Tillbridge Solar

Tillbridge Solar Project
EN010142

Volume 9
Statement of Common Ground with the Environment Agency
~~Draft~~

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The Infrastructure Planning (Examination Procedure) Rules 2010

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Statement of Common Ground

This Statement of Common Ground has been prepared and agreed by Tillbridge Solar Limited and the Environment Agency.

[redacted], Director on behalf of Tillbridge Solar Limited

Date:…26/03/2025……..

Signed: [redacted] ……..

[redacted], Planning Specialist, on behalf of the Environment Agency

Date:…31/03/2025……..

Signed:… [redacted]
……

1. Introduction

1.1 Purpose of this Document

1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application (“the Application”) for the Tillbridge Solar Project (“the Scheme”) made by Tillbridge Solar Limited ("the Applicant"). The Application was submitted to the Secretary of State for Energy Security and Net Zero ("the Secretary of State") for a Development Consent Order (DCO) ("the Order") under section 37 of the Planning Act 2008 ("PA 2008") (Ref.1) and accepted for examination on 8 May 2024.

1.1.2 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 on the Planning Inspectorate’s website at https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents.

1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties and where agreement has not (yet) been reached. The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

1.1.4 All comments received from the Environment Agency following the issue of the EIA Scoping Report, Non-Statutory Consultation, Preliminary Environmental Information Report and Statutory Consultation have been addressed throughout the application process and the Applicant’s responses are detailed in the corresponding technical documents submitted with the Application. This SoCG therefore includes comments received from the Environment Agency within their Relevant Representation summary submission as these are deemed as the matters remaining for discussion.

1.1.5 This document was updated at Deadline 3 ~~and at~~, Deadline 5 and Deadline 6 to reflect ongoing engagement with the Environment Agency. The document references have not been updated from the original submission. For the most up-to-date documents, the reader should access these through the **Guide to the Application [EN010142/APP/1.2(~~Rev07~~Rev08)]** and Schedule 13 of the **draft DCO [EN010142/APP/3.1(~~Rev06~~Rev07)]**.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between (1) the Applicant and (2) the Environment Agency (jointly referred to as the Parties).

1.2.2 The Applicant is a joint venture between Tribus Clean Energy Limited and Recurrent Energy, a subsidiary of Canadian Solar, who are both experienced developers of renewable energy projects.

1.2.3 The Environment Agency (EA) is a non-departmental public body, the purpose of which is 'to protect or enhance the environment taken as a whole' so as to contribute to 'the objective of achieving sustainable development' (Environment Act, 1995) (Ref. 2). The Environment Agency is a prescribed consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 'Working with Public Bodies' (Ref. 3) produced by the PINS sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA. The Applicant has consulted the EA throughout development of the Scheme.

1.2.4 The EA's role covers various topics including:

a. Managing the risk of flooding from main rivers, reservoirs and the sea;
b. Regulating major industry and waste;
c. Treatment of contaminated land;
d. Water quality and resources;
e. Fisheries;
f. Inland river, estuary and harbour navigation; and
g. Conservation and ecology of the aquatic environment.

1.3 The Scheme

1.3.1 The Order, if granted, would authorise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.

1.3.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.

1.3.3 The associated development element of the Scheme includes but is not limited to access provision; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.

1.3.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

1.4 Terminology

1.4.1 Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.

1.4.2 These terms are used as follows:

a. “Agreed” indicates where the issue has been resolved;

b. “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;

c. “Not Agreed” indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

2.1.1 A summary of all meetings and correspondence that has taken place between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails of note.

Table 1: Record of Engagement

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
04 September 2023	Teams Meeting Environment Agency: Principal Planning Advisor, Flood Risk Advisors and Hydrology Advisor. Applicant’s consultancy team.	Meeting to discuss proposed approach to: • Flood Risk Assessment; • Outline Drainage Strategy; • Crossing of Main Rivers and Water Framework Directive (WFD) monitored reaches; • Foul Water Drainage; and • Battery Energy Storage Systems (BESS) Locations and firewater.
21 August 2024	Teams Meeting Environment Agency: Planning Advisor, Flood Risk Advisor, Hydrology Advisor. Applicant’s consultancy team.	Meeting to discuss Relevant Representation comments, focussed on the Summary of Relevant Representation comments provided directly to the Applicant by the EA. This summary included comments relating to: • Legal matters; • Ecology and biodiversity; • Hydrology, flood risk and drainage; • Ground Conditions and contamination;

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
		• Water environment and foul drainage; • Waste; and • BESS.
30 September 2024	Teams Meeting Environment Agency: Planning Advisor, Fisheries Technical Specialist. Applicant's consultancy team.	Meeting to discuss Electromagnetic Fields, fish and monitoring.
02 December 2024	Teams Meeting Environment Agency Planning Advisor Applicant's consultancy team	Meeting to discuss the additional flood risk mitigation identified and response to Examining Authority's First Written Questions.

3. Areas of Discussion between the Parties

3.1.1 **Table 2** below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 2 Areas of Discussion with The Environment Agency

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
Legal matters				
1.1	**draft DCO [EN010142/APP/3.1(Rev 03)]**	***Protective Provisions*** **The EA's initial Position:** We do not agree to the set of protective provisions included in the draft Development Consent Order (DCO) and we will only agree to the disapplication of the requirement for the Flood Risk Activity Permit once we have agreed with wording of them. The EA is currently reviewing its Standard Protective Provisions which all applicants are expected to enter into before we will agree to disapplication. The Environment Agency's new Standard Protective Provisions are anticipated to be submitted for consideration at the end of December 2024. **Applicant's Position at Deadline 3:** The Applicant is awaiting the receipt of the new standard protective provisions from the EA and is ready to discuss these as soon as the EA is able to provide these or any other comments on the protective provisions.	~~Protective Provisions have been agreed. Matter will be agreed once these have been submitted into examination.~~ Agreed – EA comments have been addressed.	~~High~~Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Applicant's Position at Deadline 5: The Applicant and the Environment Agency have agreed to an amended version of the EA's updated standard protective provisions for inclusion within the **draft DCO [EN010142/APP/3.1(Rev06)]** which is submitted at Deadline 5. **The EA's position at Deadline 5:** The wording of the Protective Provisions has now been agreed. It just needs submitting as part of an updated Development Consent Order at Deadline 5. **The EA's position at Deadline 6:** The submissions at Deadline 5 have been checked and it is noted that the updated draft Development Consent Order contains the Protective Provisions that have been agreed. On this basis, this matter is concluded.		
1.2	**draft DCO [EN010142/APP/3.1(Rev 03)]**– Schedule 3	***Anglian Water Authority Act 1977*** **The EA's initial Position:** Noted that the whole of the Anglian Water Authority Act (AWAA) 1977 (Ref. 4) is listed in Schedule 3 of the DCO (Legislation to be disapplied) and asked if they could be provided with a precis as to the relevance of each section of the AWAA for us to consider. **Applicant's Position at Deadline 1:** The Applicant has provided further information on its basis to disapply the AWAA to the Environment Agency to address its questions. It is noted that Schedule 3 only seeks to disapply those sections of the AWAA (and other legislation captured within the Schedule) "*in so far as they relate to the construction of any numbered work or the carrying out of any operation required for the purpose of, or in connection with, the construction, operation, maintenance or decommissioning of*	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		the authorised development". Where there is no conflict between sections of the AWAA and the authorised development these will remain operative and unaffected by the Order. It is also noted that the recently made solar Orders within the vicinity of the Scheme (Gate Burton Energy Park Order 2024 and Cottam Solar Project Order 2024) both included the AWAA within their schedule of legislation to be disapplied. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** In response to this, the Environment Agency's Legal Team advise the explanation provided by the applicant is sufficient and we are not concerned by the disapplication of the AWAA 1977. One of our considerations is getting to this position is the fact that we will have our protective provisions in place, which should be capable of addressing any concerns we may have with detailed works plans regarding the Cable Route Corridor crossing the River Trent. On this basis, the Environment Agency considers that the text in Section 1.2 of the SoCG is acceptable.		
1.3	**draft DCO [EN010142/APP/3.1(Rev 03)]**– Schedule 2, Requirements 6, 7, 8, 12, 13 and 20 **Framework CEMP [EN010142/APP/7.8(Rev 01)]**	***DCO Requirements*** **<u>The EA's initial Position:</u>** The Environment Agency wishes to be a specific named consultee in respect of any scheme to remediate the site plus Schedule 2, Requirement 6 (1) (battery safety management), Requirement 7 (1) (landscape and ecological management plan); Requirement 8 (1) (biodiversity net gain strategy); Requirement 12 (1) (construction environmental management plan); Requirement 13 (1) (operational environmental management plan); and Requirement 20 (1-4) (decommissioning and restoration).	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		In addition, from a ground contamination/site investigation point of view, the EA welcomes the changes made as a result of our initial comments. We have no further comments to make. We look forward to receiving any reports in due course. **Applicant's Position at Deadline 1:** The Applicant agrees that the EA is to be consulted on the findings of the Site Investigation and any proposed remedial works related to protection of controlled waters and the regimes that the EA regulate and has captured this within the updated **Framework CEMP [EN010142/APP/7.8(Rev01)]** provided for Deadline 1. In addition, the Applicant agrees to include the EA as a consultee within Schedule 2, Requirement 6 (1) (battery safety management), Requirement 7 (1) (landscape and ecological management plan); Requirement 8 (1) (biodiversity net gain strategy); Requirement 12 (1) (construction environmental management plan); Requirement 13 (1) (operational environmental management plan); and Requirement 20 (1-4) (decommissioning and restoration), and has provided a version of the **draft DCO [EN010142/APP/3.1(Rev03)]** with these changes at Deadline 1. **The EA's position in the light of this extra information at Deadline 1:** This response is accepted. **The EA's position at Deadline 3:** We note the wording on page 60 of the **Framework CEMP [EN010142/APP/7.8(Rev02)]** submitted at Deadline 1.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
Ecology and biodiversity				
2.1	**Biodiversity Net Gain report [AS-062]**	***Biodiversity Net Gain*** **The EA's Position:** We note some slight discrepancies within the Biodiversity Net Gain calculations around the watercourse element which was concerning the culverting of small sections. However, we presume this was due to rounding and decimal points, but this point needs to be addressed. **Applicant's Position at Deadline 1:** The Applicant confirms that these small discrepancies are due to the rounding up of the metric to two decimal points within DEFRA's Statutory Metric tool. The **Biodiversity Net Gain Report [AS-062]** clarifies this. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency accepts the Applicant's response.	Agreed – EA comment has been addressed.	Resolved
2.2	**draft DCO [EN010142/APP/3.1(Rev 03)]**– Schedule 2, Requirement 13 **Appendix 9-12: Habitat Regulations Assessment Report [EN010142/APP/6.2(Rev 01)]**	***Monitoring of Electromagnetic Fields (EMF) Impacts on Fish*** **The EA's Position:** As with the West Burton and Cottam solar schemes, we would like to request a programme of monitoring of the impacts on fish as a result of cables from the development passing under the River Trent to be included in the Operational Environmental Management Plan to be secured via Schedule 2, Requirement 13 (1) of this Development Consent Order.	Agreed – EA comment has been addressed.	~~High~~Resolved for the purposes of determining this Development Consent Order application.

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	Framework OEMP [EN010142/APP/7.9(Rev 01)]	Contact has been made by the Environment Agency with Hull University with a view to getting their advice on a suitable monitoring programme **<u>Applicant's Position at Deadline 1:</u>** As set out within **Chapter 9: Ecology and Nature Conservation** of the ES **[APP-040]** and **Appendix 9-12: Habitat Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]**, no likely significant effects from EMF on fish within the River Trent have been identified. However, the **Framework OEMP [EN010142/APP/7.9(Rev01)]** has been updated at Deadline 1 to confirm that the Applicant will contribute to the monitoring of EMF within the River Trent, as agreed with the other solar developers, subject to an agreement of the feasibility and extent of the proposed monitoring programme with the Environment Agency. **<u>The EA's position in the light of this extra information at Deadline 3:</u>** The EA accepts the Applicant's response and inclusion of monitoring of EMF within the **Framework OEMP [EN010142/APP/7.9(Rev02)]**. The SoCG states '*The Applicant will contribute to the monitoring of EMF within the River Trent, as agreed with the other solar developers, <u>subject to an agreement of the feasibility and extent of the proposed monitoring programme with the Environment Agency</u>*'. In Paragraph 3.6 of our written representations we have said *'We wish to highlight it as a potential concern if the situation on this matter cannot be resolved…'*. We are therefore not happy that the status column says this matter has been agreed and wish the wording to be amended to reflect the ongoing discussions that are taking place. We would be happy with the wording if it said *'The Applicant will contribute to the monitoring of EMF within the River Trent, as agreed with the other solar developers, with the detail to be agreed in due*		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		course'. We accept that these discussions may take longer than it takes to determine the DCO application. **Applicant's Position at Deadline 3:** The Applicant agrees that they will contribute to the monitoring of EMF within the River Trent, as agreed with the other solar developers, with the detail to be agreed in due course. It is noted that the wording from Applicant's position at Deadline 1 commented on by the EA was not included in the **Framework OEMP [EN010142/APP/7.9(Rev02)]**. **The EA's Position at Deadline 5:** Discussions are currently taking place between the Environment Agency, Hull University and Natural England to define the scope of the proposed monitoring programme. The aim is that this will then be discussed with all of the solar developers that will run cables under the River Trent at this point. On the basis that there is wording within the OEMP to secure that the applicant takes part in this monitoring programme, these discussions can take place outside the timescale for determining the DCO application. **Applicant's Position at Deadline 5:** The Applicant has included the commitment to contribute to the monitoring programme within the **Framework OEMP [REP4-022]** since Deadline 1 and this commitment has remained within the application from this point in the examination.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Environment Agency's Position at Deadline 6: We are happy that the wording in the Framework Operational Environmental Management Plan (OEMP) on this topic is sufficient to secure the monitoring that is required. We are having ongoing discussions with Hull University to define the detail and are happy for these to continue outside the timescale for determining this Planning Application providing the wording to secure it remains in the Framework OEMP. On this basis, this matter is resolved for the purposes of determining this Development Consent Order application.		
2.3	**Chapter 9: Ecology and Nature Conservation [APP-040]**	***Riparian Mammals*** **The EA's Position:** Responses have been provided by the EA and the Applicant to Q1.2.2 of the Examining Authority's First Written Questions, presented within **Responses to the ExAs First Written Questions [REP3-068]** and the **Applicant's Response to Examining Authority's First Written Questions [REP3-062]** respectively. The Applicant's comment to the EA's response presented within the **Applicant's Comments on Interested Parties' Submissions to First Written Questions at Deadline 3 [REP4-048]** has been considered. As a result, at Deadline 5, in response to the Applicant's comments, the EA has requested additional commitments are included within the **Framework CEMP [EN010142/APP/7.8(Rev04)]** to survey river bank areas during the construction phase as populations of riparian mammals, particularly Water Voles, are known to fluctuate over time. If significant populations are identified, then appropriate standard mitigation measures should be adopted for any protected species. **Applicant's Position at Deadline 5:**	~~Agreed – subject to updated Framework CEMP being submitted into examination.~~ Agreed – EA comment has been addressed.	~~High~~Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The Applicant has included additional commitments to surveying of river bank areas for riparian mammals to page 29, Table 3-5 of the **Framework CEMP [EN010142/APP/7.9(Rev03)]** which is submitted into examination at Deadline 5. **The EA's Updated Position at Deadline 5:** The Environment Agency has seen the updated Framework CEMP to be submitted at Deadline 5 and is happy with it subject to an extra sentence being included which reads *'The surveys should be undertaken by a suitably qualified ecologist and completed as per the industry standard for water vole surveys (Strachan et al 2011)*'. **The Environment Agency's Position at Deadline 6:** The Environment Agency has checked the Framework CEMP submitted at Deadline 5 and note it contains the extra wording that was requested. On this basis, this matter has been resolved.		
Hydrology, flood risk and drainage				
3.1	**draft DCO [EN010142/APP/3.1(Rev 03)]**– Schedule 25	***Definition of 'Emergency' within DCO*** **The EA's initial Position:** We see that Page 144, 115 (3) of the DCO refers to a process during an emergency. Please can the definition of 'emergency' be listed under 111 (2) as per the Environmental Permitting Regulations 2016. This also applies to 116 (5). **Applicant's Position at Deadline 1:** The Applicant has included the definition of emergency directly within the current draft protective provisions included for the Environment Agency, as requested, within the updated **draft DCO [EN010142/APP/3.1(Rev03)]** issued at Deadline 1.	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Should a new version of protective provisions be provided by the Environment Agency per [1.1] above, the Applicant will ensure this definition is carried over into the latest version of protective provisions within the draft DCO. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** As a general comment, the Environment Agency has considered the responses to points 3.1 to 3.8 and note we have not got the actual updated DCO documents just other updated documents which are purported to contain the same information as submitted in connection with the DCO. Specifically in response to 3.1 the Environment Agency, initially, could not find the definition of an emergency referred to, but there are a number of references to emergencies in the document. **<u>The EA's position at Deadline 3:</u>** This definition has subsequently been found on page 145. On this basis, the document is satisfactory.		
3.2	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Outline Design Principles Statement [AS-058]** **draft DCO [EN010142/APP/3.1(Rev 03)]**	***Bore Depths*** **<u>The EA's initial Position:</u>** Page 74, 10.7.7 of Chapter 10 of the Environmental Statement (water environment) states "the cable installation depth below the firm riverbed will be a minimum of 3m" however 10.7.8 refers to a minimum of 5m depth. Which is the minimum depth? **<u>Applicant's Position at Deadline 1:</u>** The bore depths for cable installation will vary across the Order limits dependent on the watercourse. As described in **Chapter 10: Water Environment** of the ES **[APP-041]**, the minimum depth of trenchless crossings under watercourses will	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		be 3.0m. For larger watercourse such as the River Trent and the River Till, the Applicant is committed to a minimum bore depth of 5.0m as previously agreed with the Environment Agency. Bore depths for cable installation are secured through compliance with the **Outline Design Principles Statement [AS-058]**. Requirement 5 within Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]** sets out that the detailed design of the Scheme must accord with the Outline Design Principles Statement. **The EA's position in the light of this extra information at Deadline 1:** The Applicant's response is acceptable. The document makes it clear where minimum depths of 3m or 5m will be used.		
3.3	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]**	***Skellingthorpe Main Drain*** **The EA's initial Position:** Page 78, 10.7.17 (d) of Chapter 10 lists Skellingthorpe main drain as a trenchless crossing. This is not a watercourse that is located within the current site boundary. We believe this to be a typo. **Applicant's Position at Deadline 1:** The words 'catchment of the' should have been placed before the name 'Skellingthorpe main drain'. This is referring to a watercourse in the north of the Skellingthorpe main drain (SMD) catchment and not the SMD itself. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency accepts the Applicant's response but technically there still is a typo issue as Skellingthorpe Main Drain is nowhere near the proposed works. It is the other side of the Fossdyke Canal, so is in a different catchment.	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
3.4	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Figure 3-12: Typical Trenchless Crossings Cross Sections [EN010142/APP/6.3(Rev 01)]**	***Permanent Hazard Markers*** **The EA's initial Position:** Page 78 of Chapter 10, under section "Water Crossings with Non-Intrusive Techniques", we require the Undertaker to erect permanent hazard markers on both banks of the main river crossings to ensure future safety during maintenance. **Applicant's Position at Deadline 1:** The details provided within the ES Chapter are exemplar and specific details such as signage is usually provided on the detailed design drawings. An updated **Figure 3-12: Typical Trenchless Crossings Cross Sections** of the ES **[EN010142/APP/6.3(Rev01)]** has been issued at Deadline 1 to add exemplar signage for the avoidance of doubt. **The EA's position in the light of this extra information at Deadline 3:** The Environment Agency accepts the details as shown on Figure 3-12 on the basis that it includes concrete marker posts with detail including a warning plate.	Agreed – EA comment has been addressed.	Resolved
3.5	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Framework CEMP [EN010142/APP/7.8 (Rev01)]**	***Construction Emergency Response Plan*** **The EA's initial Position:** Page 81, 10.7.31 of Chapter 10 refers to an Emergency Response Plan. We would want to review this. **Applicant's Position at Deadline 1:**	Agreed – EA comment has been addressed	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	draft DCO [EN010142/APP/3.1(Rev 03)]	As set out within paragraph 2.10.1 of the **Framework CEMP [EN010142/APP/7.8 (Rev01)]**, an Emergency Response Plan will be developed in consultation with the relevant local authority emergency planning officer, emergency services including the local fire service, as well as the Environment Agency in relation to responding to flood warnings and events. The Emergency Response Plan would be developed by the Contractor post-DCO consent. The implementation of a final CEMP in accordance with the Framework CEMP (including in respect of the Emergency Response Plan requirements) is secured by Requirement 12 within Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which also includes consultation requirements with the Environment Agency. This provides further assurance to the Environment Agency that the existing consultation requirements for the Emergency Response Plan within the **Framework CEMP [EN010142/APP/7.8 (Rev01)]** will be retained. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency is happy the document recognises we will be consulted on the Emergency Response Plan, which will be prepared upon appointment of the contractor after the DCO decision.		
3.6	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Figure 10-5: Watercourses, Flood Zones and Internal Drainage Boards [EN010142/APP/6.3(Rev 01)]**	***Temporary Access Track Crossings*** **The EA's initial Position:** Page 84, 10.7.44 of Chapter 10 refers to temporary crossings of watercourses. Please can locations of these crossings be provided as main river crossings will need to be reviewed. **Applicant's Position at Deadline 1:** It is expected that eleven temporary access track watercourse crossings will be required along the Cable Route Corridor for minor watercourses / drains, in order to facilitate construction access**.** No temporary access track watercourse	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		crossings of main rivers (i.e. River Trent and River Till) are proposed. The indicative locations of the temporary access track watercourse crossings along the Cable Route Corridor have been added to **Figure 10-5: Watercourses, Flood Zones and Internal Drainage Boards** of the ES **[EN010142/APP/6.3(Rev01)]** as re-issued at Deadline 1. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency is happy with the plan provided.		
3.7	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Figure 3-12: Typical Trenchless Crossings Cross Sections [EN010142/APP/6.3(Rev 01)]** **Framework CEMP [EN010142/APP/7.8 (Rev01)]**	***Main River Crossings*** **The EA's initial Position:** For Chapter 10, we require detailed drawings for each crossing site on a main river. These have not currently been provided. **Applicant's Position at Deadline 1:** Trenchless crossings of the River Trent and the River Till are proposed. Typical trenchless crossing details have been provided within **Figure 3-12: Typical Trenchless Crossings Cross Sections** of the ES **[EN010142/APP/6.3(Rev01)]**. It is noted that this figure has been updated and submitted for Deadline 1 to include exemplar permanent hazard markers as requested by comment ref. 3.1. Updated drawings for all main river crossings will be provided at detailed design stage once further surveys of each watercourse have been undertaken. The **Framework CEMP [EN010142/APP/7.8 (Rev01)]** has been updated at Deadline 1 to include reference to this, within Table 3-5. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency is happy with the generic plan provided at this stage with more to be provided at detail design stage. We reserve the right to comment	~~Matter is agreed - Awaiting the submission of the agreed Protective Provisions at Deadline 5~~ Agreed – EA comment has been addressed.	~~High~~Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		further when we are consulted on these. Please could the applicant clarify if this means all the crossings will be assessed by means of this DCO application rather than a Flood risk Activity Permit. **Applicant's Position at Deadline 3:** The Applicant can clarify that Article 6 of the **draft DCO [EN010142/APP/3.1(Rev04)]** disapplies the need for Flood Risk Activity Permits under the Environmental Permitting (England and Wales) Regulations 2016. Instead, the EAs approval for final detailed design for these crossings will be sought under the terms of the protective provisions which remain subject to negotiation but are currently included in draft form within Schedule 14, Part 10 of the **draft DCO [EN010142/APP/3.1(Rev04)]**. **Applicant's Position at Deadline 5:** Protective provisions have now been agreed with the EA for inclusion in the **draft DCO [EN010142/APP/3.1(Rev06)]** which is submitted into examination at Deadline 5. These include a mechanism for the EA to provide its approval for final detailed design for these crossings (such crossings being specified works to which the requirements of the protective provisions apply). **The EA's position at Deadline 5:** Legal advice is that the Protective Provisions are an acceptable way of addressing this matter. Accordingly, provided that the agreed Protective Provisions are submitted at Deadline 5, this point has been addressed. **The EA's position at Deadline 6:**		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The submissions at Deadline 5 have been checked and it is noted that the updated draft Development Consnet Order contains the Protective Provisions that have been agreed. On this basis, this matter is concluded.		
3.8	**Framework DEMP [EN010142/APP/7.10(Rev01)]** **draft DCO [EN010142/APP/3.1(Rev 03)]**	***Consultation on the Framework DEMP*** **The EA's initial Position:** In relation to the Framework Decommissioning Environmental Management Plan, we would want to review the final plan to confirm the details around leaving cable routes under main rivers/filling cable routes. **Applicant's Position at Deadline 1:** The Applicant notes this comment and has included the Environment Agency as a further body for consultation in relation to the **Framework DEMP [EN010142/APP/7.10(Rev01)]** within Requirement 20 of the updated **draft DCO [EN010142/APP/3.1(Rev03)]** presented at Deadline 1. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency is happy the document recognises we will be consulted on the Decommissioning Plan, though presumably we won't be considering this for 60 years.	Agreed – EA comment has been addressed.	Resolved
3.9	**Appendix 10-3: Flood Risk Assessment [EN010142/APP/6.3(Rev 01)]**	***Flood Risk Assessment of Temporary Construction Compounds*** **The EA's initial Position:** In relation to the Flood Risk Assessment (FRA), we note there are 6 temporary construction compounds to be provided along the cable route corridor. 2 are located within Flood Zone 3. We would ask that the developer requests Product 4 data for the River Trent from us in order to fully assess the flood risk to these. In	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		addition, Section 8.1.2 of the FRA needs amending to take account of the findings of the extra work we are asking for above. **Applicant's Position at Deadline 1:** The Applicant has applied for Product 4 data for the River Trent at Cottam Power Station for the two compounds in Flood Zone 3. The Applicant will continue to liaise with the Environment Agency to agree the approach to the flood risk assessment for the two temporary construction compounds within Flood Zone 3. Review of the spatial flood defence data (available at: Flood Defence Spatial Data) notes the flood defence in the reach upstream and downstream of Cottam Power Station is designed to provide a defence level up to the 1 in 100-year Annual Exceedance Probability (AEP) event. Residual risk and potential mitigation of a breach scenario of the flood defences will be assessed and agreed with the Environment Agency. **Appendix 10-3: Flood Risk Assessment** of the ES **[APP-097]**, Section 8.1.2 will be amended, should additional mitigation be required following review and response to the additional flood data requested, with agreement from the Environment Agency. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency notes that, on 17 October 2024 the Applicant submitted more information relating to the temporary construction compounds to us. This is currently being considered. **Applicant's Position at Deadline 3:** Following receipt of Product 4 data for the River Trent the Applicant has updated **Appendix 10-3: Flood Risk Assessment [EN010121/APP/6.3(Rev01)]**. The assessment identified additional flood risk mitigation required for the two		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		temporary construction compounds and the Applicant discussed the results with the EA regarding how this is secured within the Application. Further discussions have taken place since the EA requested the planning condition in paragraph 4.6 of their Written Submissions dated 6 November 2024 and the agreed way forward is now that the safe refuge provision mitigation identified and requirement for an evacuation plan on receipt of a flood warning is included within the **Framework CEMP [EN010142/APP/7.8(Rev02)]**, Table 3-5 and paragraph 2.10.2 respectively. The updated **Framework CEMP [EN010142/APP/7.8(Rev02)]** has been submitted into examination at Deadline 3. **The EA's position at Deadline 5:** We checked the information submitted at Deadline 3 and noted an updated Framework CEMP was submitted to reflect what was agreed in relation to the temporary construction compounds. However, we also noted that the submission at Deadline 3 contained an earlier version of the relevant part of the Flood Risk Assessment than one we had the discussions about which are referred to in the Applicant's position at Deadline 3. At the same time, we also considered the conclusion should be updated to reflect the additional flood risk mitigation that it has been agreed is required in connection with the development. The Applicant's consultants responded by saying an updated Flood Risk Assessment would be submitted at Deadline 4 to address these points. We have looked at the Flood Risk Assessment submitted at Deadline 4 and consider it has now addressed these points.		
3.10	**Appendix 10-3: Flood Risk Assessment [EN010142/APP/6.3(Rev 01)]**	***No Permanent Above Ground Works within the Cable Route Corridor*** **The EA's initial Position:** Also, in relation to the FRA, we assume that the cable route and connection at Cottam do not include any permanent above ground works in flood zones 2 and	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		3. If this is not correct, please let us know in order that we can comment further on this matter. The Applicant's response resolves the Environment Agency's question about the works at Cottam. It is noted they will not be in flood zones 2 or 3. **<u>Applicant's Position at Deadline 1:</u>** The Applicant confirms that the Cable Route Corridor and connection at Cottam Power Station will comprise no permanent above ground infrastructure within Flood Zones 2 and 3. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** The Applicant's response resolves the Environment Agency's question about the works at Cottam. It is noted they will not be in flood zones 2 or 3.		
3.11	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]** **Framework CEMP [EN010142/APP/7.8(Rev 01)]**	***Temporary Abstraction License and Discharge Consent for Dewatering*** **<u>The EA's initial Position:</u>** Dewatering has been identified as a way of dealing with shallow groundwater during construction and Horizontal Directional Drilling. Section 10.8.27 of Chapter 10 (water environment) recognises that a temporary abstraction licence when abstracting more than 20m^3 per day and that a discharge consent may be required. The contractor should determine the need for an abstraction licence at an early stage. **<u>Applicant's Position at Deadline 1:</u>**	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		We note that once appointed, the Principal Contractor will determine the need if any to abstract water and any licences required to do so. This is set out within the **Framework CEMP [EN010142/APP/7.8(Rev01)]**. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency notes the Applicant's response on this point and has no further comments to make.		
3.12	**Appendix 10-3: Flood Risk Assessment [REP4-018]**	***Reservoir within the Principal Site*** **The EA's Position:** In light of the responses provided by the Applicant to Q1.14.6 of the Examining Authority's First Written Questions, presented the **Applicant's Response to Examining Authority's First Written Questions [REP3-062]**, and Q2.14.1 of the Examining Authority's Second Written Questions the EA queries the Applicant's assertion that the reservoir located within the Principal Site has been considered within the EA's online mapping for reservoir flood risk, which has informed the Flood Risk Assessment. The EA has determined that due to the size of the reservoir it is not included within the online mapping for reservoir flood risk and as such asks the Applicant if it has been assessed within the Flood Risk Assessment. **Applicant's Position at Deadline 5:** The Applicant has provided a response to this for ExQ2.14.1, within the **Applicant's Response to Examining Authority's Second Written Questions [EN010142/APP/9.35]**. The Applicant has assessed the digestion pit appropriately within the **Appendix 10-3: Flood Risk Assessment** of the ES **[REP4-018]**. This is provided below for reference:	~~The EA is currently considering the Applicant's position at Deadline 5.~~Agreed – EA comment has been addressed.	~~High~~ Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		*"**Table 3-2**, page 29 of **Appendix 10-3: Flood Risk Assessment (FRA)** of the ES **[REP4-018]** discusses the digestion pit adjacent to Field 59, indicating a size of approximately 100m x 100m size and up to 2.0m deep above existing ground level.* *A pit of this nature needs to be maintained in accordance with the Environmental Permitting Regulations 2016 (Ref 1-1).* *The FRA notes that the digestion pit is assumed to be in good working order and any embankments are monitored and maintained in good condition, to comply with the Environmental Permitting Regulations 2016.* *The digestion pit has been appropriately assessed within **Table 3-2,** and Section 4, **Table 4-1** of **Appendix 10-3: FRA** of the ES **[REP4-018]** with a low residual risk."* **EA' s position at Deadline 5:** The EA is considering the Applicant's position at Deadline 5. **Applicant's position at Deadline 6:** Note the 'square reservoir' has been referred to as the 'lagoon' in the response below, as it does not meet the definition of a reservoir in accordance with the Reservoirs Act 1975. Regulatory Compliance: In accordance with the UK Government guidance (Ref. 9), the storage of digestate within the lagoon must adhere to a 750mm freeboard requirement between the water level and the earth embankment to ensure safety and compliance. The environmental permit for the Hemswell Cliff Anaerobic Digestion facility also specifies this 750mm freeboard requirement.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Considering the lowest crest height of embankment of 25.50m AOD around the reservoir, the maximum allowable digestate level is assumed to be 24.75m AOD. The lowest level of the downward toe of the embankment is recorded at 24.00m AOD at the north-western and northern edges of the reservoir, which means that, in the event of a breach, the maximum depth of overflow at the embankment toe would be 0.75m. Potential Breach Locations: The southern, eastern, and south-western embankments are raised approximately 0.5m above ground level, with the lowest downward toe level at 25.50m AOD. Since the maximum digestate level remains at 24.75m AOD, these embankments would not experience overtopping or breach, as the surrounding ground is at, or above, this level. However, potential breach scenarios have been specifically assessed for the north-western and northern embankments, as they contain the lowest crest level at 25.50 mAOD. These areas present the most likely locations where a breach could occur, particularly under a worst-case flow path scenario. Risk of Breach If a breach were to occur, the digestate would flow between PV fields 58 and 59, following the natural contours of the land towards a nearby pond and an adjacent watercourse located to the west. Importantly, the BESS area within PV field 58 would remain unaffected, as the anticipated flow path would bypass this infrastructure. As the digestate passes across the edge of solar PV field 59, it is unlikely to cause damage to the solar panels, as they are mounted with a minimum clearance of 600mm from the ground. Given that the digestate would spread and dissipate quickly, the risk of inundation to the panels remains minimal.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Additionally, a watercourse running parallel to the BESS in PV field 58 would serve as a natural interception point, carrying any overflow towards the primary watercourse to the west. Integrity of the Lagoon Structure The lagoon is constructed with an impermeable liner covering both the base and sidewalls, ensuring that any stored digestate remains contained and does not seep into the surrounding environment. The Environmental Permit imposes strict maintenance and monitoring obligations, requiring that the liner and embankments be regularly inspected and kept in good condition throughout the lagoon's operational lifespan. If the lagoon embankment were to fail, the environmental damage would, in consideration, be far more damaging to the environment and it would be in the interest of the lagoon operator to ensure this does not occur. Reservoirs Act 1975 Regarding the statutory reservoir size; the volume which clarifies the statutory volume within the Reservoirs Act is the volume of water above the lowest external ground level at the embankment toe. Applying a conservative approach, the maximum depth of the lagoon (excluding freeboard) above this level is 1.50m; an area of approximately 1.1 ha would provide a maximum volume of 16,500m^3; this would not fall within the current statutory limit of 25,000m^3, but could fall within the lower limit of 10,000m^3 if Schedule 4 of the Flood and Water Management Act is brought into law in the future. In summary, given the assessed overland flow paths for the breach, and a very low likelihood of a breach of the digestate lagoon, the residual flood risk to the solar panels and associated infrastructure is considered very low, with no mitigation required.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Whilst the Scheme would not be affected by flooding in the unlikely event of a breach of the lagoon, the Applicant does note that as an additional safeguard, the Scheme will be able to function in a modular way. That is, if any parts of the PV areas were affected by flood waters in exceptional circumstances, the substations and BESS-Solar Station Compounds can continue to function safely. **EA's position at Deadline 6:** The Environment Agency accepts the points made by the applicant and, on this basis, this matter is resolved.		
3.13	**Applicant's Response to Examining Authority's Third Written Questions [EN010142/APP/9.40],** ExQ3.14.2	***Updated NaFRA 2 data*** **Applicant's position at Deadline 6** The Applicant has reviewed the new National Flood Risk Assessment (NaFRA) dataset released by the Environment Agency and where the extended flood extents relate to the Principal Site and the indicative layout as presented on **Figure 3-1: Indicative Principal Site Layout [EN010142/APP/6.3(Rev02]**. This is presented in the table below. **Element of the Scheme within the updated extent of flooding from rivers** — **Review** Fields 51, 56 and 57 — **Appendix 10-3: Flood Risk Assessment** of the ES **[REP4-018]** provided a detailed review of flood risk to these fields on the basis of which minimum solar panel height of 20.06m AOD within these fields were specified within the **Outline Design Principles Statement [REP4-020]**. The newly published flood mapping indicates a	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter		Status	Likelihood of Resolution
			greater flood extent within Field 56, above 20.06m AOD; however, **Appendix 10-3: Flood Risk Assessment** of the ES **[REP4-018]** provides a more detailed assessment of flood risk to these fields, compared to the high-level mapping published for the Yawthorpe Beck. As such the assessment presented within **Appendix 10-3: Flood Risk Assessment** of the ES **[REP4-018]** is considered to remain valid.		
		Field 70	The updated NaFRA data indicate the extension of flood extents into Field 70. However, the flood extents only extend into areas of proposed landscaping, with no overlap with proposed solar infrastructure.		
		Principal Site Access 3	The updated NaFRA data indicate the extension of flood extents across Principal Site Access 3. This is an existing access that is proposed to be used during the operation of the Scheme only. No raising of ground levels is proposed at this location and as such, the use of the access for operational purposes will not impact on flood risk.		
		Field 77	From a review of the topographical survey and the mapping extents for flooding for up to the worst case extent, for up to 1.2m depth, the maximum depth the water would reach in this field is approximately 200mm; with panels set a minimum 600mm above ground level, it is considered mitigation to raise panels in Field 77 is not required.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Field 68 The lowest ground levels along the southern boundary of Field 68 fall from east to west, from 17.56m AOD, to 16.76m AOD. Comparing the topographical survey to the long term fluvial flood risk mapping, and applying the mapping extents for up to the worst case extent, for up to 1.2m depth, the maximum flood depths relative to the lowest perpendicular ground levels are no greater than 240mm (i.e. in cross section across the floodplain). With a minimum panel height of 600mm above ground, the flood depth at any given point for solar PV panels in Field 68 will not reach the base of the panel with at least 300mm freeboard still afforded. Therefore, it is considered no mitigation is required within Field 68. Following this review the Applicant determines that the new flood extents released by the Environment Agency in the NaFRA do not present the need for any changes to **Appendix 10-3: Flood Risk Assessment** of the ES **[REP4-018]** of the design of the Scheme. **EA's position at Deadline 6:** The Environment Agency has considered this information and we agree with the applicants' comments on Fields 51, 56 and 57, Field 70, Field 77 and Field 68. This is because the new extents are mainly very low chance and shallow depths <200mm. In addition, the flood risk is mainly located around the borders of fields and the impact on panels is limited. In general terms, in addition to the new NaFRA2 data, we would also note that some of the areas have also been modelled by the applicant (the Yawthorpe Beck) to bring the information for them up to date. That modelling still stands and has already been accounted for in the Flood Risk Assessment.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Finally, we note the comment on Principal Site Access 3 states the access will not impact on flood risk. We wish to clarify we are not concerned about the access's impact on flood risk here, rather the impact of flood risk on the access. Nevertheless, the depths are fairly shallow and the access track appears to be a natural boundary between the shallower and deeper flood risk. However, the applicant should be aware it may become impassable during flooding and we wish to make it clear that the route should not be used in the site Flood Warning and Evacuation Plans. On this basis, we are happy that the new NaFRA2 data has been taken into account in considering this development.		
Ground conditions and contamination				
4.1	**draft DCO [EN010142/APP/3.1(Rev 03)]** **Framework CEMP [EN010142/APP/7.8(Rev 01)]**	***Consultation of the EA on a Remediation Strategy*** **The EA's initial Position:** We require wording to be included in the DCO so that works to deal with any contamination on site cannot take place before a remediation strategy has been consulted upon and agreed, including with the Environment Agency. There should then be a requirement in the DCO for it to be undertaken on this basis. **Applicant's Position at Deadline 1:** The Applicant notes this comment and is happy for the Environment Agency to be consulted on the findings of the Site Investigation and any proposed remedial works related to protection of controlled waters and the regimes that the Environment Agency regulate. The **Framework CEMP [EN010142/APP/7.8(Rev01)]** has been updated at Deadline 1 to clarify this. Requirement 12 within the **draft DCO [EN010142/APP/3.1(Rev03)]** submitted for Deadline 1 has also been updated to provide for the Environment Agency as a prescribed consultee in respect of the final CEMP in general. The views of the	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Environment Agency would then be taken into account when designing / carrying out the works. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** The Environment Agency welcomes the changes made as a result of our initial comments. We have no further comments to make. We look forward to receiving any reports in due course.		
Water environment and foul drainage				
5.1	**Chapter 10: Water Environment [EN010142/APP/6.1(Rev 01)]**	***Foul Drainage*** **<u>The EA's initial Position:</u>** Our preference will always be for the development to connect to the public sewers but if that is not a viable option and other solutions are needed the developer may need to seek further permissions from us (such as permits). **<u>Applicant's Position at Deadline 1:</u>** The Applicant conducted a search of the available public sewer network to determine if any were located within a viable distance to the Scheme. The viable distance was agreed with the Environment Agency to be 30m. There are no public sewer assets within 30m of the Scheme elements which would require connection, such as Construction Compounds and the Solar Farm Control Centre. As such, there will be no discharge to the public sewer system. The foul drainage will be directed to a self-contained foul drainage system such as a cess pit or similar sealed tank. These tanks will be regularly emptied under contract with a registered recycling and waste management Contractor in accordance with all relevant waste management requirements prevailing at the time. This is	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		presented within Table 10-5 of **Chapter 10: Water Environment** of the ES **[APP-041]**. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** The Environment Agency is happy that our comments given earlier in the year have been acknowledged and acted upon.		
Waste				
6.1	**Chapter 17: Other Environmental Topics [APP-048]** **Chapter 18: Cumulative Effects and Interactions [APP-049]** **Framework OEMP [EN010142/APP/7.9(Rev 01)]** **Framework DEMP [EN010142/APP/7.10(Rev01)]**	***Management of PV and batteries waste during the operational and decommissioning phases*** **<u>The EA's initial Position:</u>** Further consideration should be given to the capacity of local waste recycling and disposal facilities and the impact upon that capacity caused by waste arising during the lifespan of the project, particularly during construction, commissioning, and decommissioning phases, but also when storage batteries and solar panels are replaced during the lifetime of the project. **<u>Applicant's Position at Deadline 1:</u>** The Applicant has undertaken further analysis and consideration of waste capacity within a Waste Quantitative Cumulative Assessment provided as Appendix A to the **Applicant's Response to Relevant Representations [EN010142/APP/9.1]** at Deadline 1. This document considers further the policy direction in respect of waste planning, and the available capacity of national and regional waste facilities. It concludes that sufficient capacity will be available for the purposes of the Scheme nationally and regionally.	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Chapter 17: Other Environmental Topics of the ES **[APP-048]**, Table 17-16 summarises an indicative list of expected lifetimes of components (including solar panels and batteries) which have been taken into consideration in the waste and materials assessment. The Applicant has updated its **Framework OEMP [EN010142/APP/7.9(Rev01)]** and **Framework DEMP [EN010142/APP/7.10(Rev01)]** at Deadline 1 to confirm the implementation of the waste hierarchy for the management of operational and decommissioning wastes and a commitment to the recovery of 70% of these wastes. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency considers the comments previously made about Waste Duty of Care and recycling/disposal capacity have been addressed. **The EA's position at Deadline 3:** We note the information on page 314 of Appendix A to the **Applicant's Response to Relevant Representations [REP1-028]**, and page 38 of the **Framework OEMP [EN010142/APP/7.9(Rev02)**] and page 47 of the **Framework DEMP [EN010142/APP/7.10(Rev02)]**.		
Battery Energy Storage Systems				
7.1	**Framework Battery Safety Management Plan [APP-225]**	***Fire Safety of BESS*** **The EA's initial Position:** Fire water storage calculations are based on the assumption that a maximum of one BESS would be involved in a fire at any given time. For areas where 2 or more than BESS are located together, the applicant must ensure that measures are in place to prevent the spread of fire from one BESS to another adjacent unit.	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		These measures should as a minimum include a 6-metre fire break between BESS unit. **<u>Applicant's Position at Deadline 1:</u>** The Applicant has considered the spread of fire from one BESS container to another and measures to reduce this. As set out within the **Framework Battery Safety Management Plan (BSMP) [APP-225]**, the BESS areas will be designed to integrate pressure fed fire hydrants and/or static water tanks for firefighting. Water provision will be designated for the cooling of adjacent BESS equipment. This will meet current UK National Fire Chiefs Council (NFCC) guidelines (Ref. 5) which stipulate tanks and / or hydrants should be capable of delivering no less than 1,900 litres per minute for at least 2 hours. The NFCC has released draft amendments to Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services (Ref. 6), which is expected to be finalised in late 2024. The draft guidelines have reduced the recommended equipment spacing distances between BESS equipment and the volume of water necessary to be provided for fire safety. As set out in the **Framework BSMP [APP-225]**, if reducing distances between BESS enclosures, a clear, evidence-based case for the reduction will be required to be shown in the detailed design phase and supported by heat flux test data i.e. UL 9540A unit or installation testing and / or third-party fire and explosion testing. The equipment spacing proposed for the final design must be validated by additional site-specific risk analysis and consequence modelling and approved by a BESS specialist independent Fire Protection. **<u>The EA's position in the light of this extra information at Deadline 1:</u>**		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The Environment Agency has reviewed the sections of applicant response which respond to our initial concerns and would have to see the Framework BSMP [APP-225] (Battery Safety Management Plan) again before we could make any further comments on areas where this is referenced. We note the applicant has stated that the EA will be a consultee for the finalisation of the BSMP which should cover any concerns related to that area so long as we are involved in the process. We believe our other comments can be addressed with EA involvement in the production of an Emergency Response Plan, which is set out in paragraph 2.10.1 of the **Framework CEMP [EN010142/APP/7.8 (Rev01)]**.		
7.2	**Framework Battery Safety Management Plan [APP-225]**	***Emergency Response Plans for BESS*** **The EA's initial Position:** Related to this, each site and each site operator which has a BESS installation should have emergency response/contingency plans which detail how the risks as above will be managed and environmental impacts prevented, reduced, removed or contained. **Applicant's Position at Deadline 1:** In accordance with the **Framework BSMP [APP-225]**, at the time of installation, the Applicant will work closely with the local Fire & Rescue Service to provide all relevant information on BESS and site design features to inform all necessary hazard and risk analysis studies and assist in the development of comprehensive Risk Management and Emergency Response Plans. The Applicant has also included the EA as a consultee for the finalisation of the Battery Safety Management Plan within Schedule 2, Requirement 6 (1) (battery safety management) of the **draft DCO [EN010142/APP/3.1(Rev03)]** submitted at Deadline 1. **The EA's position in the light of this extra information at Deadline 1:**	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The Environment Agency has reviewed the sections of applicant response which respond to our initial concerns, and would have to see the Framework BSMP [APP-225] (Battery Safety Management Plan) again before we could make any further comments on areas where this is referenced. We note the applicant has stated that the EA will be a consultee for the finalisation of the BSMP which should cover any concerns related to that area so long as we are involved in the process. We believe our other comments can be addressed with EA involvement in the production of an Emergency Response Plan, which is set out in paragraph 2.10.1 of the Framework CEMP. **The EA's position at Deadline 3:** We note the wording on page 46 of the draft DCO **[EN010142/APP/3.1(Rev04)]** submitted at Deadline 1.		
7.3	**draft DCO [EN010142/APP/3.1(Rev 03)]**– Schedule 2, Requirement 6 **Framework Battery Safety Management Plan [APP-225]**	***Pollution of nearby watercourses from fire water*** **The EA's initial Position:** We note it is proposed to include requirement 6 in Schedule 2 of the Development Consent Order to secure the detail of a battery safety management plan. The key concern for the Environment Agency is pollution of nearby watercourses from fire water in the event of an incident. The items listed as to be agreed via this should also secure the precise detail of containment measures for contaminated fire water. **Applicant's Position at Deadline 1:** The Applicant confirms that the **Framework BSMP [APP-225]** includes at paragraph 7.8 details of the drainage and containment requirements for the BESS. These principles are secured through Requirement 6 of the **draft DCO [EN010142/APP/3.1(Rev03)],** which sets out that a detailed BSMP is to be prepared and must be in substantial accordance with the Framework BSMP. The	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Applicant has also included the EA as a consultee for the finalisation of the BSMP within Schedule 2, Requirement 6(1) (battery safety management) of the **draft DCO [EN010142/APP/3.1(Rev03)]** submitted at Deadline 1. **<u>The EA's position in the light of this extra information at Deadline 1:</u>** The Environment Agency has reviewed the sections of applicant response which respond to our initial concerns, and would have to see the **Framework BSMP [APP-225] (Battery Safety Management Plan)** again before we could make any further comments on areas where this is referenced. We note the applicant has stated that the EA will be a consultee for the finalisation of the BSMP which should cover any concerns related to that area so long as we are involved in the process. We believe our other comments can be addressed with EA involvement in the production of an Emergency Response Plan, which is set out in paragraph 2.10.1 of the Framework CEMP. **<u>The EA's position at Deadline 3:</u>** We note the wording on page 46 of the draft DCO **[EN010142/APP/3.1(Rev04)]** submitted at Deadline 1.		
7.4	**Chapter 17: Other Environmental Topics [APP-048], Framework OEMP [EN010142/APP/7.9(Rev 01)], Framework DEMP [EN010142/APP/7.10(Rev01)]**	***Battery Waste*** **<u>The EA's initial Position:</u>** Finally, when a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 (Ref. 7) to ensure that this takes place. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport. The Waste Batteries and Accumulators Regulations 2009 (Ref. 8) also apply. These introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or	Agreed – EA comment has been addressed.	Resolved

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. **Applicant's Position at Deadline 1:** As set out within the **Framework OEMP [EN010142/APP/7.9(Rev01)]** and **Framework DEMP [EN010142/APP/7.10(Rev01)],** waste duty of care will be followed for all waste generated on site and all waste will be managed in accordance with relevant legislation at the time. The Applicant has updated these documents at Deadline 1 to confirm the implementation of the waste hierarchy for the management of all operational and decommissioning wastes (including batteries) and a commitment to the recovery of 70% of these wastes. The Applicant acknowledges that the Waste Batteries and Accumulators Regulations 2009 place obligations on those who place batteries on the market to finance the costs of collection, treatment, recovery and environmentally sound disposal e.g. through a compliance scheme. **The EA's position in the light of this extra information at Deadline 1:** The Environment Agency considers the comments previously made about Waste Duty of Care and recycling/disposal capacity have been addressed. **The EA's position at Deadline 3:**		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		We note the information on pages 7 and 38 of the **Framework OEMP [EN010142/APP/7.9(Rev02)]** and pages 7 and 42 of the **Framework DEMP [EN010142/APP/7.10(Rev02)]** both submitted at Deadline 1.		

4. References

Ref. 1 His Majesty's Stationary Office (HMSO) (2008) Planning Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/29/contents [Accessed 09/09/2024]

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