme as proposed in the Flood Risk Assessment will be secured to ensure this development does not cause flood risk elsewhere. This detail should include phasing of works to ensure that there will be no net loss of floodplain during construction.</i>	The Applicant is continuing to engage with the Environment Agency in respect of the flood management strategy and discuss the appropriate mechanism to secure this.	Under discussion
EA-06 [RR-117]	Operation of the development in times of flood	In their RR, the EA stated that: <i>No details have been provided covering operation in times of flood, to include clearance of debris and contingency in the event of failure of remote operation of solar panels.</i>  As per their D3 submission, the EA is satisfied with the assessment as provided in the Water Environment Supplementary Assessment, which will be included within the updated FRA.	The Applicant has addressed this matter in the Water Environment Supplementary Assessment (Document Reference 8.9) which will be submitted at Deadline 4. The FRA has been updated accordingly and will be submitted at Deadline 4.	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
EA-07 [RR-117]	Equipment levels	<p>In their RR, the EA stated that: <i>Finished floor levels for the built development must be set at 300mm above the design flood.</i></p> <p>Environment Agency confirmed by email on 05/02/25 that they are satisfied with the wording provided by the Applicant to be added to the FRA.</p>	<p>Section 2 of the ‘Water Environment Supplementary Assessment’ shared with the Environment Agency (09.01.25) provides clarification on the finished floor levels and includes a recommendation to amend the Flood Risk Assessment. Following further correspondence, the following wording has been agreed between the Applicant and the Environment Agency to be included within the Flood Risk Assessment:</p> <p><i>‘Finished floor levels of any ancillary control equipment in the Solar Farm Zone, including Invertor Station, and in Substation and BESS Compound, will be raised at least +0.3m above the fluvial ‘design flood’ level, and would be above the fluvial ‘credible maximum scenario sensitivity test’ flood level. The equipment would be at least +0.3m (and up to +0.6m) above existing ground level.’</i></p> <p>The FRA has been updated accordingly and will be submitted at Deadline 4.</p>	Agreed
EA-08 [RR-117]	Flood Risk Assessment	<p>In their RR, the EA requested that the Applicant prepare and provide calculations to confirm that the volume of flood water displaced by the solar panel supports is negligible.</p> <p>As per their D3 submission, the EA is satisfied with the assessment provided in the Water Environment Supplementary Assessment, which will be included within the updated FRA.</p>	<p>The Applicant has provided the calculations in the Water Environment Supplementary Assessment. The FRA has been updated accordingly and will be submitted at Deadline 4.</p>	Agreed
EA-09 [RR-117]	Groundwater source protection	<p>In their RR, the EA requested that the Applicant provide details regarding operational pollution prevention measures in the routine management of drainage from BESS compound.</p> <p>As per their D3 submission, the EA is satisfied that the updated oOEMP [REP2-008] addresses this matter, and awaits the submission of the revised FRA.</p>	<p>The Applicant has provided details in the updated oOEMP [REP2-008], with further information provided in Section 4 of the Water Environment Supplementary Assessment. The FRA has been updated accordingly and will be submitted at Deadline 4.</p>	Agreed
EA-10 [RR-117]	Land contamination	<p>In their RR, the EA requested that protocol for if unexpected contaminated land is identified during ground investigation or construction be provided within the oCEMP.</p> <p>As per their D3 submission, the EA is satisfied with the proposed measures included within the updated oCEMP [REP2-006].</p>	<p>A protocol for addressing unexpected contaminated land shall be included in the detailed CEMP which will be secured by DCO Requirement 4. The updated oCEMP [REP2-006] was submitted at Deadline 2, with the protocol included at Section 3.11.1.</p>	Agreed
EA-11 [RR-117]	Consents and Licences	<p>In their RR, the EA stated that: <i>No consideration has been made of the potential need for water abstraction licences for consumptive uses, in addition to licences for dewatering that have already been identified.</i></p> <p>As per their D3 submission, the EA is satisfied that the potential need for a water abstraction licence for consumptive uses is recognised in the Consents and Licences Position Statement [APP-008].</p>	<p>The need for water abstraction is considered to be limited in the construction, operation and decommissioning of the Proposed Development.</p> <p>If water abstraction is required, the appropriate consent (abstraction licence) would be sought at the time.</p>	Agreed
EA-12 [RR-117]	Groundwater source	<p>In their RR, the EA stated that: <i>Appendix 5.4 - Outline OEMP Groundwater Source Protection Para 3.42-3.54</i></p>	<p>As per response to EA-09.</p>	Agreed



Ref.	Matter	Environment Agency – Current Position	Applicant's Response	Status
	protection	<p><i>Issue - The BESS Compound drainage infrastructure will under normal operation discharge via attenuation ponds into on-site drainage ditches/watercourses. There is potential for connectivity between these unlined water bodies and the underlying Aquifer.</i></p> <p><i>Impact - Contamination arising from spills and leaks in the BESS compound could infiltrate into the underlying Aquifer via drainage into surface water courses.</i></p> <p><i>Solution - Provide outline operational controls to monitor for, prevent, and manage spills and leaks within the BESS compound in outline OEMP, and provide detailed controls in Site Maintenance Plan.</i></p> <p>As per their D3 submission, the EA is satisfied that the updated oOEMP <b>[REP2-008]</b> addresses this matter, and await the submission of the revised FRA.</p>	The Applicant has provided details in the updated oOEMP <b>[REP2-008]</b> , with further information provided in Section 4 of the Water Environment Supplementary Assessment. The FRA has been updated accordingly and will be submitted to the Examination at Deadline 4.	
EA-13 [RR-117]	Groundwater source protection	<p>In their RR, the EA stated that: <i>Chapter 9: Water Environment</i></p> <p><i>Issue - As of August 2024, the definition of source protection zones has changed slightly to allow for better clarification (how long it will take groundwater to reach the source, rather than pollutant) - Groundwater source protection zones (SPZs) - GOV.UK (www.gov.uk)</i></p> <p><i>Impact - Failure to use this revised definition may result in non-compliance with guidance.</i></p> <p><i>Solution - Consider this definition in any HRA/Piling Risk Assessments and other documents to be submitted</i></p> <p>The Environment Agency has agreed the definition of SPZs as set out in the Water Environment Supplementary Note and the wording of the additional Requirements as per EA-01 and EA-02.</p>	<p>HyRA and Piling Risk Assessment would need to take into account guidance at the time of the assessment. In accordance with the EA's recommendation, these requirements have been added to the draft DCO submitted at Deadline 4 as Requirements 19 and 20, as per the wording agreed with the EA.</p> <p>The definition of SPZs in Paragraph 3.44 of the FRA <b>[APP-232]</b> has been updated in accordance with the detail provided in the Water Environment Supplementary Note. The updated FRA will be submitted at Deadline 4.</p>	Agreed
EA-14 [RR-117]	Consents and Licences	<p>In their RR, the EA requested that Table 1 of the Consents and Licences Position Statement is updated to include consumptive use of water, and that the oCEMP is updated to include mention of potential requirement for Abstraction licence from the Environment Agency. The subsequent detailed CEMP should identify where water is to be sourced from, and highlight that any required licences must be secured prior to their requirement.</p> <p>As per their D3 submission, the EA is satisfied that the potential need for a water abstraction licence for consumptive uses is recognised in the Consents and Licences Position Statement <b>[APP-008]</b>.</p>	<p>As per response to EA-11.</p> <p>If water abstraction is required, the appropriate consent (abstraction licence) would be sought at the time. Details would be contained in the detailed CEMP secured by DCO Requirement 4 and include an assessment of source of water and licencing requirements. The updated oCEMP <b>[REP2-005]</b> was submitted at Deadline 2, with the Abstraction Licence considered at Paragraph 2.3.6.</p>	Agreed
EA-15 [RR-117]	Consents and Licences	<p>In their RR, the EA stated that: <i>Comment - The Consents and Licences Position Statement identifies the potential for licences being required for dewatering. More information about the criteria for exemption can be found in The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works, and when a discharge permit is required if it falls outside of our regulatory position statement for de-watering discharges.</i></p> <p>As per their D3 submission, the EA is satisfied on their matter.</p>	Consents (abstraction licence / discharge permit) would be sought at the at the appropriate time when details of construction and operation are available. Works would need to comply with the guidance / legislation at the time of construction/operation/decommissioning of the Proposed Development.	Agreed
EA-16	Construction site	In their RR, the EA requested that the Outline CEMP include provision for a contamination watching brief and discovery protocol, requiring consultation with the Environment Agency	As per response to EA-10.	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
[RR-117]	management	<p>if unexpected land contamination is encountered during ground investigation or construction.</p> <p>As per their D3 submission, the EA is satisfied with the proposed measures included within the updated oCEMP <b>[REP2-006]</b>.</p>	A protocol for addressing unexpected contaminated land shall be included in the detailed CEMP which will be secured by DCO Requirement 4. The updated oCEMP <b>[REP2-006]</b> was submitted at Deadline 2, with the protocol included at Section 3.11.1.	
EA-17 [RR-117]	Groundwater source protection	<p><i>APP-006: Draft Development Consent Order Requirements</i></p> <p><i>Issue - No Requirement for Hydrogeological Risk Assessment currently provided in draft DCO. Paragraph 9.6.4 of Chapter 9 of the ES, and paragraph 3.52 of the FRA state that the implications of the development proposals on physical disturbance of the aquifer and on groundwater levels or flow relating to the proposed trenchless utility crossing at the railway will be determined via a Hydrogeological Risk Assessment and that this will be secured by a suitably worded DCO requirement.</i></p> <p><i>Impact - Failure to carry out the Hydrogeological Risk Assessment could result in unacceptable impacts to groundwater characteristics arising from construction.</i></p> <p><i>Solution - Include a Requirement for Hydrogeological Risk Assessment for proposed trenchless utility crossing of railway, with any arising contingency works. Details to be submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency, prior to construction works commencing.</i></p>	<p>As per response to EA-01.</p> <p>The requirement for a Hydrogeological Risk Assessment is included as Requirement 19 in the draft Development Consent Order to be submitted at Deadline 4, as per the wording agreed with the EA.</p>	Agreed
EA-18 [RR-117]	Groundwater source protection	<p><i>APP-006: Draft Development Consent Order Requirements</i></p> <p><i>Issue - No Requirement for Piling Risk Assessment currently included in draft DCO. Paragraph 9.65 of the ES proposes a Piling Risk Assessment for piled foundations within SPZ1, to be secured by DCO requirement.</i></p> <p><i>Impact - Foundation piling works could cause physical disturbance or create contaminant pathways, potentially impacting controlled waters (groundwater quality) within SPZ1.</i></p> <p><i>Solution - Provide a Requirement in DCO for production of a full Piling Risk Assessment for any piled structures proposed within SPZ1, and a Piling Method Statement for areas of the site outwith the SPZ1 to minimise risks to Secondary A and Principal Aquifers’. Requirement to include implementation of any arising contingency works. Details to be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency prior to construction works commencing.</i></p>	<p>As per response to EA-02.</p> <p>The requested requirement is included within Requirement 20 in the draft Development Consent Order submitted at Deadline 4, as per the wording agreed with the EA.</p>	Agreed
EA-19 [RR-117]	Construction site management	<p><i>APP-006: Draft Development Consent Order Requirement 4 Part 1 Article 2: Interpretation</i></p> <p><i>Issue - Requirement states: No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority. “commence” is interpreted to mean to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than the site preparation works (except where stated to the contrary). Therefore, site preparation works could commence without the benefit of CEMP.</i></p> <p><i>Impact - Risk to the environment during site preparation works</i></p> <p><i>Solution - Amend wording of Requirement 4 or the definition of “commence” to ensure CEMP applies to site preparation works.</i></p>	<p>As per response to EA-03.</p> <p>The definition of “commence” and “site preparation works” in Part 1 Article 2 has been amended in the draft DCO to be submitted at Deadline 4.</p>	Agreed
EA-20	Construction site	<p><i>Requirement 4</i></p> <p><i>Issue - Requirement 4(1) of the Draft DCO prevents the Applicant from commencing any</i></p>	As per response to EA-03.	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant's Response	Status
[RR-117]	management	<p><i>phase of construction before the local planning authority has approved the CEMP for that phase. We request to be consulted on the initial CEMP submission prior to the commencement of site preparation works and construction.</i></p> <p><i>Impact - The CEMP provides essential mitigation to prevent impacts from sedimentation and pollution from construction sites. We often encounter construction sites that have caused pollution because their CEMP was either insufficient or was not adhered to</i></p> <p><i>Solution - We request to be consulted on the CEMP to be approved under Requirement 4 and ask that part 1 of this Requirement is re-worded as follows: "No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority in consultation with the Environment Agency. Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates."</i></p>	The principle of amending DCO Requirement 4 to reference consultation with the EA is acceptable. The draft DCO submitted at Deadline 4 includes the amended wording.	
EA-21 [RR-117]	Development Consent Order	<p><b>Article 18(7)</b></p> <p><i>Issue - Article 18(7) could be more accurately worded. Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 prohibits the operation of a regulated facility or the causing or knowingly permitting a water discharge activity or groundwater activity except under and to the extent authorised by an environmental permit.</i></p> <p><i>Impact - Lack of drafting clarity can cause difficulties with interpretation.</i></p> <p><i>Solution - Redraft to state that nothing in Article 18 overrides the requirement for an environmental permit under regulation 12(1) of the Environmental Permitting (England and Wales) Regulations 2016.</i></p> <p>Environment Agency confirmed by email on 05/02/25 that they are satisfied with the wording provided by the Applicant.</p>	<p>The following revised wording of Article 18(7) has been agreed between the Applicant and the Environment Agency:</p> <p><i>(7) This article does not authorise the cause of or knowingly permit a water discharge activity or groundwater activity except under and to the extent authorised by an environmental permit under regulation 12(1) of the Environmental Permitting (England and Wales) Regulations 2016.</i></p>	Agreed
EA-22 [RR-117]	Construction site management	<p>In their RR, the EA requested that the following be added to the CEMP:</p> <ul style="list-style-type: none"> <li>• <i>Section 2.15.1: This section confirms that the Site Manager will undertake monitoring and auditing to ensure compliance with the detailed CEMP. Appropriate monitoring within a dedicated plan is required, such as an Environmental Monitoring Plan, to ensure that it is carried out routinely.</i></li> <li>• <i>Section 2.15.3: This section states that a Non-Conformance Report will be created in the event that monitoring identifies non-compliance with the CEMP. Oversight of contractors by an applicant is a key control mechanism to ensure compliance with a CEMP and the implementation of appropriate pollution prevention measures. We recommend that the detailed CEMP secures an obligation for the Principal Contractor to share Non-Conformance Reports with the Applicant to ensure oversight is maintained.</i></li> <li>• <i>Appendix 1: The Environmental Permitting (England and Wales) Regulations 2016 have not been mentioned within the Legislative Framework list. These Regulations are the principal legislation which controls water discharge activities, and therefore pollutions, and should be included within the list of relevant legislation.</i></li> </ul> <p>As per their D3 submission, the EA are satisfied with the Applicant's response and await review of revised wording to oCEMP <b>[APP-121]</b> to be able to close this issue.</p>	The Applicant submitted an updated oCEMP at Deadline 2 <b>[REP2-005]</b> . This addressed the Environment Agency's comments in relation to section 2.15.1 and Appendix 1. A further amendment will be made to section 2.15.13 in response to the Environment Agency's request that the CEMP secures an obligation for the Principal Contractor to share Non-Conformance Reports with the Applicant to ensure oversight is maintained. The updated oCEMP will be submitted at Deadline 4.	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant's Response	Status
EA-23 [RR-117]	Flood Risk Assessment	<p>In their RR, the EA requested that the Applicant prepare and provide calculations to confirm that the volume of flood water displaced by the solar panel supports is negligible.</p> <p>As per their D3 submission, the EA is satisfied with the assessment provided in the 'Water Environment Supplementary Assessment', which will be included within the updated FRA.</p>	<p>As per response to EA-08.</p> <p>The Applicant has provided the calculations in the Water Environment Supplementary Assessment. The FRA has been updated accordingly and will be submitted to the Examination at Deadline 4.</p>	Agreed
EA-24 [RR-117]	Equipment levels	<p>In their RR, the EA stated that: <i>Finished floor levels for the built development must be set at 300mm above the design flood.</i></p> <p>Environment Agency confirmed by email on 05/02/25 that they are satisfied with the wording provided by the Applicant to be added to the FRA.</p>	<p>As per response to EA-07</p> <p>Section 2 of the 'Water Environment Supplementary Assessment' shared with the Environment Agency (09.01.25) provides clarification on the finished floor levels and includes a recommendation to amend the Flood Risk Assessment. Following further correspondence, the following wording has been agreed between the Applicant and the Environment Agency to be included within the Flood Risk Assessment:</p> <p><i>'Finished floor levels of any ancillary control equipment in the Solar Farm Zone, including Inverter Station, and in Substation and BESS Compound, will be raised at least +0.3m above the fluvial 'design flood' level, and would be above the fluvial 'credible maximum scenario sensitivity test' flood level. The equipment would be at least +0.3m (and up to +0.6m) above existing ground level.'</i></p> <p>The FRA has been updated accordingly and will be submitted to the Examination at Deadline 4.</p>	Agreed
EA-25 [RR-117]	Flood Risk Assessment	<p>In their RR, the EA stated that: <i>A contingency plan is required for the remote operation of the solar panels to deal with the risk of failure or evidence that the solar panels will remain safe during times of a flood. A maintenance plan is required to ensure any build-up of debris during a flood event is cleared when safe.</i></p> <p>As per their D3 submission, the EA is satisfied with the assessment as provided in the Water Environment Supplementary Assessment, which will be included within the updated FRA.</p>	<p>The Applicant has addressed this matter in the Water Environment Supplementary Assessment. The FRA has been updated accordingly and will be submitted to the Examination at Deadline 4.</p>	Agreed
EA-26 [RR-117]	Flood Risk Assessment	<p>In their RR, the EA requested that the Applicant: <i>Amend wording of FRA to commit to the proposed floodplain compensation scheme and include the scheme in Works Plans as part of the DCO.</i></p>	<p>As per response to EA-05.</p> <p>The Applicant is continuing to engage with the Environment Agency in respect of the flood management strategy and discuss the appropriate mechanism to secure this.</p>	Under discussion
EA-27 [RR-117]	Flood Risk Assessment	<p>In their RR, the EA requested that: <i>Please include the latest version of the Flood Modelling Technical Note (June 2024) as an appendix to the Flood Risk Assessment. Please ensure that this is referenced in the Flood Risk Assessment</i></p>	<p>Appendix 10 of the FRA [APP-232, 233 &amp; 234] has been updated to reference latest version of the Hydraulic Model Technical Note (June 2024) produced by Aegaea. The updated FRA will be submitted at Deadline 4.</p> <p>For the avoidance of doubt, the flood modelling outputs assessed as part of the FRA have not changed. The only change is the additional sensitivity testing provided in Section 6 of the Hydraulic Model Technical Note. The sensitivity testing does not impact the conclusions of the FRA.</p>	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant's Response	Status
EA-28	Water Resources Strategy	No significant consumptive uses of surface water or groundwaters are identified by the Applicant in the construction, operation or decommissioning of the Proposed Development requiring a comprehensive Water Resources Strategy.	<p>No significant consumptive uses of surface water or groundwaters are identified in the construction, operation or decommissioning of the Proposed Development requiring a comprehensive Water Resources Strategy.</p> <p>If water abstraction is required the appropriate consent (abstraction licence) would be sought at the time. Details would be contained in the detailed CEMP secured by DCO Requirement 4 and include an assessment of source of water and licencing requirements. The oCEMP <b>[APP-121]</b> has been amended accordingly and will be submitted at Deadline 2.</p>	Agreed
EA-29	Waste Management Strategy	The Environment Agency is satisfied that a detailed Waste Management Strategy is not required.	A detailed Waste Management Strategy is not required.	Agreed
EA-30	Hydraulic Flood Model	A site specific hydraulic flood model has been devised by the Applicant building on the Environment Agency's strategic flood models for the area. This has undergone the EA's hydraulic model review process which was concluded in July 2024 and model has been signed off as fit for purpose.	<p>The site specific hydraulic flood model has been reviewed and approved by the EA and forms the evidence for the FRA <b>[APP-234]</b>.</p> <p>EA hydraulic model review concluded on 10 July 2024 as confirmed by email from Phil Sale (Modelling Specialist – National Infrastructure Team).</p>	Agreed
EA-31	Outline CEMP	An Outline CEMP <b>[APP-121]</b> has been provided by the Applicant. We are content with the issues raised and outline mitigation measures identified and that a detailed CEMP would be secured by a Requirement.	An Outline CEMP <b>[APP-121]</b> has been provided and a detailed CEMP would be developed based on these principles and secured by DCO Requirement 4.	Agreed
EA-32	WFD Compliance Assessment	A detailed WFD Compliance Assessment is not required.	Due to the lack of direct effects of the development on the WFD water bodies it is considered a formal WFD Compliance Assessment is not required and any indirect effects are dealt with through the wider application documents (ES Chapter 9 <b>[APP-029]</b> ).	Agreed