



Fosse Green Energy

EN010154

9.40 Applicant's Response to the
Examining Authority's Rule 17 Letter [**PD-033**]

VOLUME

9

Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure)

Rules 2010

30 June 2026

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy Development Consent Order 202[]

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1. Introduction

1.1 Purpose of this document

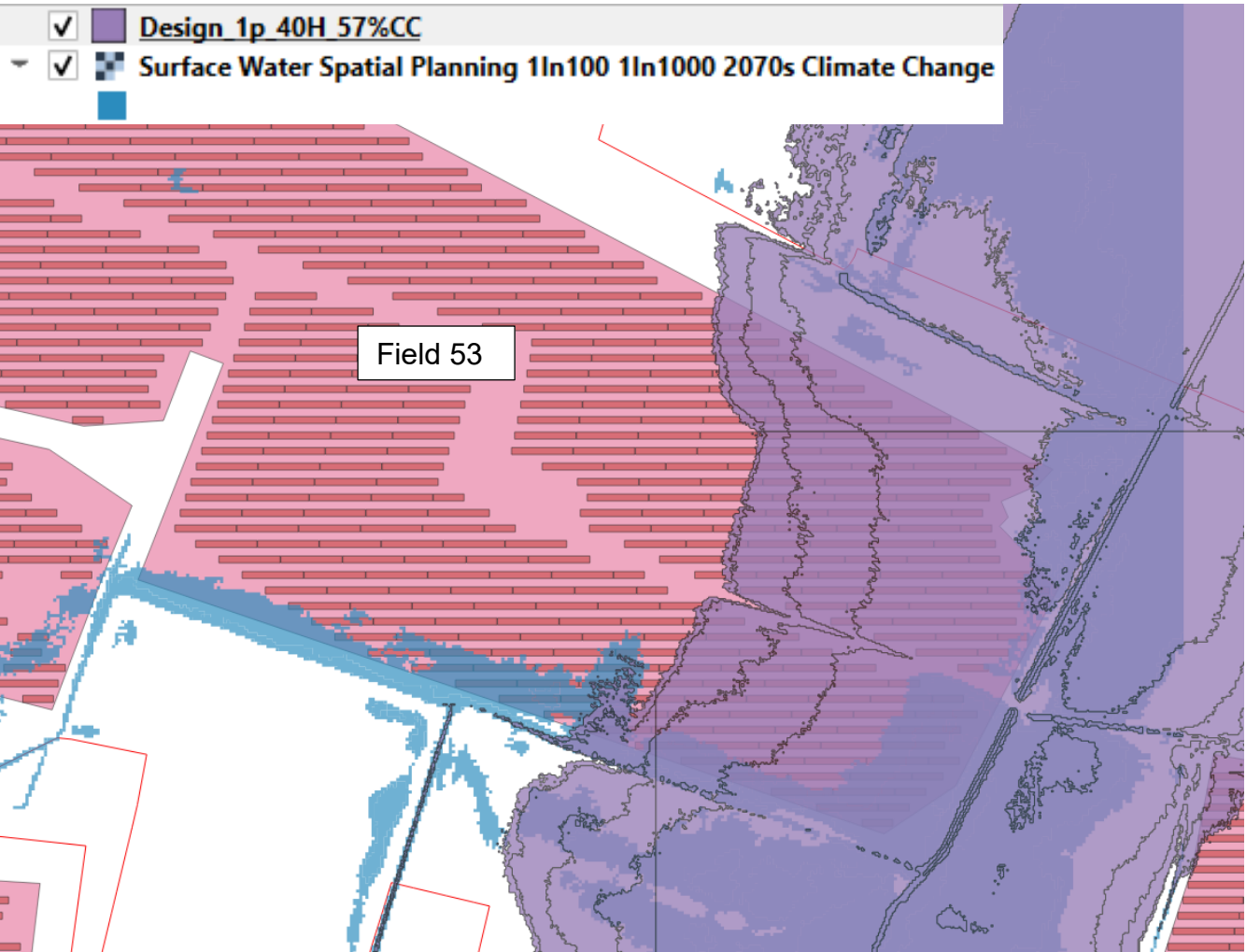
- 1.1.1 The purpose of this document is to provide Fosse Green Energy's ('the Applicant') response to the Examining Authority's Rule 17 Request **[PD-033]** dated 17 June 2026.
- 1.1.2 Table 2-1 below sets out the Applicant's response.

2. Applicant's Response to the Examining Authority's Rule 17 Letter [PD-033]

Table 2-1: Applicant's Response to the Examining Authority's Rule 17 Letter [PD-033]

Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
	Request for further information from the applicant - The Environment Agency's new flood map for planning surface water datasets The ExA is aware that the "Flood Map for Planning – Surface Water Spatial Planning" datasets have recently been updated by the Environment Agency. Accordingly, the applicant should: a) Advise on what implications, if any, the new datasets have for the conclusions reached in the submitted Flood Risk Assessment [REP3-012] and the details included in the Framework Surface Water Drainage Strategy [REP3-014]. b) If considered necessary, submit a revised Flood Risk Assessment and Framework Surface Water Drainage Strategy and make any associated revisions to the Environmental Statement (ES) and submit amended versions of any affected parts of the ES.	a) In May 2026, the Environment Agency published the updated flood map for surface water, which now applies the climate change allowance for the 2070s Epoch (2061-2125, Upper End allowance), replacing the previous mapping (as used in the Fosse Green Energy DCO Application) that was based on the 2050s Epoch (2022-2060, Central allowance). The Upper End allowance represents a more conservative climate change scenario than was previously applied, incorporating a longer time period and a higher percentile increase in rainfall intensity. The updated mapping has, therefore, been reviewed against the conclusions of the Flood Risk Assessment [REP3-012] and Framework Surface Water Drainage Strategy [REP7-014] to determine whether this change in dataset has the potential to result in any material change to the flood risk and surface water drainage conclusions established for the Proposed Development. A comparison of the previous and updated climate change extent mapping is presented in Figure 1, with the 2070s climate change allowance (turquoise shading) indicating the increase in the Low risk 1 in 1000 year extent (note, the 2070s 1 in 100 year extent is covered by the overlaid 2050s mapping extents). The latest flood risk mapping (turquoise colouring) does not split the Key into High, Medium or Low banding; the 1 in 100 and 1 in 1000 year extents are in the same band colour, as the layer title indicates.

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Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
		utilised for the DCO Application and the updated mapping. Where surface water and fluvial flood risk coincide, the embedded fluvial flood risk mitigation embedded into the Proposed Development design specifically, a minimum panel clearance of 800mm above ground level, as secured by the Framework Operational Environmental Management Plan (OEMP) [REP7-017] (ref. WAT-O1) exceeds the flood depths associated with the updated surface water mapping. This is represented in Figure 2 with the comparison of fluvial modelling extents for the Credible Maximum Scenario (CMS) and the new surface water mapping.  Figure 2: Comparison – Design CMS (1% AEP+57% Climate Change) v 2070s Climate Change Extent This indicates that the existing design freeboard (i.e. the minimum panel clearance of 800mm above ground level, as secured by the Framework OEMP [REP7-017] (ref. WAT-O1)), which was established to address fluvial flood risk, also provides adequate protection against the marginally increased surface water flood risk identified in the updated dataset, in the worst-case extents.

Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
		On this basis, the marginal increase in surface water flood extent identified in the updated mapping does not require any additional mitigation measures beyond those already embedded within the Proposed Development's design. The minor change in extent is not considered material when considered against the overall scale and layout of the Proposed Development and does not change the overall flood risk conclusion that surface water flood risk remains as existing, as established in the Flood Risk Assessment [REP3-012]. In light of the above, the findings and conclusions presented in the Flood Risk Assessment [REP3-012] remain valid. The embedded mitigation measures proposed within the assessment, including the minimum 800mm PV panel clearance across the Principal Site, i.e. not only within the previous flood mapping extent (as secured in the Framework OEMP [REP7-017] (ref. WAT-O1)), continue to provide an appropriate and sufficient level of protection against surface water flood risk under the updated mapping. No amendments to the Flood Risk Assessment [REP3-012], or to the mitigation measures it sets out, are required as a result of the publication of the updated Environment Agency surface water flood mapping. Similarly, the review does not identify any need for changes to the Framework Surface Water Drainage Strategy [REP7-014], which remains appropriate to manage surface water on the Proposed Development in light of the updated mapping. It is also noted that the updated mapping does not affect the agreement reached with the Environment Agency with regards to flood risk and drainage, whereby the Applicant's and Environment Agency's positions set out in the Statement of Commonality [REP7-034] (which note all items as 'Agreed') remain valid. b) As discussed in item (a) above, the Applicant does not propose to amend the Flood Risk Assessment [REP3-012], nor the Framework Surface Water Drainage Strategy [REP7-014] as the conclusions drawn are not materially impacted by the new surface water flood risk datasets. It is similarly noted that the updated mapping does not result in any new, or changes to, effects established within the Environmental Statement (ES), and as such the Applicant does not propose to update any ES deliverables.