



# Statement of Common Ground with the Environment Agency (draft)

Revision ~~3~~4 (tracked)

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Peartree Hill Solar Farm (the 'Proposed Development').
- 1.1.2 The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.
- 1.1.3 The SoCG is a 'live' document that has been prepared collaboratively by the Applicant and the Consultee (the Environment Agency).
- 1.1.4 The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities<sup>1</sup>.
- 1.1.5 This Guidance comments that:

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

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

- 1.1.6 The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and the Environment Agency on matters relating to the Proposed Development. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.
- 1.1.7 The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and the Environment Agency.

## **1.2 Parties to this Statement of Common Ground**

- 1.2.1 This SoCG has been prepared by (1) the Applicant and (2) the Environment Agency.
- 1.2.2 The Environment Agency are responsible for protecting and improving the environment in England. They are the regulator of major industry, waste management, water environment, land, and biodiversity, all of which the Proposed Development has the potential to affect.
- 1.2.3 Collectively, the Applicant and the Environment Agency are referred to as ‘the parties’.

## **1.3 Terminology**

- 1.3.1 Section 3 of this document sets out the relevant matters raised though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- “Agreed” indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
  - “Under discussion” indicates where a matter remains in active dialogue between the parties and a final position has not yet been reached;
  - “Not Agreed” indicates where the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

## 2 Record of Engagement

### 2.1 Summary of consultation and engagement

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

**Table 1: Record of Engagement since July 2022**

Date	Purpose of engagement	Description
<b>July – October 2022</b>	Initial consultation with the Environment Agency's area team (for Yorkshire).	Online meeting and follow-up correspondence to discuss available flood modelling and to understand what would be required for an application.
<b>26 March 2024</b>	To agree the scope of consultation with the Environment Agency's national team (N.B. all subsequent engagement was with the national team).	Online meeting to confirm the topics on which the Applicant would consult the Environment Agency.
<b>27 March 2024</b>	To agree the scope of the hydraulic modelling.	Online meeting to discuss the scope and approach to the hydraulic modelling.
<b>June – July 2024</b>	To consult on a draft version of the Hydraulic Modelling Report.	Email correspondence regarding a draft version of the Hydraulic Modelling Report (later developed into Appendix C to the submitted <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [APP-102]</b> ).
<b>July 2024</b>	To discuss the Environment Agency's response to the Preliminary Environmental Information Report (PEIR) and the draft Hydraulic Modelling Report.	Online meeting and follow-up correspondence to discuss the Environment Agency's comments on the PEIR and the draft version of the Hydraulic Modelling Report.

Date	Purpose of engagement	Description
<b>22 July 2024</b>	To consult on a draft version of the WFD Screening and Scoping Report.	Online meeting to discuss the Environment Agency's comments on the document later developed into the submitted <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [APP-102]</b> .
<b>August 2024</b>	To seek approval of the Hydraulic Modelling Report Addendum.	Email correspondence regarding the Hydraulic Modelling Addendum (that had been requested following the meeting on 1 July 2024).
<b>October – November 2024</b>	To consult on the draft Development Consent Order and Explanatory Memorandum.	Email correspondence to discuss working versions of the documents that were developed into the submitted <b>Draft Development Consent Order [APP-019]</b> and the submitted <b>Explanatory Memorandum [APP-020]</b> .
<b>November 2024</b>	To consult on the disapplication of licencing.	Email correspondence to discuss the proposed disapplication of relevant licencing.
<b>November 2024 – January 2025</b>	To provide an update on the project, to outline how the Environment Agency's statutory consultation comments had been addressed in the relevant DCO Application documentation and to reach agreement on any outstanding issues prior to submission.	Email correspondence to consult on the following documents: <ul style="list-style-type: none"> <li>• A draft version of the Habitats Regulations Assessment – Information to Inform Appropriate Assessment (later developed into the submitted <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [APP-145]</b>);</li> <li>• An updated draft version of the WFD Screening and Scoping Report (later developed into the submitted <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [APP-101]</b>)</li> <li>• A draft version of the Flood Risk Assessment (FRA) (later developed into the submitted <b>ES Volume 4,</b></li> </ul>

Date	Purpose of engagement	Description
		<b>Appendix 5.6: Flood Risk Assessment [APP-102]).</b>
<b>January 2025</b>	To reach agreement that a full WFD Assessment was not required and that Water could be scoped out as an ES chapter.	Online meeting and follow-up correspondence to discuss the Environment Agency's comments on the draft WFD Screening and Scoping Report and the draft FRA.
<b>26 February 2025</b>	To make the Applicant aware of updated flood and coastal erosion risk data.	Email from the Environment Agency stating that new flood and coastal erosion risk data had been released on 28 January 2025 with further data to be published on 25 March 2025, and requesting that the Applicant assess the implications of this.
<b>April 2025</b>	To consult on protective provisions.	Email correspondence relating to the Applicant's proposed amendments to the Environment Agency's updated protective provisions (dated January 2025).
<b>24 April 2025</b>	Monthly progress meetings throughout the Pre-examination and Examination period.	Online meetings to discuss the Environment Agency's key outstanding concerns and how the Applicant proposes to address them
<b>23 May 2025</b>		
<b>26 June 2025</b>		
<b>24 July 2025</b>		
<b>2 October 2025</b>		
<b>5 June 2025</b>	To discuss potential impacts of electro-magnetic fields (EMF) on fish.	Online meeting to clarify the information required in relation to assessment of EMF impacts and fish.
<b><u>30 October 2025</u></b>	<u>To discuss outstanding matters in this SoCG.</u>	<u>Online meeting to discuss items EA10 and EA23 in this SoCG to determine the steps required to reach resolution on these matters.</u>
<b><u>6 November 2025</u></b>	<u>To discuss outstanding matters in this SoCG.</u>	<u>Online meeting to discuss item EA18 in this SoCG.</u>

## 3 Current Position

- 3.1.1 The table below provides a summary of the current position of the Applicant and the Environment Agency in relation to specific matters that have been under discussion to date.
- 3.1.2 Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.
- 3.1.3 As noted above, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and where agreement has been reached between the parties.



**Table 2: Current position of the Applicant and the Environment Agency in relation to specific matters that have been under discussion to date**

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
<b>Ecology</b>				
EA01	Biodiversity Net Gain (BNG) Strategy <i>Biodiversity</i>	In their relevant representation <b>[RR-005]</b> (Appendix C), the Environment Agency indicates that it is satisfied with the Applicant's BNG Strategy.	The Applicant welcomes this response. See <b>ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [APP-114]</b> for details.	Agreed
EA02	Figiam Pastures Local Wildlife Site (LWS) – HDD <i>Biodiversity</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA08), the Environment Agency confirmed it is satisfied with the Applicant's response to its request that construction should avoid the large sedge bed on Figiam Pastures Local Wildlife Site (LWS), close to the River Hull and south of Beverley Beck. The Environment Agency acknowledges that some flexibility is needed but encourages the Applicant to extend the proposed HDD under the River Hull across the LWS if possible to avoid directly damaging habitats on the site at all.	The Applicant welcomes this response. The final cable design and HDD pit location have not yet been determined as survey work at the detailed design stage will determine the most appropriate locations. A number of technical constraints exist which require further investigation until viability can be determined, and a detailed cable route design will be produced post-consent. However, the Applicant intends to HDD under the River Hull and continue the HDD until after Beverley and Barmston drain, thereby HDD-ing under the large sedge bed that lies between the two watercourses.	Agreed
EA03	Electro-magnetic fields (EMF) and fish	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA18), the Environment Agency confirmed it is satisfied that the Applicant has	The Applicant welcomes this response. Section 7.5 of the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4]</b>	Agreed

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
	<i>Biodiversity</i>	sufficiently addressed its concerns regarding the potential for impacts on fish from electromagnetic fields.	provides additional information of existing studies on known magnetic fields from National Grid monitoring of cables buried at approximately 1m, which shows magnetic field levels below those which occur naturally. Given that the depth of cables under the River Hull for the Proposed Development would be seven times greater, it is reasonable to assume that the resultant magnetic field would be even lower and much less than the naturally occurring magnetic field. As such, no significant effects are anticipated.	
EA04	River lamprey – timing of works  <i>Biodiversity</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA19), the Environment Agency confirmed it considers this matter sufficiently addressed in the updated HRA. The Environment Agency acknowledges that the Applicant cannot commit to undertaking the works between April and September but will adhere to these timings wherever possible, and notes the conclusions within the updated HRA that effects would not be significant even outside of these times, due to the depths and short-term nature of the works.	The Applicant welcomes this response. The preferred timings to undertake the HDD would be during spring/ summer (April to September), when the ground conditions would be drier, which would avoid the peak river lamprey migration period. While the Applicant cannot commit to this restriction at this stage, it will adhere to these timings where possible.  As detailed in Section 7.5 of the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4]</b> , in the unlikely event that it is not possible to avoid the River Lamprey migration period, no adverse effects on the integrity of the SAC/Ramsar site populations	Agreed

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
			are anticipated given that the HDD under the River Hull would be at a minimum depth of 7m, very short-term (estimated to take a maximum of 24 hours), and that fish without a swim bladder (which includes lamprey) have the lowest sensitivity to noise/ vibration.	
EA05	Mammal entrapment  <i>Biodiversity</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA21), the Environment Agency confirmed that it is satisfied that the Applicant has addressed its concerns regarding the potential for mammal entrapment from open cut trenching and that appropriate mitigation measures have been included in the Outline CEMP.	The Applicant welcomes this response. The <b>Outline Construction Environmental Management Plan (Outline CEMP [EN010157/APP/7.2 Revision 5])</b> includes measures to mitigate the risk of mammal entrapment from open cut trenching.	Agreed
<b>Water Resources</b>				
EA06	Abstraction/ De-watering and consumptive water supply  <i>Water Resources</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA20), the Environment Agency confirmed it was satisfied with the Applicant's response regarding dewatering and notes that abstraction from the River Hull is not intended. The Environment Agency confirmed via email on 15 October 2025 that it is satisfied with the Applicant's clarification in regard to HDD water requirements.	The Applicant welcomes this response and notes the need to appraise water supply sources and secure adequate licences early in the pre-construction programme if required.  As set out in the updated <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> , no water is to be abstracted from the River Hull or its tributaries for HDD works. Instead, water will be brought to site and stored in water bowsers. HDD wastewater (including bentonite) will be removed	Agreed

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		<p>In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA23), the Environment Agency confirmed that the Applicant had sufficiently addressed its concerns relating to consumptive water supply during construction (for activities such as dust/ particulate matter suppression, wheel washing, etc) through the Water Resources Technical Note.</p> <p>The Environment Agency advises that it is at the Applicant's risk (in terms of potential delays) if adequate licences have not been identified and secured ahead of construction commencement.</p>	<p>from site in bowser trucks and, where necessary, remaining wastewater will be incarcerated within the launch pit and transported to a specialised local facility for disposal.</p> <p><b>Appendix 1 - Water Resources Technical Note</b> to the <b>Response to Relevant Representations [REP1-071]</b> clarifies that water used during construction would be tankered in from mains and therefore no abstractions would be required. There will be a betterment in terms of water use during operation, compared to the existing water use within the Order Limits, given the negligible use when the Proposed Development is operational.</p>	
<b>Flood Risk</b>				
EA07	Flood modelling <i>Hydrology and Flood Risk</i>	In a letter dated 29 August 2024, the Environment Agency confirmed that the hydraulic modelling was appropriate and considered fit for purpose.	The Applicant welcomes this response. The Hydraulic Modelling Report and the Hydraulic Addendum can be found at Appendix C of <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> .	Agreed
EA08	Sequential Test <i>Hydrology and Flood Risk</i>	In their relevant representation <b>[RR-005]</b> (Additional advice), the Environment Agency indicates it is satisfied that the Applicant has addressed the need for	The Applicant welcomes this response. See the <b>Planning Statement [APP-147]</b> and <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> for details.	Agreed

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		the Sequential Test within its Planning Statement (it is not the Environment Agency's role to determine whether or not the Sequential Test has been passed).		
EA09	Lifetime of the Proposed Development  <i>Hydrology and Flood Risk</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA11), the Environment Agency confirmed that the updated Flood Risk Assessment shows that the Site will remain resilient and will not result in any detrimental impacts offsite when climate change is considered into the 2080s epoch, so although the design is based on the 2050s climate change epoch, the Applicant's modelling demonstrates that even if the Proposed Development lifespan and decommissioning extend into the 2070s, the impacts and resilience would remain comparable. The Environment Agency also acknowledged that the Decommissioning Environmental Management Plan will use the most up to date data and policy at the time it needs to be implemented, and is	The Applicant welcomes this response. The updated <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032 – REP1-049]</b> that was submitted at Deadline 1 included text to address the matter of decommissioning timing. The FRA and supporting modelling are based on more severe flow increases than the climate change allowances in the period 2070-2125. Consequently, should the lifetime of the Proposed Development extend marginally into the 2080s epoch, the FRA concludes that the Proposed Development is resilient to anticipated flood risk for that short period. Therefore, the mitigation recommended in the FRA is a robust approach to safeguarding against the potential of extreme climate change over the whole lifetime of the Proposed Development. Finally, it should be noted that the Decommissioning Environmental Management Plan would be based on the flood risk profile and best available information on flood risk posed to the Site at that time.	Agreed

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		therefore confident it will include the necessary mitigation measures for this phase.		
EA10	Impacts on flood defences  <i>Hydrology and Flood Risk</i>	<p>In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA12), the Environment Agency notes that the Applicant has assumed that all crossings will require a new culvert structure as a worst-case scenario for assessments, and that detailed design drawings will be provided to the EA under their protective provisions (once agreed). However, the Environment Agency requests that the Applicant demonstrate that they have considered any possible impacts that cable crossings and temporary / permanent crossings may have on the integrity of embankments, both above ground and to the foundations below ground, and propose possible mitigation measures that would be needed when working on, near and below these defences.</p> <p>The Environment Agency indicated via email on 16 October 2025 that it</p>	<p>It is the Applicant's intention to utilise existing culvert crossings and/or bridge structures where possible. Pre-construction structural surveys will be undertaken to determine the most appropriate crossing at each location. <del>(it is expected that the pre-construction surveys would result in the number of new culverts required to be lower than is shown on A review of</del> <b>ES Volume 3, Figure 3.6: Indicative Culvert Crossing Points [APP-060])</b> <u>shows that only two new crossings are currently proposed and these are in locations with no raised defences.</u> Crossing design is controlled by the protective provisions within the <b>Draft Development Consent Order [EN010157/APP/3.1 Revision 4]</b>, which require a detailed design to be submitted to the Environment Agency for approval at the detailed design stage.</p> <p>The Applicant notes the Environment Agency's comments and these points will be taken into consideration during the agreement of the location and type of crossings with the Environment Agency at the detailed design stage.</p>	<u>Under discussion</u> <u>Agreed</u>

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		anticipates this matter can be resolved by the end of the examination.	<p><u>The Applicant has also reviewed the Proposed Development in relation to its proximity to raised defences. There would be no development, other than the re-use of an existing crossing, within 8m of the toe of raised flood defence embankments. There are instances where the Proposed Development is within 8m of mapped defences, where such defences are classified as 'raised ground'. At the detailed design stage, care will be taken to ensure that impacts on the raised ground or watercourses are minimised.</u></p> <p><u>The Environment Agency confirmed on the 20<sup>th</sup> November 2025 that the above approach is acceptable. Nonetheless, <del>T</del>the Applicant will <del>continue to</del> liaise with the Environment Agency on this matter at the detailed design stage.</u></p>	
EA11	Risk of surface water flooding update  <i>Hydrology and Flood Risk</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA14), the Environment Agency confirmed it was satisfied that the Flood Risk Assessment had been updated to reference the latest Risk of Flooding from Surface Water mapping data, which was superseded by more recent data, published in January 2025.	The Applicant welcomes this response. The updated <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [PDA-021 to PDA-028]</b> that was submitted to the Planning Inspectorate on 8 July 2025 reflected the latest Risk of Flooding from Surface Water mapping data from January 2025, as well as the revised Flood Map for Planning updates from March 2025.	Agreed

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EA12	Functional floodplain  <i>Hydrology and Flood Risk</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA15), the Environment Agency confirmed that the plan showing the 1 in 50 annual probability extent (in lieu of 1 in 30-year extent modelling) contained within Appendix B of the updated FRA indicated that the extent is only marginally larger than the 1 in 20 annual probability extent and would constitute a suitable and conservative proxy for functional floodplain. This satisfies the Environment Agency's request for confirmation that water sensitive equipment is located outside of the 1 in 30-year flood extent.	The Applicant welcomes this response. In the absence of modelled 1 in 30-year event outputs, the updated <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032 – REP1-049]</b> that was submitted at Deadline 1 used 1 in 50-year outputs to ensure a conservative estimate. This confirms no sensitive equipment is to be placed in the 1 in 50-year extent nor any stockpiling located in this area.	Agreed
EA13	Temporary construction impacts - Cumulative impacts to flood risk  <i>Hydrology and Flood Risk</i>	In their relevant representation <b>[RR-005]</b> (EA17), the Environment Agency was pleased to note that stockpiling is proposed to be outside of the 1 in 20-year event outline. In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> the Environment Agency noted that the updated FRA considers the impact of raising all construction compounds by 1 metre (drawings 60-262 and 60-263 in Appendix B of the FRA), which is shown	The Applicant welcomes this response. The updated <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [REP1-032 – REP1-049]</b> , and associated modelling, that was submitted at Deadline 1 simulated the impact of stockpiled material being located in the floodplain, resulting in a negligible impact on predicted flood levels	Agreed



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		to be negligible. The Environment Agency is satisfied that this matter has been addressed.		
<b>Water Quality</b>				
EA14	WFD - pollution mitigation <i>Water Resources</i>	In a letter dated 13 January 2025, the Environment Agency confirmed that matters relating to mitigating potential pollution in relation to groundwater and contaminated land could be addressed outside the scope of the WFD assessment process.	The Applicant welcomes this response.	Agreed
EA15	Water Framework Directive (WFD) Assessment <i>Water Resources</i>	In a letter dated 22 January 2025, the Environment Agency confirmed that a full WFD Assessment was not required based on the conclusions of the WFD Screening and Scoping Report.	The Applicant welcomes this response. See <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4 Revision 2]</b> for details.	Agreed
EA16	Damage to land drains <i>Water Resources</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA10), the Environment Agency confirmed that the Applicant has satisfactorily addressed its request to update the Outline CEMP to include a commitment to inspect land drains to ensure no damage has occurred or pollution pathways created. If land drains have been damaged, then a remediation plan should be	The Applicant welcomes this response. The <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> includes the commitment to inspect land drains to ensure no damage has occurred or pollution pathways created. If land drains have been damaged, any remedial works will be identified and a plan for their delivery will be implemented.	Agreed

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		implemented during the construction phase.		
EA17	Land Drains Risk Assessment  <i>Water Resources</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA24), the Environment Agency confirmed that the Applicant had satisfactorily addressed its request to update the Outline CEMP to include completion of a risk assessment of damaged land drains, which should determine if mitigation is required to protect controlled waters.	The Applicant welcomes this response. The <b>Outline CEMP [EN010157/APP/7.2 Revision 4]</b> includes a commitment to complete a risk assessment of damaged land drains to determine if mitigation is required to protect controlled waters. If mitigation is required to protect controlled waters, this will be secured through the Construction Environmental Management Plan.	Agreed
Groundwater Protection				
EA18	Surface Water Drainage Strategy  <i>Water Resources</i>	In their relevant representation <b>[RR-005]</b> (EA16), the Environment Agency requested that the Applicant provide a detailed drainage strategy that demonstrates how surface water will be managed, including at BESS compounds, converters, substation and inverter locations to ensure pollution prevention measures are robust given the sensitive groundwater receptors beneath the Site. This should include measures to protect controlled water receptors from contamination. This should be supported by the completion of conceptual site model outlining	<b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]</b> follows a source-pathway-receptor to demonstrate, with evidence from BESS fires globally, BESS fires have a very low chance of occurrence and, with mitigation, a very low chance for contaminants to escape to the environment. Consequently, the Applicant has, with evidence, demonstrated the release of contamination to groundwater is negligible. In addition, this demonstrates that <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]</b> has not only assessed the likelihood of fires occurring, but also the potential impact on the water	Under discussion

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		possible pollutants, pathways and receptors. In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> , the Environment Agency reiterated this request, stating that a BESS fire that is either put out with firewater or left to burn, with adjacent units damped down, can still lead to the introduction of chemicals into the firewater.	<p>environment, recommending mitigation to minimise this risk.</p> <p>Furthermore, a review of the chemical components of typical battery units used by the Applicant shows that none of the chemical components would be classified as 'hazardous' according to the WFD Confirmed Hazardous Substances List referenced in the EA guidance Protect Groundwater and Prevent Groundwater Pollution. Some of the substances are classified as non-hazardous. Part of the guidance states that "you must limit non-hazardous pollutants from entering groundwater...". The evidence and mitigation presented in the <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]</b> demonstrates how the Proposed Development would limit the mobilisation of non-hazardous materials.</p> <p>The Applicant will continue to engage with the Environment Agency regarding the management of surface water.</p>	
EA19	Hydrogeological Risk Assessment	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA22), the Environment Agency confirmed it was	The Applicant welcomes this response. The Applicant has committed to undertaking pre-construction intrusive site investigation work,	Agreed

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	<i>Water Resources</i>	satisfied with the Applicant's response to its request for the production of a site-specific Hydrogeological Risk Assessment to assess risks to sensitive groundwater receptors in relation to HDD crossings. This is based on the Applicant's response to the relevant representation [REP1-071] and the inclusion of commitment 662 in the Commitments Register, which is secured in the Outline CEMP.	which will provide site-specific information on the existing groundwater conditions at proposed HDD crossing locations. There will also be information available from the wider site investigation that will provide details of whether there are any existing potential contamination sources. This set of data will be reviewed to present a refined conceptual site model for the Proposed Development. This will allow any outstanding potential risks to be identified, and at this point it can be determined which (if any) of the HDD crossing points require further assessment in terms of risks to groundwater. The need for specific crossing point Hydrogeological Risk Assessments could then be determined on a location-specific basis, with consultation and agreement from the Environment Agency. See the <b>Response to Relevant Representations [REP1-071]</b> (page 47) for more details.	
EA20	Decommissioning of below ground cables  <i>Water Resources</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA25), the Environment Agency confirmed that it is satisfied with the addition of a commitment in the Outline DEMP to undertake an environmental risk assessment prior to the decommissioning phase, to assess the	The Applicant welcomes this response. The <b>Outline Decommissioning Environmental Management Plan (Outline DEMP) [REP3-028]</b> contains a commitment to undertake an environmental risk assessment prior to the decommissioning phase with regard to cables being left in situ in the 'Land, Soil and Groundwater' section of Table 4-1.	Agreed

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
		best environmental options and determine the final approach regarding leaving below ground cables in situ at the end of the Proposed Development's life.		
EA21	Outline Soil Management Plan – Remediation Strategy  <i>Water Resources</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA26), the Environment Agency confirmed it was satisfied that the Applicant had addressed its request for the Outline Soil Management Plan to be updated to include details on how any required remediation would be carried out in accordance with its Land Contamination Risk Management guidance.	<p>The Applicant welcomes this response. The <b>Outline Soil Management Plan (Outline SMP) [REP1-062]</b> states that any remediation of contamination that is determined to be necessary prior to decommissioning works commencing for the Proposed Development would be carried out in accordance with the Environment Agency's Land Contamination Risk Management guidance.</p> <p>The Applicant considers the <b>Outline CEMP [EN010157/APP/6.4 Revision 5]</b> a more suitable location for a commitment stating that any remediation of contamination that is determined to be necessary prior to construction works commencing for the Proposed Development would be carried out in accordance with the Environment Agency's Land Contamination Risk Management guidance, and that a remediation strategy would be prepared in consultation with the Environment Agency. The <b>Outline CEMP [EN010157/APP/6.4 Revision 5]</b> has been</p>	Agreed

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			updated accordingly and is submitted at Deadline 3.	
<b>Waste</b>				
EA22	Waste Management Strategy <i>Waste</i>	In their relevant representation <b>[RR-005]</b> (Appendix C), the Environment Agency indicates that it is satisfied with the Applicant's approach to waste management.	The Applicant welcomes this response. Waste management measures are set out in the relevant management plans, including the <b>Outline Operational Environmental Management Plan [EN010157/APP/7.3 Revision 2]</b> , <b>Outline DEMP [EN010157/APP/7.4 Revision 2]</b> and <b>Outline Site Waste Management Plan [APP161]</b> .	Agreed
<b>Geomorphology</b>				
EA23	Use of Culverts <i>Hydrology and Flood Risk</i>	<p>In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA06), the Environment Agency reiterated its request that the Applicant should avoid the use of culverts wherever possible. The Environment Agency welcomes the Applicant's intention to utilise existing culverts or bridges where possible and that for the purposes of the assessment it has been assumed that all existing crossings will require a new culvert structure.</p> <p>The Environment Agency advises that if any existing box or pipe culvert crossings are found to be unsuitable,</p>	<p>This response is noted and as per the Applicant's Response to Relevant Representations <b>[REP1-071]</b>, the choice of crossings is subject to detailed surveys and investigations. The preferred method will be agreed with the Environment Agency at the detailed design stage via the Protected Provisions in Part 4 of Schedule 12 to the <b>Draft DCO [EN010157/APP/3.1 Revision 7]</b>. Box culverts were presumed to be utilised for the purposes of the assessments (such as <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]</b>) to follow a precautionary approach.</p> <p>It is the Applicant's intention to utilise existing culvert crossings and/or bridge structures where</p>	<u>Under discussion</u> <u>Agreed</u>

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
		<p>they should be upgraded to a portal/3-sided/arch culvert or to a larger box culvert with mammal ledge and be of a size that does not restrict the passage of water. There should be robust (geomorphic) reasons for the use of piped/box culverts.</p> <p>The Environment Agency reiterates that all crossings should be considered on a case-by-case basis following surveys, not just of structural strength, but of habitat and conservation value, including geomorphological activity.</p> <p>In addition, the Environment Agency notes that the cumulative impact of potentially culverting rivers in multiple locations should be considered.</p> <p>The Environment Agency indicated via email on 16 October 2025 that it anticipates this matter can be resolved by the end of the examination.</p>	<p>possible. For the purposes of the assessment, <del>202 locations-crossings are proposed</del> (see <b>ES Volume 3, Figure 3.6: Indicative Culvert Crossing Points [REP2-093]</b>). <u>Of these, only two locations would require new crossings, which is assessed as having an insignificant impact on watercourse morphology, flows, sedimentation and movement of wildlife. These</u> are assumed to require either the installation of a <del>temporary</del> span bridge or culvert. <u>For re-use of existing crossings these, or would be</u> reinforcement or widening of the existing culvert/bridge structure. <del>To ensure a worst-case scenario has been assessed, it has been assumed that all existing crossings will require a new culvert structure. It is however expected that following pre-construction structural surveys the number of new culverts required would be lower.</del></p> <p><u>The New</u> crossings over minor watercourses, which are likely to be wet for much of the year, would be facilitated by box culverts. These would be fitted with a mammal shelf and the bed substrate would match that of the watercourse within the vicinity of the crossing.</p>	

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			<u>The Environment Agency confirmed on the 20<sup>th</sup> November 2025 that the above approach is acceptable. Nonetheless, the Applicant will <del>continue to</del> liaise with the Environment Agency on this matter at the detailed design stage.</u>	
EA24	Culverts – Post Decommissioning  <i>Hydrology and Flood Risk</i>	<p>In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA07), the Environment Agency reiterated its concerns around proposals to potentially leave culverts in-situ after decommissioning. The Environment Agency stated that it would like to see a commitment to remove any crossings that have no further use and that given the potential change in environment at point of decommissioning, the options for removal or leaving them in situ should be considered within the DEMP.</p> <p>The Environment Agency confirmed via email on 16 October 2025 that it is satisfied this point has now been addressed via the inclusion of a suitable commitment in the Outline DEMP, which is commitment 678 in the Commitments Register.</p>	<p>The Applicant welcomes this response. As set out in the Applicant's <b>Response to Relevant Representations [REP1-071]</b>, the choice of crossing type at each proposed crossing location will be subject to detailed surveys and investigations. The preferred method will be agreed with the Environment Agency. For the purposes of the assessments (such as in <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping [REP1-030]</b>), box culverts were assumed to be utilised at each location in order to follow a precautionary approach.</p> <p>The Applicant notes the Environment Agency's request to remove crossings no longer needed. As recommended by the Environment Agency, this would be assessed ahead of decommissioning using the policy and legislative framework, together with the flood risk and water environment baseline data, available at that time. The <b>Outline DEMP [EN010157/APP/7.4</b></p>	Agreed



Ref	Topic	Environment Agency's Position	Applicant's Position	Status
			<b>Revision 4]</b> has been updated to include a commitment that an environmental risk assessment will be completed prior to the decommissioning phase for watercourse crossings to determine the options for removal or leaving them in situ.	
Environmental Statement (ES) – scoping out factors as standalone chapters				
EA25	Water <i>Approach to EIA</i>	In a letter dated 22 January 2025, the Environment Agency agreed that Water could be scoped out as a chapter in the ES on the basis that the Flood Risk Assessment and Water Framework Directive Screening and Scoping Report would be submitted with the DCO application; groundwater impacts would continue to be scoped in via the Land, Soil and Groundwater ES chapter; and any remaining issues would be addressed through the DCO Examination.	The Applicant welcomes this response. Please see <b>ES Volume 2, Chapter 5: Approach to the EIA [APP-041]</b> , <b>ES Volume 2, Chapter 10: Land, Soil and Groundwater [APP-046]</b> , <b>ES Volume 4, Appendix 5.5: Water Framework Directive Screening and Scoping Report [EN010157/APP/6.4 Revision 2]</b> and <b>ES Volume 4, Appendix 5.6: Flood Risk Assessment [EN010157/APP/6.4 Revision 3]</b> for details.	Agreed
EA26	Major accidents and disasters <i>Approach to EIA</i>	The Environment Agency confirmed that this topic could be scoped out of the ES at the Environmental Impact Assessment Scoping stage (see <b>ES Volume 4, Appendix 5.2: Scoping opinion [APP-098]</b> ).	The Applicant welcomes this response. Mitigation measures are secured in relevant management plans. See <b>ES Volume 2, Chapter 5: Approach to the EIA [APP-041]</b> for details.	Agreed

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Development Consent Order – Requirements				
EA27	DCO definitions - permitted preliminary works  <i>Human Health</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA01), the Environment Agency confirmed that it is content with the Applicant's response to its concern that the definition of 'permitted preliminary works' in the Draft DCO may result in remediation works taking place without the controls of management plans that may only come into effect at commencement of the development. The Environment Agency notes the Applicant's commitment to adhering to the Environment Agency's Land Contamination Risk Management if carrying out any remedial works, which gives the Environment Agency confidence that works will be undertaken in such a way as to not give rise to significant effects.	<p>The Applicant welcomes this response. The Applicant's proposed drafting is consistent with the majority of recently made solar DCO decisions (including the East Yorkshire Solar Farm Order 2025, the West Burton Solar Project Order 2025, and Heckington Fen Solar Park Order 2025) and thus reflects a well precededented approach. The drafting has been included to ensure that there is a proportionate degree of flexibility available to the Applicant, since without it the carrying out of each of the activities comprised within the definition of "permitted preliminary works" would be sufficient to require the submission of detailed plans for approval under Schedule 2 to the draft Development Consent Order. This would be disproportionate to the nature of the works involved, which are, in each case, minor and are not expected to give rise to any significant environmental effects.</p> <p>The Applicant noted that the relevant commitment had not been added to the Outline CEMP. The <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> has therefore been updated to include a commitment that any remediation of contamination that is determined to be necessary</p>	Agreed

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			<p>prior to construction works commencing for the Proposed Development would be carried out in accordance with the Environment Agency's Land Contamination Risk Management guidance</p> <p>The updated document is resubmitted at Deadline 3.</p>	
EA28	Consultation on Requirement 4  <i>Human Health</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA02), the Environment Agency confirmed the Applicant has satisfactorily addressed its request to be a named consultee for the discharge of Requirement 4 (CEMP).	The Applicant welcomes this response. The <b>Draft Development Consent Order [EN010157/APP/3.1 Revision 7]</b> includes the Environment Agency as a named consultee in relation to Requirement 4.	Agreed
EA29	Consultation on Requirement 6  <i>Consultation and Engagement</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA03), the Environment Agency confirmed it is satisfied with the Applicant's response to its request to be a named consultee for the discharge of Requirement 6 (Soil Management Plan) with regard to potential impacts to groundwater.	The Applicant welcomes this response. The mechanism to manage/ prevent groundwater contamination is contained within the <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> . The Environment Agency is included as a consultee on Requirement 4 (CEMP) in the updated <b>Draft Development Consent Order [EN010157/APP/3.1 Revision 7]</b> . This is considered to give the Environment Agency sufficient opportunity to review the measures to manage/ prevent groundwater contamination.	Agreed
EA30	Consultation on Requirement 8	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA04), the	The Applicant welcomes this response. The updated <b>Draft Development Consent Order</b>	Agreed

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
	<i>Human Health</i>	Environment Agency confirmed that the Applicant has satisfactorily addressed its request to be a named consultee for the discharge of Requirement 8 (Battery Safety Management Plan).	<b>[EN010157/APP/3.1 Revision 7]</b> includes the Environment Agency as a named consultee in relation to Requirement 8.	
EA31	Unsuspected contamination  <i>Human Health</i>	In their Comments on the Deadline 1 Submissions <b>[REP2-153]</b> (EA05), the Environment Agency confirmed it was satisfied with how the Applicant has addressed its requests for the inclusion in the DCO of an additional Requirement to deal with unsuspected contamination.	The Applicant welcomes this response. The Applicant considers it more appropriate for this to be addressed in <b>ES Volume 4, Commitments Register [EN010157/APP/6.4 Revision 5]</b> , the <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> and the <b>Outline DEMP [EN010157/APP/7.4 Revision 4]</b> , which include a commitment to deal with unsuspected contamination based on the wording provided by the Environment Agency in their relevant representation <b>[RR-005]</b> (EA05).	Agreed
Consents and Permitting				
EA32	Disapplication of permits – Environmental Permitting Regulations 2016  <i>Policy and Legislation</i>	In their relevant representation <b>[RR-005]</b> (Disapplication of Legislative Provisions), the Environment Agency agreed in principle to the disapplication of Regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of flood risk activity permits, subject to the agreement and inclusion of suitable	The Applicant welcomes this response and can confirm that no amendments are required to the protective provisions contained in Part 4 of Schedule 12 of the <b>Draft Development Consent Order [EN010157/APP/3.1 Revision 7]</b> to reflect this agreement.	Agreed

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		protective provisions within the DCO. This is also subject to the Applicant providing detailed drawings of any new structures and a basic method statement for all major works. The Environment Agency confirmed via email on 6 October 2025 that the protective provisions are now agreed and it has no issues with the earlier amendments sought by the Applicant to the Environment Agency's standard protective provisions.		
EA33	Disapplication of permits – Water Resources Act 1991  <i>Policy and Legislation</i>	The Environment Agency confirmed via email on 14 October 2025 that it agrees to the disapplication of the byelaws made under paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) of the Water Resources Act 1991.	The Applicant welcomes this response. The disapplication of the byelaws made under paragraphs 5, 6 or 6A of Schedule 25 of the Water Resources Act 1991 is sought on the basis that byelaws made under those provisions address matters whose merits and acceptability can, and will, already have been sufficiently considered and resolved if the Development Consent Order is made, including by means of the protective provisions currently under discussion with the Environment Agency. Such matters should therefore not be the subject of further regulatory consideration or control, which would cause unnecessary uncertainty and	Agreed

Ref	Topic	Environment Agency's Position	Applicant's Position	Status
			duplication, and may unjustifiably delay the implementation of the Proposed Development.	

## 4 Signatures

4.1.1 This Statement of Common Ground is agreed upon:

On behalf of the Environment Agency:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

**RWE Renewables UK Limited**

Windmill Hill Business Park,  
Whitehill Way,

Swindon,

Wiltshire,