Great North Road Solar and Biodiversity Park

Draft Statement of Common Ground with the Environment Agency

Document Reference – EN010162/APP/8.3

Revision number 1

December 2025

EP Rule 8(1)(e) Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	6/08/25	ES	Head of Planning	1st Draft for EA Review
Issue 2	25/11/25	ES	Head of Planning	Issue 2 for EA Review

1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

1. This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Great North Road Solar and Biodiversity Park (the Development). The Application has been submitted by Elements Green Trent Limited (the Applicant).

1. 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.

2. SoCGs are an established means in the planning process of allowing all Parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

3. This SoCG has been prepared by (1) Elements Green Trent Limited as the Applicant and (2) the Environment Agency (collectively, 'the Parties').

1.3 TERMINOLOGY

4. In the table in the Issues section of this SoCG:

- "Agreed" (Green) indicates where the issue has been resolved;
- "Under discussion" (Amber) indicates where a matter is the subject of ongoing discussion; and
- "Not Agreed" (Red) indicates a final position.

5. Where the Environment Agency expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information provided by the Applicant. Agreement is offered without prejudice to the submissions of other interested Parties who may have greater knowledge of technical or site-specific issues.

1.4 RECORD OF RELEVANT CORRESPONDENCE

6. The Applicant has undertaken consultation and engagement with Environment Agency throughout the development of the Application. The Applicant consulted Environment Agency in accordance with Section 42 of the PA 2008, about the Development and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded Environment Agency the opportunity to provide responses to the information provided at various stages of the pre-application process.

7. Table 1-1 identifies the discussions and correspondence that has taken place between the Parties to date.

Table 1-1 Record of Correspondence

Date	Topic
18/7/2024	Flooding parameters and epochs. 1D-2D approach to flooding near Averham. Time limited requirement needed for development if modelling uses 23% climate change projection (2050s epoch)
24/03/2025	Updates to Work Areas and Order Limits since PEIR. Removal of Work Area 1: Solar from Flood Zones 2 and 3. Outfalls should be monitored for water quality. To be included in outline Construction Environment Management Plan (CEMP)
14/04/2025	Discuss issue raised regarding Biodiversity, Geomorphology, fisheries, HRA (Humber Estuary SAC) and WFD. Lamprey to be included for assessment in the HRA.
10/07/2025	The applicant requested a discussion regarding the establishment of Protective Provisions.
16/07/2025	Discuss issue raised regarding the impact of flood zone, HRA (Humber Estuary SAC), BNG, proposed crossing joints, proposed culverts and HDD. Flood Risk Activity Permits will not be disapplied. The approach to BNG is agreed. Outstanding matters include: • EA requires confirmation on whether any land reprofiling is planned in Zones 2 and 3. • EA requires drawings related to the culverts over unmade rivers. The parties agreed the approach to SoCG drafting and that the Applicant will take the lead on the process. It was also agreed that the main issues outlined in the EA issues tracker will also feature in the SoCG for consideration.
16/07/2025	Email exchange in relation to protective provisions where the Applicant confirms that the dDCO does not seek to disapply legislation. EA confirms that protected provisions are not needed, as the DCO does not seek to disapply those powers.
7/8/25	The Applicant issued the 1st Draft SoCG to the EA for review.
26/8/25	Meeting with the EA to discuss the draft SoCG.
13/11/25	EA Issued Comments on the Draft SoCG.
25/11/25	Applicant updated SoCG, with a further update issued on the 28th November
5/12/25	Meeting with EA to review SoCG. EA Issued comments on Issue 2 of the SoCG
8/12/25	Applicant responded to comments on the SoCG.

8. It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.

2 CURRENT POSITION OF THE APPLICANT AND ENVIRONMENT AGENCY

2.1 FLOOD RISK ASSESSMENT

Table 2-1 Flood Risk Assessment

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.1.1		Policy Compliance	**ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [APP-047] and Appendix C of the **ES Volume 4, Appendix 9.1: Flood Risk Assessment (FRA) [EN010162/APP/6.4.9.1B]** apply the Sequential and Exception Test to the Development and demonstrate that there is no suitable other land within the area of search that would be appropriate for the Development. The Parties agree that the requirements of both tests have been satisfied in accordance with NPS EN-1.	The EA notes that it is the LPA's responsibility to review the sequential test, and so defers this items to NSDC. The EA has raised no objection in relation to either the sequential test, approach or the exception test, in so far as this relates to the EA's remit.	Agreed
2.1.2	RR (EA026)	Flood Modelling – Tidal Climate Change	Section A9.1.2.1 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** notes that the Core Study Area would not flood during both the 0.5 %	Section 19.1.1.3.2.2 of the FRA refers to the application of tidal climate change as a percentage. The application of climate change for sea level rise is not based on a	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			AEP (2121 UE scenario) i.e. 2121 Upper End scenario with defences in place and 0.5 % AEP flood defence breach scenarios, ensuring the Development would be safe for its lifetime (40 years, through to 2067 from the assumed commission date of 2027). The Upper End 2121 scenario uses an uplift of 984.4 mm for model run 30 and 1340.4 mm for model run 31, as per Table 16 of the Hydraulic Modelling Report Tidal Trent Re-runs (Jacobs 2023). The climate change percentages noted in Paragraph 78 of ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B] relate to the fluvial AEP (%) + Climate Change '2080s' Epoch (2070 - 2125) for the fluvially dominated tidal scenario and are taken from Table 13 of the Hydraulic Modelling Report Tidal Trent Re-runs (Jacobs 2023). This event was used as a sense check for the 2121 Upper End scenario as	percentage increase but rather an increase in water level in metres to a given year in the future. The terminology used regarding the application of climate change to reflect tidal flooding is not correct and could lead to confusion. In the context of the Tidal Trent modelling (Jacobs, 2023) sea level rise was assessed to the year 2071 and 2121 for the Higher Central and Upper scenarios. Please make it clear which year and which uplift was used within the FRA.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			it presented a greater extent which marginally interacted with the Order limits. As such, **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** uses the 0.5 % AEP 2121 Upper End scenario to assess tidal flood risk, which is assessed a Negligible risk to the Development.		
9. Under	RR (EA028)	Flood Modelling – Climate Change	Flood Zones plus climate change (CCP1) uses the following climate change allowances: 'Central' allowance for the 2080s epoch (2070-2125) for risk of flooding from rivers, which is 29 % for the Lower Trent and Erewash Management Catchment. It should be noted that Work Area 1 is located in Flood Zone 1, whereby Flood Zone 2 could be used as a proxy for the absence of modelling showing 39% for ordinary watercourses. Work Area 5a and 5b have been assessed against the 1 % AEP + 39% CC event derived from 1D-	Within the FRA the applicant refers to Figure 9.18 to show all panels have been placed outside of the design event. However, this figure is named '1% AEP Defended Extents (CCP1)'. It is unclear whether the extent shown in this figure includes the addition of 39% for the allowance of climate change.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			2D modelling as outlined in Section A9.1.2.2.3 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]**.		
2.1.3	TBC	Flood Risk Assessment Scope and Methodology	The Applicant considers the methodology of the **ES Volume 4, Appendix 9.1: FRA [EN010162/APP/6.4.9.1B]** acceptable.	TBC	Under discussions
2.1.4	TBC	Mitigation Measures	Embedded Mitigation within the design of the Development has been set out within **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3]** [APP-204] and secured by Requirement 12 (Construction environmental management plan) of the **Draft Development Consent Order (DCO) [EN010162/APP/3.1B]**. The proposed mitigation measures are considered acceptable.	TBC	Under discussion
2.1.5	TBC	Assessment of Effects	As reported in **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-	TBC	TBC

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			052], the EA Flood Map for Planning shows that the Order Limits are mostly located in Flood Zone (FZ) 1 (89.99 %), while 10.01 % lies in FZ 2 and FZ 3. The only works proposed within FZ 3 are Work Areas 2: Cables, Work Area 3: Mitigation/enhancement, Work Area 6: Consented Staythorpe BESS and Work Area 7: National Grid Staythorpe Substation. The **ES Volume 4, Appendix 9.1: FRA [EN010162/APP/6.4.9.1B]** concludes that the risk of the Development flooding from all sources is Low to Negligible and Not Significant in terms of the EIA Regulations.		
2.1.6	RR (EA025)	Securing Mitigation – Work in Flood Zone 3b	Construction compounds would be located in Work Areas 1 and 5 and would therefore be located within Flood Zone 1. **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP)**	There is limited detail on the siting of construction compounds, equipment and materials. Any construction compounds, equipment or materials stored	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			[EN010162/APP/6.4.5.3A] has been updated [at Deadline 1] to confirm that construction compounds will be located outside Flood Zone 3a and 3b.	in Flood Zone 3 may increase flood risk elsewhere. Within the outline Construction Environmental Management Plan, provide a commitment that all construction compounds, equipment and materials will be located outside of Flood Zone 3b. If located within Flood Zone 3a, sufficient compensation would need to be provided.	
2.1.7	RR (EA027)	Securing Mitigation – BESS	2D direct rainfall modelling presented in Section A9.1.2.3.5 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** shows that the current land profile for Work Area 5a: BESS is susceptible to pluvial flooding within topographical depressions. Groundworks / enabling works for Work Area 5a are likely to level the area to remove topographical hollows, meaning the baseline flooding scenario is unlikely to be	It is not clear what mitigation is proposed in the BESS area where water depths exceed 0.4 metres. In addition, it is not clear the level to which BESS infrastructure will be raised above the design flood level and whether there would be any loss of floodplain storage. Elements of the BESS in the north of work area 5 could be	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			representative of the Development scenario. As the Development does not have a detailed design at this stage there is a commitment in **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B**] to have a formal drainage system for the BESS and Customer Substation designed to the 1% AEP + 40% climate change allowance, with no flooding of the drainage system built into the design, as per National Standards. As such, the current pluvial ponding would enter the drainage system, rather than flow across or pond on the surface of Work Area 5a. This is secured through a requirement of the DCO. Regardless, the BESS units do not sit flush to the ground, as outlined in Paragraph 130 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** and will therefore be afforded a level	at flood risk if not designed appropriately. Please make is clear what mitigations are proposed in areas where flooding is greater 23 than 0.4 metres and whether there is any loss of floodplain storage.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			of flood resilience in the event that the capacity of the SuDS network is exceeded, reducing the likelihood of electrically sensitive aspects of the BESS units being exposed to pluvial flooding.		
2.1.8	RR (EA029)	Environmental Mitigation Areas	Section A9.1.2.2.1 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** notes that enhancement areas (Work Area 3), will comprise grassland, scrub, scattered trees and an orchard. As such, this is compatible with the EA's "Working with natural processes to reduce flood risk 2024" FCERM report. Section 9.6.1.6 of **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] notes that no Works Areas will directly interact with flood defences and any tree planting within Work Area 3 will be located at least 8 m from flood defences, as shown in **ES Volume 4, Appendix A5.1: Outline**	Within the proposed plans the applicant has left many areas which interact with watercourses as 'environmental mitigation areas'. Whilst this is welcomed by the Environment Agency, the applicant has not confirmed that planting in these areas will not restrict the Agency's flood response team's access to watercourses in times of a flood. Planting of trees and large vegetation may lead to the block of essential access to watercourses in times of a flood. The applicant needs to design the layout of new	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A]. As such, access to watercourses and flood defences will be unaffected by the Development.	planting and vegetation to ensure large stretches of the River Trent are not inaccessible in times of a flood.	

2.2 BIODIVERSITY

Table 2-2 Biodiversity

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.2.1	Section 42 Statutory Consultation in the Consultation Report	Biological features	The Parties agree that the effects of construction activities on fisheries have been appropriately assessed in **ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8]** [APP-051]. The assessment is informed by **ES Volume 4, Appendix 8.15: Electromagnetic Fields and Fish [EN010162/APP/6.4.8.15]** [APP-227] which provides information about EMF from underground cables and the potential behavioural responses of fish.	Noted.	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			The Parties agree that the adverse effects of construction on fish will be low magnitude and limited in both extent (to the Site level) and duration. These effects will be not significant. The Applicant considers the mitigation in relation to fisheries within the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** are appropriate.		
2.2.2	RR (EA019)	Water Voles	Water vole mitigation is addressed in section A5.3.11.8 of **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A].** As recommended by the Environment Agency, further details of timing and mitigation for displacement has been included in the updated outline CEMP, [submitted at Deadline 1] and specific details of mitigation will be provided in the final CEMP. Water vole mitigation and enhancement opportunities will be discussed with the Environment Agency, Natural England, Internal Drainage	With reference to A5.3.11 of the oCEMP, displacement of water vole without sufficient mitigation implemented prior to displacement. Discuss future water vole mitigation and enhancement opportunities with the Environment Agency, Natural England, Internal Drainage Board, and the Wildlife Trust, to provide the best outcomes for water vole.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Board, and the Nottinghamshire Wildlife Trust, to provide the best outcomes for water vole. These opportunities will be included in the final LEMP. Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1B]** secures the Detailed CEMP. This must be prepared in accordance with the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** . Requirement 12 has been updated to name the EA as a consultee, as requested. This is set out in the updated Draft DCO submitted at Deadline 1. Requirement 8 in Schedule 2 to the **Draft DCO [EN010162/APP/3.1B]** secures the Detailed LEMP. This must be in accordance with **ES Volume 4, Appendix 5.1: Outline LEMP [EN010162/APP/6.4.5.1A]** and must be implemented as approved.		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.2.3	Section 42 Statutory Consultation in the Consultation Report	Otter	The Parties agree that the effects of construction activities on otters have been appropriately assessed. The proposed mitigation and compensation measures for water voles are deemed suitable, as outlined in Section A5.3.11.9 of **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** . The Applicant considers that the Pollution Prevention Plan, which outlines mitigation measures for the construction and use of the access track, is appropriate to ensure that culverts are designed in accordance with best practice to minimise construction impacts on otters. The measures are secured in **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** .	Noted	Agreed
2.2.4	RR (EA018)	Biocontrol and Non-native species	Biosecurity and invasive non-native species (INNS) are addressed in section A5.3.11.12 of **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management**	Insufficient wording of the biosecurity measures relating to construction activities which involve contact with water or aquatic ecosystems	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Plan (CEMP) [EN010162/APP/6.4.5.3A] . As recommended by the Environment Agency, the biosecurity principles in Section 5.3.11.12 of the Outline CEMP will be revised to highlight watercourses as a likely vector for INNS transmission. Additionally, further biosecurity measures will be implemented and detailed in the final CEMP relating to all machinery, equipment or Personal Protective Equipment (PPE), which explicitly contacts the water during works.		
2.2.5	Section 42 Statutory Consultation in the Consultation Report	Biodiversity (Pollution Prevention Plan)	The Parties agree that the measures within the Pollution Prevention Plan are appropriate in safeguarding ecological features during construction. The cable works and access tracks have been designed based on good practice to minimise effects of construction on the natural integrity and continuity of watercourses.	See EA006, EA015, EA016 of relevant representation.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			The Pollution Prevention Plan is presented in Section 5.3.9 of the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** . A detailed CEMP is secured by Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1B]** .		
2.2.6		Biodiversity Net Gain	The **ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13]** [APP-226] has been prepared in accordance with Schedule 14 of the Environment Act 2021 and the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. The Development would secure a significant BNG commitment.	The EA notes that BNG is not part of its statutory remit and does not raise any matters in respect of BNG in relation to the development	Agreed

2.3 PRIVATE WATER SUPPLIES AND ABSTRACTIONS

Table 2-3 Private Water Supplies and Abstractions

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.3.1	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope	The Parties agree the location of the private water supplies are agreed. Table 9.7 in Section 9.4.12 of the **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] suggests three Private Water Supplies (PWS) are located within the Water Supplies Study Area, and none are located within the Order Limits.	TBC	Agreed
2.3.2	Section 42 Statutory Consultation in the Consultation Report	Mitigation Measures (water quality monitoring)	The Parties agree that the water quality monitoring measures outlined in Section A5.3.9 of the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** are acceptable. Section 5.3.9 of the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** sets out the management of the handling of chemicals and fuels will limit the potential for spillage or leakages to minimal fugitive releases (if any). It also sets out water quality monitoring of discharges from settlement	TBC	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			lagoons, specifically during wet weather. A detailed CEMP is secured by Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1B] .**		
2.3.3	TBC	Assessment of Effects	Subject to the mitigation measures, the effects on PWS and the EA registered abstraction receptors of Medium sensitivity will be of Negligible magnitude and therefore of Negligible significance. This is Not Significant in terms of the EIA Regulations. Therefore the effects on PWS and the EA registered abstraction receptors are acceptable.	TBC	Agreed

2.4 WATER FRAMEWORK DIRECTIVE ASSESSMENT

Table 2-4 Water Framework Directive Assessment

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.4.1	Section 42 Statutory Consultation in the	Water Framework Directive Assessment Scope and methodology	The Parties agree that the methodology for the **ES Volume 4, Appendix 9.2: Water Framework Directive**	We agree to the scope, but we have outstanding issues in regards to methodology. See EA007, EA012, EA008, EA009, EA010 etc	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
	Consultation Report		**Assessment [EN010162/APP/6.4.9.2A]** [AS-053] is acceptable. As stated in Section A9.2.2 of the **ES Volume 4, Appendix 9.2: Water Framework Directive Assessment [EN010162/APP/6.4.9.2A]** [AS-053], the WFD status, water quality classification and future objectives of the screened-in RBMP water bodies are based on the information provided by the EA. Therefore, the Applicant considers that the methods for determining magnitude effects on WFD status is sufficient.		
2.4.2	TBC	Assessment of Effect on the WFD water bodies	Subject to the mitigation measures detailed in **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]** , and **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052], the Development will not be detrimental to the objectives of the WFD water bodies and	See EA007, EA008, EA009, EA010, EA012, etc	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			complies with the WFD objectives. The Development is assessed as not increasing pollution to the water bodies draining the Order Limits.		
2.4.3	TBC	Cable Crossing	The Applicant considers the proposed cable crossing is appropriate and reduce the effect on the waterbodies to an acceptable level. Cable crossings will utilise horizontal directional drilling (HDD) as the default option. Open trench methods will only be utilised on ordinary watercourses.. A series of mitigation measures are secured in Section A5.3.9.4 'Cable Works' of the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]**.	See EA020	Under discussion

2.5 WATER RESOURCES MITIGATION MEASURES

Table 2-5 Water Resources Mitigation Measures

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.5.1	Section 42 Statutory Consultation in the Consultation Report	Construction Ecological Management Plan (CEcMP)	The Parties agree that the measures within the Construction Ecological Management Plan (CEcMP) are acceptable in safeguarding ecological features during construction, as presented in Section 5.3.11 of the **ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]**. A detailed CEcMP is secured by Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1B]** . Requirement 12 has been updated to name the EA as a consultee, as requested. This is set out in the updated Draft DCO submitted at Deadline 1.	See EA018 and EA019	Under discussion
2.5.2	Section 42 Statutory Consultation in the	Groundwater Quality	The Parties agree that the relevant documents related to land contamination and risks posed to groundwater for the proposed development are appropriate. Risks to	See EA001, EA002, EA003, EA008, EA009, EA012, EA014, EA013, EA015, EA020, EA024	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
	Consultation Report		groundwater have been appropriately considered and that the mitigation measures proposed are acceptable.		
2.5.3	RR (EA008)	Firewater pollution from BESS	The Applicant can confirm that penstocks would be automated and linked to an automatic detections system and regularly tested. An updated version of **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** has been submitted at Deadline 1 and confirms that penstocks would be automated and regularly tested. A backup system will also be in place in case of power failure. In addition, **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** outlines that the firefighting strategy includes external cooling of adjacent BESS	Insufficient measures to avoid chemical pollution from Battery Fire. Firewater and other chemicals from the Battery Energy Storage System (BESS) will cause pollution and deterioration in WFD water quality if not properly contained. EA requested clarify in Chapter 9 and the Fire Safety Management Plan, 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. A backup system should also be in place in case of power failure.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			enclosures, in the event of an emergency incident, using the available water supply on site. Water applied externally for cooling is unlikely to become contaminated, as it remains physically separated from internal electrolytes and other possible contaminants within the enclosure. The market standard for BESS enclosures (noting that this is the standard, but that equipment has not yet been procured) is an Ingress Protection rating of IP55 or better, in accordance with IEC 60529. This rating indicates that water projected in jets against the enclosure from any direction has no harmful effects and does not penetrate the interior. This firefighting approach reduces the likelihood of fire-water becoming contaminated to begin with, noting that this does not apply to sprinklers (which at this stage of the		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Development, are not confirmed in the design).		
2.5.4	RR (EA009)	Disposal of firewater	Section 9.6.2.2 of **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] outlines that firefighting water will not be directly applied to an affected BESS container, meaning there is reduced potential for firefighting water to become contaminated and the volume of water required during a firefighting event is, therefore, reduced. Section A5.4.3.8, Paragraph 51 of **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** states that in the event of a fire suppression event, the captured water will be tested. The water will then either be removed offsite by tankers to a licenced facility, or discharged to the unnamed field drain	Lack of Clarity on how fire water will be treated or disposed of. Firewater and other chemicals from BESS will cause pollution and deterioration in WFD water quality, if not contained and removed appropriately. In the event of a fire at the BESS, it is our preference for developers to opt for using tankers to remove any contaminated water offsite.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			(subject to agreement with EA). Spent water would be tankered offsite and **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** and **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** have been submitted at Deadline 1 to confirm that a tankered solution would be used. Onsite treatment / remediation of captured water is not proposed for the Development.		
2.5.5	RR (EA010)	Firewater Basin and SuDs	Following a fire-fighting event, the lining or clay base of the detention basin could be replaced if testing identified that contaminants were present. An updated version of **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** has	Lack of post-fire pollution prevention controls regarding the firewater basin and SuDS system. In the event of a fire affecting the BESS, there is the potential to mobilise pollutants in surface water runoff. Pollutants could enter the water environment after the event, unless SuDS systems are thoroughly cleaned.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			been submitted at Deadline 1 to confirm this.	This will cause a deterioration in WFD water quality. Clarify in Chapter 9 and the Fire Safety Management Plan, that in the event of a fire, any containment systems for firewater would be thoroughly cleaned before any penstock was reopened and drainage resumes. Confirmation as to whether gravel substrate will be used in the BESS compound and surrounding drainage system. If gravel attenuation substrate is used, we'd require: confirmation on how any absorbed contamination in the substrate would be managed. If substrate is found to have ongoing issues, consideration should be given to removing all containers to enable remediation. Catchment zoning and isolation should be considered in this case.	
2.5.6	RR (EA011)	Foul Water Treatment and Disposal	**ES Volume 4, Appendix A5.3: Outline Construction Environmental Management**	Insufficient detail regarding foul water treatment and disposal.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Plan (CEMP) [EN010162/APP/6.4.5.3A] will be updated to confirm that if Portaloo type facilities are used then this will be a waste procedure. **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] will be updated to confirm that if discharge to a watercourse from a septic tank is required during any stage of the Development, then this will be treated to standards dictated by a discharge activity permit, issued by the EA. Following the grant of any DCO the appointed contractor will engage with the EA regarding all necessary permits, and the **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** will be updated to confirm this.	If foul water treatment and disposal is not managed correctly, it will cause pollution and a deterioration in WFD water quality. Further detail should be provided about frequency of monitoring and emptying regarding foul water treatment and disposal in Section 9.6.2.3 of Chapter 9 – Water Resources. A foul water disposal strategy during all phases should be clarified.	

2.6 GROUNDWATER AND CONTAMINATED LAND

Table 2-6 Groundwater and Contaminated Land

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.6.1	RR (EA002)	Contamination Strategy	Requirement 16 has been updated to name the EA as a consultee, as requested. This is set out in the updated Draft DCO submitted at Deadline 1.	We note that requirement 16 (Ground Conditions) (2) includes an unexpected contamination strategy. We do not believe this unexpected contamination protocol contains enough detail. Deterioration in groundwater waterbody WFD quality. We request the unsuspecting contamination protocol wording (included in the additional comments) is included within the respective requirements, or within the respective plans.	Under Discussion
2.6.2	RR (EA007)	Aquifers Risks	The EA's response to PEIR identified that the BESS was to be located on a Secondary A aquifer. The Aquifer Designation Map (Bedrock) (England) shows that Work Area 5a would be located on a Secondary B aquifer. Table 9.9 of **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] assigns groundwater High sensitivity and therefore the	Chapter 9 Water Resources does not mention the aquifer status of the bedrock or describe the superficial deposits that underlie the proposed scheme. The risks to aquifers have not been fully considered. Therefore, this may lead to an inappropriate assessment of WFD impacts.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			resource, including aquifers, have been assessed appropriately. **ES Volume 3, Figure 9.3: Superficial Geology [EN010162/APP/6.3.9A]** shows that Work Area 5a is underlain by clay, silt, sand and gravel.		
2.6.3	RR (EA014)	Foundation Works (oCEMP)	Noted. The Outline CEMP has been updated to include this commitment and was submitted at Deadline 1.	Mitigation measures to prevent risks to controlled waters from foundations are not sufficient. Update the outline CEMP to include the need for a Foundation Works Risk Assessment in areas if contamination is identified.	Under discussion
2.6.4	RR (EA015)	Chemical Storage (oCEMP/oOEMP)	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** has been updated to include this commitment and was submitted at Deadline 1.	Fuel, oil and chemicals are stored in bunded areas, without explanation how they will be stored. Further measures/clarification to mitigate against risks from fuel, oil and other chemicals should be included in next iterations of the outline CEMP/OEMP (Section A5.3.9.3.3, paragraphs 70-71 of oCEMP and Section A5.5.4.5.2, paragraphs 25-26 of oOEMP)	Under Discussion
2.6.5	RR (EA016)	Horizontal Directional Drilling (oCEMP)	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction**	Uncertainty around launch pit location details, and their distance from the top of the bank of watercourses. Further	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A] has been updated to include this commitment and was submitted at Deadline 1.	detail should be provided around the launch pit locations, and precautions in Section A5.3.9.4.2 paragraph 93 of the oCEMP should be developed into a Drilling Fluid Breakout Management Plan.	
2.6.6	RR (EA017)	Waste Chemicals, Fuels and Oils (oCEMP)	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** has been updated to include this commitment and was submitted at Deadline 1.	Section A5.3.10.7.2, paragraph 146 of the oCEMP stated that "Any contaminated runoff within the bund will be disposed of at an appropriate waste management facility", but it is unclear how it will be determined as contaminated. Clarify if there are any specific visual inspections or water sampling associated with the construction compound, and which SuDS designs are proposed around this compound for effective treatment.	Under Discussion
2.6.7	RR (EA020)	HDD Crossings	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** has been updated to include this commitment and was submitted at Deadline 1.	The outline CEMP does not state that hydrogeological risk assessments will be carried out to assess the risks of HDD installation methods in areas close to groundwater receptors. HDD crossings close to sensitive groundwater receptors will need to be accompanied by hydrogeological risk assessments.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.6.8	RR (EA021)	Foul water during operation phase (oOEMP)	Noted. The Outline OEMP **ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP) [EN010162/APP/6.4.5.5A]** has been updated to include this commitment and was submitted at Deadline 1.	Section A5.5.1,paragraph 4 of the oOEMP has lack of detail about foul water during the operation phase. Foul water strategy during operation should be clarified, to ensure that foul water treatment and disposal is adequate to minimise risk to water quality.	Under Discussion
2.6.9	RR (EA022)	Hydrocarbon Contamination (oOEMP)	Noted. The Outline OEMP **ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP) [EN010162/APP/6.4.5.5A]** has been updated to include this commitment and was submitted at Deadline 1.	Lack of detail about refuelling vehicles during the operation phase. It is unclear if it will occur in designated bunded areas, and if any oil inceptors around hard standings will be used. The level of detail in Section A5.3.9.3.1, paragraphs 66 and 68 of the outline CEMP should be reflected in the Section A5.5.4.5.1, paragraph 23 of oOEMP. If bunded areas are dismantled at the end of the construction phase, then alternative locations should be explained.	Under Discussion
2.6.10	RR (EA023)	Decommissioning	Noted. The Outline DRP **ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]** has	Some electrical cables may be left in situ. Include a commitment in the Decommissioning Environmental Management Plan to complete a risk assessment for any cables that are	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			been updated to include this commitment and was submitted at Deadline 1.	proposed to be left in situ once the site is decommissioned.	
2.6.11	RR (EA012)	Other Matters - Assessment Guidance	Noted.	ES Chapter 10 has been carried out in accordance with the Design Manual for Roads and Bridges (DMRB) and associated supporting documents, which contain outdated and incorrect information in Section 10.4.5 & Table 10.17. Inconsistency of the assignment of sensitivity of receptors could lead to inconsistency in assessment of risk. Ensure the guidance being followed considers other more recent forms of guidance.	Under discussion
2.6.12	RR (EA024)	Water Quality Monitoring (oDRP)	Noted. The Outline DRP **ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]** has been updated to include this commitment and was submitted at Deadline 1.	Water quality monitoring (surface and groundwater) will be carried out with the aim to detect any activity proving detrimental to water quality and to allow action to be taken to prevent any further effect on water quality. The water quality monitoring programme as part of the decommissioning environmental management plan should include reference to remediation of any identified pollution in A5.6.6.8 of the oDRP.	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.6.13	RR (EA013)	Other Matters – Inconsistency Wordings	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** has been updated to include this commitment and was submitted at Deadline 1.	Inconsistency of wording of the discovery strategy in the Outline CEMP and Requirement 16 of the draft DCO. Inconsistency could lead to confusion about how the identification of unsuspected contamination should be managed. Update the CEMP section on the discovery strategy so that there is consistency between documents.	Under discussion

2.7 DRAFT DCO

Table 2-7 Draft DCO

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.7.1	RR (EA005)	Protective Provisions	The Applicant has been engaging with the Environment Agency in respect of the issues raised in their Relevant Representation. Protective Provisions were included in the dDCO at Part 4 of Schedule 13, and the adequacy of such provisions are subject to ongoing	Protective provisions for the protection of the Environment Agency are included in Schedule 13 (part 4). We cannot agree to the disapplication of Flood Risk Activity Permits (FRAPs) or any other permitting legislation; therefore the protective provisions cannot be included in the draft DCO.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			discussion between the parties. The dDCO does not seek to disapply Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of flood risk activity. For this reason (and as stated in correspondence with the EA) the provisions for the protection of the Environment Agency that are included in Part 4 of Schedule 13 to the dDCO do not include a framework to replace the process prescribed by Regulation 12 of the 2016 Regulations and the Applicant will be required to obtain a FRAP in accordance with the statutory process. The Applicant will continue to work with the Environment Agency to resolve any outstanding issues that have		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			been raised in their Relevant Representation.		
2.7.2		Leasehold Interest	The Applicant acknowledges that the EA have a leasehold interest for the siting of rain gauging equipment at Staythorpe Power Station. The Applicant confirms that Staythorpe Power Station is outside of the Order Limits.	Agreed. National Grid Reference: SK7598954119	Agreed

2.8 SCHEDULE 2: REQUIREMENTS

Table 2-8 Schedule 2: Requirements

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.8.1	RR (EA001)	The wording of commence	The Applicant would like to discuss this point with the EA. The definition is precedent DCO drafting, which the Secretary of State has considered to be reasonable in a number of DCOs. The Draft DCO will be updated at Deadline 1 to confirm that permitted preliminary works	Works considered under "permitted preliminary works" are pre-commencement activities that could be undertaken without the controls that only apply following commencement. EA requested that "remedial work in respect of any contamination or other adverse ground conditions" is removed from the permitted preliminary works list, and that such works are	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			would be undertaken in accordance with the measures set out in the Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]**. The Applicant understands that this would be acceptable to the EA.	undertaken with controls that apply at commencement (i.e., controls within Requirements 12 and 16 apply).	
2.8.2	RR (EA006)	Requirements 12, 13 and 19	The Applicant confirms that the dDCO will be updated at Deadline 1 to include the EA as consultee in the discharge of Requirements 9, 12, 13, 16 and 19. The Applicant understands that this would be acceptable to the EA.	We may not have oversight over these documents, which may pose a risk of pollution, WFD status deterioration and an increase in flood risk. EA requested to include "such approval to be in consultation with the Environment Agency" in (1) for Requirements 12, 13 and 19.	Under discussion
2.8.3	RR (EA004)	Requirement 9 (Fencing and other means of enclosure)	Fencing is not proposed within Work Area 3: Enhancement and Mitigation, which is the only Work Area which is located within 8 metres of a watercourse. No fencing is proposed within 8 metres of a	EA requested to be consulted on any plans relating to proposed fencing in proximity to main rivers under Requirement 9. EA requested to include "such approval to be in	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Main River, and **ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A]** has been updated to reflect this. The Applicant has confirmed to the EA that it will be included as consultee in the discharge of Requirement 9.	consultation with the Environment Agency" in (1) and (2).	
2.8.4	RR (EA003)	Requirement 16 (Ground conditions)	The Applicant confirms that the dDCO will be updated at Deadline 1 to include the EA as a consultee in the discharge of Requirement 16.	Under Requirement 16, we are not listed to be consulted alongside the planning authority in regard to (1) and (2).We may not have sight of the remediation strategy, and this therefore may pose a risk to deterioration of groundwater WFD status. Include "such approval to be in consultation with the Environment Agency" in (1) and (2).	Under discussion

2.9 OTHER MATTERS

Table 2-9 Other Matters

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.9.1	RR (Appendix B)	Disposal of Batteries	Paragraph 81 of the **ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]** states that the final Decommissioning Site Waste Management Plan (DSWMP) will be implemented in line with the most recent policy and legislation at the time of decommissioning. This is then supported by Paragraph 82, that states that the Waste Hierarchy shall be the core waste management principles, as required in the Waste (England and Wales) Regulations 2011. It is likely that regulations and policy requirements with respect to decommissioning, disposal and recycling shall change over the lifetime of the Development, and as such, the Outline DSWMP confirms	The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration.	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Elements Green Trent Limited intent to meet the policy and legislation at such time. EA states that "Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing." Whilst this is correct, it presents the risk of batteries in a general manner, without acknowledging that established standards and guidance provide multi-layered controls to minimise the probability of chemical release and environmental impact to as low as reasonably practicable. The Applicant has prepared the Development risk assessment in **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]** to identify hazards, and propose prevention/mitigation strategies to reduce the risk of such		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			hazards. These strategies include BESS equipment compliance with UL 9540 (or IEC 62619) for safe performance of the BESS, testing evidence to UL 9540A demonstrating resistance to thermal runaway propagation, compliance with UN 38.3 to prove that batteries are safe for transportation, site design in line with NFPA 855 incorporating separation distances and containment features, early detection of faults through advanced monitoring systems, emergency response plan provision for coordinated incident management, and explosion controls such as venting and deflagration prevention measures (compliance with NFPA 68 and/or NFPA 69). **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A]**		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			has been prepared based on British and international standards and best practice including but not limited to NFPA 855, EASE Guidelines on Safety Best Practices for Battery Energy Storage Systems, Allianz Risk Consulting Recommendations and FM Global Datasheet 5-33: Lithium-ion Battery Energy Storage Systems. The mitigations follow the OSHA Hierarchy of Controls; aiming to eliminate hazards, substitute the hazard, apply engineering controls, administrative controls and provide Personal Protective Equipment, in that order.		

3 WORK PACKAGE TRACKER

Table 3-1 Work Package Tracker

Subject	Work package	Baseline Assessment / Scope / Survey	Impact	Solution	Agreed Requirement	Status	EA Issue Reference
Flood risk	Flood Risk Assessment						EA004, EA005, EA006, EA025, EA027, EA029
Flood Modelling	Flood Risk Assessment						EA026, EA028,
Contaminated Land	Water Framework Directive Assessment						EA006, EA012,
	Outline Construction Environmental Management Plan						EA001, EA006, EA013, EA014, EA020

	Outline Decommissioning Environmental Management Plan						**EA023**
	Contamination Strategy						**EA002, EA003, EA007**
Water resources	**Water Resources Plan**						
Water quality	**Water Framework Directive Assessment/pollution prevention**						**EA008, EA009, EA010, EA011,**
	Fire Safety Management Plan						**EA008, EA009, EA010,**
	Outline Construction Environmental Management Plan / Operational Environmental Management Plan / Decommissioning and restoration						**EA006, EA015, EA016, EA017, EA021, EA022, EA024**

Fisheries	**Fish Impact Assessment / Water Framework Directive Assessment**						
Biodiversity	**Outline Construction Environment Management Plan/Construction Ecological Management Plan**						**EA018, EA019**
Geomorphology	**River Condition Assessment / Water Framework Directive Assessment**						

4 SIGNATURES

10. The above SoCG is agreed between the Applicant and the Environment Agency, as specified below.

Duly authorised for and on behalf of **Elements Green Trent Ltd**	Name Job Title Date Signature
Duly authorised for and on behalf of **the Environment Agency**	Name Job Title Date Signature