

Mr Richard Morgan, Planning Inspectorate
By email
rosefieldsolar@planninginspectorate.gov.uk

Reference: OR-0005702/01
Customer reference: EN010158

22 June 2026

Dear Sir,

Rosefield Solar Farm – Development Consent Order (DCO) Application

Examination Deadline 4 (22 June 2026)

This letter constitutes the Environment Agency's Deadline 4 response to the above-mentioned DCO application.

Comments on the Applicant's revised draft Development Consent Order (dDCO)

We request that the DCO includes a requirement to ensure no development shall take place within the design flood extent until detailed hydraulic modelling and a mitigation plan have been approved in consultation with the Environment Agency. Currently, commitment to detailed hydraulic modelling and mitigation where necessary is to be included within the outline Construction Environmental Management Plan (oCEMP). However, due to concerns regarding legal weight and enforceability, we hold the view that a formal requirement should be included in the DCO and propose the following:

“No development shall take place within the design flood extent until detailed hydraulic modelling, and a mitigation plan have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency, and these works shall be carried out as approved.

Note:

Should the modelling show increased flood risk, the mitigation plan should include a Floodplain Compensation Scheme. Any proposed compensation scheme must be supported by hydraulic modelling and demonstrate:

- a) *no net loss of floodplain storage within the design flood event;*
- b) *compensation provided on a level-for-level and volume-for-volume basis where appropriate;*
- c) *no increase in flood risk elsewhere;*
- d) *implementation of compensatory storage prior to the associated floodplain loss; and*
- e) *appropriate maintenance of the compensation scheme is in place during the operation phase.*

Development shall thereafter be carried out in accordance with the approved scheme.”

We consider this requirement necessary for the following reasons:

- The matter relates to the overarching principles of the scheme. It must be ensured that works cannot commence until modelling has been carried out and mitigation put in place to avoid flood risk to third parties. This can only be secured via requirement in the DCO and not a commitment.
- The requirement explicitly requires a formal submission, review, and written sign-off (“approved in writing”) by the Local Planning Authority and the Environment Agency. A commitment cannot grant or process statutory approvals.
- The requirement provides a pre-commencement trigger which would ensure that development is halted in a specific area until a condition is satisfied. This level of legal restriction can only be enforced through the DCO.
- The mitigation proposed is unknown at this time. It is not standard mitigation that can sit solely and comfortably within a management plan. Thus, enforcement would be exceptionally challenging and a requirement in the DCO is necessary.

We request that commitment to detailed hydraulic modelling and mitigation remain in the oCEMP as it would support the overarching DCO requirement by capturing the operational details. We are currently liaising with the Applicant regarding the wording provided in the oCEMP. We note that the final wording of the oCEMP commitment once agreed should be included within the Applicant’s Commitments Register [\[REP1-076\]](#).

Discussions with the Applicant are ongoing to ensure detailed hydraulic modelling and mitigation where necessary are appropriately secured via DCO requirement.

We aim to provide an update on the above matters at Deadline 5.

On a separate matter, we maintain our position regarding the use of 'substantially' in DCO requirements. To resolve this matter, the term 'substantially' needs to be removed from the requirements whereby the Environment Agency is listed as a consultee. Our detailed position on this matter is set out in previous examination deadline responses (2 and 3) and corresponding versions of the draft Statement of Common Ground (SoCG) submitted at each deadline (see Ref 7.2), as well as our response to the Examining Authority's second written questions (ExQ2) Q.2.9.17 below.

Responses to Examining Authority's (ExA's) second written questions (ExQ2)

We provide our responses to ExQ2 in Appendix 1.

Comments on any further information received at Deadline 3

We have reviewed the documents submitted at Deadline 3 and provided the Applicant with our updated comments on matters raised in the draft SoCG. We provide our updated position on such matters in Appendix 2 (overall position) and Appendix 3 (position on individual issues).

We are satisfied with the Applicant's continued engagement with us, and the Deadline 3 submissions resolve several matters in the draft SoCG. We provide the following update on the matters which remain 'under discussion' in the draft SoCG. We understand that EA04 and EA05 can be resolved and 'agreed' by the close of the examination if the above-mentioned requirement is included in the DCO. We anticipate that EA27 will be resolved and 'agreed' following the submission of the relevant document updates to include the proposed wording (see our response to Q2.17.4 below).

We hold the view that agreement on one issue in the draft SoCG is unlikely to be reached by the close of the examination. This issue regards the use of the word 'substantially' in the DCO requirements where the Environment Agency is listed as a consultee. Our position is stated in the draft SoCG as 'not agreed'. As mentioned, our detailed position on this matter is set out in previous examination deadline responses (2 and 3) and corresponding versions of the draft SoCG submitted at each deadline (see Ref 7.2), as well as our response to ExQ2 Q.2.9.17 below.

If you have any questions regarding our response, please contact
Nlteam@environment-agency.gov.uk.

Yours sincerely,

 Planning Advisor
Nlteam@environment-agency.gov.uk

Appendix 1 – Environment Agency responses to Examining Authority’s second written questions (ExQ2)

9.2 Schedule 2 - Requirements			Environment Agency (EA) response:
Q.2.9.17	EA	<p>General</p> <p>A number of the proposed requirements require the submission of detailed management plans which must be ‘substantially’ in accordance with outline plans which have been submitted with the application. The ExA notes the Environment Agency’s has maintained its position in the latest statement of common ground between it and the applicant [REP3-014] that the use of ‘substantially’ in the dDCO requirements undermines the enforceability of proposals and/ or may erode the environmental protections put in place and should be removed. The applicant’s position on this matter was discussed at ISH2 a summary of which is provided in [REP3-050]. Does this information change the EA’s position?</p>	<p>The information provided in [REP3-050] does not change our view on this matter. We maintain our position that ‘substantially’ should be removed from DCO requirements where the Environment Agency is listed as a consultee.</p> <p>This matter remains ‘not agreed’ in the updated draft SoCG between the Environment Agency and the Applicant to be submitted at Deadline 4.</p>

17. Water environment			Environment Agency (EA) response:
Q2.17.1	EA	<p>Flood risk – compensation</p> <p>Have the amendments that the applicant has made to Environmental Statement (ES) Appendix 16.1: Flood Risk</p>	<p>The amendments submitted at Deadline 3 do not fully satisfy our outstanding concerns on flood risk as set out in ref 1.3 in</p>

	<p>Assessment [REP3-028] and the outline Construction Environmental Management Plan (oCEMP) [REP3-031] at deadline 3 satisfied your outstanding concerns on flood risk as set out in the latest version of the statement of common ground between you and the applicant [REP3-014] at 1.3? If not, what further action should the applicant take?</p>	<p>the draft SoCG [REP3-014], and we are working towards a solution with the Applicant.</p> <p>In relation to the oCEMP [REP3-031], whilst the Applicant has committed to providing compensatory flood storage should detailed design modelling demonstrate an increase in flood risk elsewhere, the current drafting only commits to consulting the Environment Agency in relation to compensatory flood storage.</p> <p>The detailed design modelling has not yet been undertaken; therefore, it is not possible to determine whether compensatory flood storage will be required. The Environment Agency should be consulted on the outputs of the detailed design modelling, and the Applicant's conclusions regarding any off-site flood risk impacts, to reach an informed view as to whether compensatory flood storage is necessary.</p> <p>Where modelling demonstrates that compensatory flood storage is required, the Environment Agency should also be consulted on the design and delivery of that compensatory flood storage.</p> <p>We informed the Applicant of the comments set out above and have since received alternative wording for the oCEMP</p>
--	---	---

			<p>which we have provided comment on. We note that the final wording of the oCEMP commitment once agreed should be included within the Applicant's Commitments Register [REP1-076].</p> <p>As detailed in our comments under 'Comments on the Applicant's revised draft Development Consent Order (dDCO)', we request that detailed hydraulic modelling and mitigation where necessary is secured via requirement in the DCO. However, we also request that commitment to detailed hydraulic modelling and mitigation remain in the oCEMP as it would support the overarching DCO requirement by capturing the operational details.</p> <p>Discussions with the Applicant are ongoing to ensure detailed hydraulic modelling and mitigation where necessary are appropriately secured via DCO requirement.</p> <p>We aim to provide an update on the above matters at Deadline 5.</p>
Q2.17.2	EA	<p>Flood modelling – use of proxy Have the amendments that the applicant has made to ES Appendix 16.1: Flood Risk Assessment [REP3-028] at deadline 3 satisfied your outstanding concerns on the use of proxy for fluvial and pluvial flood risk as set out in the</p>	<p>The amendments submitted at Deadline 3 resolve our outstanding concerns on the use of proxy for fluvial and pluvial flood risk as set out in ref 1.5 in the draft SoCG [REP3-014]. Therefore, ref 1.5 in the draft SoCG is now resolved and 'agreed'.</p>

		latest version of the statement of common ground between you and the applicant [REP3-014] at 1.5? If not, what further action should the applicant take?	
Q2.17.3	EA	<p>Penstock</p> <p>Have the amendments that the applicant has made to ES Appendix 16.1: Flood Risk Assessment [REP3-028] and the outline Drainage Strategy [REP3-040] at deadline 3 satisfied your outstanding concerns in relation to the operation of penstocks as set out in the latest version of the statement of common ground between you and the applicant [REP3-014] at 1.9? If not, what further action should the applicant take?</p>	<p>The amendments submitted at Deadline 3 resolve our outstanding concerns in relation to the operation of penstocks as set out in ref 1.9 in the draft SoCG [REP3-014]. Therefore, ref 1.9 in the draft SoCG is now resolved and 'agreed'.</p>
Q2.17.4	EA	<p>Per-and polyfluoroalkyl substances (PFAS)</p> <p>Have the amendments that the applicant has made to the oCEMP [REP3-031] and outline Operational Environmental Management Plan [REP3-032] at deadline 3 satisfied your outstanding concerns on PFAS as set out in the latest version of the statement of common ground between you and the applicant [REP3-014] at 4.5? If not, what further action should the applicant take?</p>	<p>The amendments submitted at Deadline 3 do not satisfy our outstanding concerns on PFAS as set out in ref 4.5 in the draft SoCG [REP3-014].</p> <p>We do not agree with the Applicant's response to ref 4.5 in the draft SoCG [REP3-014], the wording in Table 3.6 in the oCEMP [REP3-031], or Table 3.5 in the outline Operational Environmental Management Plan [REP3-032]. We hold the view that this does not sufficiently mitigate the risks from PFAS at present. Wording such as 'only using PFAS containing products where no suitable alternative is available' could be used to replace 'would seek to minimise the level of PFAS in the final equipment selection'. Similar wording has been utilised for other comparable NSIPs.</p>

oCEMP Appendix 3: HDD Fluid Breakout Plan [\[REP3-031\]](#) does not contain any reference to the avoidance of PFAS within drilling fluid. Similar wording to the suggestion above for cable, panels and firefighting equipment would be suitable to address this. In addition, the HDD Fluid Breakout plan [\[REP3-031\]](#) 3.2.3 should identify the relevant statutory authorities.

We informed the Applicant of our position on this matter as set out above and have since received alternative wording. The proposed alternative is acceptable, and this has been confirmed to the Applicant. Ref 4.5 can be marked as 'agreed' in the draft SoCG once the relevant documents are updated to reflect this wording. Until these revised documents are submitted into the examination, the matter remains 'under discussion'.

Appendix 2 – Summary of overall Environment Agency position on issues raised in our Relevant Representations

Key:

Green	Agreed / resolved
Yellow	Working on a solution / under discussion
Red	Not agreed

Subject	Work package	Baseline assessment/ scope / surveys	Impact	Solution	Requirement	Status	EA Relevant Representation Issue ID
Flood Risk & Flood Modelling	Assessment of Flood Risk						EA02, EA03, EA04, EA05, EA06, EA07, EA08, EA09, EA10
Groundwater & Contaminated Land	Environmental Statement						EA11, EA12, EA13, EA14, EA15, EA16, EA17, EA18, EA19
	Commitments Register						EA11, EA20
	Construction Environmental Management Plan						EA21, EA22, EA23, EA27
	Operational Environmental Management Plan						EA11, EA21, EA23, EA27
	Decommissioning Environmental Management Plan						EA11, EA12, EA21, EA23
	Battery Safety Management Plan						EA11, EA23
	Drainage Strategy						EA11, EA13
Biodiversity & Geomorphology	Environmental Statement						EA24, EA25, EA26
	Landscape Ecological Management Plan						EA24, EA25
	Construction Environmental Management Plan						EA25
Water Quality	Development Consent Order						EA01
	Environmental Statement						EA28, EA29, EA31, EA32, EA34, EA35, EA36, EA37, EA38, EA41, EA42
	Construction Environmental Management Plan						EA28, EA30, EA31, EA32, EA33
	Operational Environmental Management Plan						EA30, EA31, EA33, EA37, EA38, EA39, EA40
	Decommissioning Environmental Management Plan						EA30, EA31, EA33, EA39, EA40
	Battery Safety Management Plan						EA37, EA38

Appendix 3 – Environment Agency position on individual issue IDs as raised in our Relevant Representations

Key:

	Agreed / resolved
	Working on a solution / under discussion
	Not agreed*

Issue ID	RAG status
EA01	
EA02	
EA03	
EA04	
EA05	
EA06	
EA07	
EA08	
EA09	
EA10	
EA11	
EA12	
EA13	
EA14	
EA15	
EA16	
EA17	
EA18	
EA19	
EA20	
EA21	
EA22	
EA23	
EA24	

EA25	Green
EA26	Green
EA27**	Yellow
EA28	Green
EA29	Green
EA30	Green
EA31	Green
EA32	Green
EA33	Green
EA34	Green
EA35	Green
EA36	Green
EA37	Green
EA38	Green
EA39	Green
EA40	Green
EA41	Green
EA42	Green

*The issue regarding the use of 'substantially' in DCO Requirements was raised following our Relevant Representations; therefore, it is not listed above. This is the only issue in the draft SoCG which is 'not agreed'.

**Following the relevant document updates to include the proposed alternative wording, this matter can be resolved and 'agreed'. Ref 4.5 in the draft SoCG remains 'under discussion' until the updated documents have been submitted into the examination.