BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Statement of Common Ground Between the Applicant and the Environment Agency
Document Reference: 8.9
October 2025

The Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(a)
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/572) – Regulation 14

Quality information

Prepared by	Checked by	Verified by	Approved by
BG	RG	GS	AS

Abbreviation	Description
AC	Alternating Current
AIS	Air Insulated Switchgear
Applicant	Beacon Fen Energy Park Ltd
BBC	Boston Borough Council
BESS	Battery energy storage system
CCTV	Closed circuit television
DC	Direct Current
DCO	Development Consent Order
EA	Environment Agency
ES	Environmental Statement
GIS	Gas Insulated Switchgear
HOT	Head of Terms
HV	High Voltage
IDB	Internal Drainage Board
LCC	Lincolnshire County Council
LFR	Lincolnshire Fire and Rescue Service
LLFA	Local Lead Flood Authority
Low Carbon	Low Carbon Ltd
MW	Megawatts
NGR	National Grid Reference
NKDC	North Kesteven District Council
NPSs	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
OBSMP	Outline Battery Safety Management Plan
OCEMP	Outline Construction Environmental Management Plan
OCTMP	Outline Construction Traffic Management Plan
ODEMP	Outline Decommissioning Environmental Management Plan
OLEMP	Outline Landscape and Ecological Management Plan
Order	The Beacon Fen Energy Park Order
PCU	Power Conversion Unit
PINS	Planning Inspectorate
PEIR	Preliminary Environmental Information Report
Proposed Development	The entire development to be constructed and operated within the Site, as set out in Schedule 1 of the draft DCO
PRoW	Public Right of Way
PV	Photovoltaic
RR	Relevant Representation(s)
SLR	SLR Consulting, formerly Wardell Armstrong (WA)

SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State
The Site	The entire draft Order Limits or red line boundary located approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington

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1. Introduction

1.1 Overview

1.1.1 This Statement of Common Ground ('SoCG') with the Environment Agency ('EA') (Document Ref: 8.9) has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant'). It relates to the application (the 'Application') for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of the Planning Act 2008 (the '2008 Act').

1.1.2 The Applicant is seeking development consent for a ground-mounted solar photovoltaic ('PV') electricity generation and battery energy storage system ('BESS'), together with associated grid connection infrastructure (the 'Proposed Development'), at an area sited approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington (the 'Site'). The Proposed Development would have a generation capacity of approximately 400 megawatts ('MW') of electricity, with a 600 MW BESS.

1.1.3 The Site corresponds to the entire Order Limits and represents the entire land area required for construction, operation and decommissioning of the Proposed Development. It is made up of the Solar Array Area (comprising the solar PV and BESS infrastructure) the Cable Route Corridor (comprising an electrical connection from the Solar Array Area to the Bicker Fen National Grid 400kV substation) and the Bespoke Access Corridor (for a bespoke access from the A17 to the Solar Array Area). This is termed the Bespoke Access Road.

1.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' ('NSIP') under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50 MW electrical output. As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.

1.1.5 The DCO, if made by the SoS, would be known as 'The Beacon Fen Energy Park Order 202*' (the 'Order').

1.2 The Applicant

1.2.1 The Applicant is a subsidiary of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned global renewable energy company.

1.3 The Site

1.3.1 The Site represents the entire Order Limits and is located east of Sleaford in Lincolnshire. It extends to approximately 758 ha and comprises of three functional areas: the Solar Array Area, the Cable Route Corridor and the Bespoke Access Corridor.

Solar Array Area

1.3.2 The Solar Array Area is approximately 529 ha in size and located to the north of Heckington, centred at the National Grid Reference ('NGR') 514682 347825. The Solar Array Area is located wholly within the administrative areas of North Kesteven District Council ('NKDC') and Lincolnshire County Council ('LCC').

1.3.3 The Solar Array Area predominantly comprises agricultural land in arable use, divided by ditches with sparse tree cover that is limited to small woodland blocks and scattered hedgerow trees. A small reservoir is located in the south-west of the Solar Array Area.

1.3.4 The Solar Array Area is bound to the south, west and north by local highways, and bound to the east by the Car Dyke. Public Right of Way ('PRoW') Ewer/12/1 extends across the north-eastern corner of the Site, close to the northern Site boundary. There are no other PRoW within the Solar Array Area.

1.3.5 Villages in proximity to the Solar Array Area include:

- Howell immediately to the south-west, with Heckington c. 1.7 km beyond;
- Ewerby Thorpe immediately to the west, with Ewerby c. 1.1 km beyond;
- Anwick c. 2.7 km to the north-west;
- North Kyme c. 2.4 km to the north; and
- South Kyme c. 1.5 km to the east.

Cable Route Corridor

1.3.6 The Cable Route Corridor is approximately 183 ha in size and extends c. 13 km south-east from the Solar Array Area to Bicker Fen substation, at NGR TF 19684 38599. The Cable Route Corridor is located wholly within the administrative area of LCC. The majority of the Cable Route Corridor is located within the administrative area of NKDC, however the southern section is located within BBC's administrative area.

1.3.7 Land use within the Cable Route Corridor is predominantly agricultural. A number of local highways cross the Cable Route Corridor, and the A17 crosses east to west within the north-west section of the Corridor. The railway linking Heckington west to Sleaford and east to Swineshead intersects the mid-section of the Corridor. There are a number of PRoW within the Cable Route Corridor, including one alongside the South Forty Foot Drain which also crosses the Cable Route Corridor.

Bespoke Access Corridor

1.3.8 The Bespoke Access Corridor is approximately 45.4 ha in size comprising predominantly agricultural land and extends approximately 3 km south-west from the Solar Array Area to the A17. The Bespoke Access Corridor is located wholly within the administrative areas of LCC and NKDC.

1.3.9 The Bespoke Access Corridor has been refined during the pre-application stage, informed by results from environmental surveys and consultation feedback.

1.3.10 Asgarby Road and Heckington Road crosses the Bespoke Access Corridor and there are four PRoW located within the route.

1.4 The Proposed Development

1.4.1 The main components of the Proposed Development are summarised below and defined in Schedule 1 of the **Draft DCO** (**AS-008**).

Solar Array Area

1.4.2 The Solar Array Area consists of solar PV panels and modular ground-mounting structures. The height of the panels considered will be up to 3.9 m above ground level in fields to the east and 3.5 m above ground level in fields to the west, south and an isolated field in the north. The proposal is for a fixed (i.e., static) panel orientation, facing due south which is commonly seen on existing UK solar farms, and angled 10° to 45° from horizontal. Supporting infrastructure includes inverters, combiner boxes, transformers and switchgear converting the Direct Current ('DC') to Alternating Current ('AC') and stepping up the voltage so it can be exported to the National Grid. An inverter, transformer and switchgear comprised together is termed a Power Conversion Unit (PCU).

1.4.3 A 600 MW BESS adjacent to the Onsite Substation is included in the Proposed Development within the Solar Array Area. This will allow the electricity generated by the panels to be stored on site at times when grid demand is low, then exported at times of higher demand. The BESS containers and switch rooms are anticipated to be up to 8 m x 3 m in size, with a height of up to 4.5 m.

1.4.4 Low voltage onsite electrical cabling is required to connect the PV modules and BESS to the inverters, and the inverters to the onsite transformers. Higher voltage cables are required between the transformers and the switchgear and from switchgear to the substation.

1.4.5 A new Onsite Substation is proposed and would have up to four High Voltage (HV) transformers with a maximum footprint of no more than 40,000 m^2 (e.g. 250 m x 160 m (or 200 m x 200 m)) and a height of up to 13 m). The Onsite Substation will include a 33 kV switchroom, control and storage buildings that would house office space and welfare facilities, as well as operational monitoring and maintenance equipment and equipment for reactive compensation and/or harmonic filtering. The design control building and office/welfare will be defined as part of detailed design.

1.4.6 The perimeter fence would likely comprise standard post and wire, deer fencing up to 3 m tall around the Solar Array Area. Security fencing, up to 3.4 m will be installed around the substation compounds and, possibly, other infrastructure / compounds. Acoustic fencing, up to 4 m tall, may be required around the BESS, subject to the detailed design and layout.

1.4.7 Mounted internal-facing closed circuit television (CCTV) systems will likely be deployed around the perimeter of the operational areas of the Site; anticipated to be 5 m high. The CCTV cameras would have fixed view sheds and will be aligned to face along the fence. Motion detection security lighting will be used around the electrical infrastructure and potentially at other pieces of critical infrastructure.

1.4.8 During construction, temporary construction compounds will be required, as well as temporary roadways, to enable access to all the land within the Site.

Localised earthworks to form suitable development platform for the substation and BESS will also be required.

1.4.9 There will be one primary access on the western edge of the Solar Array Area and a secondary access to the north, both of which will allow larger vehicles (including first responder vehicles) to access the BESS and Onsite Substation. Tertiary operational access primarily for smaller vehicles is provided to the north west and south.

1.4.10 PRoW Ewer/12/1 is being extended in a south and westerly direction as a permissive path terminating in the vicinity of Ewerby Thorpe, and will be in place for the operational duration of the Proposed Development. The exact route of the permissive path will be determined via the discharge of a requirement in the **Draft DCO (AS-008)**, but is anticipated to run in a south easterly direction along Car Dyke then heading south west on the north side of Hodge Dike. An undetermined number of footbridges (unlikely to be more than eight in number) to cross existing watercourses will be required and will require the usual water course crossing agreements to be sought with the relevant Internal Drainage Board (IDB) in parallel with the discharge of the requirement.

Cable Route

1.4.11 The Cable Route running between the Solar Array Area and the Bicker Fen 400kV Substation will be constructed through trenched methods and, where required, trenchless methods.

1.4.12 During construction, temporary construction compounds will be required approximately every 1-3 km, as well as temporary roadways, to enable access to all land. It is anticipated that there will be 6 main compounds that are distributed at approximately equal distances along the cable route to facilitate proper construction management. Smaller temporary compounds may also be located anywhere within the final working area.

1.4.13 Vegetation and hedgerows lost during construction of the Cable Route will be re-instated where possible subject to easement restrictions.

Bespoke Access Road

1.4.14 A dedicated access from the A17 to the Solar Array Area is required. It will be constructed in advance of material construction commencing on the Solar Array Area and will facilitate construction in that area. During construction, temporary construction compounds will be required which may be anywhere along the route.

1.4.15 The Bespoke Access Road will likely be the last component of the Proposed Development to be removed as it will be used to facilitate decommissioning of the Solar Array Area. Whilst it is assumed for the **Environmental Statement ('ES') (APP-050 to APP-274)** that the road will be removed (unless otherwise stated in the relevant chapter), it is possible that engagement with the landowners at that time will establish a preference for it to be retained. Optionality has been deliberately retained in the Application to facilitate such a scenario.

1.4.16 There will be no permanent lighting installed and access will be controlled through gates at all stages.

1.4.17 Vegetation and hedgerows lost during construction of the Bespoke Access Road will be re-instated.

In any or all of the above areas

1.4.18 Along with the above, in any or all of the three areas, the Proposed Development will include the following (subject to certain requirements):

- Access tracks of between 3.5 m to 9 m width for construction access and routine maintenance when operational. Access tracks located adjacent to drainage ditches will incorporate the necessary ecological, EA and/or Internal Drainage Board (IDB) buffers where required;
- Boundary treatments, means of enclosure, security measures, and paths;
- Landscaping and reinstatement planting and Biodiversity Net Gain related habitats;
- Flood resilience measures including swales and storm water attenuation, and works to existing irrigation systems;
- Utility diversions;
- Bunds, embankments, protective works to buildings, maintenance and improvement of streets; and
- Construction related (and decommissioning related) work sites.

Bicker Fen Substation Works

1.4.19 The extension of Bicker Fen substation will include a new generation bay, a new generation bay control room and a perimeter access road. A new generation bay will also include electrical equipment required for connection to the transmission system.

1.4.20 National Grid Electricity Transmission plc ('NGET') have requested that there be optionality within the design of the extension to Bicker Fen substation. The two design options that have been assessed in the **ES (APP-050 to APP-285)** and included in the Application are: Air Insulated Switchgear ('AIS') and Gas Insulated Switchgear ('GIS').

Draft Development Consent Order

1.4.21 The Proposed Development is described in detail in Schedule 1 to **the Draft DCO (AS-008)**, and the areas in which each component (the 'Work Numbers') may be constructed are shown on the **Works Plans (AS-006)**.

1.4.22 The Proposed Development is split into 10 Work Numbers as follows:

- Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts;
- Work No. 2 — a battery energy storage system compound and associated works (including fire safety infrastructure);
- Work No. 3 — development of an onsite substation and associated works;
- Work No. 4 — works in connection with electrical cabling and associated compounds;
- Work No. 5 — works to the existing Bicker Fen National Grid substation to create a new generation bay and substation extension;

- Work No. 6 — various ancillary works relating to the Solar Array Area, including cabling, fencing, security features, access tracks, watercourse crossings and landscaping and biodiversity mitigation measures;
- Work No. 7 — construction and decommissioning compounds in connection with Work Nos. 1, 2 and 3;
- Work No. 8 — works to create the Bespoke Access Road;
- Work No. 9 — areas of habitat management; and
- Work No. 10 — works to facilitate access to Work Nos. 1 to 9.

1.4.23 In addition, Schedule 1 to the **Draft DCO (AS-008)** lists other associated works (referred to as "further associated development") which may be carried out in connection with the construction of Work Nos. 1 to 10.

1.5 The Development Consent Order Process

1.5.1 As a NSIP, the Applicant is required to seek a DCO to obtain planning and other powers to construct, operate and maintain the generating station, in accordance with Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that an applicant must carry out before submitting an application for a DCO and Section 37 of the 2008 Act governs the form, content and accompanying documents that are required as part of a DCO application.

1.5.2 An application for development consent for the Proposed Development has been submitted to and accepted for examination by the Planning Inspectorate ('PINS') acting on behalf of the SoS. PINS is now examining the Application and will make a recommendation to the SoS, who will then decide whether or not to make (grant) the DCO.

1.6 Purpose of this Document

1.6.1 This document is intended to summarise clearly the agreements reached between the Applicant and the parties on matters relevant to the examination of the Application, in order to assist the Examining Authority to understand progress of negotiations between the parties. It has been prepared having regard to the guidance in *Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects* and *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects* (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, April 2024).

1.6.2 Once finalised, the SoCG will be submitted to the Examining Authority who will decide whether to accept it into the examination of the Application.

1.6.3 It is intended that the SoCG will provide information for the examination process, facilitating a smooth and efficient examination and managing the amount of material that needs to be submitted. Updates to this document will be made periodically (and on request) during the examination, with a view to submitting a final version of the SoCG at the end of the examination.

1.7 Role of key stakeholders

1.7.1 This SoCG refers to communications and correspondence with the EA. The role of the EA and how it relates to the Application is summarised below.

1.7.2 The 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[1]). The EA 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'[2] produced by PINS sets out in detail the role of the EA in the DCO process, including the level of input and agreement be expected from the EA. The Applicant has consulted the EA throughout development of the Proposed Development.

1.7.3 The EA's role covers various matters, including the following:

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

1.7.4 It can be taken that any matters not specifically referred to in the 'Matters Agreed during Pre-Examination Stage' or 'Matters not yet agreed during Pre-Examination Stage' sections of this SoCG are not of material interest or relevance to the EA representations and have, therefore, not been considered in this SoCG.

1.7.5 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing.

1.8 Status of this Version

1.8.1 This SoCG is intended to be prepared in collaboration with the EA, and as such, the Applicant is providing this draft version of the SoCG to the EA for comment on the matters outlined in Section 3.

1.8.2 One or more further versions (revised drafts) are anticipated to be agreed between the parties during the examination period and submitted to the Examining Authority to assist the examination of the Application.

1.8.3 Section 2 of this document summarises the consultation undertaken with the EA to date and Section 3 sets out the matters agreed between the parties during the pre-examination stage in respect of the Application.

[1] Available online at: https://www.legislation.gov.uk/ukpga/1995/25/contents.
[2] Available online at: https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-working-with-public-bodies-in-the-infrastructure-planning-process-annex-d-environment-ag.

2. Summary of Consultation

2.1.1 Table 2.1, below, contains a record of pertinent correspondence between the Applicant and the EA.

Table 2.1 – Summary of Correspondence

DATE	FORM OF CORRESPONDENCE	NOTES
30/03/2023	Letter from Ardent (on behalf of the Applicant) to the EA	Letter to the EA to introduce the Proposed Development and in relation to survey access. Access was granted in October 2023.
05/05/2023	Letter from Ardent to the EA	Invitation to first non-statutory consultation event on 18/05/2023.
17/05/2023	EIA Scoping request and response	The EA provided an opinion in response to the EIA Scoping Request, which was returned to the Applicant via PINS in May 2023. All of the points from this response are included in Section 2 – Areas of Discussion between the Parties.
18/07/2023	Email from EA Flood Risk Officer to the Applicant	The EA provided Product 4 flood level data from the Lower Witham (2009) and South Forty Foot (2016) model.
28/07/2023	Letter from Ardent to the EA	Letter to the EA to provide an update on the proposed route for the grid connection.
25/08/2023	Email from EA Customers and Engagement Officer to the Applicant	The EA provided information on consented surface water and groundwater abstractions, discharges and their quantities and receiving bodies, groundwater levels and groundwater contours.
05/12/2023	Letter from Ardent to the EA	Request for the EA to complete a Land Interest Questionnaire as part of Ardent's land referencing process.
17/01/2024	Letter from Ardent to the EA	Advising commencement of the statutory consultation period on 22/01/2024 and providing project information, including the PEIR and non-technical summary.
01/03/2024	Response to Statutory Consultation	The EA reviewed the Preliminary Environmental Information Report (PEIR) and provided a response in March 2024. All of the points from this response are included in Section 2 – Areas of Discussion between the Parties.
30/04/2024	Email from the Applicant to EA Flood Risk Officer	The Applicant submitted the Fluvial Hydraulic Modelling Methodology for the Proposed Development. This technical note set out the model build and approach to assess fluvial flood risk from the River Slea/Kyme Eau and Head Dike/Skerth Drain.
12/07/2024	Email from EA Flood Risk Officer to the Applicant	The EA provided a formal review of both the Breach and Hydraulic Modelling Methodologies.
19/07/2024	Email from EA Planning Advisor to the Applicant	The EA issued a supplementary PDF to provide further clarification and additional technical points following the EA's 12/07 review.
08/08/2024 – 25/09/2024	Email from the Applicant to EA Flood Risk Officer	The Applicant reached out with an indicative pedestrian footbridge design and anticipated locations of the watercourse crossings to determine whether there would be any objection from the EA. The EA responded 15/08/2024 stating the potential for these works to be exempt from a permit. The Applicant reviewed the permit exemptions against the watercourse design and locations proposals 25/09/2024 and confirmed that the proposals do not satisfy all conditions. The decision was therefore made to include the need to seek a flood risk

DATE	FORM OF CORRESPONDENCE	NOTES
		activity permit ('FRAP') in our **Other Consents and Licences Statement (APP-276).**
22/10/2024	Email from the Applicant to EA Flood Risk Officer	The Applicant issued a standalone Breach and Extreme Event Modelling Methodology technical note to the EA, also responding to the feedback to clarify and confirm the approach. The note provided a detailed overview of the proposed breach and extreme event modelling approach for the Beacon Fen site.
27/12/2024	Email from EA Customers & Engagement Officer, Customers & Engagement Team to the Applicant	The EA provided information on consented surface water and groundwater abstractions, discharges and their quantities and receiving bodies, groundwater levels and groundwater contours.
17/01/2025	Letter from Ardent to the EA	Ardent issued detailed Heads of Terms to secure the rights required to construct and operate the Proposed Development.
22/01/2025	Virtual meeting	Meeting between Applicant and EA project managers to provide a project update on timescales and discuss the cost recovery agreement.
24/02/2025 – 26/02/2025	Email from the Applicant to EA Planning Specialist – National Infrastructure Team	The Applicant wrote to the EA confirming that the Applicant would not be seeking the disapplication of the requirement to obtain any flood risk activity permits or water activity permits under the Environmental Permitting (England and Wales) Regulations 2016 through the **Draft DCO (AS-008)**. The EA subsequently confirmed they would therefore not need Protective Provisions for the benefit of the EA in the **Draft DCO (AS-008)**.
26/02/2025 – 06/03/2025	Email from the EA Planning Specialist – National Infrastructure Team to the Applicant	The EA provided a letter to the Applicant via email detailing that new flood and coastal erosion risk data will be published on 25 March 2025. The Applicant confirmed receipt.
16/05/2025	Letter (ref: EN010151)	The EA summarised the findings from their technical review of the fluvial flood model and accompanying summary report. Work to address the comments and revise the model is ongoing.
21/05/2025	Letter from Ardent to the EA	Ardent sent a Section 56 notification of acceptance to the EA. The EA subsequently submitted a **Relevant Representation (RR-006).**
18/07/2025	Email from the Applicant to EA Planning Specialist – National Infrastructure Team	The Applicant responded to the EA's technical review of the fluvial flood model providing clarity and proposing next steps. Formal approval and subsequent work to address the comments and revise the model is ongoing. The Applicant also requested the EA's review of the draft SoCG.
07/08/2025	Email from the EA Planning Specialist – National Infrastructure Team to the Applicant	The EA provided comments on the fluvial flood model.
11/08/2025	Email from Ardent to the EA	Following a period of negotiations, Ardent issued updated Heads of Terms to the EA.
28/08/2025	Email from the EA Planning Specialist – National Infrastructure Team to the Applicant	The EA provided comments on the draft version of this SoCG.
29/08/2025	Email from the EA to Ardent	The EA signed and returned Heads of Terms for an Option for Easement, securing the rights required to construct and operate the Proposed Development within the EA's ownership.

DATE	FORM OF CORRESPONDENCE	NOTES
05/09/2025	Email from the Applicant to EA Planning Specialist – National Infrastructure Team	The Applicant shared the updated fluvial flood model reports for the EA to review.
22/09/2025	Email from the Applicant to EA Planning Specialist – National Infrastructure Team	The Applicant shared the updated breach model package and reports for the EA to review
26/09/2025	Email from EA Planning Specialist – National Infrastructure Team to Applicant	The EA provided comments on the fluvial flood model reports but not the model and requested the model was re-sent
29/09/2025	Email from the Applicant to EA Planning Specialist – National Infrastructure Team	The Applicant shared the updated fluvial flood model files for the EA to review
06/10/2025	Email from EA Planning Specialist – National Infrastructure Team to Applicant	The EA provided comments on the fluvial flood model files. The Applicant is in the process of reviewing comments made and has a meeting on 07/10/2025 and 10/10/2025 in the diary to discuss this and other matters with the EA.

3. Matters Agreed during Pre-Examination Stage

3.1.1 Table 3.1, below, contains a list of 'matters agreed' at the date of submission of the document to the EA, along with a concise commentary of what each item refers to and how it came to be agreed between the two parties.

3.1.2 In addition, Annex G of the Rule 6 Letter from PINS explicitly states that the SoCG with the EA should include commentary on the position of certain key relevant issues. Those within the Annex G list which are agreed have been addressed in Table 3.1, below:

- Applicant's assessment (including survey areas, baseline data and methodology) in relation to flood risk and drainage, groundwater protection and water resources;
- Compliance with the Water Framework Directive; and
- Relevant other agreements, consents, permits and licences.

Table 3.1 – List of Matters agreed during Pre-Examination Stage

MATTER	COMMENTARY
Sequential and exception tests	The EA was consulted formally by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) during the pre-application process. The EA requested that the ES Flood Risk Assessment (FRA) include sequential and exception tests for essential infrastructure within Flood Zone 3. **Appendix 11.1 Flood Risk Assessment (APP-162),** and the **Planning Statement (APP-277)** include details of the sequential and exception tests undertaken as part of the FRA. There are two parts to the exception test and both have to be met for the test to be satisfied. The EA provides advice on the second part of the test when reviewing the submitted flood risk assessment. However, the EA is not responsible for determining whether these tests have been passed, so the Examining Authority should ensure they are satisfied with the details supplied by the Applicant.
Flood Risk Assessment – latest data and climate change allowances	During the acceptance process, the EA requested that the documents in the Application relating to flood risk and drainage should be updated with latest fluvial and surface water flooding data and clarify that UKCP18 has been taken into account in the FRA and the 40-year operational period has been applied consistently. A technical note, **Section 51 Response: Climate Change Allowances and Revised NaFRA2 Mapping Review (AS-022)** has been prepared and confirms that **Appendix 11.1 Flood Risk Assessment (APP-162)** is based on UKCP18 rainfall intensity data and considers the full 40-year operational period.
Artesian Groundwater	The EA was consulted formally by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) as part of the pre-application process. The EA noted that there are artesian conditions in the vicinity of

MATTER	COMMENTARY
	the Site and that the ES should consider them. **ES Chapter 11 Water Resources and Flood Risk (APP-062)** Section 11.5 Baseline and the **Appendix 11.6 Water Framework Directive Assessment (APP-167)** both consider the potential for artesian groundwater in the vicinity of the Site. The EA are satisfied that this has been given appropriate consideration within these documents.
Water Framework Directive (WFD) Assessment	The EA was consulted formally by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) as part of the pre-application process. The EA requested that the WFD assessment / screening should consider watercourse crossings. **Appendix 11.3 Summary of Watercourse Crossings and Photographs (APP-164)** and **Figure 11.6 Watercourse Crossings (APP-262)** provide a summary of the proposed watercourse crossings. **Appendix 11.6 Water Framework Directive Assessment (APP-167)** includes a WFD Compliance Assessment, which considers watercourse crossings.
Water Resources Assessment	The EA was consulted formally by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) during the pre-application process. The EA welcomed the production of a watercourse crossing survey. This was undertaken and the results detailed within **Appendix 11.3 Summary of Watercourse Crossings and Photographs (APP-164)**. The EA was consulted formally by the Applicant as part of the statutory consultation in 2024. The EA requested further assessment of abstractions, which was provided in Section 11.6 (Conceptual Site Hydrogeological Model) of the **ES Chapter 11 Water Resources and Flood Risk (APP-062)**. The EA also requested clarification regarding the assessment methodology in particular in regard to temporary impacts. This was provided in **ES Chapter 11 Water Resources and Flood Risk (APP-062)**: Table 11.3 Criteria for Determining the Magnitude of Change was amended from the PEIR to provide clarity around the criteria of magnitude of change and when they apply and that the assessment takes into account embedded mitigation and tertiary mitigation, such as the OCEMP (see **Appendix 2.4: Outline Construction Environmental Management Plan (APP-077)**). The EA also commented on the PEIR, requesting further consideration of the wider impacts of climate change on water quality and resources and the implication on securing mitigation. **ES Chapter 11 Water Resources and Flood Risk (APP-062)** was updated from the PEIR, this included updates to the following ES Chapter 11 sections: Section 11.5 Baseline Conditions; Section 11.6 Conceptual Site Hydrogeological Model; Section 11.7 Assessment of Effects; and Section 11.8 Mitigation Measures. Additional information can be found in **Appendix 11.1 Flood Risk Assessment (APP-162)**.
Permitting – Disapplication of flood risk activity permits or water activity	There are seven main river watercourse crossings associated with the Proposed Development. Four of the watercourse crossings relate to pedestrian footbridges of the Car Dike and Hodge Dike within the Solar Array Area. The other three, the Hodge Dike, Heckington Eau and South Forty Foot Drain are within the Cable Route Corridor. The cable is proposed to be installed under these watercourses using a trenchless technique such as horizontal directional drilling (HDD) and Cofferdam. The Applicant undertook initial consultation with the EA regarding the need for Flood Risk Activities Permits ('FRAP') to authorise the pedestrian footbridges. The EA confirmed that FRAP consent

MATTER	COMMENTARY
	is required. Post DCO consent and prior to any relevant works commencing on site, all appropriate permits would be applied for and secured from the EA, as explained further in the **Other Consents and Licences Statement (APP-276).** The Applicant confirmed to the EA that it would not be seeking the disapplication of the requirement to obtain any flood risk activity permits or water activity permits under the Environmental Permitting (England and Wales) Regulations 2016 through the **Draft DCO (AS-008)**. Post DCO consent and prior to any relevant works commencing on site, all appropriate permits would be applied for and secured from the EA, as explained further in the **Other Consents and Licences Statement (APP-276)**.
Heads of Terms (HOTs)	The EA have signed and returned Heads of Terms for an Option for Easement, securing the rights required to construct and operate the Proposed Development within the EA's ownership.

4. Matters not yet agreed during Pre-Examination Stage

4.1.1 Table 4.1, below, contains a list of 'matters not yet agreed' correct at the date of submission of the document to the EA along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

4.1.2 In addition, Annex G of the Rule 6 Letter from PINS explicitly states that the SoCG with the EA should include commentary on the position of certain key relevant issues. Those which are not yet agreed have been addressed in Table 4.1, below:

- Applicant's assessment (including survey areas, baseline data and methodology) in relation to flood risk and drainage, groundwater protection and water resources;
- Appropriateness and effectiveness of the Outline Construction Environmental Management Plan (OCEMP) and the Outline Decommissioning Environmental Management Plan (ODEMP); and
- Relevant other agreements, consents, permits and licences.

Table 4.1 – List of Matters Not Agreed during Pre-Examination Stage

MATTER	COMMENTARY
Flood Risk – Baseline	The EA was consulted by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) as part of the pre-application process. The EA suggested that appropriate and reliable fluvial flood modelling data should be used to inform the assessment of flood risk, utilising the correct allowances for climate change. They also requested that the ES FRA include detailed considered in the 'decommissioning statement'. The Applicant intends to update **ES Chapter 11 Water Resources and Flood Risk (APP-062)** and **Appendix 11.1 Flood Risk Assessment (APP-162)** and submit them for examination for Deadline 2. The Applicant has confirmed their approach to have all sensitive equipment above the 1 in 100 Annual Exceedance Probability, plus climate change, with a freeboard of 600 mm, which the EA supports. However, this level has not been confirmed in metres above Ordnance Datum, as the model has not yet been signed off as fit for purpose. The outputs of the modelling have therefore not yet been confirmed or noted within the FRA. As such it is not possible for the EA to confirm that the risk to the development has been fully mitigated. Bespoke, site-specific fluvial flood modelling has been carried out by Aegaea, on behalf of the Applicant. The EA were provided with a Flood Estimation Report and the hydraulic model. At the time of writing (September 2025), the Applicant is currently liaising with the EA to address their comments on the model. The Applicants submitted **Flood Risk Assessment (APP-162)** contained a Technical Note from Aegaea and the baseline model outputs available at that time. The Applicant acknowledges that the results of the modelling are not final as the model is subject to EA sign-off at the

MATTER	COMMENTARY
	time of writing (October 2025), However, the modifications to the baseline model undertaken to date at the request of the EA as part of their review, do not significantly alter the results i.e. flood depths and levels across the Site. Therefore, the Applicant considers that the flood risk mitigation measures, as detailed in the Flood Risk Assessment, are suitable to mitigate the impact.
Flood Risk – Post Development	The EA commented in their review of the modelling, that it only assesses baseline flood risk and does not consider post-development flood risk, so the potential impacts of the Proposed Development are unconfirmed. The Applicant considers that the impact of the Proposed Development on future fluvial flood risk is assessed within **Appendix 11.1 Flood Risk Assessment (APP-162).** The EA, however, considers that the lack of post-development modelling means that the volume of water displaced by the scheme, and detail of any altered flow routes, is at present unknown, and that the Applicant's assumptions regarding the scheme's impact on flood risk have not been substantiated. As such, this matter is not agreed. altered flow routes, is at present unknown, and that the Applicant's assumptions regarding the scheme's impact on flood risk have not been substantiated. As such, we cannot consider that this matter is agreed. The Applicant considers that the approach taken within **Appendix 11.1 Flood Risk Assessment (APP-162)** is proportionate to the level of risk. By way of example, a further assessment of the impact of the solar panel piles on floodplain displacement has shown that with a blanket 0.2 m depth of flooding across the Solar Array Area, only 45 m^3 of floodwater would be displaced. This is considered negligible within the context of the 529 ha Solar Array Area. The Applicant acknowledges within **Appendix 11.1 Flood Risk Assessment (APP-162)** that other aspects of the Proposed Development, such as the platform for the BESS and onsite Substation may also be partially located within the fluvial flood extent for the design event. The Applicant is awaiting EA sign-off of the bespoke fluvial flood model to confirm flood extents, depths and levels. The intention is to use the final baseline fluvial flood model results to confirm where floodplain displacement may occur and to what extent. The Applicant considers this to be a proportionate approach. The full assessment can, however, only be undertaken at the detailed design stage when finished levels are fixed, and when the bespoke fluvial flood model has been signed off by the EA. Notwithstanding this, **Appendix 11.1 Flood Risk Assessment (APP-162)** commits to providing floodplain compensation on a level-for-level and volume-for-volume basis, and confirms that there is sufficient space within Order Limits to achieve this.

MATTER	COMMENTARY
Risks to Groundwater	The EA was consulted by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion (APP-072)**) as part of the pre-application process. The EA highlighted in their response that the site is underlain by highly vulnerable groundwater receptors, including Source Protection Zones, and noted that the Applicant proposed to consider groundwater receptors within Chapter 11 of their Environmental Statement (ES) (**APP-062**). The EA raised several concerns in their **Relevant Representation (RR-006)** relating to the assessment of risks to groundwater within the ES, including issues with the Conceptual Site Model. They also requested additional drainage information in relation to wash-down areas and firewater, which also pose a risk to groundwater. As these concerns have not yet been addressed by the Applicant, this matter is not considered to be agreed. The Applicant has noted the EA Relevant Representation comments **(RR-006)** and has responded to them in Document Ref: 9.2 Applicant Responses to Relevant Representations. The Applicant intends to update the following documents and submit them for examination: **ES Chapter 11 Water Resources and Flood Risk (APP-062)** for Deadline 3; **Appendix 11.1 Flood Risk Assessment (APP-162)** for Deadline 3; **Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (APP-077)** for Deadline 1; and **Appendix 2.5 Outline Decommissioning Environmental Management Plan (oDEMP) (APP-078)** for Deadline 1.
Development Design	<u>Watercourse Buffers - Clarification</u> The Applicant has agreed to incorporate a buffer to watercourses, to be kept free from development. However, in their **Relevant Representation (RR-006)** the EA commented that there were discrepancies in the buffer distances described across the submission documents and does not therefore consider this aspect to have been agreed and appropriately secured. As a point of clarification regarding the watercourse and waterbodies buffers, the Applicant confirms that the following buffers are incorporated within the development design (except where crossings are required) and secured via Requirement 5 of the **Draft DCO (AS-008)**: • Minimum 5 m buffer to all watercourses and waterbodies, within which there will be no development; and • Minimum 9 m buffer to all watercourses and waterbodies, within which there will be no new infrastructure that would impede access to the watercourse or waterbody. New infrastructure that does not impede access to the watercourse, can be located within the 9 m buffer but there are restrictions of where this new infrastructure can be located. See Document Ref: 9.2 Applicant Responses to Relevant Representations for further detail. <u>Watercourse Buffers - Justification</u>

MATTER	COMMENTARY
	The EA was consulted formally by PINS on the Applicant's Scoping Request (see **Appendix 1.1 Scoping Report (APP-071)** and **Appendix 1.2 Scoping Opinion APP-072)**) as part of the pre-application process. The EA stated that a buffer zone of 8 m from any watercourse or asset would be desirable. The EA's response was noted by the Applicant and, following consultation with the Black Sluice Internal Drainage Board, a buffer of 9 m has been applied to watercourses within which there will be no infrastructure, such as fences, which would impede access or movement. This is secured via Requirement 5 of the **Draft DCO (AS-008)**. In response to the Applicant's statutory consultation and PEIR, the EA suggested that the watercourse buffer zone be increased to 10 metres to align with the riparian zone considered under Biodiversity Net Gain guidance for protected species. The Applicant notes that the Biodiversity Net Gain Guidance defines the riparian zone for ditches to be 5 m from bank top. The water vole and otter survey effort that is included in **Chapter 7 Ecology (APP-058)** for the Solar Array Area classed all surveyed watercourses within the Solar Array Areas as being sub-optimal or unsuitable for water vole and otters and, in addition, no evidence of either species was record within the Solar Array Area. As stated in **Chapter 7 Ecology (APP-058)** and the Water Vole Mitigation Handbook[3] page 22, section 4.3.1, second bullet point "*protecting a buffer zone around a watercourse / wetland habitat to ensure that burrows are not affected (the size of the buffer zone will be dependant on the nature of the works and the likely extent of borrows, but is likely to be in the region of 3-5 m from toe of bank*)." **Chapter 7 Ecology (APP-058)** and **Appendix 2.3 Embedded Mitigation (APP-076)**, page 4, reference EM2 under the topic of "buffers" states "*Buffers (at least 5 m) will be set up around all ditches (except where crossings are required).* […] *A minimum 5 m offset from all infrastructure (including fencing) from bank top of all riparian boundaries and watercourses;* […] *Minimum of 9 m buffer from waterbodies*." The 5 m buffer is therefore consistent with the upper recommended buffer from the Water Vole Mitigation Handbook. <u>Summary</u> In conclusion, no development or temporary storage of materials (except at watercourse crossings with appropriate consent as per **Other Consents and Licences Statement (APP-276)**) will be allowed within 5 m of any watercourse and only new infrastructure that will not affect access by Black Sluice IDB / EA access to their assets will be allowed within the 5 to 9 m distance from watercourses. The adherence to the buffers will be secured though Requirement 5 (detail design approval), Requirement 12 (Construction environmental management plan) and Requirements 18 (Decommissioning and restoration) of the **Draft DCO (AS-008)**.
Surface Water Quality	In response to the Applicant's statutory consultation and PEIR, the EA highlighted the need for a foul water strategy to accompany the application and that some potential construction and operational impacts, for example, relating to the fire suppression system had not been assessed.

[3] Dean, M., Strachan, R., Gow, D. and Andrews, R. 2016. The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series). Eds Fiona Mathews and Paul Chanin. The Mammal Society, London

MATTER	COMMENTARY
	The EA also raised several concerns in their **Relevant Representation (RR-006)** relating to the assessment of risks to surface water quality within the ES. They highlighted in their response that further information is needed about the disposal of foul water. They also requested additional drainage information in relation to wash-down areas and firewater containment associated with the BESS. As these concerns have not yet been addressed by the Applicant, this matter is not considered to be agreed. The Applicant has noted the EA Relevant Representation comments **(RR-006)** and has responded to them in Document Ref: 9.2 Applicant Responses to Relevant Representations. . The Applicant intends to update the following documents and submit them for examination: **ES Chapter 11 Water Resources and Flood Risk (APP-062)** for Deadline 3; **Appendix 11.1 Flood Risk Assessment (APP-162)** for Deadline 3; **Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (APP-077)** for Deadline 1; and **Appendix 2.5 Outline Decommissioning Environmental Management Plan (oDEMP) (APP-078)** for Deadline 1.
Ecology - Fish	In response to the Applicant's statutory consultation and PEIR, the EA raised concerns that fish had not been considered. In addition, in their **Relevant Representation (RR-006)** they considered that there were outstanding risks to fish that had not been sufficiently considered, for example, that only protected fish species had been considered and that there were risks to fish from the draining down of watercourses. The EA proposed in their **Relevant Representation (RR-006)** the following solution to address their concern: *"Spined loach should be listed in Table 7.7. Other coarse fish species that maybe present within the order limits and form part of the biological quality element of WFD should also be considered in Table 7.7."* The Applicant intends to *"Spined loach should be listed in Table 7.7. Other coarse fish species that maybe present within the order limits and form part of the biological quality element of WFD should also be considered in Table 7.7."* The Applicant intends to update Table 7.7 of **Chapter 7 Ecology (APP-058)** for Rule 6 Deadline 2, using the EA Ecology and Fish Data Explorer for the appropriate operational catchment(s), considering spined loach and other notable species.
Ecology – Water Vole and Otter	In their **Relevant Representation (RR-006)**, the EA commented that no Protected Species Enhancement Plans had been proposed for otter and water vole. These matters have not yet been addressed and as such the EA considers this matter has not yet been agreed. The Applicant is of the view that Protected Species Enhancement Plans for water vole and otter are not proportionate. The water vole and otter survey effort that is included in **Chapter 7 Ecology (APP-058)** for the Solar Array Area classed all surveyed watercourses within the Solar Array Areas as being sub-optimal or unsuitable for wale vole and otters and, in addition, no evidence of either species was record onsite. The Applicant has committed to undertaking pre-commencement water vole and otter surveys. If the presence of these species is identified, then management plan and protection measures will be integrated into works method statements. This will be secured though the Requirement 12 (Construction Environmental Management Plan) of the **Draft DCO (AS-008)**.

MATTER	COMMENTARY
Water Supply and Licensing / Permitting	The Applicant confirmed the existing reservoir within the Solar Array Area is one of the options being considered as a potential water source for the Proposed Development (including water for emergency firefighting use) in addition to rainwater harvesting, surface water and / or groundwater abstraction, main water and a tankered supply. All required permits and licences will be applied for post-determination (prior to start of construction), as specified in the **Other Consents and Licences Statement (APP-276)**. However, the EA does not yet have confidence that the proposal has secure water supply options for water demands other than domestic supply to welfare stations. This extends to dust suppression, HDD and any other consumptive purposes during construction. Anglian Water Services has adopted a "Non-Domestic Water Requests Policy" for which it asks of applicants who require non-domestic water supply to complete Water Resource Assessment to understand water demands, water efficiency measures and to effectively forecast water supply requirements. This aligns with the EAs advice to all NSIPs to evaluate construction water demands in more detail. The EA has not yet seen a Water resources assessment of this nature completed by the Applicant. The EA consider that tankering water will add HGVs to local roads and it is unclear if this is agreed with the local authority or has been included in traffic impact assessment. Details have not been provided as to the arrangement to use water from the existing reservoir on the site. Licences with reservoir storage in proximity to the site (of which there are 8) are for agricultural purposes and would need to be formally varied in order to serve the Project. This is not reflected in the **Other Consents and Licences Statement (APP-276)** consents and licences statement. Details of rainwater harvesting have not yet been described in application documents and surface water abstraction would otherwise be limited to restrictive conditions preventing access to water during the summer as specified in the abstraction licensing strategy for the catchment. The EA is satisfied that the proposal has identified multiple options to provide water supply to the construction phase, however the practicality of those options has not been evaluated. As part of the Applicant's ongoing options evaluation and feasibility studies, a water demand and water supply options appraisal is currently being prepared and will be submitted into examination for Deadline 3. This options appraisal is considering consumptive water uses during construction such as dust suppression and HDD, domestic supply, the potential for Anglian Water Services connection of less than 20 m^3 per day, tankering and the implications on traffic and how existing abstraction licences may be utilised to reduce demand within the catchment. It is expected that the finalisation of the water supply options that will be implemented would occur during the detailed design phase (secured by Requirement 5 of the **Draft DCO (AS-008)** and prior to the start of works onsite. This is due to the water demand calculations being based upon site specific information that will only be available from detailed design. Therefore, the Applicant is not in a position to provide this information during the examination. Furthermore, the work for the water demand and water supply options appraisal will form the foundation for the EA permit and licensing application and Anglian Water Services approval, as identified in the **Other Consents and Licences Statement (APP-276).**
Outline Construction Environmental	At the time of writing the EA have not directly raised the matter of appropriateness and effectiveness of the **Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (APP-077)** and the **Appendix 2.5 Outline Decommissioning Environmental**

MATTER	COMMENTARY
Management Plan (oCEMP) and the Outline Decommissioning Environmental Management Plan (oDEMP)	**Management Plan (oDEMP) (APP-078)** however in their **Relevant Representation (RR-006)** the EA raise a number of issues, which relate to aspects of the oCEMP and oDEMP including the inconsistencies with the buffer zones, water supply, washing water and spillage protocols. The EA also asked to a consultee on the discharge of details submitted for approval under the Requirement 12 to ensure the final detailed CEMP provides sufficient detail. In regard to the oDEMP, the EA raised concerns around leaving cables in situ and dealing with unsuspected contamination, and they requested to be a consultee on the details submitted for approval under the Requirement 18. **Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (APP-077)** and the **Appendix 2.5 Outline Decommissioning Environmental Management Plan (oDEMP) (APP-078)** have been updated and submitted as part of Deadline 1 to reflect the Applicant's response to the EA's **Relevant Representation (RR-006)**. In addition, ES **Chapter 11 Water Resources and Flood Risk (APP-062)** will be updated for Deadline 3. In regard to the EA being consultees on Requirements 12 and 18 the Applicant considers that the LPAs have adequate expertise to consider potential environmental impacts associated with the decommissioning of the Proposed Development. Nevertheless, the LPA would be able consult the EA during the determination of the requirement should they require their input.

INSERT SIGNATURE

Signed: NAME

On behalf of: The Environment Agency

Date:

INSERT SIGNATURE

Signed: NAME

On behalf of: Beacon Fen Energy Park Ltd

Date: