RWE

Tween Bridge Solar Farm

9.4 Statement of Common Ground with the Environment Agency

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Deadline 8 - October 2026

Document Reference: 9.4

Revision 5

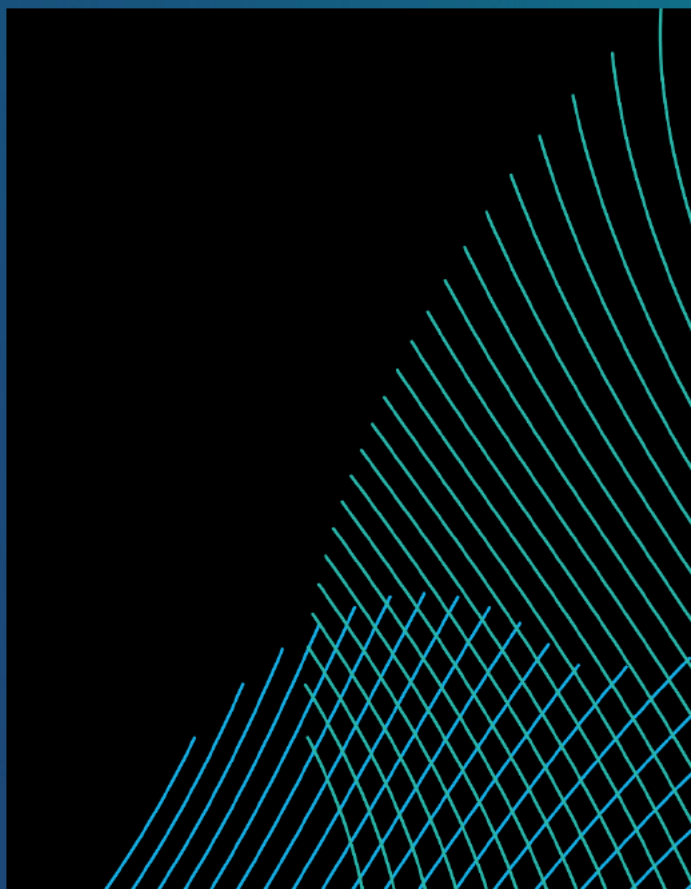


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1 Introduction

1.1. Purpose of this document

1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').

1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.

1.1.3. The SoCG has been a 'live' document throughout the course of the Examination that has been prepared by the Applicant and the Environment Agency (EA).

1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities[1].

1.1.5. This Guidance comments that:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority'.

1.1.6. This SoCG therefore provides a clear position of the progress and areas of agreement or disagreement between the Applicant and EA on matters relating to the Scheme.

1.2. Parties to this Statement of Common Ground

1.2.1. This SoCG has been prepared by (1) the Applicant and (2) the EA.

1 Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

1.2.2. The EA plays a major role in managing water, flood risk and drainage in England. The EA will act to ensure the Scheme does not increase flood risk, protects water quality, safeguards Main Rivers and is resilient to climate change. The EA is also the source of the Tidal Trent and River Torne flood model data detailed within the submitted Flood Risk Assessment and Water Resources ES Chapter.

1.2.3. Collectively, the Applicant and the EA are referred to as 'the parties'.

1.3. Terminology

1.3.1. Section 3 of this document sets out the relevant matters raised though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:

- "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
- "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

2 Record of Engagement

2.1. Summary of consultation and engagement

2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and the EA in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
May 2023	Email Consultation	Pre-app engagement request from the Applicant sent to the EA. Response from the EA received noting they are able to arrange a MS Teams Meeting or to provide written pre-application advice, with the expected topics for the pre-application advice to cover to include: • Flooding across the site and associated flood levels. • Implication of the Scheme on flood risk. • Management of rivers by the EA within the site boundary.
June 2023	MS Teams Meeting	Initial discussion between the Applicant and EA held. The meeting included the following discussion points: • Confirmation that flood risk is the primary concern (this was the main topic discussed in the meeting). • Discussion around the Isle of Axholme Critical Flood Level, its origin and required flood risk mitigation measures. • Agreement solar panels are less of a concern and would not need to be raised above the Isle of Axholme Critical Flood Level of 4.1mAOD. • Discussion around potential flood defences around the BESS. • Comments from the EA that they would prefer to see Flood Zone 3b undeveloped but would accept solar panels here only if there are no

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
		other suitable alternative locations – sequential approach must be applied. • Any cables crossings under Main Rivers are required to be directionally drilled. • Requirement to compensated for any displacement of flood waters.
August 2023	Email Consultation	Updated Tidal Trent model data requested from the EA following advice that more recent flood model data covering the site was available.
October 2023	Email Consultation	Non-statutory consultation request from the Applicant sent to the EA. Scheme and Online Webinar details provided to the EA.
November 2023	Email Consultation	Non-statutory consultation comments received from the EA. The EA requested flood mitigation measures to be detailed in metres above Ordnance Datum and that mitigation beyond 1m of raising would be required, both of which have since been actioned. The EA flag the need to assess residual flood risk in the context of the Isle of Axholme Critical Flood Level. The EA noted they do not consider use of bunds as flood defences on site to be appropriate. The requirement for a sequential approach was raised by the EA, noting they would prefer Flood Zone 3b to remain undeveloped. The EA stated cable crossings below Main Rivers need to be directionally drilled. The EA noted they were satisfied with the proposals to date with regards to water resources and water quality. Information was also provided on biodiversity matters, the need for a Water Framework Directive (WFD) assessment, potential for electromagnetic impacts on fish from cables crossing under watercourses, land contamination and groundwater protection, waste management, historic landfill sites and battery energy storage systems.
December 2024	Email Consultation	Flood risk mitigation information provided to the EA following receipt of their non-statutory consultation comments. Information was provided to the EA about:

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
		• The proposed raising of solar panels and infrastructure on site above the modelled Tidal Trent model fluvially dominated 1 in 1,000 year flood levels plus an allowance of 100mm of freeboard. • The proposals to "switch off" the Scheme should it experience the Isle of Axholme Critical Flood Level of 4.1mAOD. • The development proposed within Flood Zone 3b and associated design to ensure impact on flood storage is minimal (the ancillary drawing pack was provided to the EA to demonstrate these designs). • The 9m Main River easements left clear of development. • Confirmation that an outline surface water drainage strategy will be provided to the proposed BESS, with the expectation that this will account for the containment of potentially contaminated fire water. • Where cable route crossings are proposed. • The proposed fence crossing methodology and future provision of management to remove any debris build up.
January 2025	Email Consultation	Comments received from EA on flood risk mitigation measures. Comments from the EA included: • Confirmation they consider the proposed solar panel and infrastructure raising at least 100mm above the 1 in 1,000 year flood level on site to be "sufficient to allow the site to remain operational during a range of extreme flood events". • Highlighting to the Applicant the residual risk to the site in reference to the Isle of Axholme Critical Flood Level. • An acknowledgement that Essential Infrastructure is considered suitable within Flood Zone 3b. The EA noted land raising within Flood Zone 3b would not be supported. Panels and other infrastructure noted as being allowed within Flood Zone 3b but that they should be raised to allow free flow of water beneath. • A request to detail how Flood Zone 3b has been mapped by the Applicant, with the EA noting

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Date	**Method**	**Purpose / Description**
		they consider the Torne model extent to define the extent of Flood Zone 3b. • A concern raised about the proposed customer switch gear containers raising. • Confirmation they are pleased with the proposal for 9m Main River easements. • Details that they expect to see provisions for the containment of fire water but that the capacity of such systems should be determined in liaison with the fire service. • Comments that they cannot comment on acceptability of the proposed fence crossings as they are not proposed over Main Rivers, noting they would however require a maintenance plan.
January 2025	Email Consultation	Clarification sent to EA about the extent of Flood Zone 3b on Site following comments received earlier in January 2025. The Applicant provided the EA with a plan of the areas of Flood Zone 3b on site, confirming the consideration of the 1 in 30 year modelled flood extents from both the River Torne and River Trent models.
February 2025	Email Consultation	Clarification sent to EA about the proposed switchgear structure raising. An updated ancillary drawing pack was provided to the EA confirming the proposed raising.
February 2025	Email Consultation	Confirmation from the EA that they are content with the proposed flood risk mitigation measures, particularly noting the definition of Flood Zone 3b and proposed switchgear raising following additional clarification being provided (as detailed above).
May 2025	Email Letter	The EA provided its response to the Section 42 Preliminary Environmental Information Report commenting on Biodiversity Net Gain, ground conditions and land contamination, unexpected contamination and piling, water resources, flood risk matters, the BESS and waste management.
July 2025	Email correspondence	The Applicant requested comments on a proposed set of Protective Provisions for the EA. The EA requested further information on whether these were connected to the disapplication of legislation. Standard EA Protective

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Date	**Method**	**Purpose / Description**
		Provisions were supplied, which are required for the disapplication of flood risk activity permit legislation.
February 2026	Email Consultation	Latest Tidal Trent flood model data requested following receipt of Relevant Representations from the EA [RR-009] noting the model data had been reviewed. The EA confirmed that the Applicant holds the most up to date Tidal Trent flood model data and that no new Trent modelling has been undertaken. The EA did however advise that the River Torne model data had been updated and provided the 2025 data to the Applicant.
April 2026	MS Teams Meeting	Discussion between the Applicant and the EA on flood risk was held on 1 April 2026. Points raised in the EA Relevant Representations were discussed. The key outcomes/points discussed included: • The FRA to be updated to refer to revised Flood Zone 3b extent. • The FRA to be updated to include reference to and figure of 2025 Torne 1 in 100 year plus climate change extent. • The Applicant to provide the EA with zoomed in plans of the expected access track raising locations. • The EA to provide Critical Flood Level summary text. • Applicant to update the FRA with further details from other disciplines and the design team as to why mitigation against the Critical Flood Level is not feasible. The EA received drawings of the proposed raised access track locations and provided feedback on these, alongside summary wording on the Critical Flood Level, on 14 April 2026. The EA advised that further evidence on the deflection of flood flows and volume of water displaced should be provided.

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
April 2026	Email Correspondence	The Applicant provided the EA with meeting minutes from 1 April 2026. The Applicant also provided a series of plans showing the areas of proposed access track raising within the 2025 River Torne 1 in 100 year plus climate change flood extent. The plans summarised how the access track raising in the two proposed locations are considered to have a negligible impact of flood storage and not impact third party land.
April 2026	Email Correspondence	Email correspondence from the EA confirmed they were content with the Applicants meeting minutes for the call held 1 April 2026. The EA also provided further comments in relation to the below. • Raised tracks. "Whilst we mentioned in our call that we agree the proposed raised track locations are likely to have a relatively minor impact on the function of the floodplain, we mentioned that it must be ensured that this raising does not deflect water outside of your red line boundary. We would therefore support that further evidence is provided to justify that there will be no deflection of water outside of the site boundary. Please could you provide any evidence that flows would not be deflected towards third party property/land and that they will be contained within the red line boundary of the project? We would support a desk top assessment being provided which considers the flood flow paths and potential volume of water to fully evidence the conclusion that there will be no increase in flood risk on third parties. • Critical Flood Level. "The proposals span across two different LPA boundaries (City of Doncaster Council and North Lincolnshire Council). Both LPAs stipulate a Critical Flood Level within their respective SFRA documents which require all new development to remain resilient to a flood depth which would be experienced due to a catastrophic failure of or inability to maintain infrastructure beyond their lifetime. The Isle of

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Date	**Method**	**Purpose / Description**
		Axholme is an artificially drained area of low lying land which is kept dry through a mixture of land drainage channels, ordinary watercourses, pump stations and raised Main River flood defences. This infrastructure is operated and maintained by multiple Risk Management Authorities (RMAs) notably the Lead Local Flood Authority (LLFA), Internal Drainage Board (IDB) and EA. As such it is difficult to accurately predict the impact of localised losses or failures of infrastructure. Therefore, an extremely cautious approach is applied which assesses the build up of flood water over an extended period of time with the absence of this infrastructure. This results in the gradual build up of water over a period of 9 years to reach the Critical Flood Level of 3.8mAOD. This is considered a residual risk, but it is a risk nonetheless that we would expect developers to mitigate against. We do however recognise that there are often planning or physical constraints which a developer can present which prevent mitigation to these levels. However, we will continue to highlight the requirement as laid out within the respective SFRA documents when mitigation cannot be provided for these depths and it is then for the Inspector to decide whether the benefits outweigh the flood risk. " The Applicant notes that discussions with regards to raised access tracks is ongoing, and that they will follow up with further information about the impact of this raising on third party flood risk. The updated Flood Risk Assessment submitted at Deadline 1 provides details as to why providing mitigation to the Critical Flood Level is not possible.
April 2026	MS teams meeting	Discussion between the Applicant and the EA on BESS drainage/firewater containment held on 24 April 2026. Points raised in the EA Relevant Representation were discussed. The key outcomes/points discussed included:

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
		• The Applicant explained the composition of below ground storage and the impermeable liner are subject to detailed design but that it would be ensured they are suitable noting the fire and contamination risk. • The Applicant confirmed that further details are expected to be included within the updated FRA submitted at Deadline 1. • The EA queried whether there is any mechanism in place to clear the drainage system in the event of a fire. The Applicant outlined that they will provide confirmation on this. • Post-fire event procedures were discussed and the EA raised that consideration should be given to operational requirements for management after a fire. • The Applicant confirmed that there is no overflow system proposed within the design, but that volume is provided in accordance with NFCC guidance. • The Applicant explained that whilst it is standard to bury culverts below the river bed, the exact depth may vary and they therefore do not wish to agree to bury by 150mm for all culverts to ensure flexibility. • The EA welcomed the additional information and outlined that in principle the proposed updates look positive.
June 2026	Email Correspondence	Email correspondence between the EA and the Applicant following the EA's Written Responses to the Examining Authority's Written Questions 1 [REP2-013], in relation to the EA's response to Q4.0.2 concerning Protective Provisions and the tests under sections 127 and 138 of the Planning Act 2008. The EA confirmed that a small amendment was required to the protective provisions in the Draft DCO to reflect the agreed position. The Applicant proceeded to make this amendment at Deadline 3 in the Draft DCO.
July 2026	Email Correspondence	Revised SoCG from EA with updates to matters including Row 1 Protective Provisions, Row 2 Development Consent Order, Row 3 DCO Requirements, Row 4 Ecology and Nature Conservation,

Table 2-1 – Record of Engagement		
Date	**Method**	**Purpose / Description**
		Row 5 Ground Conditions and Row 6 Private Water Supplies.
July 2026	Email Correspondence	Email correspondence from the Applicant confirming that the Environment Agency's Deadline 4 comments on the Biodiversity Net Gain Assessment (Revision 3) [REP3-028] refer to the Statutory Biodiversity Metric submitted with Change Request 1 [CR1-002/CR1-003]. The BNG Assessment and Metric were subsequently updated for Deadline 3, and the updated Metric was provided directly to the Environment Agency. It is now also available on the Examination Library as [REP3-085].
August-September 2026	Email Correspondence	The Applicant has continued to engage with the Environment Agency over land matters relevant to the Scheme including; ongoing responses to Deadline submissions, ensuring assets are protected through bespoke protective provisions and ongoing discussions regarding an easement over the land owned by the Environment Agency.

3 Current Position

3.1.1. The table below provides a summary of the final position of the Applicant and the EA in relation to specific matters that have been under discussion.

3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.

Table 3-1: Matters agreed, under discussion and not agreed between the parties

Ref	Topic	EA Position	Applicant Position	Status
1.	Protective Provisions	Paragraph 3.2 of the EA's Relevant Representation **[RR-009]** notes the proposed disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 ('EPR') (requirement to obtain a flood risk activity permit), in Article 9 of the dDCO. The wording of the Protective Provisions included in Schedule 14, Part 5 for the protection of the EA are now agreed in so far as they relate to the disapplication of Regulation 12 of EPR. The EA is content with the scope of the Protective Provisions following review of the implications of the	The Applicant confirms that the Protective Provisions in Schedule 14, Part 5 of the **Draft DCO [Document Reference 3.1 Revision 9]** for the benefit of the EA have been agreed with the EA. At Deadline 3, the Applicant removed paragraph 56(5) of the Protective Provisions, the provision previously having been included in error. Subject to that correction, the Applicant understands that the EA considers (see REP2-102 at para 1.2) the Protective Provisions for its benefit to be acceptable, so as to allow (as proposed) for the disapplication of Regulation 12 of the Environmental Permitting (England and	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		DCO on its landholdings and statutory undertakings. .	Wales) Regulations 2016 (requirement to obtain a flood risk activity permit only).	
2.	Development Consent Order	Article 2 'Interpretation' in Part 1 of the **dDCO [REP4-003]]** includes under the definition of 'permitted preliminary works', at sub paragraph (e) remedial work in respect of any contamination. The EA had previously (in its Relevant Representation [RR-009]) requested this be deleted as a preliminary work. However, as outlined in oral representations at Issue Specific Hearing 2 [summarised in REP3-082], in order to provide the Applicant with a degree of flexibility, the EA is satisfied that remedial works can remain as permitted preliminary works provided appropriate procedures for managing land contamination investigation and remediation are secured through an additional (and separate) Land Contamination Requirement – see Ref 3 in this SoCG below for the wording of this. The EA remains of the view that the	At Deadline 4, the Applicant amended Requirement 14 (construction environmental management plan) of the **draft DCO [Document Reference 3.1 Revision 9]** to clarify that the term "commence" includes any permitted preliminary works involving remedial works in respect of contamination. The effect of this amendment is that the commencement of any such works, in relation to any phase, would be subject to the requirement to have a construction environmental management plan (CEMP) for that phase approved by the relevant planning authority. Under the terms of Requirement 14, the Applicant would be required to consult with the Agency on the proposed CEMP (insofar as relevant to the Agency's functions), prior to its submission	Not agreed

Ref	Topic	EA Position	Applicant Position	Status
		Construction Environmental Management Plan (CEMP) is not the appropriate place to adequately deal with known land contamination, where further investigation and remediation strategies require approval. Article 19 (Discharge of Water) in Rev 3 of the dDCO [REP1-005] included an additional sub paragraph (10), which has not been agreed with the EA. This addition has been retained in Rev 9 of the dDCO [REP6-002] at Article 20(10). The paragraph appears to seek deemed landowner consent from the EA where an environmental permit for a discharge has been granted. The EA does not 'own' watercourses, public sewers or drains and therefore this clause has no practical or legal effect. Additionally, separate permission to install infrastructure, in order to facilitate the discharge into any watercourse, will need to be sought through the Protective Provisions (i.e. it would be a "specified work" – Schedule 14, Part 5, paragraph 47(2)).	to the relevant planning authority for approval. The Applicant also notes in this regard that the **Outline Construction Environmental Management Plan (CEMP) [Document Reference 7.1 Revision 6]** at Table 5-1 confirms that details of the following would be included in the CEMP: *"Any potential mitigation measures or remediation works that are determined to be necessary, once an assessment of site investigation results has been completed, will be undertaken".* The Applicant therefore considers that the change to Requirement 14 will ensure that the Agency will have the necessary ability to inform any mitigation measures or remediation proposed in relation to land contamination prior to their implementation. The Applicant considers that matters relating to land contamination are appropriately and comprehensively addressed via the **Outline CEMP [Document Reference 7.1 Revision 6]**. Insofar as the EA's comments on the need	

Ref	Topic	EA Position	Applicant Position	Status
		Where the EA is a riparian landowner, the permitting regime (or Protective Provisions) cannot be used to grant landowner consent. Where this is the case, the Applicant will need to acquire a discharge permit, consent under the Protective Provisions and, separately, landowner consent. Accordingly, sub-paragraph 10 of Article 20 should be deleted as it will unlikely have legal effect, and seeks to deem consent where it is inappropriate to do so.	for bespoke DCO Requirements dealing with contamination are concerned, the Applicant has provided a detailed response on this in **Response to Deadline 3 Submissions [REP4-065]** (see Table 2, ref. EN3). The Applicant has also provided a detailed response to the EA's comments in respect of Article 19 (Discharge of water) in **Response to Deadline 3 Submissions [REP4-065]** (see Table 2, ref. EN1). The Applicant notes the EA's updates to this item but does not have any further submissions to make in respect of article 20(10) of the Draft DCO. The Applicant's position is set out in detail in the following submissions: • the Applicant's response to the EA's response to DCO.4.1 in the Applicant Responses to Interested Party Comments on the ExA's Commentary on the dDCO **[REP7-005]** (page 30);	

Ref	Topic	EA Position	Applicant Position	Status
			• the Applicant Responses to the ExA Commentary on the dDCO [**REP6 -047**]; and • the Applicant's response to this matter at Table 2: Applicant's response to Environment Agency, ref EN1 of its Response to Deadline 3 submission [**REP4-065**].	
3a.	DCO Requirements	The EA welcomes its inclusion as a consultee to the discharge of Schedule 2 Requirements: 7: Fire Safety Management; 8: Landscape & Ecology Management Plan; 11 (surface and foul water drainage); 14: Construction Environmental Management Plan; 19: Decommissioning & Restoration.	The Applicant agrees to consulting with the EA on requirements 7, 8, 11, 14, and 19 of the DCO. This is secured by the **Draft DCO [Document Reference 3.1 Revision 10]**.	Agreed
3b.	DCO Requirements	The EA requests the inclusion of an additional Requirement to ensure that appropriate, up to date, investigations and assessments relating to the potential for land contamination are secured in the	The Applicant would welcome further engagement with the EA regarding piling and contamination but does not consider these additional DCO requirements are necessary.	Not agreed

Ref	Topic	EA Position	Applicant Position	Status
		dDCO. Accordingly, we request an additional Requirement to read: ***Land contamination*** *(1) No phase of the authorised development shall commence until a contamination investigation and assessment report applicable to that phase, together with a written remediation strategy if applicable to deal with any contamination discovered, which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the EA on matters related to its function.* *(2) In the event that any unexpected contamination is discovered during the construction of any part of the works, including any permitted preliminary works, the part of the works to which the contamination relates must cease until a site investigation and assessment report applicable to that part and, if necessary, a remediation strategy to deal with any contamination which is likely to cause significant harm to persons or pollution of*	In respect of land contamination, the Applicant has included measures to ensure that any unsuspected contamination is appropriately dealt with. The breadth of measures committed to is set out in the **Commitments Register [APP-185]**. These measures include: • Commitment 19: Should any contaminated material be discovered, this will not be used on-site and will be dealt with in line with the process detailed in the Site Waste Management Plan that would support the Construction Environmental Management Plan (CEMP). • Commitment 22: Phase 2 intrusive investigation to assess soil and groundwater contamination and mitigation to key receptors. This includes chemical assessment of topsoil and subsoil. • Commitment 123 sets out the measures that will be taken in relation to the responsible use	

Ref	Topic	EA Position	Applicant Position	Status
		controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the EA on matters related to its function. *(3) Any remediation required pursuant to sub-paragraphs (1) or (2) must be carried out in accordance with the remediation strategy approved pursuant to sub-paragraphs (1) or (2) unless otherwise approved by the relevant planning authority.* *(4) Any verification report required by a remediation strategy approved pursuant to sub-paragraphs (1) or (2) must be submitted to the relevant planning authority in accordance with that remediation strategy.* *(5) For the purposes of sub-paragraph (1), "commence" includes any permitted preliminary works comprising remedial work in respect of any contamination.* Alternatively, the EA is content with the suggested wording provided by North Lincolnshire Council (as a discharging authority) in its Responses to ExQ3 [REP6-090].	and storage of hazardous materials/substances. • Commitment 126 sets out the measures that will be taken in relation to contamination involving waste materials. • Commitment 127 sets out the measures to be employed should unexpected contamination be discovered. • Commitments 173, 175 and 176 sets out measures that the Decommissioning Environmental Management Plan (DEMP) will include in relation to contamination including: procedures to manage and mitigate against contaminated land and include emergency procedures to manage accidental spillages and leaks and contaminated land risks as well as mechanisms for reporting contamination and managing contamination.	

Ref	Topic	EA Position	Applicant Position	Status
		The EA also requests an additional Requirement to secure the appropriate risk assessment and prior approval of any works involving piling, to ensure that such works would not cause a risk of pollution to the water environment, to read: ***Piling and penetrative foundation design*** *(1) No phase of the authorised development involving piling or penetrative foundation methods shall commence until a piling risk assessment and method statement has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.* *(2) The piling risk assessment must be informed by the contamination investigation and assessment report, and relevant hydrogeological information, and demonstrate that the proposed works will not give rise to an unacceptable risk to groundwater or other controlled waters.* *(3) All authorised piling and penetrative foundation works must be carried out in*	These measures are set out in the **Outline CEMP [Document Reference 7.1 Revision 6]** and the **Outline DEMP [REP5-026]** which are secured by Requirement 14 and 19, Schedule 2 of the draft DCO respectively. As requested, the EA is now included as a consultee for the discharge of these requirements. The Applicant considers that the existing requirements afford the EA sufficient oversight and control in relation to contaminated land. As such, the introduction of an additional requirement is unnecessary and would duplicate measures that are already secured and capable of being influenced by the EA. The Applicant would further note, in this context, the amendment to Requirement 14 in the **Draft DCO [Document Reference 3.1 Revision 10]** submitted at Deadline 3, to exclude from the definition of "commence", for the purposes of that requirement, remedial works in respect of any contamination. The Applicant has provided further explanation of its position in relation to the EA's request for contamination specific DCO	

Ref	Topic	EA Position	Applicant Position	Status
		accordance with the approved method statement.	requirements in **Response to Deadline 3 Submissions [REP4-065]** (see Table 2, ref. EN3). As regards piling, the Applicant does not consider this additional requirement to be necessary for the reasons explained in The Applicant's response to Q3.14.1 **[REP6-050]** and the Applicant's response to the EA's comments at Deadline 6 (see table 2, ref 1.2 of **[REP7-003]).** The Applicant has already committed to carrying out a piling risk assessment if piling is required as part of the Scheme. This is set out at commitment 118 of the **Commitments Register [APP-185]** and the **Outline CEMP [Document Reference 7.1 Revision 6]** which is secured by Requirement 14, Schedule 2 of the **Draft DCO [Document Reference 3.1 Revision 10].** As requested, the EA is now included as a consultee for the discharge of this requirement. Introducing an additional requirement would be unnecessary and would result in the duplication of this control. The Applicant would note that changes were made to the wording of the commitment within the **Outline CEMP [REP6-032]** at Deadline 6 and further	

Ref	Topic	EA Position	Applicant Position	Status
			changes have been made in the **Outline CEMP [Document Reference 7.1 Revision 6]** submitted at Deadline 8, to more closely align with the EA's requested Requirement wording.	
4.	Ecology and Nature Conservation	The EA raised concerns with the number of new culverts proposed (45) and the number of locations (125) where either a new culvert or reinforcement/widening of existing culvert/bridge structures may be required, and the impact of these works for habitats. Chapter 10: Water Resources [REP2-021] outlines that *Culvert design will be confirmed during detailed design but will ensure the capacity of the watercourses do not change.* The EA advises that culverts should be temporary in nature where possible and that the removal of culverts at decommissioning stage in order to minimise impacts on morphology and habitats is fully explored post-consent. This position has been given further support during the Examination through	The Applicant confirms that there are opportunities to deliver enhancements to watercourses across the Order Limits. These measures will include improvements to bankside habitat structure, vegetation management, and measures to improve channel condition. In addition, the cessation of intensive arable practices within the Order Limits will reduce nutrient inputs and physical disturbance to watercourses, which is anticipated to improve water quality and overall condition of aquatic habitats. The Applicant notes that the Relevant Representation provided by City of Doncaster Council (CDC) acknowledges that 'the cessation of agricultural inputs and physical disturbance from ploughing and harrowing will have a beneficial impact on	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		the publication of the National Planning Policy Framework (August 2026) which includes a requirement in Policy F8(3), that *"Development proposals should not enclose existing watercourses where this is not already the case, unless there are compelling reasons to do so; and should where possible remove existing culverts and renaturalise existing river channels, unless to do so would increase flood risk, result in other environmental harm or cause harm to heritage assets"*. The EA previously raised concerns regarding the Biodiversity Net Gain Metric watercourse module in relation to culverts. The EA is satisfied that the revised BNG Metric [REP3-085] appropriately accounts for the proposed culverts in the Watercourses Module.	water quality', which further supports the conclusions of the assessment. The full metric calculation has been provided by the Applicant to the EA. In relation to the watercourses the current assessment adopts a precautionary approach, with the potential impacts of new and modified culverts, and associated management requirements, have been accounted for within the metric on a worst-case basis where appropriate. The Applicant confirms that any losses or degradation of watercourse condition will be mitigated through targeted enhancements, including new native planting, improved management and the cessation of impacts from agricultural activities. This item is agreed between the parties.	
5.	Ground Conditions	The Factual Ground Investigation by Donaldson Associates, dated June 2009 (with site work undertaken between February 2009 and April 2009) **[APP-107],** has been used to inform the Phase 1	The Applicant notes the EA's position. The Applicant is committed to geo-environmental investigations, as stated in the **Outline Construction Environmental Management Plan [Document Reference**	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		Ground Conditions Desk Study in respect of Land Parcel A **[APP-097].** This is considered to be too old to be accepted in relation to the site, given the length of time which has elapsed since it was written (16 years ago). Ground conditions and in particular groundwater levels and quality may have changed significantly and therefore this should be considered and factored into further risk assessments. Potential contaminant linkages are identified and further ground investigation and risk assessments (informed by the findings of the UXO risk assessments) are required but these can be provided post consent, if adequately secured through a DCO Requirement (as per item Ref 3 above). The principle of further assessment being required is agreed; however, the mechanism for securing such further assessment i.e. under a separate land contamination requirement is not agreed (Ref 3).	**7.1 Revision 6].** This commitment is secured through requirement 14 of the **Draft DCO [Document Reference 3.1 Revision 9]**, which as confirmed above will be consulted on with the EA. This item is agreed between the parties.	

Ref	Topic	EA Position	Applicant Position	Status
6.	Private Water Supplies	The EA notes that **Chapter 10: Water resources [REP2-021]** Table 10.3 identifies private water supplies as a receptor. However, to ensure that these are appropriately protected, specific private water supplies will need to be identified. The EA advises that identification of private water supplies should not be delayed as these will need to be known prior to, and feed into, any further ground/contamination investigations.	The Applicant's position is that the assessment of private water supplies is to be completed post DCO and this is secured by **Requirement 14 of the Draft DCO [Document Reference 3.1 Revision 9]**. As agreed with the EA, this item is agreed between the parties.	Agreed
7.	River Trent/Torne flood risk mitigation	The flood risk mitigation is specified in **Flood Risk Assessment [REP2-047, REP2-049, REP2-051]** Paragraph 5.11. and Appendix I and J, which outline that the solar panels and all associated infrastructure will be set 100mm above the predicted 0.1% annual exceedance probability River Trent flood level. The EA is satisfied with this approach, and it agreed between the parties.	The **Flood Risk Assessment (Revision 4) [REP5-014 to REP5-017]** maintains the approach to flood risk mitigation measures within the Order Limits that that the solar panels and all associated infrastructure will be set 100mm above the predicted 0.1% annual exceedance probability River Trent flood level. This item is agreed between the parties.	Agreed
8.	Extent of Flood Zone 3b	The **Flood Risk Assessment [APP-108 & APP-109]** Paragraph 5.18 and Appendix A (A9) refers to Flood Zone 3b (functional	Within their Comments on any further information requested by the ExA and received by deadline 1 document **[REP2-**	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		floodplain) as the 1 in 30 year event for both the River Trent and River Torne. This was previously agreed, in February 2025, during pre-application discussions, as shown in Appendix E of the FRA. However, since that time the River Trent 2023 model has been reviewed (during the summer of 2025) and the 1 in 30 flood extent no longer impacts the site. Therefore, the modelled 1 in 30 River Trent extent can be excluded from the definition of Flood Zone 3b and it should be defined based on the River Torne 1 in 30 extent only. The EA is satisfied that the updated Flood Risk Assessment submitted at Deadline 1 adequately addressed this matter [REP1-021].	**102]**, the Environment Agency state: "We have reviewed the revised Flood Risk Assessment and welcome the updates made in respect of Flood Zone 3b, resulting from the new Torne 2025 model." Based on the above, this item is agreed between the parties.	
9.	Loss of Floodplain Storage	Paragraphs 5.20 and 5.22 of the Rev 1 **FRA [APP-108]** considered the potential impact of development on floodplain storage. The FRA only considered the potential impact with regard to Flood Zone 3b, concluding that the impact of the scheme will be negligible. The EA advised in its Preliminary Environmental Impact Report ('PEIR') response thatthe loss of floodplain should be calculated up to the 1% annual	Within their Comments on any further information requested by the ExA and received by deadline 1 document **[REP2-102]**, the Environment Agency state: " Appendices A13 and A14 include drawings of the proposed raised track locations within the River Torne extent. As previously advised, the loss of floodplain should be calculated up to the 1% annual exceedance probability plus climate change flood event.	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		exceedance probability (AEP) plus climate change flood event, for the River Torne. It should therefore be considered for Flood Zone 3a as well as Flood Zone 3b. The EA is satisfied that the updated FRA submitted at Deadline 1 adequately addressed this matter [REP1-021].	We have reviewed the drawings, and we are satisfied that the proposed track raising will not increase flood risk to third parties. Accordingly, we require no further details on this matter, which is now resolved. Accordingly, we withdraw our previous objection and consider that the Applicant has now adequately demonstrated that there will be no increase in flood risk to third parties resulting from the proposed development." Based on the above, this item is agreed between the parties.	
10.	Raised Access Tracks	**Appendix C of the Rev 1 FRA [APP-108]** drawing reference: 'Figure 2.6, Typical Access Track, Rev 1' showed two 'No-dig (non-intrusive)' access track options that will involve the raising of tracks to 0.35/0.4m above the existing ground level. The EA highlighted that whilst the access tracks will be permeable in nature, there could be a potential impact on flood flows and flood storage. The FRA concluded that there would be negligible impact on the existing floodplain storage, however, this conclusion had not been fully	Within their Comments on any further information requested by the ExA and recived by deadline 1 document **[REP2-102]**, the Environment Agency state: " Appendices A13 and A14 include drawings of the proposed raised track locations within the River Torne extent. As previously advised, the loss of floodplain should be calculated up to the 1% annual exceedance probability plus climate change flood event. We have reviewed the drawings, and we are satisfied that the proposed track raising will not increase flood risk to third parties.	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		explained/justified, to demonstrate that there will be no impact to third parties from the proposed development. Alternatively, the EA noted it would support a commitment in the FRA that any access tracks in the River Torne 1% AEP plus climate change flood extent will not be raised above the ground level, as shown in Figure 2.6 as the 'typical access' options, and that this would resolve its objection. Following review of the Flood Risk Assessment submitted at Deadline 1 [REP1-021], the EA is satisfied that there will be no increase in flood risk to third parties as a result of the proposed access tracks.	Accordingly, we require no further details on this matter, which is now resolved. Accordingly, we withdraw our previous objection and consider that the Applicant has now adequately demonstrated that there will be no increase in flood risk to third parties resulting from the proposed development." Based on the above, this item is agreed between the parties.	
11.	Critical Flood Level	Table 10-2 of **Chapter 10 [REP2-021]** and paragraphs 5.45-5.59 of the submitted **FRA Part 1 [REP2-047]** address the Critical Flood Level which is a residual flood risk recommended in the North and North East Lincolnshire Strategic Flood Risk	Infrastructure has been designed to be set above the modelled 1 in 1,000 year flood level, with an additional 100 mm freeboard. This approach ensures that the Scheme remains operational during the design flood	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		Assessment (SFRA). Whilst the EA acknowledges that it is an unlikely event, it highlighted it as a recommendation of the SFRA. The submitted FRA does not propose to raise critical equipment above the Critical Flood Level. In terms of meeting the requirement of the National Policy Statement EN-1 (paragraph 5.8.7), which outlines that development must be designed and constructed to remain operational in times of flood, we defer to the Examining Authority/Secretary of State to decide whether this approach is acceptable with respect to managing residual risk.	event and demonstrates an appropriate level of flood resilience. The EA has confirmed its agreement with the use of the above modelled flood level as the basis for defining mitigation measures and has acknowledged that there are planning and physical constraints which may limit the practicability of achieving mitigation to higher levels. Based on the above, this item is agreed between the parties.	
12.	The Exception Test	Paragraph 7.1.41 (of the **Flood Risk Sequential and Exception Test (Rev1) document [APP-186]**) outlines that the FRA demonstrates that there will be no increase in flood risk as a result of the scheme and paragraph 7.1.46 concludes that the terms of the Exception Test have been met. As outlined in Section 7 of the **EA's representations [RR-009]**, the EA were of the view that further work was required in relation to the impact of the scheme on flood storage and flood flows.	These comments are directly related to those from the EA regarding raised access tracks, as detailed above. Within their Comments on any further information requested by the ExA and received by deadline 1 document **[REP2-102]**, the Environment Agency state: "Appendices A13 and A14 include drawings of the proposed raised track locations within the River Torne extent. As previously	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		The EA, therefore advised that it did not consider that Part B of the Exception Test would be passed until it has been satisfactorily demonstrated that there will be no increase in flood risk elsewhere. The EA raised a holding objection on this point until the Applicant demonstrated the scheme's compliance with EN-1, paragraph 5.8.11. Following receipt of additional information on this matter the EA withdrew its holding objection [REP2-102] confirming its view that there should be no increase in flood risk to third parties resulting from the proposed development. Accordingly, the EA is satisfied that Part B of the Exception Test has been satisfactorily addressed.	advised, the loss of floodplain should be calculated up to the 1% annual exceedance probability plus climate change flood event. We have reviewed the drawings, and we are satisfied that the proposed track raising will not increase flood risk to third parties. Accordingly, we require no further details on this matter, which is now resolved. Accordingly, we withdraw our previous objection and consider that the Applicant has now adequately demonstrated that there will be no increase in flood risk to third parties resulting from the proposed development." Based on the above, this item is agreed between the parties.	
13.	Fire Water Containment	In response to previous comments raised by the EA, it is stated on page 20 of **Chapter 10: Water Resources [APP-047],** that it is not expected that containment of fire water will be in the form of a bund and instead it will be contained in below ground crates. Paragraph 7.21 of the FRA [APP-108] stated that the gravel sub-base of the BESS will be lined with an impermeable	As stated within the Outline **Battery Safety Management Plan [REP5-028]** the Applicant confirms that the EA will be consulted to develop a drainage strategy such that retention of firefighting water runoff is afforded and cannot be released to the wider environment prior to being tested	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		liner. The FRA outlines that 'In the event of a fire a penstock will be shut off in the downstream manhole to allow any water used to fight the fire to be contained within the below ground network ready to be pumped off once the fire is out'. The FRA noted that the final design will be refined at the detailed design stage. The EA raised concerns regarding this approach and whether it will offer adequate protection of controlled waters. It is not clear what the design and composition of the crates will be or whether the compound will be durable and resistant enough to withstand any potential contaminants that could be present. The EA also expects to see details regarding the management and maintenance of containment measures to ensure that the measures will protect the water environment over the lifetime of the development. The EA considers that it is best practice to store any potentially contaminated effluents above ground to minimise the risk of environmental impact. Whilst	for any contamination. The detailed drainage strategy will be developed post consent. The typical surface water drainage design for the BESS specifies an impermeable liner will be used for the gravel areas to manage potentially contaminated fire water (see paragraph 7.21 of the **Flood Risk Assessment [REP5-014 to REP5-017].** An Operation and Maintenance Manual for the Outline Surface Water Drainage Strategy is included in Appendix N of the **Flood Risk Assessment [REP5-014 to REP5-017]** and should address the EA's comments in this regard. The Applicant agrees to include the EA as a consultee for the BSMP and this is secured by Requirement 7 of the **Draft DCO [Document Reference 3.1 Revision 9].** The Outline Surface Water Drainage Strategy included within the Flood Risk Assessment [**REP5-014 to REP5-017**] has been designed to ensure potentially contaminated fire water cannot pollute the water environment.	

Ref	Topic	EA Position	Applicant Position	Status
		underground storage may not necessarily be unacceptable, further information relating to construction materials and design will be required to fully assess its suitability. The EA requested that further detailed information should be provided to demonstrate that the proposed design and materials to be used are suitable and robust for use in the proposed development. The Applicant submitted a revised FRA at Deadline 2 [REP2-047] confirming that the below ground storage will be designed to manage potentially contaminated fire water. The Environment Agency confirmed at Deadline 3 [REP3-076] that it is satisfied that it will have the opportunity to engage on the detailed design of the BESS post-consent as it is now listed as a specific consultee to the discharge of Requirements 7 (Battery Safety Management Plan) and Requirement 11 (Surface and Foul Water Drainage). Accordingly, the objection on this matter was withdrawn.	In their Responses to ExQ1 **[REP2-103]**, the Environment Agency state that "the EA can confirm that (in principle) it considered the outline surface water drainage strategy acceptable. We will need to have further discussions with the applicant at the detailed design stage to confirm and agree the strategy in relation to the protection of Controlled Waters. We are satisfied that our inclusion as a specific consultee to Requirement 7 (Battery safety management plan) and Requirement 11 (Surface and foul water drainage) will enable us to do this." Within their "comments on any further information requested by the ExA and received by deadline 2" response document **[REP3-076]**, the Environment Agency state that "We have reviewed the revised Flood Risk Assessment (FRA) in respect of the Battery Energy Storage System (BESS) proposals (revisions in relation to BESS were made at Deadline 1). Paragraph 7.26 of the FRA outlines that 'The details of the below ground storage proposed are subject to detailed design. During detailed design, it will be ensured that the design is suitable to manage	

Ref	Topic	EA Position	Applicant Position	Status
			potentially contaminated fire water.' Considering that we are included as a specific consultee to Requirement 7 (Battery safety management plan) and Requirement 11 (Surface and foul water drainage), we are satisfied that we will have the opportunity to engage with the Applicant on the detailed design of the BESS development post-consent. We therefore wish to withdraw our previous objection on this matter." On the basis of the above, this item is agreed between the parties.	
14.	EA Land Interests	The EA is listed in Category 1 (as assumed owner, or reputed owner) for various plots in the **Book of Reference [REP3-0121].** The EA previously raised a holding objection whilst it considered the potential impact the project may have on its land holdings and its ability to carry out its statutory undertakings. In its Deadline 6 Written Representation, the EA confirmed that it is satisfied that the development scheme will not cause serious detriment to its statutory	The Applicant notes this comment. The EA are in Category 1, Category 2, Part 2 and Part 3 as claimants. The Applicant welcomes further discussions with the EA in relation to its land interests and is liaising with the EA but notes that it has now reached agreement with the EA on protective provisions, which are included in the **Draft DCO [Document Reference 3.1 Revision 10]**. These will ensure there is no detriment to the EA and its ability to carry out its statutory undertaking.	Agreed

Ref	Topic	EA Position	Applicant Position	Status
		undertakings. The EA is therefore content that its existing permissive powers will ensure that its access to watercourses and assets is not impeded. Whilst the EA is satisfied that the proposed scheme will not cause detriment to its undertakings, land matters are still under discussion with the Applicant in relation to the proposed acquisition and works. However, these ongoing discussions are being held between the EA surveyors and the Applicant and should not have any further implications for the EA's advice on the DCO. During the ongoing discussions it has become apparent that the EA's land interests are not fully recorded in the Book of Reference. The Applicant has, therefore, agreed to include the EA within Category 2 for plots 2,73, 2/75, 3/9, 3/14, 4/5, 4/6, 4/7, 4/8, 4/10, 10/22, 10/23, 10/24, 10/25, 11/13, 11/18 in the revised Book of Reference to be submitted at Deadline 8.	The Applicant further notes that the details of the land interests on a plot by plot basis have been provided to the EA in written form via email on the 16th September 2026 and again on the 28th September 2026 showing a schematic plan which corresponds to the email. This was in response to a request made to the Applicant to further understand the land interests owned by the EA. The Applicant considers that it has provided all the relevant requested information to the EA Estates Team and therefore considers the matter to be resolved. The Applicant welcomes confirmation from the EA that this is now the case or confirmation of any residual concerns. The Applicant confirms that Parts 2 and 3 of the **Book of Reference [Document Reference 3.4.3 Revision 6]** have been updated to include the EA in plots 2,73, 2/75, 3/9, 3/14, 4/5, 4/6, 4/7, 4/8, 4/10, 10/22, 10/23, 10/24, 10/25, 11/13, 11/18. This is because the EA have precedent rights they exercise in respect of each of these plots, however no restriction or right details against any title.	

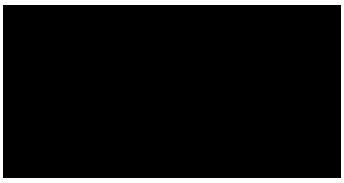
4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of the Environment Agency:

Name: Danielle Maclean-Spencer

Signature:



Date: 5 October 2026

On behalf of the Applicant:

Name: Mikyla Davidson

Signature:



Date: 2 October 2026