FENWICK SOLAR FARM

Fenwick Solar Farm

EN010152

DRAFT Statement of Common Ground between Fenwick Solar Project Limited and the Environment Agency

Document Reference: EN010152/APP/8.6

The Infrastructure Planning (Examination Procedure) Rules 2010

April 2025
Revision Number: 00

2009

BOOM-POWER.CO.UK

BOOM POWER

Revision History

Revision Number	Date	Details
00	April 2025	Deadline 1

Prepared for:
Fenwick Solar Project Limited

Prepared by:
AECOM Limited

Table of Contents

Tables

Statement of Common Ground

Signatures

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

[redacted] NSIP Development Manager on behalf of Fenwick Solar Project Limited

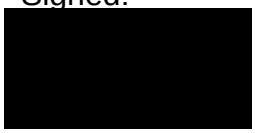
Date: 30 April 2025

Signed:

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

Date: 30 April 2025

Signed:



1. Introduction and Purpose

1.1 Purpose of this Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared for the examination of an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (Ref. 1) for the proposed Fenwick Solar Farm (the Scheme). The Application is submitted by Fenwick Solar Project Limited (the Applicant).

1.1.2 This SoCG does not seek to replicate information available elsewhere within the Application documents. All documents are available on the Planning Inspectorate's website at https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010152/documents.

1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, where matters are under discussion or where agreement has not been reached. It has been, and will be, progressed during the pre-examination and examination periods to reach a final position between the Applicant and the Environment Agency. This SoCG will be revised and updated as discussions between the Applicant and the Environment Agency progress during the Examination.

1.1.4 The ExA requested the SoCG include the following matters as set out in the **Rule 6 Letter [PD-005]**:

a. Scope of EIA topics and issues carried through to the assessment, and the appropriateness of the assessment methodologies used;

b. Water environment effects, including flood risk and effects on flood alleviation and storage schemes, watercourses, waterbodies and drainage matters;

c. Adequacy of the Flood Risk Assessment and the approach to flood risk modelling and effects on flood risk management assets;

d. Compliance with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;

e. Biodiversity and fisheries;

f. Land contamination and groundwater, including source protection zones, groundwater dependent ecosystems and existing landfill;

g. Waste management;

h. Environmental permits, consents and licences;

i. Mitigation and enhancement measures including likely effectiveness, monitoring procedures and method for securing such measures within the Draft DCO;

j. Protective provisions;

k. Compulsory acquisition affecting Environment Agency interests; and

l. Any other matters.

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

1.1.6 It can be taken that any matters not specifically referred to in Section 3 of this SoCG are not of material interest or relevance to the Environment Agency's Relevant Representations and therefore have not been considered in this document.

1.2 Parties to this Statement of Common Ground

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

1.2.2 The Applicant is a wholly owned subsidiary of BOOM Developments Limited who specialise in non-subsidised solar and battery storage projects.

1.2.3 The Environment Agency 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' (Ref. 2). The Environment Agency is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (Ref. 3) and so has been consulted throughout the preparation of the Application.

1.3 Description of the Scheme

1.3.1 The Scheme involves the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generation facility with a capacity exceeding 50 megawatts (MW) and associated development. It will connect to the National Grid either at the Existing National Grid Thorpe Marsh Substation or via the Grid Connection Line Drop, with both options including necessary associated infrastructure. Since the proposed generating capacity surpasses 50 MW, the Scheme is classified as a Nationally Significant Infrastructure Project (NSIP), requiring consent through a DCO under the Planning Act 2008 (Ref. 1). Further details on the Scheme can be found in **Volume I, Chapter 2: The Scheme [APP-053]** of the Environmental Statement (ES).

1.4 Format of Document and Terminology

1.4.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.

1.4.2 Section 3 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'.

1.4.3 These terms are used as follows:

a. 'Agreed' indicates where the issue has been resolved;

b. ‘Under discussion’ indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties; and

c. ‘Not Agreed’ indicates a final position where the Parties have agreed to disagree.

1.4.4 Abbreviations used within the SoCG are provided in Section 5.

2. Record of Engagement

2.1.1 Table 2-1 below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1: Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
6 April 2023	Email/Letter	The Applicant informed the Environment Agency that they intend to begin work to prepare an Application for the Scheme. The Applicant requested data from the Environment Agency regarding groundwater, surface water and ecology, Water Framework Directive (WFD) waterbodies, flood risk and flows, and water resources within and surrounding the Scheme.
5 May 2023	Email	The Applicant provided clarity to the Environment Agency regarding the Study Area for the assessment and information needed to be obtained to inform the assessment.
10 August 2023	Meeting (Microsoft Teams)	The Applicant and Environment Agency discussed the Scheme, information requirements, and the potential for a pre-application agreement for the Scheme.
3 October 2023	Meeting (Microsoft Teams)	The Applicant discussed the flood risk and water environment work to be completed for the Scheme and associated queries. This included a review of EIA scoping and non-statutory consultation activities, discussions on flood modelling approaches, availability of hydraulic models, climate change considerations, mitigation measures, and the approach to water environment assessment.
27 October 2023	Email/Letter	The Environment Agency provided comments on the issues raised during the meeting on 3 October 2023. This included comments on the minutes and availability and expectations regarding the flood modelling to be completed for the Application.
31 May 2024	Email/Letter	The Environment Agency provided a response regarding the Scheme during statutory consultation.

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
15 November 2024	Email	The Applicant shared the flood modelling completed to inform the Flood Risk Assessment submitted as part of the Application. They requested a detailed review of the modelling, focussing on the suitability/robustness of the model for assessing flood risk to the Scheme.
26 November 2024	Email	The Applicant confirmed that the Application had been submitted on 31 October 2024 and provided the Environment Agency with key documents to inform their relevant representation. A meeting to continue engaging with the Environment Agency was requested.
15 January 2025	Meeting (Microsoft Teams)	The Applicant updated the Environment Agency regarding the Scheme following submission of the Application. The Applicant and Environment Agency discussed key topics from the ES, including terrestrial ecology, aquatic ecology, biodiversity net gain, water and drainage.
4 February 2025	Meeting (Microsoft Teams)	The Applicant and Environment Agency discussed the flood modelling undertaken for the Scheme and associated mitigation proposed to manage flood risk following the Environment Agency's detailed review.
28 February 2025	Meeting (Microsoft Teams)	The Applicant and Environment Agency discussed key topics raised in the Environment Agency's Relevant Representations, including the DCO controls and management plans which will be in place, flood risk and modelling undertaken, impacts of electromagnetic fields on aquatic ecology, and management of groundwater and surface water.
27 March 2025	Meeting (Microsoft Teams)	The Applicant provided an update on their responses to the Environment Agency's Relevant Representation and the preparation of a SoCG. The potential for agreeing protective provisions with the Environment Agency was also discussed.
11 April 2025	Meeting (Microsoft Teams)	The Applicant discussed queries regarding their updated flood modelling

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
		being undertaken following the Environment Agency's Relevant Representation.
17 April 2025	Email	The Applicant shared a draft version of the SoCG and updated Framework LEMP for the Environment Agency's review.
24 April 2025	Email	The Applicant shared a draft version of the updated Framework CEMP for the Environment Agency's review.
29 April 2025	Email	The Applicant requested further clarity regarding the Environment Agency's position on Flood Risk Activities Permits (FRAP) and offered further discussion on this matter.

3. Areas of Discussion Between the Parties

3.1.1 Table 3-1 to Table 3-5 below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 3-1: Areas of Discussion with the Environment Agency (Biodiversity)

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
BIO1	**Framework Construction Environmental Management Plan (CEMP)**	Additional mitigation for fish within watercourses of opencut trenching.	The Environment Agency notes that open cut trenching across waterbodies could have negative impact on fish and request that the recommended mitigation for fish outlined in Paragraph 5.1.7 of **Volume III, Appendix 8-6: Aquatic Ecology Report [APP-151]** should be included in the Framework CEMP. The Environment Agency is reviewing the updated Framework CEMP to confirm whether this matter is resolved.	The Applicant has updated the Framework CEMP for Deadline 1 to include the recommendations outlined in **Volume I, Chapter 8: Ecology [APP-060]** and Paragraph 5.1.7 of **Volume III, Appendix 8-6: Aquatic Ecology Report [APP-151]**. Specific wording to secure the protection to eel and fish from entrainment when over pumping has also been included in the updated Framework CEMP.	Under discussion
BIO2	**Volume I, Chapter 8: Ecology** **Volume I, Chapter 9: Water Environment**	Presence of Atlantic salmon within the River Don.	The Environment Agency notes that Atlantic Salmon have not been listed as present in the River Don which may impact the importance of this receptor and the significance of impacts. They request that Atlantic salmon are recognised as present within the River Don and that every effort should be made to ensure they are conserved and protected.	The Applicant notes Atlantic salmon may be present in the River Don in low numbers, however, this species was not recorded in the desk study. This does not change the assessment as the conclusions for other fish species are also relevant to Atlantic salmon, in the low probability that they are present. Therefore, effects to Atlantic salmon would be negligible in the context of the population likely to be present. Whilst **Volume I, Chapter 9: Water Environment [APP-061]** omits Atlantic Salmon, the River Don is recognised as a Very High Importance Receptor and notes other protected species present. The presence of Atlantic Salmon is noted and assessed in Table 8-8 and Table 8-12 in **Volume I, Chapter 8: Ecology [APP-060]**. The Applicant understands that the Environment Agency is in agreement on this matter.	Agreed
BIO3	**Outline Design Parameters Statement** **Draft DCO**	Impact of electromagnetic fields (EMF) from cables installed beneath watercourses.	The Environment Agency notes that magnetic fields emitted from high voltage cables beneath watercourses can have behavioural impacts and impacts on fish egg development and considers that insufficient evidence was provided to support the conclusion that the 5 m depth proposed for cables installed beneath watercourses would mitigate impacts.	The Applicant has completed a risk assessment in relation to EMF and concluded that the probability of adverse effects of EMF from cables buried beneath watercourses on fish is extremely low and will be negligible in the wider context of the watercourses. Therefore, any effect on fish is considered to be not significant. Burying cables a minimum of 5 m below the lowest point of the riverbed of Mill Dike, Wrancarr Drain, Engine Dike and Thorpe Marsh Drain has been included within the **Outline Design Parameters Statement [APP-193]** and aligns with the approach taken other solar DCO applications, including East Yorkshire Solar Farm and	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
				Tillbridge Solar Project. The Framework CEMP has been updated for Deadline 1 to confirm that cables will be installed a minimum of 5 m below the lowest point of these watercourses. The Applicant does not consider any further mitigation or monitoring to be required due to the nature of the watercourses crossed which do not represent migratory corridors for notable fish species. The Applicant understands that the Environment Agency is in agreement on this matter.	
BIO4	**Framework CEMP** **Draft DCO**	Measures to mitigate the risk of Invasive Non-Native Species (INNS) within the Biosecurity Plan.	The Environment Agency notes that a Biosecurity Plan will be prepared for the Scheme but that this has not been included as a requirement within the Draft DCO. The Environment Agency will review the updated Framework CEMP and Draft DCO following Deadline 1 to confirm whether this matter is resolved.	The Applicant has confirmed that a Biosecurity Plan will be prepared within the **Framework CEMP [APP-196]** which is secured by Requirements 11 and 18 of Schedule 2 in the **Draft DCO [APP-220]**. This will set out procedures to ensure that INNS are appropriately managed within and outside the Order limits. The Environment Agency will have the opportunity to comment on the Biosecurity Plan before it's approval. The Applicant has updated Requirements 11 and 18 of Schedule 2 in the Draft DCO for Deadline 1 to secure the Environment Agency as a consultee for the detailed CEMP and DEMP.	Under discussion
BIO5	**Framework LEMP** **Draft DCO**	Preparation of a Wetland Habitat Management Plan.	The Environment Agency identifies that there is minimal proposed management of wet grassland areas which could lead to a potential reduction in the quality of this habitat. They request that the Applicant commits to preparing and implementing a Wetland Habitat Management Plan. The Environment Agency will review the updated Framework LEMP at Deadline 1 to confirm whether this matter is resolved.	The Applicant has updated the Framework LEMP for Deadline 1 to secure a requirement for wetland habitat management to be included within the detailed LEMP.	Under discussion
BIO6	**Draft DCO** **Framework CEMP**	Minimise impacts to watercourses through culvert design.	The Environment Agency notes that culverting interferes with natural processes of watercourses, including exacerbating flood risk and impacting ecology. They suggest that culverting of watercourses is avoided and, if no other options are available, would favour the culverts to not interact with the watercourse bed at all, including a minimum depth of 300 mm to encourage natural bed processes and reduce the possibility of channel scour downstream of the invert.	The Applicant can confirm that no new culverts are proposed, however, there are two areas where extensions to existing culverts may be required to allow for access tracks. Extensions to the existing culverts will be designed to maintain connectivity along the watercourse for aquatic species and riparian mammals. Both culvert extensions would be installed at the same level as the existing culvert and will maintain longitudinal connectivity for aquatic fauna. The Applicant is liaising with the Environment Agency in respect of protective provisions to be included within the **Draft DCO [APP-220]**. The protective provisions in Schedule 14 part 5 of the **Draft DCO [APP-220]** allow	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
				the Environment Agency to have input and sign off on any detailed design which impact any assets managed by the Environment Agency, including watercourses under the Environment Agency's control which are crossed by the Scheme.	

Table 3-2: Areas of Discussion with the Environment Agency (Flood Risk)

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
FLO1	**Volume III, Appendix 9-3: Flood Risk Assessment** **Outline Design Parameters Statement**	Height of Solar PV Panels about the Credible Maximum Scenario.	The Environment Agency noted that Solar PV Panels will be raised 400 mm above the Credible Maximum Scenario and 300 mm above the design flood event. They request further detail demonstrating that all Solar PV Panels within the Credible Maximum Scenario extent are raised to 400 mm freeboard. The Environment Agency will review the updated Volume III, Appendix 9-3: Flood Risk Assessment at Deadline 2 to confirm whether this matter is resolved.	As noted in **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**, the lower edge of Solar PV Panels within the Credible Maximum Scenario flood extent will be raised 400 mm above the associated flood level. The Applicant does not propose to apply a 400 mm freeboard to Solar PV Panels located outside the Credible Maximum Scenario flood extent. Volume III, Appendix 9-3: Flood Risk Assessment is being updated for Deadline 2 to include mapping to demonstrate where Solar PV Panels will be raised to 400 mm above the Credible Maximum Scenario flood extent. This is secured in the **Outline Design Parameters Statement [APP-193]**.	Under discussion
FLO2	**Volume III, Appendix 9-3: Flood Risk Assessment** **Framework CEMP** **Draft DCO**	Mitigation for works in proximity to the Thorpe Marsh Water Storage Area (WSA).	The Environment Agency expressed concern regarding the consideration of impacts and mitigation for Horizontal Directional Drilling (HDD) works in proximity to the Thorpe Marsh WSA, noting the potential for increased flood risk and adverse effects on this asset. They request further assessment of flood risks associated with the Grid Connection Cables in this area and appropriate mitigation included within the Framework CEMP. The Environment Agency will review the updated Framework CEMP at Deadline 1 and updated Volume III, Appendix 9-3: Flood Risk Assessment at Deadline 2 to confirm whether this matter is resolved.	The potential impact to the Thorpe Marsh WSA has been identified in **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. However, the Applicant is in the process of updating this document to provide further clarity regarding the assessment of potential impacts to the Thorpe Marsh WSA presented by the Grid Connection Cables and the mitigation integrated into the Scheme design. This update will not change the findings of the assessment. The updates to Volume III, Appendix 9-3: Flood Risk Assessment will be submitted for Deadline 2 of Examination. The Applicant has provisionally agreed a form of protective provisions for the benefit of the Environment Agency which are included within the **Draft DCO [APP-220]** as Part 5 of Schedule 14 and which allow the Environment Agency to have input and sign off on any detailed design around the assets they manage. The Framework CEMP has been updated for Deadline 1 to confirm that the depth and method of construction around the Thorpe Marsh WSA will be identified through liaison with the Environment Agency and that HDD will be used at a sufficient depth to avoid compromising the structural integrity of the WSA.	Under discussion
FLO3	**Volume III, Appendix 9-3: Flood Risk Assessment** **Framework CEMP**	Location of construction compounds within Flood Zone 3b.	The Environment Agency has noted uncertainty regarding the location of compounds relative to the design flood extent and that these should be located outside of the 1 in 100- year flood event, where possible, and not within areas of Flood Zone 3b.The Environment Agency will review the updated Framework CEMP at Deadline 1 and updated Volume III, Appendix 9-3: Flood	The Applicant can confirm that no construction compounds are located within Flood Zone 3b. Within the Solar PV Site, the Main Temporary Construction Compound and northern most Temporary Construction Compound will be located outside of areas of fluvial Flood Zones 2 and 3 but the eastern most Temporary Construction Compound within the Solar PV Site is	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
			Risk Assessment at Deadline 2 to confirm whether this matter is resolved.	currently located in Flood Zones 2 and 3. Along the Grid Connection Corridor, the northern most Temporary Construction Compound is located outside of Flood Zone 2 and 3 and, whilst the southern most Temporary Construction Compound is located within Flood Zone 3, this will be outside the 3.3% Annual Exceedance Probability (AEP) flood extent (i.e. Flood Zone 3b). All temporary works will be designed in a way to ensure they are resilient to flooding, whilst also minimising flood risk impacts to third parties through any required mitigation. The Framework CEMP has been updated for Deadline 1 to include a commitment to locating all construction compounds outside the 3.3% Annual Exceedance Probability (AEP) flood extent (i.e. Flood Zone 3b). Volume III, Appendix 9-3: Flood Risk Assessment is in the process of being updated for Deadline 2 to confirm the location of all temporary construction compound and include examples of flood risk mitigation measures that will be implemented. Maps contained within Volume III, Appendix 9-3: Flood Risk Assessment will also be updated for Deadline 2 to show the proposed locations of all construction compounds.	
FLO4	**Framework CEMP**	Consultation with the Environment Agency regarding the detailed CEMP.	The Environment Agency notes that the management of flood risk during the construction phase is dependent on an appropriate CEMP. They request that the detailed CEMP(s) should be signed off by the Environment Agency and note that additional considerations outside the Framework CEMP may be requested as the Scheme develops. The Framework CEMP should cite specific mitigation commitments where possible. The Environment Agency will review the updated Draft DCO at Deadline 1 to confirm whether this matter is resolved.	Requirement 11 of Schedule 2 in the **Draft DCO [APP-220]** requires the Applicant to submit the detailed CEMP for approval by the relevant planning authority prior to construction commencing. The detailed CEMP must be substantially in accordance with the **Framework CEMP [APP-196]** and include formal commitments to flood risk mitigation measures. This is a standard approach to management plans included in all made DCOs, which ensures the minor changes can be made to management plans where they need to be tweaked to align with final detailed design. Requirement 11 of Schedule 2 in the **Draft DCO [APP-220]** has been updated for Deadline 1 to include a requirement for consultation by City of Doncaster Council with the Environment Agency in the discharge of the detailed CEMP.	Under discussion
FLO5	**Volume III, Appendix 9-3: Flood Risk Assessment** **Draft DCO**	Flood risks associated with any extension of the construction phase.	The Environment Agency note that the duration of construction may be extended which could lead to increased flood risks from climate change. The Environment Agency will review the updated Volume III, Appendix 9-3: Flood Risk Assessment	The Applicant confirms that the assessment has used a conservative allowance for climate change (as detailed in Paragraph 3.4.4 of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**) and will remain robust should the construction phase be extended.	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
			following Deadline 2 to confirm whether this matter is resolved.	The Applicant further notes that Requirement 1 of Schedule 2 in the **Draft DCO [APP-220]** does ensure that work on the Scheme must begin within five years of the consent being granted, which places a general restriction to ensure that construction could not commence later than 2031 (presuming consent is granted in 2026, per the examination and decision timescales under the Planning Act 2008). The Applicant considers that the above clarifications address the Environment Agency's concerns on this matter.	
FLO6	**Framework DEMP** **Draft DCO**	Consultation with relevant stakeholders regarding the detailed DEMP.	The Environment Agency has noted uncertainty regarding the timing of the decommissioning phase which may have adverse effects on flood risk. They request that all relevant stakeholders are consulted regarding the final details of decommissioning provided in the detailed DEMP. The Environment Agency will review the updated Draft DCO at Deadline 1 to confirm whether this matter is resolved.	The Applicant confirms that, within 12 months of the date the undertaker decides to decommission any part of the Scheme, the undertaker will produce a detailed DEMP for approval by City of Doncaster Council. Decommissioning must commence no later than 40 years following the date of final commissioning. as These timeframes are secured by Requirement 18 of Schedule 2 in the **Draft DCO [APP-220]**. The Applicant notes the Environment Agency's request to be consulted on the detailed DEMP. Requirement 18 of Schedule 2 in the Draft DCO has been updated for Deadline 1 to require consultation by City Doncaster Council with the Environment Agency when approving the detailed DEMP.	Under discussion
FLO7	**Volume III, Appendix 9-3: Flood Risk Assessment**	Updates to the Flood Risk Assessment (FRA).	The Environment Agency has requested several changes to the Flood Risk Assessment for works near the Thorpe Marsh WSA, details of clear span bridges, identification of compound locations, details on HDD locations, construction phase information, asset investigations, and ensuring infrastructure like inverters and solar panels are raised above flood levels. The Agency also requests avoiding culvert extensions, ensuring fencing does not obstruct flood flow, checking land allocations, providing maps of flood zones, listing temporary works and impacts, and clarifying the decision-making process for temporary drainage systems. The Environment Agency will review the hand calculations in the updated Volume III, Appendix 9-3: Flood Risk Assessment following Deadline 2 to confirm whether this matter is resolved.	The Applicant has noted the amendments requested by the Environment Agency and in the process of updating Volume III, Appendix 9-3: Flood Risk Assessment for Deadline 2 of Examination to provide further detail on these points.	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
FLO8	**Volume III, Appendix 9-3: Flood Risk Assessment**	Consideration of sea level rise from climate change in flood modelling.	The Environment Agency requested further detail as to why the impact of climate change on sea level has been scoped out of assessments when the River Don is tidally influenced and may be impacted by sea level rise.	The Applicant confirms that the Order limits is defended from tidal flooding from the River Don, as demonstrated within Section 5.3 of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. The main impact on the Scheme due to sea level rise from climate change is therefore attributable to locking of the River Went outfall, and associated impact upon fluvial flood risk from the River Went. As part of the hydraulic modelling undertaken for the Scheme, a number of model runs were undertaken to explore the impact of locking of the River Went outfall, including sensitivity analysis and simulation of the Credible Maximum Scenario. Sensitivity analysis documented in Section 6.4 of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]** applied downstream boundary levels on the tidal Don of 50% AEP and 2% AEP, whilst the design model applied a 5% AEP level. Sensitivity testing showed that varying levels on the tidal River Don impacted flooding on the River Went, although this was most pronounced downstream of the Order limits close to the River Went outfall. Changes in flood extent and depth were limited at the location of the Order limits, despite that the River Went outfall was fully locked (i.e. no outflow to the tidal River Don) in the 2% AEP. The Credible Maximum Scenario applied a level for the River Don from the 2% AEP event, which meant that the River Went outfall was locked throughout the simulation. Therefore, this represents an upper envelope of the potential impact of rising tidal levels due to future climate change. The Applicant understands that the Environment Agency is in agreement on this matter.	Agreed
FLO9	**Volume III, Appendix 9-3: Flood Risk Assessment**	Impact of culvert extensions and removals on flood risk.	The Environment Agency notes that the culvert extensions and removals may be designed inappropriately and lead to underestimations of flood extents. They request that, where culvert extensions and removals are proposed, these should be designed such that they do not increase flood risk elsewhere. Further assessment should be undertaken to quantify the impact of the culvert extensions and removals to confirm the impact on flood risk. The Environment Agency will review the hand calculations in the updated Volume III, Appendix 9-3:	Hand calculations are currently being undertaken and will be provided in an update to Volume III, Appendix 9-3: Flood Risk Assessment for Deadline 2 to demonstrate that there are no adverse impacts from these elements of the Scheme. This approach was discussed and agreed with the Environment Agency in a meeting held on 28 February 2025 and is considered proportionate given the size of the watercourses and the changes proposed to the culverts as part of the Scheme.	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
			Flood Risk Assessment at Deadline 2 to confirm whether this matter is resolved.		
FLO10	**Volume I, Chapter 9: Water Environment** **Volume III, Appendix 9-3: Flood Risk Assessment**	Changes in flood risk resulting from the BESS Area and On-Site Substation.	The Environment Agency note the proximity of Ell Wood and Fenwick Grange Drain, which lacks flood zone mapping, to the BESS Area and On-Site Substation. Therefore, they are concerned regarding whether flood risk to the BESS and On-Site Substation has been underestimated. Whilst it is acknowledged that the BESS Area and On-Site Substation are within Flood Zone 1, the Environment Agency request further detail regarding flood risk from the Ell Wood Common drain should be included within **Volume I, Chapter 9: Water Environment [APP-061]** and **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. The Environment Agency will review the hand calculations in the updated Volume III, Appendix 9-3: Flood Risk Assessment at Deadline 2 to confirm whether this matter is resolved.	The Application confirms that the risk of flooding to the Order limits from main rivers and ordinary watercourses has been quantified through hydraulic modelling and the findings are presented in **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. Flood risk from smaller drainage channels/ditches has been assessed by proxy using the Environment Agency surface water flood map, as detailed within Section 5.5 of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. Flood risk to the BESS Area and On-Site Substation from Ell Wood Common drain will be mitigated through the measures detailed in **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]**. This is noted in Section 5.5 and Section 8.5 of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**. The Applicant has reviewed the Risk of Flooding from Rivers and Sea dataset published in January 2025.	Under discussion
FLO11	**Volume III, Appendix 9-3: Flood Risk Assessment**	Flood modelling software used to inform the assessment.	The Environment Agency notes that there is inconsistency between the model report and the supplied hydraulic model files with regards to the software versions used. Whilst this will not affect the model results the model report should be updated for consistency. The Environment Agency will review the updated Volume III, Appendix 9-3: Flood Risk Assessment at Deadline 2 to confirm whether this matter is resolved.	The Applicant notes the minor error in **Volume III, Appendix 9-3: Flood Risk Assessment Annexes [APP-159]** which does not reflect the modelling software used in the hydraulic modelling completed for the Scheme. The Applicant is in the process of updating Annex A of Volume III, Appendix 9-3: Flood Risk Assessment Annexes for Deadline 2 to reflect the correct model software version used.	Under discussion
FLO12	**Volume III, Appendix 9-3: Flood Risk Assessment**	Flood storage compensation for elements of the Scheme within flood extents.	The Environment Agency notes the loss of flood storage volume from multiple developments over a period can potentially lead to cumulative loses of flood storage volume. Therefore, flood storage compensation should be provided in the construction phase where elements of the Scheme.	**Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]** has been produced for the Scheme and considers risk both to, and arising from, the Solar PV Site and the Grid Connection Corridor. As part of **Volume III, Appendix 9-3: Flood Risk Assessment [APP-158, APP-159]**, mitigation is proposed to manage the potential impacts of flood risk so that the Scheme does not increase or exacerbate flood risk to others. Solar PV Panels have been located in accordance with the Sequential Test to avoid areas of high fluvial flood risk and raised to a sufficient height to avoid floodwater. Field Stations, the BESS Area, and the On-Site Substation have also been sequentially located to avoid high fluvial flood risk areas.	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
				The only elements of the Scheme that are located within the Credible Maximum Scenario flood extent and have the potential to displace flood water during the operation and maintenance phase are some of the Solar PV Mounting Structures and Field Stations. Whilst this amounts to only a small loss in floodplain volume, the Applicant has agreed to provide the equivalent volume in compensation as part of the Scheme.	

Table 3-3: Areas of Discussion with the Environment Agency (Surface Water Quality and Groundwater Protection)

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
GRO1	**Volume III, Appendix 14-3: Phase 1 PRA – Solar PV Site** **Volume III, Appendix 14-3: Phase 1 PRA – Grid Connection Corridor** **Framework CEMP**	Consideration of Source Protection Zones (SPZ) within the Phase 1 Preliminary Risk Assessments (PRA).	The Environment Agency expressed concern that the Phase 1 PRA do not list areas of SPZ3 as a receptor and, therefore, is concerned that the risks to these designations may be overlooked. The mitigation measures provided in Section 3.4 of the Framework CEMP also do not include SPZs. The Environment Agency will review the updated Framework CEMP at Deadline 1 to confirm whether this matter is resolved.	The Applicant can confirm that SPZ have been considered as part of the assessments in **Volume III, Appendix 14-3: Phase 1 PRA – Solar PV Site [APP-183]** and **Volume III, Appendix 14-3: Phase 1 PRA – Grid Connection Corridor [APP-184, APP-185]**. The Applicant has updated the Framework CEMP for Deadline 1 to explicitly state that the mitigation measures are relevant to SPZ. The Applicant understands that the Environment Agency is in agreement on this matter.	Under discussion
GRO2	**Framework CEMP**	Management of unsuspected ground contamination.	The Environment Agency expressed concern that the ground conditions assessment within **Volume I, Chapter 14: Other Environmental Topics [APP-066]** assumes that no contamination that poses a risk to controlled water will be identified and require further investigation or remediation. They consider the measures in the **Framework CEMP [APP-196]** to be insufficient and request that further detail of mitigation is provided. The Environment Agency will review the updated Framework CEMP at Deadline 1 to confirm whether this matter is resolved.	Table 3-13 of the **Framework CEMP [APP-196]** provides actions that would be taken in the event that contamination is identified. As stated in the **Framework CEMP [APP-196]**, appropriate remediation measures would be taken to protect construction workers, future site users, water resources, structures and services. However, this document has been updated for Deadline 1 to include the steps suggested by the Environment Agency in the event that contaminated materials are identified.	Under discussion
GRO3	**Framework CEMP**	Management of bentonite/drilling fluid leaks.	The Environment Agency notes the potential risk of bentonite/drilling fluid leaks during HDD activities and that a Bentonite/drilling fluid break out management plan may be required to include specifics on remediation methods, including sympathetic clean-up of any spillage.	The Applicant has included a requirement for a site-specific hydraulic fracture risk assessment within the **Framework CEMP [APP-196]** which would be developed prior to construction following further investigation of specific ground conditions at the crossing locations, and appropriate mitigation developed in line with best construction practice. This will assess the risk of drill fluid leaking into the watercourses and groundwater during HDD activities. If any bentonite leakage occurs during drilling, the drilling must cease. Further detail will be added into the detailed CEMP post consent to align with the final design prepared at the detailed design stage. The Applicant understands that the Environment Agency is in agreement on this matter but recommends that a Environmental Clerk of Work maintains a watching brief during HDD operations.	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
GRO4	**Framework BSMP**	Potential for contamination from firewater runoff.	The Environment Agency raised concern regarding the lack of detail regarding water storage and capture which poses the potential for firewater to pollute surface and groundwater. They request that the **Framework BSMP [APP-205]** considers groundwater and impacts beyond the BESS units, as well as water storage and capture, including interceptors or similar features.	The Applicant has confirmed that uncontrolled site run-off and impact to groundwater has been considered in Table 3-4: Water Environment of the **Framework CEMP [APP-196]** and Section 5.2 of **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]** describes the approach to surface water attenuation and fire water collection. The Framework CEMP has also been updated for Deadline 1 to secure the prevention of chemicals in solution from entering surface water drains without treatment through the implantation of the temporary drainage system. The **Framework BSMP [APP-205]** includes details regarding firewater (Paragraph 3.2.5) and firefighting consequences (Paragraph 3.6.3 and 3.6.4). The proposed firefighting water capture drainage system, full system details will be finalised at the detailed design stage and secured through the detailed BSMP. One of the key Scheme Safety Objectives listed in the **Framework BSMP [APP-205]** stipulates *"To ensure that firewater run-off is contained and tested before release or, if necessary, removed by tanker and treated offsite."*	Under discussion
GRO5	**Framework BSMP**	Fire suppression controls within the BESS Area.	The Environment Agency queried whether monitoring systems will shut down BESS systems and apply fire suppression automatically in the event of a fire. They request further details to clarify the fire suppression controls which will be in place within the BESS Area.	The Applicant clarifies that Paragraph 2.1.30 of **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]** is detailing automatic shutdown in line with National Fire Protection Association (NFPA) 855 (2023) Standard for the Installation of Stationary Energy Storage Systems requirements, which is heavily referenced in National Fire Chiefs Council (NFCC) guidance (i.e. in the event of a fire, the battery system and the transformers serving the BESS will be automatically electrically isolated when a fire is detected within a container). The **Framework BSMP [APP-205]** details that smoke, fire, and gas detection will be integrated, and also details other monitoring/alert features which are capable to automatically shut down systems and align fully with NFPA 855 requirements. For example, minimum Building Management System (BMS) control architecture is outlined in Paragraph 2.3.2. Paragraph 3.1.3 is simply clarifying automatic shutdown to inform South Yorkshire Fire and Rescue Service's (SYFRS) response strategy. As stated in Paragraph 2.1.7 of the **Framework BSMP [APP-205]**, a BESS fire suppression system, if integrated by the BESS Original Equipment Manufacturer (OEM), will conform to NFPA 855 guidelines, and the suppression system will be tested to UL 9540A latest standard or significant scale third party testing. The Applicant confirms	Under discussion

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
				that the current trend for BESS cabinet systems is not to integrate automatic fire suppression systems and to demonstrate that a worst-case scenario is the safe burn out of a single BESS cabinet without fire brigade intervention as decommissioning is an easier process if stranded energy (live battery modules) risks are removed. Dry pipe sprinkler system can be installed if internal suppression is considered to be required during a thermal runaway event. The BESS Area water supply capability factors in additional volume for this potential requirement.	
GRO6	**Framework BSMP**	Closure of the penstock in the event of a fire within the BESS Area.	The Environment Agency queried whether the penstock valve within the BESS Area will close automatically or manually in the event of a fire to prevent pollution to surrounding surface and groundwater.	The Applicant confirms that an automatic internal BESS Fire Suppression System (if integrated) will have a separate drainage capture system. Drainage system/penstock operations protocols will be incorporated into the Emergency Response Plan (ERP) and Risk Management Plan with South Yorkshire Fire and Rescue Service (SYFRS) at the detailed design stage. This is referenced in Paragraphs 3.5.5 and 3.5.7 of the **Framework BSMP [APP-205]**.	Under discussion
GRO7	**Volume III, Appendix 14-3: Phase 1 PRA – Solar PV Site** **Framework BSMP**	Consideration of geological and hydrogeological features near the BESS Area.	The Environment Agency expressed concern regarding the omission of minimum offsets for any geological or hydrogeological features which may result in effects not being fully considered or mitigated. They recommend that minimum offsets for geological and hydrogeological features are considered.	The Applicant confirms that there are no Local Geological Sites within the Solar PV Site and within 250 m of the Solar PV Site, as detailed in **Volume III, Appendix 14-3: Phase 1 PRA – Solar PV Site [APP-183]**. Section 4.5 of the **Framework BSMP [APP-205]** specifies that at the detailed design stage in alignment with NFCC draft guidelines (2024), a BESS system and site-specific Plume Analysis study will be conducted by the Applicant post consent once the specific battery technology to be used for the Scheme is confirmed. The site-specific Plume Analysis study will assess the environmental impact of an incident to sensitive receptors within a 1 km radius.	Under discussion
GRO8	**Volume III, Appendix 9-4: Framework Drainage Strategy**	Citation of latest NFCC guidance in the Framework Drainage Strategy.	The Environment Agency noted that a previous iteration of the NFCC guidance is referenced in the **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]** which may affect the mitigation included in the Scheme.	The Applicant notes that the incorrect version of the NFCC guidance has been referenced in **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]**. The latest 2023 version of the NFCC guidance has been used to inform **Volume III, Appendix 9-4: Framework Drainage Strategy [APP-160]**.	Under discussion

Table 3-4: Areas of Discussion with the Environment Agency (Water Resources)

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
WAT1	**Volume I, Chapter 2: The Scheme** **Framework CEMP**	Details of supply and quantity of water required during the construction phase.	The Environment Agency noted that sources of supply and permitting requirements for activities requiring consumptive water use are not fully provided and recommends that a Water Supply Strategy is provided to quantify water requirements and sources of supply. The Environment Agency recognises water required during operation and maintenance is expected to be minimal and that trading water from an existing licence is unlikely to pose significant problems. However, without licence details, the Environment Agency cannot comment with certainty. Therefore, it should be ensured the existing licence permits abstraction for the intended purposes, and a formal variation may be required through the National Permitting Service.	As discussed in Paragraph 2.7.58 in **Volume I, Chapter 2: The Scheme [APP-054]**, the Applicant anticipates that the Scheme would obtain the water required for the Operations and Maintenance Hub and temporary facilities from an existing water supply from a nearby farm with a separate meter installed. However, to present a worst case at construction it is assumed that this would not be available until the operation and maintenance phase of the Scheme and that all water would be imported by road from nearby licenced water abstraction sources and stored on site in Intermediate Bulk Containers (IBC) or similar. The water supplies detailed will be used for all activities during the construction phase of the Scheme. A Water Management Plan (WMP) is secured as part of the **Framework CEMP [APP-196]** and will quantify water requirements, specify the sources of supply considered, and any licencing requirements. The Applicant considers this is sufficient for the purposes of this application.	Agreed
WAT2	**Volume I, Chapter 9: Water Environment** **Framework CEMP**	Mitigation to manage the risks of climate change to the water supply.	The Environment Agency expressed concern that no mitigation has been considered for surface water sources, potentially leading to licence restrictions due to low flow cessation conditions, during periods of increased temperatures, low rainfall, and drought conditions. The Environment Agency agrees on the benefit of including quantities and sources of supply in the WMP but, without knowing the specific licence, they cannot confirm applicable restrictions and recommend the Applicant check for conditions like 'hands off flow' that restrict access during low flow periods. The Environment Agency can provide advice on permitting requirements and help resolve potential issues early through consultation. Importing water from commercial suppliers by road is feasible, and onsite storage is beneficial, but the applicant must ensure local authority approval for increased construction traffic.	Paragraph 9.4.18 of **Volume I, Chapter 9: Water Environment [APP-061]** details that that the Scheme would obtain the water required for the Operations and Maintenance Hub and temporary facilities from an existing water supply with a separate meter installed. This is not considered to be affected by periods of increased temperatures, low rainfall, and drought conditions. In order to present a worst case at construction, it is assumed that this would not be available until the operation and maintenance phase of the Scheme and that all water would be imported. Water will be transported to the Order limits by road from an existing nearby licenced water abstraction source and stored on site in IBC, or similar. During construction, the contractor will monitor weather forecasts on a monthly, weekly, and daily basis, and plan works accordingly based on anticipated weather conditions. As construction is anticipated to commence in 2028, it is not expected that climate change will significantly impact current water supplies. A WMP is secured as part of the **Framework CEMP [APP-196]** and will quantify water requirements, specify	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
				the sources of supply considered, and any licencing requirements.	
WAT3	**Volume III, Appendix 9-2: Water Framework Directive (WFD)** **Framework CEMP** **Framework Operational Environmental Management Plan (OEMP)** **Framework DEMP** **Draft DCO**	WFD Assessment	The Environment Agency are generally satisfied with Volume III, Appendix 9-2: WFD [APP-157]. However, they note that the Idle Torne - PT Sandstone Nottinghamshire & Doncaster groundwater body was not listed within 1 km of the Order limits and that the nitrate vulnerable zone (NVZ) within the Order limits is not acknowledged. As the detailed CEMP, OEMP, and DEMP have not yet been completed, we cannot conclusively determine if we are satisfied.	The Applicant acknowledges that the Environment Agency is satisfied with Volume III, Appendix 9-2: WFD [APP-157]. The Idle Torne – PT Sandstone Nottinghamshire & Doncaster groundwater body has been considered but was screened out due to lack of hydrogeological connectivity to the Scheme. The Applicant acknowledges the presence of the NVZ within the Order limits but confirms this does not affect the findings of the assessment. Ground investigation works will be conducted prior to construction, as outlined in the Framework CEMP [APP-196]. The detailed CEMP, OEMP, and DEMP will be developed post consent and confirm final details regarding the mitigation to be implemented for the Scheme. Requirement 11 of Schedule 2 in the Draft DCO has been updated for Deadline 1 to include a requirement for consultation with the Environment Agency in the discharge of the detailed CEMP.	Under discussion

Table 3-5: Areas of Discussion with the Environment Agency (Permitting)

Ref	Relevant Application Document	Summary of Description of Matter	Current Position of the Environment Agency	Current Position of the Applicant	Status
PER1	**Explanatory Memorandum** **Draft DCO** **Consents and Agreements Position Statement**	Consents and agreements required for the Scheme.	The Environment Agency notes that the list of consents and agreements in the **Consents and Agreements Position Statement [APP-017]** may not be conclusive and, depending on situations encountered, others may be needed that have yet to be identified, for example, relating to water resources licencing, water discharge permits and waste management. They recommend that the Applicant further considers what consents and permits may be required for the Scheme to avoid any delays.	The Applicant requires a range of consents and agreements to construct and operate the Scheme. As explained in the **Explanatory Memorandum [APP-222]**, direct powers which replace the need to obtain some of these consents are included in the **Draft DCO [APP-220]**, however, there are other consents from different regulatory organisations that will be required separately to the DCO. The need for such consents and how these are to be obtained is explained in the **Consents and Agreements Position Statement [APP-017]**. The Applicant and the Environment Agency are continuing discussions in relation to this matter.	Under discussion

4. References

Ref. 1 Planning Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/29/contents. [Accessed 6 February 2025].

Ref. 2 Environment Act 1995. Available at: https://www.legislation.gov.uk/ukpga/1995/25/contents. [Accessed 6 February 2025].

Ref. 3 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available at: https://www.legislation.gov.uk/uksi/2009/2264/contents/made. [Accessed 6 February 2025].

5. Abbreviations

Abbreviation/Term	Definition
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
HDD	Horizontal Directional Drilling
INNS	Invasive Non-Native Species
LEMP	Landscape and Ecological Management Plan
NFPA	National Fire Protection Association
NFCC	National Fire Chiefs Council
NSIP	Nationally Significant Infrastructure Project
OEM	Original Equipment Manufacturer
PRA	Preliminary Risk Assessment
PV	Photovoltaic
SoCG	Statement of Common Ground
SPZ	Source Protection Zones
WFD	Water Framework Directive
WMP	Water Management Plan
WSA	Water Storage Area


BOOM
POWER
BUILD | OWN | OPERATE | MAINTAIN
BOOM-POWER.CO.UK