



Fosse Green Energy

EN010154

8.2 Statement of Common Ground with the Environment Agency

VOLUME

8

Planning Act 2008 (as amended)

Regulation 8(1)(e)

Infrastructure Planning (Examination Procedure)

Rules 2010

24 March 2026

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy Development Consent Order 202[]

8.2 Statement of Common Ground with the Environment Agency

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Planning Inspectorate Scheme Reference	EN010154
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1. Statement of Common Ground Signatures

This Statement of Common Ground has been prepared and agreed by Fosse Green Energy Limited and Environment Agency.

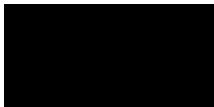
Signed on behalf of Fosse Green Energy Limited

Name: Lloyd Sandles

Position: Director

Date: 26/04/2026

Signature:



Signed on behalf of Environment Agency

Name:

Position:

Date:

Signature:

2. Introduction

2.1 Purpose of this document

- 2.1.1 This Statement of Common Ground (SoCG) relates to the application submitted to the Planning Inspectorate on 18 July 2025 (the Application) by Fosse Green Energy Limited (the Applicant) for a Development Consent Order (DCO) for the Fosse Green Energy solar project (the Proposed Development).
- 2.1.2 This SoCG has been prepared by the Applicant and the Environment Agency (EA) (together known as "the Parties") in respect of the Proposed Development.
- 2.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the Parties and where agreement has not yet been reached. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.
- 2.1.4 In particular, this SoCG focuses on:
- Concerns regarding assessment of flood risk impacts;
 - Flood risk and requirement for flood risk activity permits (FRAP);
 - Water supply and consumptive use;
 - Biodiversity impacts of the Proposed Development relating to the water environment;
 - Protection of the Water Environment.
- 2.1.5 As set out in the procedural decision made by the ExA on 22 August 2025 **[PD-005]**, the ExA requires final and signed SoCGs to be submitted at the midpoint of examination. In line with the Examination Timetable set out at Annex A to the Rule 8 Letter [PD-010], this is Deadline 3A (24 March 2026). Further to this, procedural decisions dated 21 November 2025 **[PD-007]** specifically include Environment Agency as a party with which the Applicant must enter into a SoCG.
- 2.1.6 Application document references are taken from the EN010154 – Fosse Green Energy Examination Library.

2.2 The Proposed Development

- 2.2.1 The Application is for the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with a capacity exceeding 50 megawatts, with battery storage, onsite substation, and associated infrastructure to generate and export/import electricity. The associated development includes, but is not limited to, access provision, battery storage, underground cabling, areas of landscaping and biodiversity enhancement, and a 400 kV underground Grid Connection Cable to connect the Proposed Development to the national electricity transmission network.

- 2.2.2 The Proposed Development will provide a significant amount of renewable energy over its 60-year operational lifetime supporting resilience, security and affordability of electricity supplies. It would be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the UK's energy supply quickly.
- 2.2.3 The Proposed Development will help meet the urgent need for this infrastructure to support “energy objectives, together with the national security, economic, commercial, and net zero benefits” as set out in the Overarching National Policy Statement for energy (NPS EN-1) (Ref 1). As such it is infrastructure defined of critical national priority.

2.3 Parties to this Statement of Common Ground

- 2.3.1 The Parties have been, and continue to be, in direct communication in respect of the Proposed Development.
- 2.3.2 The Environment Agency was established in 1996 to protect and improve the environment. Within England the Environment Agency are responsible for regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; and conservation and ecology. The Environment Agency are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
- 2.3.3 The Applicant is a partnership between Windel Energy Limited and Recurrent Energy.
- 2.3.4 Founded in 2018, Windel Energy is a privately held company dedicated to driving the transition towards a sustainable future. Specialising in the origination, development and integration of renewable energy projects and low-carbon disruptive technologies, Windel Energy is at the forefront of clean energy innovation.
- 2.3.5 With a portfolio exceeding 5 gigawatts (GWp) of renewable power in various stages of development, Windel's team of talented professionals bring a deep understanding and high level of expertise in land viability, electricity networks, planning (Town and Country Planning Act 1990, Developments of National Significance) and consenting for Nationally Significant Infrastructure Projects, legal processes, and construction feasibility.
- 2.3.6 Windel Energy adopt a long-term ownership approach, ensuring the efficient operation and management of renewable assets. Leveraging an extensive network of relationships, institutional grade infrastructure and in-house industry expertise, Windel is committed to delivering impactful and enduring energy solutions.
- 2.3.7 Recurrent Energy, a subsidiary of Canadian Solar Inc, is one of the world's largest and most geographically diversified utility-scale solar and energy storage project development, ownership, and operations platforms. With an industry-leading team of in-house energy experts, Recurrent Energy serves as Canadian Solar's global development and power services business.

2.3.8 To date, Recurrent Energy has successfully developed, built, and connected 12 GWp of solar projects and more than 5 GWh of energy storage projects across six continents. As of September 30, 2025, its global pipeline includes approximately 23 GWp of solar power and 73 GWh of energy storage capacity. The company also has over 14 GW of solar and energy storage projects under operations and maintenance (O&M) contracts.

2.4 Terminology

2.4.1 In the tables in Section 3 of this SoCG, 'Matters agreed, not agreed or Under Discussion' are colour coded in column 5 and categorised as follows:

- a. "Agreed" (green) indicates where the issue has been resolved;
- b. "Not Agreed" (red) indicates a final position that a matter cannot be agreed; and
- c. "Under Discussion" (amber) indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties.

3. Record of Engagement

3.1 Summary of consultation

3.1.1 A summary of the meetings and correspondence that has occurred between the Applicant and the Environment Agency is set out in **Table 3-1**.

3.1.2 The Applicant has a cost recovery agreement in place with the Environment Agency, which has been in place for the pre-application period and will continue to be in place for the Examination.

Table 3-1: Engagement between the Applicant and Environment Agency

Date	Form of Correspondence	Details
26/06/2023	Email	Correspondence between the Environment Agency and the Applicant regarding further engagement and shapefiles of the Proposed Development. The Applicant requested further details of the Environment Agency's chargeable services.
25/09/2023	Email	The Environment Agency informed the Applicant of their planning advice service.
18/10/2023	Email	The Environment Agency provided feedback to non-statutory consultation.
10/11/2023	Meeting – MS Teams	Discretionary advice service introduction meeting. A meeting to discuss draft proposals, timelines, the cost recovery processes engagement protocol and to agree communication routes with the Environment Agency.
12/12/2023	Meeting – MS Teams	A meeting to discuss an approach for assessing fluvial flood risk within the areas of PV panels that are proposed to be located within Flood Zone 3 extents where the Environment Agency fluvial model is out of date.
21/12/2023	Letter	The Environment Agency sent a written response to technical approach correspondence on 10/11/2023: the Environment Agency confirmed the 300mm design freeboard for panel mounting was a suitable approach. The Environment Agency suggested AECOM's solutions to assess areas where PV Panels are proposed in Flood Zone 3 extents in lieu of updated fluvial model being issued by the Environment Agency in time for PEI Report submission were reasonable and pragmatic.

Date	Form of Correspondence	Details
27/03/2024	Email	The Environment Agency informed the Applicant of their cost recovery scheme.
02/10/2024	Meeting – MS Teams	A meeting to discuss flood risk, particularly the fluvial model approach for the PEI Report, and methodology and requirements for the FRA at ES stage. There was also discussion regarding the Mill Dam Dyke fluvial assessment, sea level rise. Outcomes have been incorporated in Appendix 9-C: Flood Risk Assessment of the ES [APP-146] where appropriate.
21/10/2024	Email / Letter	Under Section 42 of the Planning Act, the Applicant sent an email and letter to the Environment Agency for the launch of statutory consultation.
02/12/2024	Email	Environment Agency response to Section 42 of the Planning Act 2008: Statutory Consultation on the Preliminary Environmental Information (PEI) Report.
27/02/2025	Letter	Letter received by the Applicant from the Environment Agency regarding the national assessment of flood and erosion risk.
28/02/2025	Meeting – MS Teams	A meeting to discuss statutory consultation responses relating to flood risk. Topics discussed included the Proposed Development design life, fluvial model updates, discussion regarding panel supports and the impact on flood risk and Mill Dam Dyke. Outcomes have been incorporated in Appendix 9-C: Flood Risk Assessment of the ES [APP-146] where appropriate.
06/03/2025	Meeting - MS Teams	A meeting to discuss statutory consultation responses relating to waste, aquatic ecology, biodiversity and water environment. Water environment topics discussed included watercourse crossing requirements and mitigation, watercourse buffer zones, construction methodologies for cable routes, groundwater protection and water resources, including the need for a water supply assessment.
06/03/2025	Email	Email received from the Environment Agency following MS Teams meeting held to discuss the Applicant's responses to Statutory Consultation comments received from the Environment

Date	Form of Correspondence	Details
		Agency. Email contained follow up queries from the Environment Agency.
18/03/2025	Email	Comments received by the Applicant from the Environment Agency on the Mill Dam Dyke Catchment Technical Note and Upper Witham Model Update Hydraulic Modelling Technical Note.
20/03/2025	Email	The Applicant sent the Environment Agency an email to inform them about the publication of the first project update newsletter.
26/03/2025	Email	Email sent to the Environment Agency providing responses to follow up queries received on 18/03/2025 with regards to the Mill Dam Dyke and Upper Witham Model Update Technical Notes.
26/03/2025	Email	Comments received by the Applicant from the Environment Agency on meeting minutes from online meeting held on 26/03/2025 confirming position on topics discussed.
16/04/2025	Email	Written responses provided by the Applicant in reply to the Environment Agency's outstanding comments raised during the Statutory Consultation.
01/05/2025	Email	Comments received by the Applicant from the Environment Agency regarding their review of the revised Upper Witham Model Technical Report (Rev.2) and further comments on flood risk issues raised during the statutory consultation.
01/05/2025	Email	Email received from the Environment Agency providing an updated position on the Applicant's responses to outstanding queries raised in response to the Statutory Consultation on the PEI Report. Matters related to environmental legislation, Battery Energy Storage System design, unexpected contamination and a query regarding the grid connection cable route.
02/07/2025	Email	Receipt of comments from the Environment Agency on the Potential Main Issues for Examination document
23/07/2025	Email	Provision of the GIS Shapefile of the Proposed Development Order Limits to the Environment Agency from the Applicant.

Date	Form of Correspondence	Details
11/08/2025	Email	Confirmation from the Environment Agency of receipt of latest GIS Shapefile of the Proposed Development Order Limits.
10/09/2025	Email	Correspondence with the Environment Agency to progress discussions regarding potential disapplication of the Flood Risk Activity Permits.
17/11/2025	Email	The Applicant provided the Environment Agency with the Water Resources Assessment for their information and review.
03/12/2025	Email	The Environment Agency responded with their comments on the Water Resources Assessment provided by the Applicant.
22/12/2025	Email / Document	The Applicant provided the Environment Agency with a copy of the draft Statement of Common Ground for review.
19/01/2026	Email / Document	The Environment Agency provided a version of the Statement of Common Ground issued in December 2025 with comments.
05/02/2026	Email	The Environment Agency provided an email setting out their stance on the Statement of Common Ground issued in December 2025.
26/02/2026	MS Teams Meeting	Discussion regarding issue EA22 'Waste Batteries'
27/02/2026	MS Teams Meeting	Discussion regarding issue EA17 and proposed amendments to Appendix 9-C: Flood Risk Assessment.
02/03/2026	Email	The Applicant provided further clarifications following the meetings with the Environment Agency.
04/03/2026	Email	The Applicant provided a further clarification following the meetings with the Environment Agency.
06/03/2026	Email	The Applicant provided the Environment Agency with revised versions of examination documents for review.
10/03/2026	Email	The Applicant provided the Environment Agency with a revised version of an examination document for review.
17/03/2026	Email	The Environment Agency provided an updated position on matters following review of the documentation.
17/03/2026	Email	The Applicant provided further revised examination documentation for review.

Date	Form of Correspondence	Details
18/03/2026	Email	The Applicant issued an revised version of the Statement of Common Ground for Environment Agency review.
18/03/2026	Email	The Environment Agency provided an updates position on matters following review of documentation and the revised Statement of Common Ground.
20/03/2026	Email	The Environment Agency provided an updates position on matters following review of documentation and the revised Statement of Common Ground.

4. Matters agreed, not agreed or Under Discussion

4.1.1 Where applicable, reference numbers from the relevant representation submitted by the Environment Agency have been added in the tables in Section 3, in order to assist with cross-referencing.

4.1 Protective Provisions

Table 4-1: Protective Provisions

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.1.1	Disapplication of the flood risk activity permit (FRAP). (RR ID: EA04)	The Environment Agency (EA) note that they have not agreed to the disapplication of FRAPs, but discussions with the Applicant have been initiated. Should the EA agree to the disapplication of FRAPs, protective provisions for the EA's benefit must be included in the dDCO. Currently there is no form of protective provisions for the EA's benefit in the dDCO in this regard. The current situation is that the EA have provided their standard protective provisions to the Applicant and requested the following: <ul style="list-style-type: none"> • Written confirmation that the Applicant wishes to disapply FRAPs • Information on where the flood risk activities will take place • Basic information of the activities proposed Given the above, discussions are ongoing. However, it should be noted that there remains the possibility that the EA may not agree to the disapplication of FRAP.	The Applicant is no longer seeking the disapplication of the Flood Risk Activity Permits. The relevant wording in Article 6(1)(e) of the draft DCO [REP2-005] (regarding disapplication of regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity) has been removed from the draft DCO. As a result of the above, the Applicant's position is that protective provisions for the benefit of the EA are not required.	Agreed
4.1.2	Disapplication of Water Resources Act 1991 (RR ID: EA05)	The EA note the Applicant is seeking disapplication of the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991. In the circumstances the EA is content to agree to agree to the disapplication of the byelaws.	Article 6(1)(d) of the Draft DCO [REP2-005] disapplies the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991. The provisions of Schedule 25 of the Water Resources Act 1991 give the appropriate agency the power to make numerous byelaws in relation to a number of different purposes, for example the efficient working of a drainage system, regulating the effects on the environment of a drainage system and the conservation of flora or fauna which are dependent on an aquatic environment etc. These byelaws can potentially be numerous and hard to identify as far as they relate to any development to be undertaken. As such, in order to ensure the efficient delivery of nationally significant infrastructure projects (NSIP), such as the Proposed Development, the Planning Act 2008 allows for such byelaws to be disapplied wholesale under a DCO given that the purposes to which these byelaws may relate are matters whose merits and acceptability can, and will, already have been sufficiently considered and resolved if the Draft DCO [REP1-007] is made. The Applicant therefore considers this disapplication both appropriate and necessary.	Agreed

4.2 Draft Development Consent Order

Table 4-2: Draft Development Consent Order

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.2.1	Amendment of Requirement 10 (RR ID: EA01)	The Environment Agency is not listed as a named consultee for the discharge of Requirement 10 (Surface and foul water drainage). The EA request to be a named consultee for the discharge of Requirement 10.	The Applicant agrees to include the Environment Agency as a consultee within Schedule 2, Requirement 10 (1) (Surface and foul water drainage). The draft DCO [REP2-005] has been updated and submitted to the Examining Authority.	Agreed
4.2.2	Amendment to wording of Requirement 12 (RR ID: EA02)	The EA request changes to dDCO definitions and/or Requirements to ensure that remedial works are undertaken in line with an approved Construction Environmental Management Plan. The EA request that either '(d) remedial work in respect of any contamination or other adverse ground conditions' is removed from the "permitted preliminary works" definition, or Requirement 12 (Construction environmental management plan) is amended to include the following clause, "for the purposes of 12(1) 'commence' must include 'remedial work in respect of any contamination'".	With regards to potential remediation works, the Applicant agrees to the inclusion in the requirement "for the purposes of 12(1) 'commence' must include 'remedial work in respect of any contamination'" at Requirement 12 (Construction environmental management plan) of Schedule 2 as suggested. The draft DCO [REP2-005] has been updated and submitted to the Examining Authority.	Agreed
4.2.3	Discharge of requirements procedure (RR ID: EA-03)	The EA request the provision of 21 calendar or 15 business days with which to respond to the discharge authority to be reflected in the draft DCO [APP-016] wording.	The procedure for discharge of the Requirements is contained in Schedule 15 of the draft DCO [REP2-005] . That Schedule specifies (at paragraph 2(3)(b)) that the undertaker must confirm to the discharging authority that the application for discharge has been provided to the relevant consultees under the requirement. Paragraph 3(3) then requires the discharging authority to issue the consultation on the discharge application to the requirement consultee within 10 working days of receiving the discharge application. However, the procedure does not specify a time frame within which consultation responses must be received. Instead, paragraph 2 provides that the discharging authority must notify the undertaker of its decision on the discharge application within 10 weeks of receipt (unless a longer period is agreed). The Applicant has therefore amended paragraph 2(5) of Schedule 15 so that it provides (amendments shown in red): <i>"Where an application has been made to the relevant planning authority for any discharge, the undertaker will also submit a copy of that application to any requirement consultee and the requirement consultee will be given no less than 15 working days in which to respond to the relevant planning authority."</i> For the Environment Agency's reference, 'working day' is defined in paragraph 1 of Schedule 15 as "a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a public holiday or bank holiday under section 1 of the Banking and Financial Dealings Act 1971."	Agreed

4.3 Design and Alternatives

Table 4-3: Design and Alternatives

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.3.1	Cable trench width discrepancy	The EA note that in paragraph 3.3.42 (and 9.6.19) of Chapter 3: The Proposed Development of the ES [APP-028] , it states medium voltage cable trenches “will typically be up to 1m wide”, however in Table 3-5 (and paragraph 9.6.50), it states medium voltage cable trenches will be “1.2–5m wide”. The EA note that this is a large difference, noting wider trenches could have greater impact on surface and groundwater and soils. The EA recommend the Applicant checks and updates the report to ensure consistency throughout. Similarly, the EA note that in paragraph 3.3.54 it states the grid connection cable will be in a trench up to 4.5m wide, but in paragraph 3.3.55 (and 9.6.18) it states the same trench will be approximately 3m wide.	<p>Paragraph 3.3.42 of Chapter 3: The Proposed Development of the ES [REP1-015] refers to the “typical” trench width for onsite cabling (i.e., the trench width typically implemented across similar schemes for onsite cabling), whereby the width of the trench will be dependent upon factors such as method of installation, ground conditions and number of cables laid in parallel (as noted in the paragraph). Table 3-5 of Chapter 3: The Proposed Development of the ES [REP1-015] relates to the design parameters for the onsite cabling. As noted in paragraph 3.2.5 of Chapter 3: The Proposed Development of the ES [REP1-015], the use of ‘design parameters’ is adopted to present a likely worst-case assessment of potential environmental effects of elements of the Proposed Development that require flexibility, and allow for a reasonable worst-case assessment to be undertaken within the ES technical assessments in line with the Rochdale Envelope approach, as discussed in Chapter 5: Environmental Impact Assessment Methodology of the ES [APP-030].</p> <p>Paragraph 9.6.19 of Chapter 9: Water Environment of the ES [REP1-021] provides an overview of the typical cabling widths, replicating the text in Chapter 3: The Proposed Development of the ES [REP1-015] for context for the reader. Paragraph 9.6.50(d) of Chapter 9: Water Environment of the ES [REP1-021] then reflects the design parameters – i.e., the trench width for onsite cabling that has been assumed for assessment purposes. It should be noted that the design parameters regarding onsite cabling reported in Chapter 3: The Proposed Development of the ES [REP1-015] are also set out in the Proposed Development Parameters [REP1-029] document (ref. Page 15).</p> <p>Similarly, paragraph 3.3.55 of Chapter 3: The Proposed Development of the ES [REP1-015] refers to the “approximate” 3m wide trench width for the 400kV Grid Connection Cable (i.e., the trench width typically implemented across similar schemes for 400kV cabling). Paragraph 9.6.18 of Chapter 9: Water Environment of the ES [REP1-021] replicates this text in Chapter 3: The Proposed Development of the ES [REP1-015] for context for the reader regarding the approximate width of the Grid Connection Cable trench. The reference to “trench of up to 4.5m wide” in paragraph 3.3.54 of Chapter 3: The Proposed Development of the ES [REP1-015] then relates to the maximum trench width assumed for the 400kV Grid Connection Cable. This trench width for the 400kV Grid Connection Cable has been assumed in the assessment presented in Chapter 9: Water</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p>Environment of the ES [APP-034]. Chapter 9: Water Environment of the ES [REP1-021] has been updated submitted to the Examining Authority to clarify this assumption. Chapter 9: Water Environment of the ES [REP1-021] paragraph 9.6.50(d) now states: “Grid connection cable - for open trench excavation, up to 3m below ground level subject to design and ground conditions, with a minimum cover of 0.9m for the cable and a maximum trench width of up to 4.5m. For horizontal directional drilling, a minimum 5m depth under the River Brant would be required, with final depth subject to design and ground conditions. Jointing bays will be required up to 1,000m apart to join sections of cable together. The dimensions of the jointing bay would be up to 21m in length by 3m in width by 2.5m in depth.” Chapter 3: The Proposed Development of the ES [REP1-015], Table 3-7 has also been updated, and will be submitted to the Examining Authority at the next available examination deadline, to clarify this design parameter. The applicable design parameter now notes: “For open trench excavation, up to 3m below ground level subject to design and ground conditions, with a minimum cover of 0.9m for the cable and a maximum trench width of up to 4.5m.” It should be noted that these clarifications do not affect the assessments or conclusions presented in the ES, whereby, as noted above, the ES technical assessments have been undertaken in line with the Rochdale Envelope approach, as discussed in Chapter 5: Environmental Impact Assessment Methodology of the ES [APP-030].</p>	
4.3.2	Removal of cables when decommissioning	<p>The EA note the Applicant’s commitment to remove all cables within the Source Protection Zone 3, or where the site is underlain by principal aquifer, however comment that this is not repeated in paragraph 2.3.2 of the Framework Decommissioning Environmental Management Plan (DEMP) [APP-191]. For completeness, the EA note it would be valuable for the information to be included here. The EA acknowledge that the information is given in Table 4 ID: WAT-D1, and in other documents.</p>	<p>The Applicant notes this comment – paragraph 2.3.2 of the Framework DEMP [REP2-017] has been updated and submitted to the Examining Authority to clarify this. Paragraph 2.3.2 now reads:</p> <p><i>“When the operational phase ends, the Proposed Development will require decommissioning. During decommissioning, all infrastructure associated with the Proposed Development will be removed and recycled or disposed of in accordance with good practice and market conditions at that time. This is with the exception of the majority of cabling and/or cable ducting in the Cable Corridor, which may remain in-situ – note, as per Environment Agency requirements, all cables and subsurface infrastructure will be removed where they are located within an SPZ or areas of Principal aquifer. The mode of cable decommissioning for the Cable Corridor and interconnecting cables will be dependent upon government policy and best practice at that time. Currently, some local authorities consider the most environmentally acceptable option to be leaving the cables or cable ducting in situ, as this avoids disturbance to overlying land and habitats and to neighbouring communities. Alternatively, the cables or cable ducting can be removed by opening the ground at regular intervals and pulling</i></p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<i>the cable through to the extraction point, avoiding the need to open up the entire length of the cable route.”</i>	

4.4 Land Interests

Table 4-4: Land Interests

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.4.1	Environment Agency land interests (RR ID: EA06)	<p>The EA note that land in plots 11 and 12 seem be outside of the boundary of the deed of grant and that the land in question owned by the Environment Agency is a pumping station used for flood risk management purposes, so any development/easement cannot impede its operation is flood management.</p> <p>Furthermore, the EA note that the development will need to consider the EA's rights to utilise the Witham Washlands (Lincoln) Flood Storage Area and cannot impede its use in storing water during flood events. The EA note that the Applicant will also need to comply with the conditions of any FRAP before they can agree easements/acquisition of rights from a landowner perspective.</p> <p>The EA note that the Applicant will need to discuss land interests with the EA Estates Team.</p>	<p>The Applicant acknowledges that the Environment Agency has various interests in respect of rights and apparatus within the proposed Order Limits. The interests in terms of land plots that are presently known can be found within the Book of Reference [REP2-011] and can be identified on the Land Plans [AS-104]. The Applicant will continue to engage with the relevant estates team to ensure the application documents are accurate and up to date.</p> <p>The Applicant is no longer seeking the disapplication of the Flood Risk Activity Permits.</p> <p>The relevant wording in Article 6(1)(e) (regarding disapplication of regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk) has been removed from the draft DCO [REP2-005] .</p>	Agreed

4.5 Ecology and Nature Conservation

Table 4-5: Ecology and Nature Conservation

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
Legislation and Policy				
4.5.1	Accordance of the Ecology and Nature Conservation Assessment with Ecology and Nature Conservation Legislation and Policy	EA agrees that applicable legislation and policy has been considered.	The Applicant considers that Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] has identified and appropriately considered all applicable legislation and policy.	Agreed
Methodology				
4.5.2	Acceptability of the Ecology and Nature Conservation Methodology in the ES	EA agrees with the adopted methodology.	The methodology adopted within Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] has been derived from the information obtained through consultation with stakeholders and the review of relevant guidance and studies and is considered acceptable.	Agreed
Baseline				
4.5.3	Acceptability of the Ecology and Nature Conservation Baseline in the ES	EA agrees that the detailed baseline conditions are representative of the site conditions.	The baseline conditions which are detailed in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] are representative of the baseline site conditions.	Agreed
Assessment Results				
4.5.4	Acceptability of Ecology and Nature Conservation Assessment Results	EA agrees with the presented assessment results, including predicted likely significant effects.	The assessment results are set out within Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] , including the anticipated likely significant effects.	Agreed
Mitigation / Management Plans				
4.5.5	Invasive species – signal crayfish (RR ID: EA10)	Further consideration of mitigation to prevent the spread/introduction of the invasive Signal Crayfish is required, noting that mitigation set out in the Framework Construction Environmental Management Plan (CEMP) [APP-189] should be extended to include Signal Crayfish. The EA note that their records indicate that Signal Crayfish are prevalent within this part of Witham catchment. Records of Signal Crayfish are not present on the National Biodiversity Network (NBN) Atlas, so would not have been captured within the desk study for the Aquatic Ecology report. It is indicated that Signal crayfish were also not found during the Macroinvertebrate Surveys, highlighting they may be absent from the DCO site, or the survey technique may not be suitable for this species.	Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] assessed the “ <i>Introduction and, or, spread of invasive species, due to the movement of personnel, equipment and plant machinery, potentially facilitating the introduction of invasive species</i> ” (ref. paragraph 8.9.2, item f). This inherently included consideration of both invasive plant and animal species. As such, it can be confirmed that the potential impact of the invasive Signal Crayfish has been duly considered within the assessment presented in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] . However, the Applicant notes this comment and recognises that the mitigation measures regarding INNS should reflect the potential presence of invasive animals, and not just plants. As such, measure ECO-C11 of Table 3 of the Framework CEMP [REP2-013] has been updated submitted to the Examining Authority to clarify this. Measure ECO-C11 now reads:	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p><i>“Pre-construction surveys will be undertaken to provide an update on the presence and location of any Invasive Non-Native Species (INNS) plant and animal species, the findings of which will inform the implementation of measures to prevent their spread into the wild. These surveys will inform the production of a Biosecurity Management Plan which will set out procedures to ensure that no INNS plant species are brought onto the DCO Site (e.g., Wildlife and Countryside Act 1981 (as amended) (Ref 7 Schedule 9 species) and will be formalised in the detailed CEMP, secured through the DCO. In the event that any future infestations of INNS are identified prior to and or during the development process, exclusion zones will be established around them, and an ECoW contacted for advice as required.”</i></p> <p>Requirement 12 (1) (Construction environmental management plan) within the draft DCO [REP2-005] includes the Environment Agency as a prescribed consultee in respect of the final Construction Environmental Management Plan.</p>	
4.5.6	Fish rescue	With reference to the Framework CEMP [APP-189] , Table 3 – When applying for a FR2 licence (Application for authorisation to use fishing instruments other than rod and line in England), the Applicant should ensure an adequate method statement of the intended work is submitted. This should consider fish welfare, appropriate equipment and competence of contractors undertaking fish rescues.	The Applicant notes this comment. If an FR2 permit is required, the application will include the required information, including an adequate method statement considering the relevant factors. It is noted that any application for a FR2 permit would be submitted to the Environment Agency, and as such additional details can be requested at that stage if required/relevant.	Agreed
4.5.7	Pond near centralised BESS	Figure 3-5 Indicative Centralised BESS Layout [APP-051] suggests that there is a pond at the end of the proposed BESS. This must be impermeably lined, and the EA recommend that the Framework Battery Safety Management Plan [APP-198] and Appendix 9-D Framework Surface Water Drainage Strategy of the ES [APP-147] explain how this feature is a managed to ensure that there is no risk from firewater runoff, given its proximity.	<p>It should be noted that Figure 3-5: Indicative Centralised BESS Layout (Rev 1) [APP-051] is an indicative layout, and as such there is no commitment to position a pond at the location shown on this figure – the final location of any drainage features will be set out within the detailed designs and the detailed Surface Water Drainage Strategy (SWDS), in line with the relevant controls of Appendix 9-D: Appendix 9-D Framework Surface Water Drainage Strategy of the ES [REP1-025] and the Framework CEMP [REP2-013]. Any fire water that collects in the lined swales would be tested and if found to be contaminated, it would be pumped out by a suitable contractor for off-site disposal at a licenced waste facility. The swale would then be cleaned of all contaminants. If the collected water was not contaminated, it would be released, with the agreement of the Environment Agency if a permit was required.</p> <p>The Framework OEMP [REP2-015] includes the requirement for regular inspection and maintenance of the SuDS to ensure performance is maintained as expected throughout the operation phase.</p> <p>As noted above, the Framework Battery Safety Management Plan [REP1-041] has been amended at paragraph 4.5.5 to clarify the nature of the impermeable lining of the basin as follows: <i>“...where practical, at detailed design stage it is proposed that runoff from the battery storage area will be</i></p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p><i>contained by local bunding and attenuated within the lined impermeable sustainable drainage system and attenuation swale (SuDS) features prior to being passed forward to the local land drainage network."</i></p>	
4.5.8	<p>Clarification required in relation protection of fish during spawning</p> <p>Ensuring all fish species are protected during spawning when completing in channel works.</p> <p>Damage to spawning habitat, loss of fish eggs and disturbance to spawning fish if adequate protection is not in place.</p> <p>(RR ID: EA09)</p>	<p>The EA require the mitigation measures to be updated to confirm suitable protection measures to ensure that all fish species, including coarse fish, are not adversely impacted by the works. The work avoidance period should also encompass the coarse fish spawning season, which runs from March 15th to June 15th (inclusive).</p> <p>This restriction applies in areas where coarse fish populations or spawning habitats are known to exist.</p> <p>However, if evidence confirms that the area is not used for spawning or that spawning fish are absent, in channel works may proceed, provided that appropriate fish rescue measures are carried out. The EA note that in Appendix 8-C: Aquatic Ecology of the ES [AS-081], paragraph 5.2.7, and in Chapter 9: Water Environment of the ES [APP-034], paragraph 9.5.31, it is stated that no suitable spawning habitat for fish was identified in any of the surveyed waterbodies. The applicant should confirm if this also includes for coarse fish species, or only the notable species present in the desk study.</p>	<p>The reference to no suitable spawning habitat for fish being identified in any of the surveyed waterbodies within Appendix 8-C: Aquatic Ecology [AS-081], paragraph 5.2.7, and Chapter 9: Water Environment of the ES [REP1-021] paragraph 9.5.31, relates to notable fish species, not coarse fish species.</p> <p>With regards to the mitigation measures around all fish species (including coarse species), the Framework CEMP [REP2-013] (ref. ECO-C4) notes the requirement for activities where there are direct impacts to watercourses or water bodies, for example through drain-down, culverting, or open trenching to avoid key fish migration timings wherever practicable. This is inclusive of the coarse fish spawning season, however for clarity measure ECO-C4 of Table 3 of the Framework CEMP [REP2-013] has been updated and submitted to the Examining Authority to clarify this. Measure ECO-C4 (b) now reads: <i>"avoidance of key fish migration timings wherever practicable, including the avoidance of the coarse fish spawning season, which runs from March 15th to June 15th (inclusive);"</i></p>	Agreed

4.6 Water Environment

Table 4-6: Water Environment

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
Legislation and Policy				
4.6.1	Permitting and licencing requirements – Abstraction Licence	The EA recognise that significant quantities of water will not be needed during construction and acknowledges that Anglian Water has agreed to supply water for the Proposed Development. The EA also note that the potential need for an abstraction licence is documented in the Consents Agreements and Position Statement [APP-182] .	A Consents Agreements and Position Statement [APP-182] has been submitted with the DCO Application which includes further detail on the potential need for an abstraction licence.	Agreed
4.6.2	Flood Risk Activity Permit - Witham Washlands Flood Storage Area (RR ID: EA07)	The Witham Washlands Flood Storage Area is classified as Flood Zone 3b (functional floodplain). There are potential impacts to the operation of the storage area and storage volumes if works are carried out and during a flood event. All works proposed to be carried out within the storage area will require a Flood Risk Activity Permit (FRAP). The EA require further detail on the proposed construction compounds and temporary works activities prior to determining whether the works at the proposed locations are suitable.	The Applicant notes the requirement for a Flood Risk Activity Permit (FRAP) prior to carrying out works within the Witham Washlands Flood Storage Area, and that there is a requirement to provide further detail post consent to demonstrate that the works will not adversely impact flood risk to the Proposed Development or elsewhere. Figure 3-1: Construction Compounds and Access Locations [AS-021] indicates the locations of the two proposed Horizontal Directional Drilling (HDD) camp areas, to facilitate the drilling of cables beneath the flood defences along the River Brant and under the River Brant itself. Section 5.2 of the Appendix 9-C Flood Risk Assessment of the ES [REP1-023] discusses the temporary compounds for the two proposed HDD camps, one of which will be within Flood Zone 3b of the Witham Washlands Flood Storage Area and Table 4: Water Environment of the Framework CEMP [REP2-013] , includes mitigation measures within WAT C-5; Management of Flood Risk, parts f to h, noting that the HDD camps will be in-situ for a short duration of 2-4 days, and providing a commitment that the Contractor will check the ground conditions onsite, water levels in the watercourse, and weather forecasts daily and postpone the HDD works if the HDD camp locations are already flooded or if heavy rain is forecast in the few days before or during the HDD camp setup. The camps can be demobilised within 0.5 days to 1 day if flooding is expected. The Framework CEMP [REP2-013] also notes in WAT C-5; Management of Flood Risk, part h that no soil from trenching will be kept within the extents of the Witham Washlands FSA during the works, to ensure no loss of floodplain during the works. The camps will also be set back sufficiently from flood defences to ensure their structure is not compromised during construction.	Agreed
Methodology				
4.6.3	Controlled Waters Receptor – Off-Site	Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] , paragraphs 9.5.5 to 9.5.7 – Controlled waters (surface water and groundwater, including source protection zones) off-site might be affected by contamination within, or migrating through, the Order Limits. While some	Paragraph 9.5.2 in Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] includes the controlled waters receptors of groundwater and surface water under the heading of ‘On-site Receptors’. It is acknowledged that these receptors are not repeated within the ‘Off-site	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		of these are given as an on-site receptor, the Applicant should consider also including them in this list for completeness. However, other documents within this submission have sufficient discussion of these receptors. The EA advise that submitted documents should be consistent with each other to ensure clarity.	Receptors' sub-section, however it is confirmed that within Tables 13, 18 and 19 the assessments for controlled water receptors R5 Aquifers and R6 Surface Waters cover both on and off-site.	
4.6.4	Controlled Waters Receptor - Source Protection Zone 3	In Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] , paragraph 9.5.2 and Table 13, Source Protection Zone 3 is not listed as a controlled waters receptor. The EA raised this issue in our PEIR (statutory pre-application) consultation response. As this is a conceptual site model of the site, it is important that it includes all receptors. Other documents within this submission have been updated accordingly and there is sufficient discussion elsewhere. However, the EA advise that submitted documents should be consistent with each other to ensure clarity.	Paragraph 9.5.2 and Table 13 in Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] include Secondary A, Secondary B and Principal Aquifers within the controlled waters receptors. Further details of the hydrogeological setting of the DCO Site are provided in Section 3.3 Hydrogeology, where in paragraphs 3.3.4 and 3.3.5 under the heading of 'Source Protection Zones and Drinking Water Safeguarding Zones for Groundwater', it has been identified that the eastern part of the Cable Corridor is within a Zone III (Total Catchment) SPZ. The risk to the SPZ is considered within R5, 'Water Environment, Aquifers' in Tables 13, 18 and 19 in Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] As such, whilst the Zone III SPZ is not listed as a separate controlled waters receptor in paragraph 9.5.2 and Table 13 of Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] , it is captured within receptor R5 'Water Environment, Aquifers'.	Agreed
4.6.5	Assessment of Impact on Groundwater Quality (RR Ref: EA12)	In relation to assessing impacts on groundwater quality, reference is made to CLR11 'Model Procedures for the Management of Contaminated Land' and the Environment Agency's GPLC1 'Guiding Principles for Land Contamination in Assessing Risks to Controlled Waters' to support site investigation design. These documents are out of date and have been superseded. There is therefore a risk that the site investigation might not be conducted in line with current best practice guidance. It should be made clear that the latest guidance will be used. The EA strongly recommend that the applicant updates the references to site investigation guidance and instead refers to the Environment Agency's Land contamination risk management (LCRM) pages on GOV.UK. The EA have previously raised this issue with the applicant as part of the Potential Main Issues for Examination document [APP-193, ID WE14]. The EA would also expect use of BS 5930:2015+A1:2020 Code of Practice for Ground Investigations and BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites – Code of Practice. These reports are referenced in Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] , paragraph 1.2.4.	Assessment of impact on groundwater quality The Applicant notes this comment – paragraph 9.7.48 of Chapter 9: Water Environment of the ES [REP1-021] has been updated for clarity and submitted to the Examination. Paragraph 9.7.48 now reads: <i>“Nonetheless, prior to construction works commencing, a targeted scheme of Ground Investigation and testing followed by a Quantitative Risk Assessment will be completed. This will be in accordance, if and where necessary, with BS10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites: Code of Practice, BS 5930:2015+A1:2020 Code of Practice for Ground Investigations, and the Environment Agency's Land contamination risk management (LCRM).”</i> (Ref 2,3,4)	Agreed
4.6.6	Water Resource Assessment –	The EA have reviewed the Water Resource Assessment, provided to them via email on 17 November 2025 and acknowledge that the Applicant	Chapter 9: Water Environment of the ES [REP1-021] sets out that the Applicant submitted a Water Resources Assessment to Anglian Water detailing water supply requirements for the proposed development.	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
	Supply Requirements (RR ID: EA23)	<p>intends to submit the WRA into the Examination at the next available deadline.</p> <p>The WRA does not include quantities estimated for HDD. AWS may not be able to determine if non-domestic water supply can be provided if the full extent of likely volumes required are not known.</p> <p>The WRA quantifies other water demands identified in the pre application documents to date. It does not however fully consider alternatives to water company supply. Rainwater harvesting is proposed but not quantified and not associated to specific activities. The use of a local resource water storage reservoir is also described. The ability to store large volumes of water (or to access already stored volumes) makes surface water abstraction more viable, but who owns and operates the reservoir and what volumes may be available is also as yet unspecified.</p> <p>A full appraisal of potential sources of supply will be needed should AWS not be able to provide the 26,000m³/year and peak 63m³/day in addition to HDD demands which are to be confirmed.</p> <p>Until the applicant can confirm that Anglian Water can supply all construction demands, or alternative sources of supply are appraised fully, the Environment Agency does not yet have confidence that a sustainable and practical water supply is available to the project.</p>	<p>Furthermore, Anglian Water has confirmed that the required water supply during construction and operation of the Proposed Development can be supplied.</p> <p>The Water Resources Assessment has been provided to the Environment Agency via email and will be submitted to the Examining Authority at the next available deadline. The Environment Agency have since responded with comments on the WRA, which the Applicant is currently reviewing. These comments from the Environment Agency will be considered and responded to as part of this Statement of Common Ground. The WRA includes best estimates of water use at the time of the DCO submission. It includes requirements for water for domestic purposes during construction and operation, as well as non-domestic purposes.</p> <p>The Applicant will continue to liaise with the EA to confirm the construction water requirements.</p>	
Baseline				
4.6.7	Acceptability of the Water Environment Baseline in the ES	EA agrees that the detailed baseline conditions are representative of the site conditions.	The baseline conditions which are detailed in Chapter 9: Water Environment of the ES [REP1-021] are representative of the baseline site conditions.	Agreed
Assessment Results				
4.6.8	Acceptability of Water Environment Assessment Results in the ES	The Environment Agency agree with the presented assessment results, including likely significant effects anticipated.	The assessment results set out within Chapter 9: Water Environment of the ES [REP1-021] , including likely significant effects anticipated, are acceptable.	Agreed
4.6.9	Flood Risk Assessment	The Environment Agency reviewed the draft FRA and provided comments which have been addressed. Prior engagement with the Applicant in relation to the consideration of climate change and quantifying the impact of solar panel support frames on flood risk has been positive and the Applicant has presented the information expected. The flood mitigation measures proposed are acceptable.	Appendix 9-C: Flood Risk Assessment of the ES [REP1-023] has been prepared in accordance with feedback received by the Environment Agency, and consultation has been undertaken throughout the preparation of the document.	Agreed
4.6.10	Flood Risk Assessment - Witham Washlands Flood Storage Area (FSA)	The EA consider that the flood risk posed by the development in relation to Witham Washlands FSA, which is designated functional floodplain, has not been satisfactorily assessed. Whilst the main solar panel infrastructure part of the development is outside the Witham Washlands area, the grid	Appendix 9-C: Flood Risk Assessment of the ES [REP1-023] appropriately assesses and addresses flood risk posed by the Proposed Development in relation to Witham Washlands FSA.	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
	(RR ID: EA07)	connection cable area does fall within this area and has not been considered.	The Framework CEMP [REP2-013] also secures mitigation measures relevant to the Witham Washlands FSA (reference ID WAT-C5 of the Framework CEMP [REP2-013]).	
4.6.11	Foul Water Strategy (RR ID: EA19)	<p>Insufficient detail in relation to the foul water strategy, which is inconsistent between documents. Paragraph 7.1.4 of Appendix 9-C: Flood Risk Assessment of the ES [APP-146] states that “drainage will be dealt with via a septic tank arrangement”. Whereas paragraphs 9.4.14 and 9.4.65 of Chapter 9: Water Environment of the ES [APP-034], and 4.12.2 of the Appendix 9-D Framework Surface Water Drainage Strategy of the ES [APP-147] state that “the foul water flows will be dealt with via a sealed cesspit, i.e. with no overflow to ground pipe system.”</p> <p>There is a requirement to ensure that foul water treatment and disposal is adequate to minimise risk to water quality. Foul water disposal strategy should be provided in more detail and documents should have continuity.</p> <p>Where septic tanks are used at the site, the Applicant should consider any potential impacts of discharge and confirm that a permit will be sought. Given the timeframe to determine environmental permits the EA encourage applicants to engage with us on permit requirements at the earliest possible stage. Further information is available on GOV.UK: Septic tanks and sewage treatment plants: what you need to do: Apply for a permit - GOV.UK. The EA note that if a closed system is used, it is stated that it would be regularly emptied under contract with a registered recycling and waste management contractor. If road transport to an offsite disposal facility is required to remove foul then there should be regard for this within the waste management procedures.</p>	<p>When foul water is generated more than 30m from a public sewer location, the Applicant proposes to utilise a sealed cesspit system with no overflow system. This would be regularly emptied under contract by a registered recycling and waste management contractor.</p> <p>The Applicant has amended the Appendix 9-C: Flood Risk Assessment of the ES [REP1-023] paragraph 7.1.4 for clarity (which has been submitted to the examination) to now read: “<i>Foul drainage is not considered within the drainage strategy as no connection to the public sewer is proposed, drainage will be dealt with via a septic tank sealed cesspit arrangement or similar sealed system for the compound areas, emptied and maintained to recommended manufacturer advice.</i>”</p>	Agreed
Mitigation / Management Plans				
4.6.12	Framework OEMP and Framework DEMP	The Environment Agency agree with the proposed mitigation outlined in the Framework Operational Environmental Management Plan (OEMP) [APP-190] and Framework DEMP [APP-191] .	The proposed mitigation measures are set out in Section 3.5 of the Framework OEMP [REP2-015] , and Section 3.5 of the Framework DEMP [REP2-017] . Detailed versions of these plans will be secured via Requirements 13 (Operational environmental management plan), and 20 (Decommissioning) under Schedule 2 of the draft DCO [REP2-005] .	Agreed
4.6.13	Culverting	<p>The EA consider it is positive that new culverts are not proposed, however would recommend giving consideration to enhancing in-channel watercourse habitat to mitigate for the construction of the new culvert extension. Where culverts are to be extended, it should be ensured that channel bed/banks are not overly impacted by the works and that they will be re-instated following construction. [Position on Framework CEMP [APP-189] to be confirmed].</p>	<p>No new culverts are anticipated to be required as part of the Proposed Development.</p> <p>One culvert extension is proposed based on the illustrative layout, and the feedback received during consultation with the EA has been considered and appropriate measures included within the Framework CEMP [REP2-013], submitted as part of the DCO Application .</p> <p>Provision of watercourse enhancements are required on a length-for-length basis to mitigate any unavoidable intrusive impact to watercourses associated with access tracks (e.g. culvert extensions). The details of this will be</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			developed post consent through the WFD Mitigation and Enhancement Strategy, which is a requirement of the Framework CEMP [REP2-013] .	
4.6.14	Open-Cut Crossings Impacts on Fish	<p>While the EA supports the mitigation measures proposed for open-cut crossings, in locations where fish habitat is present or baseline surveys indicate fish populations, trenchless crossing techniques should be prioritised. This approach aligns with the mitigation hierarchy, where avoidance is the preferred initial step.</p> <p>The EA note that a crossing schedule has been provided with the DCO Application.</p>	<p>Where any over pumping or water drain down is required, fish rescues will be included in the mitigation requirements in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] and the Framework CEMP [REP2-013] submitted as part of the DCO Application. Works would be carried out under an FR2 permit application for authorisation to use fishing instruments other than a rod and line (under S27A of the Salmon and Freshwater Fisheries Act 1975). The Applicant explained this approach in a meeting with the EA held on 6 March 2025.</p> <p>Approximate watercourse crossing locations are described in Table 9-14 of Chapter 9: Water Environment of the ES [REP1-021] and illustrated in Figure 9-1: Surface Waterbodies and their Attributes of the ES [AS-047]. The section of the Cable Corridor passing beneath the River Brant and a section of the Interconnecting Cabling beneath the River Witham will be installed using underground techniques such as horizontal directional drilling beneath the bed of the channel to avoid impacting the channel or bed. Where trenchless techniques are not feasible, watercourses would be crossed using open-cut trenching.</p> <p>As set out in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019], for any open cut crossings, additional habitat assessments were completed to identify any suitable spawning habitat. No spawning habitat was identified in the Aquatic Habitat Appraisal surveys in the baseline surveys as presented in Appendix 8-C: Aquatic Ecology of the ES [AS-081].</p>	Agreed
4.6.15	Swales around BESS – treatment of surface water (RR ID: EA15)	<p>It is stated that the swales around battery energy storage system (BESS) areas will collect and treat surface water before discharge. It is unclear how the swales will treat the water, or what treatment operation the swales will perform. The method of treatment may not be suitable or adequate, which risk impacting on water quality.</p> <p>The Applicant should further detail on how swales will treat surface water before discharge. Include methodology and any checks that will be in place.</p>	<p>It is widely recognised that sustainable drainage systems (SuDS) such as swales can provide treatment for surface water runoff. This is summarised within CIRIA C753 The SuDS Manual (2015) produced by the Construction Industry Research and Information Association, which outlines the ‘treatment’ that a variety of SuDS can provide with regard to surface water runoff, provided they are appropriately designed and maintained. To determine whether a surface water drainage treatment train is sufficient, the Simple Index Approach is applied, as outlined in The SuDS Manual.</p> <p>The methodology for the Simple Index Approach assessment is provided in Chapter 9: Water Environment of the ES [REP1-021], paragraph 9.4.25 to 9.4.28. The assessment itself is undertaken in Appendix 9-D: Framework Surface Water Drainage Strategy (Section 4.6) [REP1-025] and summarised within Chapter 9: Water Environment of the ES [REP1-021]. Although the swale is lined, it will have planting within it, in the soil layer above the liner, to treat runoff. The assessment indicates that the swale provides adequate treatment in terms of water quality. The Simple Index Approach is the industry standard approach for ensuring that sufficient treatment has been incorporated into a drainage design. The Framework</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p>OEMP [REP2-015] includes a requirement (ref. WAT-O5) for regular inspection and maintenance of the SuDS to ensure performance is maintained as expected throughout the operation phase.</p> <p>It should be noted that the Simple Index Approach does not apply to firefighting water, and its potential contaminants. As set out in the Framework OEMP [REP2-015] (ref. WAT-O3) any external firewater runoff from BESS areas would be contained within the swale via a penstock valve. Any fire water that collects in the lined swales would be tested and if found to be contaminated, it would be pumped out by a suitable contractor for off-site disposal at a licensed waste facility. The swale would then be cleaned of all contaminants. If it were not found to be contaminated, water would be released, with agreement of the Environment Agency if a permit was required.</p> <p>The provision of a detailed OEMP, which is to be substantially in accordance with the framework, is secured via Requirement 13 (Operational environmental management plan) of the draft DCO [REP2-005], for the discharge of which the EA is a named consultee.</p>	
4.6.16	<p>Use of gravel in drainage systems around BESS and substation</p> <p>(RR ID: EA17)</p>	<p>Potential use of a gravel base within the impermeable lined drainage systems around BESS and substation sites. In particular, gravel can trap contaminants from firewater in sediment which is released into the environment after water is removed.</p> <p>Firewater and other chemicals from BESS pose an unacceptable risk to the water environment receptors and will deteriorate water quality unless it is contained sufficiently.</p> <p>In the event of a fire affecting the BESS or substation, there is the potential to mobilise pollutants in surface water runoff. If a gravel subbase is used, then contaminated material could be retained on their surface and may require the gravel to be cleaned or replaced in the event of a fire.</p> <p>Details should be added to the Framework Battery Safety Management Plan [APP-198] to confirm that any Sustainable Drainage Systems (SuDS) near the BESS or substation, which are designed to contain firewater runoff, will be impermeably lined. The Applicant must consider if a gravel subbase is the most appropriate design and explain how it would be managed if contaminated material came into contact with it. If gravel substrates are deemed to be included in the final BESS design, there must be provision within the post-incident recovery plan that commits to removing the gravel to be cleaned and/or replaced.</p> <p>Paragraph 9.6.58 of Chapter 9: Water Environment of the ES [APP-034] states that swales around the BESS and Substation will “be lined with an impermeable membrane”, which the EA agree with. However, paragraph</p>	<p>In the event of a contamination incident, any areas of gravel within the BESS or On-site Substation compounds which have been contaminated will be dug out and replaced. This would be undertaken following any washing through of the gravel to remove contaminants to the basin to capture firewater runoff.</p> <p>Gravel is not proposed to be used within the lined attenuation basin. A soil layer above the liner will be used to sufficiently treat surface water runoff under normal operation of the SuDS. Contaminated soil would be isolated in the basin only and can be removed and replaced with clean, inert soil and the swale re-planted, following a fire.</p> <p>For clarity, Paragraph 4.11.4 of the Framework Surface Water Drainage Strategy [REP1-025] has been updated as follows: “<i>The impermeable lining will be overlaid by a minimum 300mm of soil. Any vegetation in swales will be shallow rooted fine-growing grasses and mixtures of perennial ryegrass and fescues, to avoid the potential for roots compromising the integrity of the lining. In the event this vegetation or soil needs to be removed during the operational phase, this would be carried out using hand dig techniques to ensure the integrity of the impermeable lining would not be damaged. Regular maintenance inspections will be carried to remove weeds, control plant growth, and check the swale lining</i>”. This updated version will be submitted at the next available Examination deadline.</p> <p>Appendix 9-D Framework Surface Water Drainage Strategy of the ES [REP1-025] has been updated to reflect the fact that there would be removal</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		<p>4.5.5 of the BSMP proposes that runoff from the battery storage area will be “attenuated within gravel subgrade of lined permeable sustainable drainage system and attenuation swale (SuDS)”. Therefore, the lining of the swale is unclear, and any gravel substrate is at risk of contamination. Where gravel is proposed to be used within an impermeable drainage basin, the EA ask the Applicant to demonstrate how they will manage accumulation of silt and pollutants within the base of the gravel. Contaminants from a fire event may accumulate in the gravel even if firewater runoff is identified as being suitable for release. These contaminants would then be released into the natural environment over longer periods of time. The EA note that paragraph 9.4.63 of ES Chapter 9 states that “The swale will then be cleaned of all contaminants”, however it should be made clear that this may include removal and replacement of gravel.</p>	<p>and replacement of contaminated soil, and this was submitted to the Examination at Deadline 1. Paragraph 4.11.3 now reads: <i>“The swale will then be cleaned of all contaminants including contaminated soils, and replaced with clean, inert soil and the swale re-planted.”</i></p> <p>The Framework Battery Safety Management Plan [REP1-041] has been amended at paragraph 4.5.5 for clarity as follows: “...where practical, at detailed design stage it is proposed that runoff from the battery storage area will be contained by local bunding and attenuated within gravel subgrade of the lined impermeable sustainable drainage system and attenuation swale (SuDS) features prior to being passed forward to the local land drainage network.” This revised document was submitted at Deadline 1.</p> <p>Subsequently, following further discussion with the EA, the Framework Battery Safety Management Plan [REP1-042] has been amended for clarity at Paragraph 4.5.5 as follows: “...where practical, at detailed design stage it is proposed that runoff from the battery storage area will be contained by local bunding and attenuated within the lined impermeable sustainable drainage system and attenuation swale (SuDS) features prior to being passed forward to the local land drainage network.” This updated version of the document will be submitted at the next available examination deadline.</p> <p>The Framework Battery Safety Management Plan [REP1-042] is to be developed into a detailed Battery Safety Management Plan, substantially in accordance with the Framework Plan, secured under Requirement 7 (Battery safety management) of the draft DCO [REP2-005]. It is noted that the Environment Agency are a named consultee on this Requirement, and as such the Environment Agency will have the opportunity to review the detailed Battery Safety Management Plan prior to any approval.</p>	
4.6.17	Wheel wash water (RR ID: EA20)	<p>Paragraph 3.4.27 of Chapter 3: The Proposed Development of the ES [APP-028] states there will be “a self-contained wheel wash” and paragraph 9.6.11 Chapter 9: Water Environment of the ES [APP-034] says that “Mud deposits will be controlled at entry and exit points to the Site using wheel washing facilities”. Although this is repeated in the Framework CEMP too, there are no further details so it is unclear how this wheel wash water will be managed.</p> <p>The Applicant must confirm how wheel wash water will be contained, and how it will be treated and/or disposed of. The frequency of disposal and volumes of wheel wash water should also be considered.</p> <p>The EA acknowledge that the Framework CEMP [APP-189] includes wheel washing measures, however clarity on how it is intended on being isolated, treated and disposed of is required.</p>	<p>The exact approach to the isolation, treatment and disposal of wheel wash water will be determined by the appointed contractor. The contractor would be obliged to follow the requirements of the Framework CEMP [REP2-013] and the good practice guidance (GPP) contained therein (e.g., in relation to the adoption of the Considerate Contractors Scheme (see paragraph 2.10.1) which includes guidance regarding wheel washing, and also WAT-C2 which sets out the relevant GPP to be followed by the contractor) to prevent adverse impacts to the water environment. Further details would be set out in the detailed CEMP, which would be produced post-consent.</p> <p>In order to ensure that the necessary further detail is provided within the detailed CEMP, WAT-C3 of the Framework CEMP [REP2-013] has been updated for clarity as per the below, and submitted to the Examination: <i>“Mud deposits will be controlled at entry and exit points to the DCO Site using wheel washing facilities and/or road sweepers operating during earthworks</i></p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<i>activities or other times as required. Potentially contaminated water from wheel washing facilities would be removed from site for disposal at an appropriate and licensed waste facility. Further details of how the wheel wash water would be isolated, treated and disposed of would be outlined within the detailed CEMP”.</i>	
4.6.18	Water Management Plan – Water Quality Monitoring	<p>Throughout Chapter 9: Water Environment of the ES [APP-034], and Environmental Management Plans, it is suggested that water quality monitoring will be undertaken prior to, during, and following on from the construction activity, which the EA support. However, there is no detail provided about any proposed monitoring.</p> <p>If a monitoring plan is not suitably designed then it may not be able to detect relevant trends, if any, on water quality during the construction and operation phases. There will be some monitoring during the first few months of operation to provide confirmation that there is no residual water quality impacts post-construction.</p> <p>The EA recognise that details of monitoring will be set out within the Water Management Plan (in the Framework CEMP [APP-189]) post-consent, therefore the EA will look forward to reviewing the documents and providing further comments at that stage. In the meantime, see below for what the EA would expect to be included in a monitoring programme.</p> <p>The monitoring locations must include upstream and downstream of any proposed surface water outfalls and water crossings. With regard to frequency, the EA recommend at least once per month, which should start at least six months prior to construction.</p> <p>During construction, the EA suggest the frequency of sampling should increase during the first three months of construction, and during any earthworks or concrete work (i.e. every two weeks). Monitoring should continue monthly all throughout construction, and for six months after construction too. The monitoring plan should include enough monitoring samples to detect any variation as a result of seasons or weather conditions.</p>	<p>The Applicant notes the suggestions regarding measures to be captured within the Water Management Plan. As noted in paragraph 4.1.2 of the Framework CEMP [REP2-013], a Water Management Plan is secured by the Framework CEMP [REP2-013] and will be produced as part of the detailed CEMP. The Environment Agency are listed as a named consultee for the discharge of Requirement 12 (Construction environmental management plan) of the draft DCO [REP2-005], and as such will have the opportunity to review and provide comments on the Water Management Plan produced post consent as part of the detailed CEMP prior to any approval.</p> <p>Following discussions with the EA, Table 6, measure WAT-O1 of the Framework OEMP has been updated to include reference to the Water Management Plan. This revised version of the document will be submitted to the Examination at the next available deadline.</p>	Agreed
Other				
4.6.19	Enhancement of watercourses with regards to riparian habitat for water vole, otter, water-dependent habitats and geomorphology.	The EA considers it is positive that the Applicant has achieved a minimum of 10% Biodiversity Net Gain to watercourses.	Where there are watercourses within the site the proposal is to enhance these by a minimum of 10%. The Biodiversity Net Gain Report [APP-194] explores enhancement options for watercourses on site. This could include, but is not limited to, daylighting of existing culverts, fencing off and reducing management within the riparian zone, or in-channel restoration measures.	Agreed
4.6.20	BESS – Penstock Valves and Swales	It is stated that penstocks are to be used on swales around BESS areas to isolate water from reaching the wider environment, which we agree with.	The Applicant agrees to commit to automated penstocks. The Framework Battery Safety Management Plan (BSMP) [REP1-041] has been updated and	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
	(RR ID: EA16)	<p>However, it is not specified if these will be automatically activated in the event of a fire.</p> <p>Firewater and other chemicals from BESS pose an unacceptable risk to the water environment receptors and will deteriorate controlled waters unless it is contained sufficiently. Manually activated penstocks may not be closed quickly or effectively enough to capture firewater, which presents a water pollution risk.</p> <p>The EA's view is that it must be an automatic closing valve, and a backup system should also be available. BESS drainage details should therefore confirm that in the event of a fire, the penstock closing will be automated (i.e. set in the close position when fire water sprinklers/alarms are activated), thus preventing accidental discharge of fire water to the wider water environment. Details should also include installation of a backup system in case of power/automation failure - this could be a manually operated valve. If automatic valves are not to be used (which we advise against), an explanation of the procedure for closing valves and how risks of accidental release will be avoided must be provided. The Framework Operational Environmental Management Plan should include ongoing maintenance and testing of penstock valve(s) as traditional penstocks, when not operated for a long period of time, may seize up and thus be inoperable at times of emergency. Maintenance is discussed in the FBSMP, but penstocks and swales are not specifically mentioned. References to the penstock valve have been noted in paragraphs 4.3.7 and 4.5.5 of the FBSMP; paragraphs 4.1.9 and 4.11.5 of the FSWDS; paragraphs 9.6.69 of Chapter 9; and in Table 6 of the FOEMP. These will all need updating to clarify it will be an automatically closing valve.</p> <p>The Framework BSMP (Rev 2) has been updated in paragraphs 3.2.12 and 4.3.7, however we still request to confirm in FBSMP that the penstock will have a manual option of closing should the automatic system fail, and to clarify what the trigger for automatically closing is.</p> <p>There is no reference to penstock maintenance in the Framework OEMP (Rev 2). Paragraph 3.2.12 of the Framework BSMP (Rev 2) state, "All maintenance will be undertaken in a carefully controlled manner following the Site safety rules and in accordance with the Framework Operational Environmental Management Plan (OEMP) [EN010154/APP/7.8] submitted as part of the DCO application". There should be specific reference to penstock maintenance in Table 6, WAT-03, as there currently isn't. Paragraph 2.2.1 of the Framework OEMP states general "equipment maintenance and servicing" and Table 6, WAT-05 states "regular inspection and maintenance of the drainage systems".</p>	<p>was submitted to the Examination at Deadline 1. The Framework BSMP now includes the following text at paragraph 4.3.7:</p> <p><i>"The BESS will integrate an external firefighting water capture drainage system. In the event of a fire, and prior to applying the fire water, the outfalls from the BESS areas will be closed via automatic penstock valves or similar systems, isolating the BESS areas drainage from the wider environment."</i></p> <p>Paragraph 4.5.5 also now reads: <i>"In the event of a fire, and prior to applying the fire water, the outfalls from the BESS areas will be closed via automatic penstock valves or similar systems, isolating the BESS areas drainage from the wider environment."</i></p> <p>The Applicant also acknowledges the requirement for maintenance/testing of the penstock valves. The Framework BSMP [REP1-041] has been updated and was submitted to the Examination at Deadline 1. The Framework BSMP now includes the following text at paragraph 3.2.12: <i>"Furthermore, penstocks will be inspected and operated as per proprietary manufacturer requirements and specifications; either at least once every 6 months or as per the specification, whichever is the shorter time period prescribed, to ensure they are not seized and are clear of debris and obstructions to free flow."</i></p> <p>The Framework BSMP [REP1-041] is a secured DCO document, and as such will secure the requirement for ongoing maintenance of the penstock valve as above. The Framework BSMP is to be developed into a detailed BSMP, substantially in accordance with the Framework BSMP, secured under Requirement 7 of Schedule 2 to the Draft DCO [REP2-005]. It is noted that the Environment Agency is a named consultee under sub-paragraph (4) of this Requirement, and as such the Environment Agency will have the opportunity to review the detailed BSMP prior to any approval.</p> <p>Following further discussion with the EA, the Framework BSMP now includes reference to a manual option of closing penstocks, should the automatic system fail. Paragraph 4.3.7 has been updated as follows: <i>"The automatic close trigger of the penstock will be linked with fire detection, spill detection or abnormal conditions. The penstock will also have a manual option of closing should the automatic system fail"</i>. This updated document will be submitted at the next available Examination deadline.</p> <p>In addition, the Framework OEMP has been amended within Table 6, WAT-06 to specifically reference penstock maintenance. This updated document will be submitted at the next available Examination deadline.</p>	

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.6.21	Flow Direction of Main Rivers (EA08)	<p>Incorrect direction of flow for the River Witham and River Brant. Downstream effects on fish may not have been correctly assessed. According to our records, the River Witham and River Brant run from south to north, not north to south. This should be corrected.</p> <p>Whilst this may seem a minor point, it is important the baseline environment is depicted accurately and factually to ensure clarity.</p>	<p>It is acknowledged that the direction of flow of the River Witham and River Brant in Table 8-10 is incorrectly stated – this has been corrected within Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] for clarity and the updated chapter has been submitted to the Examination at Deadline 1. However, the assessment presented within Chapter 8: Ecology and Nature Conservation of the ES [REP1-019], including the relevant appendix on fish; Appendix 8-C Aquatic Ecology of the ES [AS-081], has considered both upstream and downstream impacts and all references to locations of desk study data, designated sites and protected species (including fish) either upstream or downstream are correct. Therefore, it can be confirmed that the aquatic ecology baseline assessment presented in the ES is accurate.</p>	Agreed
4.6.22	Amendment to Appendix 9-C: Flood Risk Assessment	<p>The EA have reviewed the updated FRA calculations which were provided ahead of submitting the revised FRA at Deadline 3 of the Examination. The EA do not have any concerns with the changes in calculations at this point. The updates include a reasonably large increase in number of panels within the design flood extent, however the conclusions in terms of flood risk impacts remain acceptable.</p> <p>The EA will however reserve judgement until we have seen the fully updated FRA, and may have additional comments to make after review of that.</p>	<p>Amendments have been made to the Flood Risk Assessment to reflect the presence of additional solar PV panels within additional Flood Zone 2 and 3a extents (+ climate change).</p> <p>This amendment does not represent a change to the design, however, it arose when overlaying the design submitted with the DCO application on the EA flood mapping - which identified that Annex D of Appendix 9-C: Flood Risk Assessment illustrated a previous iteration of the design layout.</p> <p>The updated FRA presents the results for these areas and confirms the proposed mitigation measures, namely panel raising, together with a minor, non-material change in floodplain depth.</p> <p>The approach is in line with the previous assessment of flood depths and panel legs/piles, and the agreed principles for 300mm freeboard above the design flood event and a sensitivity check for the credible maximum scenario. The minimum height of the base of the panels has been increased in some additional areas in Flood Zone 3a and 2 to satisfy these criteria. There is no change to hydraulic modelling or the outputs of modelling, or to any other part of the flood risk assessment, nor does it change the outcome and conclusion of the FRA.</p>	Agreed

4.7 Ground Conditions

Table 4-7: Ground Conditions

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
Legislation and Policy				
4.7.1	Land Contamination Risk Management Guidance	The EA note that it should be made clear that the Applicant will follow the Environment Agency's land contamination risk management (LCRM) guidance, which is available on GOV.UK.	With regards to following the Environment Agency's LCRM guidance, the Applicant notes this comment – paragraph 9.7.48 of the Chapter 9: Water Environment of the ES [REP1-021] has been updated for clarity submitted to the Examining Authority Examination Deadline 1 to clarify this. Paragraph 9.7.48 now reads: <i>“Nonetheless, prior to construction works commencing, a targeted scheme of Ground Investigation and testing followed by a Quantitative Risk Assessment will be completed. This will be in accordance, where necessary, with CLR11 Model Procedures for the Management of Contaminated Land, BS10175:2026 Investigation of Potentially Contaminated Sites: Code of Practice, BS 5930:2015+A1:2020 Code of Practice for Ground Investigations, and the Environment Agency's GPLC1 Guiding Principles for Land Contamination in Assessing Risks to Controlled Waters Land contamination risk management (LCRM).”</i>	Agreed
Methodology				
4.7.2	Assessment of contaminated land in relation to the risk to controlled waters.	The EA notes the submission of the Phase 1 Preliminary Risk Assessment (PRA) has been undertaken and is presented within Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] and agrees with the process outlined.	A Phase 1 Preliminary Risk Assessment (PRA) has been undertaken and is presented within Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] . The PRA uses the source-pathway-receptor model to present a qualitative PRA of potential land contamination risks to human (chronic), environmental, and controlled water receptors from contamination sources on, or in the vicinity of, the DCO Site. Prior to the commencement of construction works, a targeted scheme of Ground Investigation and testing followed by a Quantitative Risk Assessment will be completed. This will be in accordance, where necessary, with CLR11 Model Procedures for the Management of Contaminated Land, BS10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites: Code of Practice and the Environment Agency's GPLC1 Guiding Principles for Land Contamination in Assessing Risks to Controlled Waters and to support the detailed design.	Agreed
4.7.3	Soil Management	With regard to Appendix 14-C: Phase 1 Preliminary Risk Assessment of the ES [APP-170] , paragraphs 15.1.2 to 15.1.5 – the EA previously commented on the lack of clarity of the scope of this ground investigation (PEIR response comment E6). The Applicant proposes to use the results of the investigation to inform soil re-use following CL:AIRE DoW:CoP. This can only be done where soil chemistry has been tested. The Applicant may not have enough information to classify and reuse soils from outside areas within the scope of the DCO Site Investigation. The EA are pleased to note the ground investigation is included in the Environmental Commitments Register [APP-183] and Framework CEMP [APP-189] . In these documents, it states the scope will be discussed with the EA prior to commencement.	The Applicant notes this comment and agrees that soil re-use following CL:AIRE DoW:CoP can only be applied where chemical analysis of soils within the DCO Site Investigation has been carried out. As noted within this response, the Framework CEMP [REP2-013] secures this requirement at measure MW-C1.	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		Any Materials Management Plan secured by MW-C1 in the Framework CEMP [APP-189] must be produced and used in line with relevant guidance. It should be noted that any soil coming in under a CL:AIRE would have to be tested and be the same or better in quality than the material on site.		
Baseline				
4.7.4	Baseline	The Environment Agency agree that the detailed baseline conditions are representative of the site conditions.	The baseline conditions which are detailed in Section 14.4 Ground Conditions of Chapter 14: Other Environmental Topics of the ES [APP-039] are representative of the baseline site conditions.	Agreed
Assessment Results				
4.7.5	Assessment Results	The Environment Agency agree with the presented assessment results, including likely significant effects anticipated.	The assessment results set out within Section 14.4 Ground Conditions of Chapter 14: Other Environmental Topics of the ES [APP-039] , including likely significant effects anticipated, are acceptable.	Agreed
Mitigation / Management Plans				
4.7.6	Encounters with Contaminated Land (RR ID: EA11)	<p>The list of mitigation measures in the framework environmental management plans does not explicitly mention stopping works in the affected area where potentially contaminated land is encountered during works.</p> <p>Works may not stop in the event that potential contamination is found, which presents a risk to controlled waters from land contamination.</p> <p>The EA suggest updating the list in any future revision(s) of the Framework CEMP [APP-189], Framework OEMP [APP-190] and Framework DEMP [APP-198], so that all information is together.</p> <p>The EA previously requested this be included in relation to the statutory pre-application consultation. It has been added to the Framework CEMP [APP-189] below the main list of measures but not been added to the Framework OEMP [APP-190] or Framework DEMP [APP-198]. The FCEMP is not clear as information is duplicated, and the update the EA requested is separate from other relevant information. The update the EA previously requested is missing from the Framework OEMP [APP-190] and Framework DEMP [APP-191]. In particular, in the Framework CEMP [APP-189], a separate paragraph is given below the list, but it is confusing as the matter is also included in the list with different information (sub-paragraph e. and g.). No such addition has been made to the Framework OEMP [APP-190] (sub-paragraph f. and h.) or Framework DEMP [APP-191] (sub-paragraphs i. to l.).</p>	<p>The Applicant notes this comment – measure GC-C1 of Table 10 of the Framework CEMP [REP2-013] has been updated and submitted to the Examination. Measure GC-C1 now reads:</p> <p><i>“(e) Should any potentially contaminated ground, including isolated ‘hotspots’ of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, works will be stopped in the affected area and the contractor would be required to investigate the areas and assess the need for containment or disposal of the material. Liaison with the Local Planning Authority and the Environment Agency would be undertaken if necessary. The contractor would also be required to assess whether any additional health and safety measures are required;”</i></p> <p>and:</p> <p><i>“(g) In the event that contamination is identified (including groundwater), works will be stopped in the affected area and appropriate remediation measures would be agreed with the appropriate authorities and undertaken to protect construction workers, future site users, water resources, structures, and services;”</i></p> <p>Furthermore, to avoid duplication, the paragraph below the list which references works stopping within measure GC-C1 of Table 10 of the Framework CEMP [REP2-013] has been removed, given that this is now stated in items (e) and (g), as above.</p> <p>Measure GC-O1 of Table 12 of the Framework OEMP [REP2-015] has also been updated for clarity submitted to the Examination. Measure GC-O1 now reads:</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p><i>“(f) Should any potentially contaminated ground, including isolated ‘hotspots’ of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, works will be stopped in the affected area and the maintenance and replacement works contractors would be required to investigate the areas and assess the need for containment or disposal of the material. They would also be required to assess whether any additional health and safety measures, such as the use of suitable respiratory protective equipment, is required;”</i></p> <p>and:</p> <p><i>“(h) In the event that contamination is identified (including groundwater), works will be stopped in the affected area and appropriate remediation measures would be agreed with the appropriate authorities and undertaken to protect construction workers, future site users, water resources, structures, and services;”</i></p> <p>Measure GC-D1 of Table 10 of the Framework DEMP [REP2-017] has also been updated for clarity and submitted to the Examination. Measure GC-D1 now reads:</p> <p><i>“(j) Should any potentially contaminated ground, including isolated ‘hotspots’ of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, works will be stopped in the affected area and the Principal Contractor will be required to investigate the areas and assess the need for containment or disposal of the material. Advice should be sought from an environmental specialist should materials suspected of being contaminated be found. The Principal Contractor will also be required to assess whether any additional health and safety measures are required;”</i></p> <p>and:</p> <p><i>“(l) In the event that contamination is identified (including groundwater), works will be stopped in the affected area and appropriate remediation measures will be taken to protect decommissioning workers, future site users, water resources, structures, and services;”</i></p>	
4.7.7	<p>HDD - Drilling Fluid Breakout (Groundwater)</p> <p>(RR ID: EA13)</p>	<p>Insufficient consideration of the effects on groundwater in case of the accidental release or spillage of drilling fluids during Horizontal Directional Drilling (HDD). The proposed mitigation measures presented lack detail. There is no mention of preparing a drilling fluid breakout plan.</p> <p>There is potential unacceptable risk to groundwater in case of accidental release or spillage of drilling fluids.</p>	<p>The Applicant has committed to developing a Hydraulic Fracture Risk Assessment within the Framework CEMP [REP2-013] (ref. WAT-C6). As described in Chapter 9: Water Environment of the ES [REP1-021] paragraph 9.6.22-9.6.23, this will include appropriate management of drilling muds which otherwise have the potential to ‘break out’ and thereby impact water bodies, including groundwater. The Hydraulic Fracture Risk Assessment will be a site-specific risk assessment, developed prior to</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		<p>The Applicant should produce a detailed drilling fluid breakout plan and ensure groundwater is included. This could be a standalone document, within the Framework Construction Environment Management Plan or another appropriate document.</p> <p>The EA has previously raised the risk of drilling fluids being released into groundwater. In Table 9-1 of 6.1 ES Chapter 9: Water Environment of the ES [APP-034], the Applicant states the effects of the release of drilling fluids have been assessed within this chapter, but there is still no mention of groundwater in the relevant sections. Discussion of drilling fluid and hydraulic fracture in the body of Chapter 9 is paragraphs 9.6.22 to 9.6.26, and 9.7.11, but leakage to groundwater is not mentioned (only watercourses). The same information is given in Table 4 (ID: WAT-C6) of the Framework CEMP [APP-189]. The EA raised this in our PEIR consultation response (issue E9). The EA are highlighting this again to request that groundwater is not overlooked in any future hydraulic fracture risk assessments and drilling fluid breakout plans. Any ingress of groundwater to the send and receive pits (paragraph 9.6.29) must also be appropriately managed in line with guidance and legislation (as discussed in paragraphs 9.6.80 to 9.6.82).</p>	<p>construction following further investigation of specific ground conditions at the crossing locations. It is acknowledged that Chapter 9: Water Environment of the ES [REP1-021] and the Framework CEMP [REP2-013] do not explicitly state that this risk assessment would cover groundwater as well as surface water. However, as the risk assessment is inherently related to ground conditions, groundwater will be accounted for. It should be noted that the potential impact upon groundwater as a result of accidental release or spillage of drilling fluids during HDD has been considered as relevant within the assessment presented in Chapter 9: Water Environment of the ES [REP1-021].</p> <p>To better reflect the fact that potential effects on groundwater will be a key consideration of the Hydraulic Fracture Risk Assessment, Chapter 9: Water Environment of the ES [REP1-021] and the Framework CEMP [REP2-013] have been updated and submitted to the Examination to clarify this. Chapter 9: Water Environment of the ES [REP1-021] now states the following in paragraph 9.6.22-23: <i>“There are risks associated with the use of drilling muds and plant close to channel surface water and groundwater bodies. For example, although rare, without due care there is a risk that drilling muds can ‘break out’ into watercourses water bodies leading to pollution (known as ‘hydraulic fracture’ or ‘frac-out’). A site-specific Hydraulic Fracture Risk Assessment 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.</i></p> <p><i>There is also a need to manage drilling muds and wastewater so that this will not be spilt into the channel when working close to the banks of a groundwater body or watercourses. The requirement for a Hydraulic Fracture Risk Assessment is included in the Framework CEMP [APP-189] and will be secured through a requirement of the DCO.”</i></p> <p>The provision of a detailed CEMP, which is to be substantially in accordance with the framework, is secured via Requirement 12 (Construction environmental management plan) of the draft DCO [REP2-005] for the discharge of which the EA is a named consultee.</p> <p>Similarly, WAT-C6 of the Framework CEMP [REP”-013] has been updated and submitted to the Examination to state: <i>“d. A site-specific hydraulic fracture risk assessment including details of drilling fluid management 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. There is also a need to manage drilling muds and wastewater so that this would not be spilt into the channel when working close to the banks of a watercourse pollute groundwater or surface water bodies.”</i></p>	

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			With regard to groundwater ingress to send and receive pits, the relevant representation notes that Chapter 9: Water Environment of the ES [REP1-021] discusses management of groundwater ingress to send and receive pits in paragraph 9.6.29. This indicates that a shoring system appropriate to the ground conditions will be used as appropriate to minimise water ingress into the pits. The ingress of any groundwater will be carefully managed through design of the send or receive pit, shoring method, and a pumping and treatment system. Likely permit and consent requirements are listed in paragraphs 9.6.80 to 9.6.82.	
4.7.8	HDD - Drilling Fluid Breakout (Surface Water) (RR ID: EA14)	<p>Paragraphs 9.6.22 and 9.6.25 of Chapter 9: Water Environment of the ES [APP-034], and Table 4 in the Framework CEMP [APP-189] state that a Hydraulic Fracture Risk Assessment will be completed to manage the Trenchless Crossings of the River Witham and River Brant by HDD, however it is unclear if this assessment will include details of drilling fluid breakout management.</p> <p>Impact - Frac-outs during are not uncommon during HDD and can result in fine sediments being released which can reduce the water quality if it enters surface water runoff or directly enter watercourses.</p> <p>The Applicant must produce a drilling fluid management plan, as part of the Framework CEMP [APP-189], and must take all the steps that are reasonably practicable to minimise pollution during HDD.</p> <p>Please be advised that the EA are aware certain bentonite pellets, used in HDD, are coated in PFAS (per-and poly fluoroalkyl substances). The Applicant should check with their contractor that their bentonite is PFAS-free.</p>	<p>The Hydraulic Fracture Risk Assessment will include details on drilling fluid management. The purpose of the Hydraulic Fracture Risk Assessment is to assess the ground conditions and develop an appropriate methodology for the HDD to minimise pollution risk (via frac-out) to groundwater or surface water bodies. The Hydraulic Fracture Risk Assessment is secured via the Framework CEMP [REP2-013], a detailed version of which will be developed, substantially in accordance with the framework, as secured under Requirement 12 (Construction environmental management plan) of the draft DCO [REP2-005].</p> <p>Measure WAT-C6 of Table 4 of the Framework CEMP [REP2-013] has been updated for clarity and submitted to the Examining Authority at the next available examination deadline. Measure WAT-C6 now includes the following wording: <i>“d. A site-specific hydraulic fracture risk assessment including details of drilling fluid management 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. There is also a need to manage drilling muds and wastewater so that this would not be spilled into the channel when working close to the banks of a watercourse pollute groundwater or surface water bodies”.</i></p> <p>A contractor has not been appointed at this stage, but once appointed it will be confirmed that any bentonite pellets to be used in HDD activities will be PFAS-free. To ensure this measure is in place, measure WAT-C6 of Table 4 of the Framework CEMP [REP2-013] has been updated for clarity and was submitted at Deadline 2. Measure WAT-C6 now includes: <i>“(n) any bentonite pellets to be used in HDD activities will be PFAS (per-and poly fluoroalkyl substances) free”</i></p>	Agreed
4.7.9	Waste Classification and Soil Reuse (RR ID: EA24)	<p>Waste classification and soil reuse is not adequately understood.</p> <p>Waste soil exported off site without proper classification or possible sham disposal of soil on site (kept for reuse, but then not reused and left in piles around the site). The Applicant should provide further details regarding waste classification and soil reuse.</p>	As outlined in Chapter 14: Other Environmental Topics of the ES [APP-039] , a Site Waste Management Plan (SWMP) (to be included as part of the detailed CEMP, as secured by the Framework CEMP [REP2-013] will be prepared by the Principal Contractor as part of the detailed CEMP to be produced. This will provide information on waste classification, however the Applicant acknowledges that this isn't explicitly specified. As such, measure	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		<p>Waste soil must be classified, including chemical testing and interpretation of those results. Failure to do this will mean that the soil must be coded EWC170503* which is a hazardous waste code with obvious cost implications. Any soil kept on site for re-use under the Definition of Waste: Code of Practice (DoW:CoP) would not necessarily require further testing unless previous ground investigation results indicate issues. However, soil kept under the DoW: CoP must have a 'certainty of use' to be covered by it. If not used during the construction any remaining piles would need to be classified and disposed of.</p>	<p>MW-C1 of the Framework CEMP [REP2-013] has been updated, and submitted to the Examination, to clarify this point. Measure MW-C1 now includes the following wording with regards to the requirements of the SWMP: <i>"v. provide information on waste classification."</i></p> <p>As outlined in Chapter 14: Other Environmental Topics of the ES [APP-039], the Principal Contractor will determine whether excavated material use will be undertaken via a waste framework directive exclusion, exemption, CL:AIRE DoW CoP Materials Management Plan or Environmental Permit. The Framework CEMP [REP2-013] has been updated, and submitted to the Examination, to clarify this point. Measure MW-C1 now includes the following wording in this regard: <i>"The Principal Contractor will determine whether excavated material use will be undertaken via a waste framework directive exclusion, exemption, CL:AIRE DoW CoP Materials Management Plan or Environmental Permit."</i></p>	

4.8 Materials and Waste

Table 4-8: Materials and Waste

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.8.1	Storage of Waste Batteries (RR ID: EA22)	<p>Additional detail and clarity required on mitigating potential impacts on controlled waters associated with the battery energy storage systems (BESS), particularly firewater containment and disposal.</p> <p>There is potential for contaminant leakage from stored waste batteries prior to disposal. Also, defective batteries carry a higher risk of fire based on those stored at waste sites in the county. There is therefore a risk of pollution to land and controlled waters.</p> <p>The Applicant should ensure that waste and/or damaged BESS batteries are stored and managed such that they do not pose a contamination risk. For example, this could be due to chemical leakage, or fire water runoff in the event of extinguishing a waste battery fire.</p> <p>Waste batteries need to be stored in a bunded area, ideally with fire detection. The Framework Battery Safety Management Plan [APP-198] does not discuss storage conditions for defective or damaged batteries which have been removed from service. However, in the Framework OEMP [APP-190], Table 13, ID MW-O1, the applicant states that they do not propose to store waste batteries on site, but batteries will be removed “straight away”. Should this not be possible for any reason, suitable protection measures must be in place. Any temporary holding area for batteries awaiting loading for removal should be suitable to avoid presenting a contamination risk. The applicant should also note that stored damaged batteries are susceptible to spontaneous combustion. In paragraph 2.5.11 of the Framework Battery Safety Management Plan [APP-198] it states: “A fire watch will be present until all potentially damaged BES equipment batteries are removed from the area following a fire event.” The EA strongly recommend this applies to all waste batteries, stored for any reason, if applicable.</p> <p>Removal of waste batteries “straight away” is unlikely to occur as there are no battery storage or treatment sites near the location. Weekly or monthly collections by the waste company is more likely. Therefore, temporary storage will need to be considered.</p>	<p>As noted in Paragraph 3.2.18(b) the Framework Battery Safety Management Plan [REP1-041]: “The supplying manufacturer will have obligations under the Waste Batteries and Accumulators Regulations 2009 (as amended) (or such equivalent regulations in force at the time of decommissioning) and will be contractually obliged to offer a recycling service.”</p> <p>The potential for contaminant leakage from stored waste batteries prior to disposal is acknowledged. The appropriate bunding and further design of the temporary storage area for batteries will be developed at the detailed design stage to ensure that stored waste batteries do not pose a contamination risk to the environment. These Environment Agency requirements will be included within an updated Framework Battery Safety Management Plan [APP-198] which will be submitted to the Examination at the next available examination deadline. Paragraph 3.2.16 now includes the following wording: “<i>In the event of a defective battery module or cell being identified, the defective module shall be immediately placed out of service and electrically disconnected from the system. A specific risk assessment shall be conducted prior to the removal of the defective module to ensure the safety of employees and contractors. Specific protocols for storage and removal will fully align with the supplier’s maintenance, decommissioning, and warranty stipulations. Once a defective module is safely removed in accordance with the specific risk assessment, it shall be stored in an approved protective container suitable for the safe storage of BESS battery components prior to being transported offsite for inspection by an authorised manufacturer’s representative</i>”.</p> <p>Measure MW-D1 of the Framework OEMP [REP2-015] has also been updated and will be submitted to the Examination at the next available examination deadline to clarify this. Measure MW-O1 now reads: “It is not proposed to store waste batteries on site. They will be removed from the containers and taken away straight away, following waste duty of care. If removal of waste batteries straight away is not possible, waste and/or damaged batteries will be stored in a bunded area with fire detection prior to removal. In the event of a defective battery module or cell being identified, the defective module shall be immediately placed out of service and electrically disconnected from the system. A specific risk assessment shall be conducted prior to the removal of the defective module to ensure the safety of employees and contractors. Specific protocols for storage and removal will fully align with the supplier’s maintenance, decommissioning, and warranty stipulations. Once a defective module is safely removed in accordance with the specific risk assessment, it would be removed from Site the same day by the maintenance company, which</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
			<p>would be a licensed waste carrier. In the event it cannot be transported offsite the same day it shall be stored in an approved protective container suitable for the safe storage of BESS battery components prior to being transported offsite for inspection by an authorised manufacturer's representative."</p> <p>Measure MW-O1 of the Framework DEMP [REP2-017] has also been updated and will be submitted to the Examination at the next available examination deadline to clarify this. Measure MW-D1 now reads: "It is not proposed to store waste batteries on site. They will be removed from the containers and taken away straight away, following waste duty of care. removal In the event of a defective battery module or cell being identified, the defective module shall be immediately placed out of service and electrically disconnected from the system. A specific risk assessment shall be conducted prior to the removal of the defective module to ensure the safety of employees and contractors. Specific protocols for storage and removal will fully align with the supplier's maintenance, decommissioning, and warranty stipulations. Once a defective module is safely removed in accordance with the specific risk assessment, it would be removed from Site the same day by the maintenance company, which would be a licensed waste carrier. In the event it cannot be transported offsite the same day it shall be stored in an approved protective container suitable for the safe storage of BESS battery components prior to being transported offsite for inspection by an authorised manufacturer's representative."</p>	
4.8.2	<p>BESS - Firewater Containment and Disposal</p> <p>(RR ID: EA18)</p>	<p>Further information is required in relation to firewater containment and disposal in the event of a fire at the BESS. Paragraphs 1.4.2 and 4.3.7 of the Framework Battery Safety Management Plan [APP-198], and paragraph 4.11.3 of Appendix 9-D Framework Surface Water Drainage Strategy of the ES [APP-147] makes it clear that firewater runoff will be contained. Where the options are testing before release, or removal by tanker and treated offsite, the EA note that our preference is tankering away. For the testing and release option, further information on testing details should be contained within the BSMP.</p> <p>The impact is that firewater and other chemicals from BESS pose an unacceptable risk to the water environment receptors and will deteriorate water quality unless it is contained and remove sufficiently.</p> <p>In the event of a fire at the BESS, it is the EA's preference for developers to opt for using tankers to remove any contaminated water offsite. However, if the treatment and discharge of firewater is being considered then the EA remind the Applicant that they would need to apply for an environmental permit. The EA request that methods and frequency of testing of contained surface runoff/ firewater be included in the final OEMP and BSMP.</p>	<p>Chapter 9: Water Environment of the ES [REP1-021] states that a tanker would be used to remove any contaminated water offsite in the event of a fire at the BESS, which aligns with the Environment Agency preference. This is stated in paragraph 9.4.63 of Chapter 9: Water Environment of the ES [REP1-021] as follows "Provision of fire water containment (impermeable water capture to prevent used firewater reaching ground/the surrounding environment) is required. It is currently proposed to contain the external fire water runoff within lined swales surrounding the BESS areas, where it can be held and tested before either being released into the surrounding watercourses or to ground (if found to have no contaminants present, or contaminants that are within acceptable legal limits) or taken off site by a tanker for treatment elsewhere. The swale will then be cleaned of all contaminants. This is secured through the Framework Surface Water Drainage Strategy (Appendix 9-D [REP1-025])".</p> <p>This is also covered in paragraph 4.11.3 of Appendix 9-D Framework Surface Water Drainage Strategy of the ES [REP1-025]: "It is proposed to contain the external fire water runoff within the swale surrounding the Solar Station Compounds, where it can be held and tested before either being released into the surrounding watercourses or to ground (if found to have no contaminants present, or contaminants that are within acceptable legal limits) or taken off site by a tanker for treatment elsewhere."</p>	Agreed

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
		<p>Testing is important to provide information around the quality of water that has been contained after a fire and will ascertain if it contains any contaminants and what level of risk to the water environment the contained firewater has. The EA expect that samples would be taken, when safe to do, which would be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory. The water samples should be checked against the list of surface water specific substances in the surface water pollution risk assessment guide. Further information is available on GOV.UK: Surface water pollution risk assessment for your environmental permit - GOV.UK. Given the timeframe to determine environmental permits the EA encourage applicants to engage with the EA on permit requirements at the earliest possible stage. Guidance in relation to discharging and permits is available at the following GOV.UK links:</p> <ul style="list-style-type: none"> • Discharges to surface water and groundwater: environmental permits - GOV.UK Get advice before you apply for an environmental permit - GOV.UK 	<p>With regards to the Environment Agency’s request for the inclusion of methodology/frequency of testing, the Framework Battery Safety Management Plan [REP1-041] has been updated to reflect the Environment Agency requirements, and submitted to the Examination. Paragraph 4.5.5 now reads: <i>“Pollution analysis will always be conducted before removing from site (if polluted) or releasing into drainage systems, if safe to do so. Further details of the contaminant testing will be outlined in the final BSMP including details of the analytical suite and sampling frequency. Any release to the environment would also be subject to the requirements of an Environmental Permit”</i>.</p> <p>The Framework Battery Safety Management Plan [REP1-041] is to be developed into a detailed Battery Safety Management Plan, substantially in accordance with the Framework Plan, secured under Requirement 7 (Battery safety management) of the draft DCO REP2-005). It is noted that the Environment Agency are a named consultee on this Requirement, and as such the Environment Agency will have the opportunity to review the detailed Battery Safety Management Plan prior to any approval.</p>	
4.8.3	PFAS in PV cells (RR ID: EA21)	<p>Confirmation required on PFAS in photovoltaic cells in relation to water quality risks.</p> <p>Paragraph 3.3.5 states that the photovoltaic (PV) cells will be “beneath a layer of toughened glass with an anti-reflective coating”. Some PV cells are known to contain PFAS (per-and poly fluoroalkyl substances) in the materials or in any coating applied to the panels.</p> <p>PFAS are ‘forever chemicals’ that will negatively affect water quality, and can have health consequences if they enter drinking water. The risk the environment can be increased if panels are regularly washed to keep them clean, for maximum efficiency of energy generation.</p> <p>The EA acknowledge that paragraph 3.5.14 states “no cleaning products would be used, only water” and that paragraph 9.4.61 states that “solar PV panels do not contain any liquid (hazardous or not) that could contaminate rainwater”, however the EA still seek confirmation regarding PFAS. Check with panel manufacturers on the materials used, and determine if regular panel washing will occur during operation and maintenance phase which could introduce a pathway between the panels and water receptors of any chemicals in the coating. The FOEMP should be update as appropriate.</p>	<p>The supplier and make of solar PV panels that will be used for the Proposed Development has not yet been chosen – this approach is common for developments of this kind, as solar PV technologies are constantly evolving, and new efficiencies are developed regularly. However, it can be confirmed that any PV cells to be used in will be PFAS-free. To ensure this measure is in place, the Proposed Development Parameters (Table 1-1) set out in the Proposed Development Parameters [REP1-029] has been updated to include the following design parameter: <i>“Solar modules will be PFAS (per-and poly fluoroalkyl substances) free”</i>.</p>	Agreed

4.9 Air Quality

Table 4-9: Air Quality

Reference	Description of Matter	Environment Agency Position	Applicant Position	Status
4.9.1	Control of emissions from Non-Road Mobile Machinery	<p>Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/or operation, at that site, the EA strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the LPA.</p> <p>This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NO_x), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM₁₀ and PM_{2.5}). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives. The EA also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.</p> <p>The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The EA can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.</p> <p>Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.</p>	<p>The Applicant recognises the importance of minimising emissions from Non-Road Mobile Machinery (NRMM) during site preparation, construction, and demolition phases, particularly for developments located within or adjacent to Air Quality Management Areas (AQMA) for oxides of nitrogen (NO_x) and particulate matter (PM₁₀ and PM_{2.5}). There are no AQMA designated within 2km of the Proposed Development.</p> <p>The Framework CEMP [REP2-013] does not currently specify that machinery must meet or exceed the latest emissions standards. However, it does include a requirement to develop and implement a Dust Management Plan (DMP) as part of the detailed CEMP. This plan may incorporate measures to control other emissions and will be subject to approval by the Local Authority, in consultation with the EA. The level of detail will be proportionate to the assessed risk and will, as a minimum, include the highly recommended measures for an Institute of Air Quality Management (IAQM) "High Risk Site," in accordance with IAQM Guidance on the assessment of dust from demolition and construction.</p> <p>The Applicant considers that these measures will ensure NRMM emissions are effectively controlled so that they will not result in significant adverse impacts on local air quality.</p>	Agreed

References

- Ref 1 Department for Energy Security & Net Zero (2025). Overarching National Policy Statement for Energy (EN-1). Available at: [Overarching National Policy Statement for Energy \(EN-1\) – December 2025](#)
- Ref 2 British Standards Institute (2013) BS10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites: Code of Practice.
- Ref 3 British Standards Institute (2020) BS 5930:2015+A1:2020 Code of Practice for Ground Investigations.
- Ref 4 Environment Agency (2020) Land contamination risk management (LCRM). Available at: [Land contamination risk management \(LCRM\) - GOV.UK](#)



Appendix A Confirmation of Statement of Common Ground

From: [REDACTED]
Sent: 24 March 2026, 17:56
To: [REDACTED]
Cc: [REDACTED]
Subject: FGE SOCG Environment Agency Final Statement of Common Ground (Issue 3, 20/03/2026, V2) for Deadline 3A submission
Attachments: FGE SOCG Environment Agency 20032026_FOR ISSUE V2.docx; FGE SOCG Environment Agency 20032026_FOR SIGNING V2.docx
Importance: High

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[Report Suspicious](#)

H [REDACTED]

We note that the revised application documents as submitted at Deadline 3 (20 March 2026) have been published on the project page on the PINS website. We confirm we are satisfied that all issues/matters listed in the SOCG are 'Agreed', that the SOCG satisfactorily reflects our position, and can be submitted into the examination.

We were awaiting the following documents - I've included the links below as the examination library as not yet been updated with the reference numbers:

[6.1 ES Chapter 9: Water Environment \(Tracked\) \(Revision 3\) \(PDF, 2MB\)](#)

[6.1 ES Chapter 9: Water Environment \(Clean\) \(Revision 3\) \(PDF, 2MB\)](#)

[6.3 ES Appendix 9-C: Flood Risk Assessment \(Tracked\) \(Revision 3\) \(PDF, 15MB\)](#)

[6.3 ES Appendix 9-C: Flood Risk Assessment \(Clean\) \(Revision 3\) \(PDF, 15MB\)](#)

[6.3 Appendix 9-D: Framework Surface Water Drainage Strategy \(Clean\) \(Revision 3\) \(PDF, 9MB\)](#)

[6.3 Appendix 9-D: Framework Surface Water Drainage Strategy \(Tracked\) \(Revision 3\) \(PDF, 9MB\)](#)

[7.7 Framework Construction Environmental Management Plan \(Tracked\) \(Revision 4\) \(PDF, 2MB\)](#)

[7.7 Framework Construction Environmental Management Plan \(Clean\) \(Revision 4\) \(PDF, 1MB\)](#)

[7.8 Framework Operational Environmental Management Plan \(Clean\) \(Revision 4\) \(PDF, 1MB\)](#)

[7.8 Framework Operational Environmental Management Plan \(Tracked\) \(Revision 4\) \(PDF, 1MB\)](#)

[7.9 Framework Decommissioning Environmental Management Plan \(Tracked\) \(Revision 4\) \(PDF, 1MB\)](#)

[7.9 Framework Decommissioning Environmental Management Plan \(Clean\) \(Revision 4\) \(PDF, 1MB\)](#)

[7.17 Framework Battery Safety Management Plan \(Tracked\) \(Revision 3\) \(PDF, 1MB\)](#)

[7.17 Framework Battery Safety Management Plan \(Clean\) \(Revision 3\) \(PDF, 1MB\)](#)

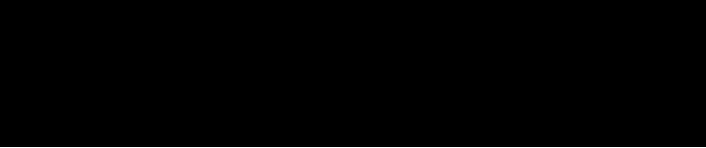
I trust this is acceptable.

Kind regards,



Planning Specialist, National Infrastructure Team
Growth, Permitting & Monitoring

Environment Agency | Lutra House, Dodd Way Off Seedlee Road, Walton Summit Centre, Bamber Bridge,
Preston, PR5 8BX



Please accept my thanks for your email in advance, I have made a commitment to stop sending e-mails that just say thank you. This will help me to reduce my carbon footprint <https://carbonliteracy.com/the-carbon-cost-of-an-email/>



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