Great North Road Solar and Biodiversity Park

Draft Statement of Common Ground with the Environment Agency

Document Reference – EN010162/APP/8.3A

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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).
2. 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.
3. 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

4. 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

5. 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.
6. 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

7. 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.
8. 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.

9. 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/6.4.9.1 B]** [REP1-039] 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

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
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/6.4.9.1 B]** [REP1-039] notes that the Core Study Area would not flood during both the 0.5 % 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	We consider this issue resolved. We were concerned that the measurement of climate change for sea level rise was not considered appropriately. The application of climate change for sea level rise is not based on a percentage increase, but rather an increase in water level in metres to a given year in the future. Section A9.1.1.3.2.2 of the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039] still refers to the application of tidal climate change as a percentage. This is misleading, as tidal climate change is applied by increasing sea levels to reflect climate change, and not by scaling flows by a percentage as is the case when applying climate change to fluvial (river) flows. It is not critical for this project, given the proposed development's location is within the fluvial dominant reach of the River Trent, and is not affected by tidal flooding in the tidal design event (0.5% plus upper climate change), based on Environment Agency detailed hydraulic modelling (Jacobs, 2023). Additionally, section A9.1.1.23 shows how the 0.5% (1 in 200) Upper End tidal 2121 scenario	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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 it presented a greater extent which marginally interacted with the Order limits. As such, **ES Volume 4, Appendix A9.1: Flood Risk Assessment**	flood extent does not encroach into the order limits for the development. We are satisfied to resolve this issue, even though the Flood Risk Assessment (FRA) text has not been updated, as it will not materially alter the conclusions.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			[EN010162/APP/6.4.9.1 B] [REP1-039] uses the 0.5 % AEP 2121 Upper End scenario to assess tidal flood risk, which is assessed a Negligible risk to the Development.		
1. 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	We do not consider this issue resolved. We were concerned that there was contradictory information within figure 9.18 of the Response to Section 51 following Acceptance - 6.4.9.1A Environmental Statement Volume 4 – Technical Appendices Technical Appendix A9.1 – Flood Risk Assessment (Clean) - Rev 2 [AS-051]. The Applicant referred to Figure 9.18 to show that all panels would be placed outside of the design event. However, this figure was named '1% AEP Defended Extents (CCP1)'. It was unclear whether the extent shown in this figure included the addition of 39% for the allowance of climate change. The CCP1 dataset is the Environment Agency's climate change projection dataset. For the Risk of Flooding from Rivers and Sea dataset, this reflects a central uplift of climate change for the 2050s epoch (2040 to 2069). For the Flood Map for	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			the 1 % AEP + 39% CC event derived from 1D-2D modelling as outlined in Section A9.1.2.2.3 of **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1 B]** [REP1-039].	Planning a central uplift for the 2080s epoch (2070 to 2125) was utilised. The map in figure A9.18 of the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039] shows the 1% defended extent (Risk of Flooding from Rivers and Sea) with climate change applied (CCP1). The climate change applied for this dataset is the central allowance for the 2050s epoch which reflects a 17% uplift for the Lower Trent and Erewash management catchment. Within section A9.1.1.11 Flood Studies page 18 paragraph 56 the Environment Agency's CCP1 climate change dataset is erroneously referred to as +23%, which reflects the higher central uplift for the 2050s epoch. The Environment Agency climate change projection (CCP1) applied to the Risk of Flooding from Rivers and Sea dataset reflects the central allowance for the 2050s epoch (+17%). In the case of the Flood Map for Planning, the central allowance for the 2080s epoch (+29%) was applied. The FRA should be updated to correctly refer to the climate change allowances applied to Environment Agency datasets (CCP1). It should then be identified if this has any implications for the proposed development, noting that a central	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				allowance, rather than a higher central allowance, has been used in the CCP1 data. *Additional comment* With respect to the Trent there are no concerns as climate change has been assessed appropriately based on the detailed modelling available (+39% higher central applied).	
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/6.4.9.1 B]** [REP1-039] 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	TBC	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			by Requirement 12 (Construction environmental management plan) of the **Draft Development Consent Order [EN010162/APP/3.1C]** proposed mitigation measures are considered acceptable.		
2.1.5	TBC	Assessment of Effects	As reported in **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-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	TBC	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Work Area 7: National Grid Staythorpe Substation. The **ES Volume 4, Appendix 9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1 B]** 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) [EN010162/APP/6.4.5.3 A]** has been updated at Deadline 1 to confirm	We do not consider this issue resolved. We were concerned that there was limited detail on the siting of construction compounds, equipment and materials. In the 6.4.9.1B **Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev** 3 [REP1-039] the applicant has committed to not placing construction compounds within Flood Zone 3a or 3b. However, the applicant has not mentioned material or equipment. The applicant needs to	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			that construction compounds will be located outside Flood Zone 3a and 3b. This has been amended at Deadline 2 to include a restriction that Flood Zone 3a and 3b would not be used for the storage of construction material or equipment.	commit to not placing material or equipment storage within floodzone 3 (both 3a and 3b), or provide necessary mitigation measures to be implemented and ensure there is no adverse impacts on flood risk.	
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/6.4.9.1 B]** 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	We do not consider this issue resolved. We were concerned there was a lack of clarity regarding mitigation proposed in the BESS area, where water depths exceed 0.4 metres. It was unclear whether the BESS infrastructure would be raised above the design flood level, and whether any subsequent loss of fluvial floodplain storage would be mitigated. Section A9.1.2.3.5 Work Area 5a BESS remains unchanged in the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039]. Paragraph 13 on page 42 of the	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			hollows, meaning the baseline flooding scenario is unlikely to be 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/6.4.9.1 B]** 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	FRA states that the placement of above ground infrastructure will avoid areas of flooding greater than 0.4 metres, except for a very small area in the north of Work Area 5a. Ordinary Watercourses are located in the vicinity of the Battery Energy Storage System (BESS), we raised this comment to better understand the mitigations that are being proposed, and whether there is any loss of floodplain storage associated with the BESS. To resolve our concerns, the applicant should include additional detail within the FRA. This should focus on clarifying if there is any loss of fluvial floodplain storage associated with the BESS. Additionally, the applicant should identify any potential impacts from the BESS due to a loss of flood plain storage on flood risk to third parties, and whether the area of larger flood depths (>0.4 metres) can be avoided for development altogether.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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/6.4.9.1 B]** and will therefore be afforded a level 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**	We do not consider this issue resolved. We were concerned that areas designated as 'environmental mitigation areas' within	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			[EN010162/APP/6.4.9.1 B] 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 Landscape and Ecological Management Plan**	the Response to Section 51 following Acceptance - 6.4.9.1A Environmental Statement Volume 4 – Technical Appendices Technical Appendix A9.1 – Flood Risk Assessment (Clean) - Rev 2 [AS-051] may restrict the Environment Agency flood response team's access to watercourses in times of a flood. The applicant has not addressed this within the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039]. Therefore, we cannot resolve this issue.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			(LEMP) [EN010162/APP/6.4.5.1 A]. As such, access to watercourses and flood defences will be unaffected by the Development.		

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 **ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A** was 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 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**	We do not consider this issue resolved. We were concerned that there was displacement of water vole without sufficient mitigation implemented prior to displacement. The 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] does not include a commitment to provide appropriate	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan [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/3.1C]** secures the Detailed LEMP. This must be in accordance with **ES Volume 4, Appendix 5.1: Outline Landscape and Ecological Management Plan [EN010162/APP/6.4.5.1A]** and must be implemented as approved.	mitigation habitat for water vole prior to construction works commencing. We therefore cannot resolve this issue. Regarding works within proximity to ordinary watercourses, we defer to the local Internal Drainage Board. However, we recommend that ordinary watercourses are included within a commitment to provide mitigation habitat prior to the construction works commencing, within the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030].	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				Additional comment We note that table A5.1.5 the 6.4.5.1A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.1 - Outline Landscape and Ecology Management Plan (Clean) - Rev 2 [REP1-025] states that "Additional management of the Riparian Corridor will be informed by the Nottinghamshire Wildlife Trust's Water Vole Recovery Programme, details of which will be finalised following consent." We are pleased with this approach.	
2.2.3	Section 42 Statutory Consultation in the	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]** .	Noted	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
	Consultation Report		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]** .		
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 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 was be revised at Deadline 1 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.	We are satisfied and consider this issue resolved. We were concerned that there was insufficient wording of the biosecurity measures relating to construction activities, which involve contact with water or aquatic ecosystems, within the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204].	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				The revised wording in the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] has been sufficiently modified to reflect the potential presence of aquatic Invasive Non-Native Species and associated increased risk of accidental spread within watercourses. This issue can therefore be resolved.	
2.2.5	Section 42 Statutory Consultation in the	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
	Consultation Report		The Pollution Prevention Plan is presented in Section 5.3.9 of the **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan [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	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	Noted	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
	Consultation Report		Private Water Supplies (PWS) are located within the Water Supplies Study Area, and none are located within the Order Limits.		
2.3.2	Section 42 Statutory Consultation in the Consultation Report	Mitigation Measures (water quality monitoring)	The Applicant considers that the water quality monitoring measures outlined in Section A5.3.9 of the **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A]** are acceptable. Section 5.3.9 of the **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan [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 lagoons, specifically during wet weather. A detailed CEMP is secured by Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1C].**	TBC	Under discussion
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.	Noted	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 Consultation Report	Water Framework Directive Assessment Scope and methodology	The Parties agree that the methodology for the **ES Volume 4, Appendix 9.2: Water Framework Directive 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.	We agree to the scope, but we have outstanding issues in regards to methodology. See EA007, EA012, EA008, EA009, EA010 etc	Under discussion
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 Construction Environmental Management Plan [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 complies with the WFD objectives. The Development is assessed as not increasing	See EA007, EA008, EA009, EA010, EA012, etc	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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,	See EA018 and EA019	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			as presented in Section 5.3.11 of the **ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]**. A detailed CEcMP is secured by Requirement 12 in Schedule 2 of the **Draft DCO [EN010162/APP/3.1C]**. 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.		
2.5.2	Section 42 Statutory Consultation in the Consultation Report	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 groundwater have been appropriately considered and that the mitigation measures proposed are acceptable.	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
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 enclosures, in the event of an emergency incident, using the available water supply on	We do not consider this issue resolved. We were concerned that there were insufficient measures to avoid chemical pollution from Battery Fire. 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] has not been updated. Therefore, our issue remains unresolved. The applicant has updated both the [REP1-039] 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 and [REP1-032] 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2, to state: • an automatic penstock will be used; • a backup power system; • regular testing will occur We require the 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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 Development, are not confirmed in the design).	- Rev 1 [APP-052] to be updated to include the above measures. Further to the above, we require a commitment to providing a maintenance schedule for the SuDs. We recommend this is added to Table A5.4.D-1 of the 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2 [REP1-032]. Please note this issue interlinks with issue EA010.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
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 (subject to agreement with EA).	We do not consider this issue resolved. We were concerned that there was a lack of Clarity on how fire water will be treated or disposed of. We stated that our preferred method of firewater disposal should be via tankering methods. 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] has not been updated. Therefore, our issue remains unresolved. We require the applicant to update the following documents to outline how fire water will be disposed of in the event of a BESS fire: • [REP1-030] 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 • [REP1-032] 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2 • [REP1-039] 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Spent water would be tankered offsite and **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B]** [REP1-039] 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.	Assessment and Outline Drainage Strategy (Clean) - Rev 3	
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]**	We do not consider this issue resolved. We were concerned that there was a lack of post-fire pollution prevention controls regarding the firewater basin and SuDS system. 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			has been submitted at Deadline 1 to confirm this.	1 [APP-052] has not been updated. Therefore, our issue remains unresolved. We note that document [REP1-032] 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2 has been updated to include the: *"the provision of an automated penstock on the outfall of the containment system".* We agree with the inclusion of this measure. We note the updates made to the 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2 [REP1-032] and the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039] that now describe replacing the lining, or clay base, if contaminants are present after the event of a fire. However, it is not clear if it is the impermeable lining that is being referred to. This issue therefore remains unresolved.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				We require the following to resolve this issue: • Update 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] to clarify that in the event of a fire, any containment systems for firewater would be thoroughly cleaned before any penstock was re-opened and drainage resumes; • Update the 6.4.5.4A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan (Clean) - Rev 2 [REP1-032] and the 6.4.9.1B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) - Rev 3 [REP1-039] to clarify whether the impermeable lining is being referred to Please note this issue interlinks with issue EA008.	
2.5.6	RR (EA011)	Foul Water Treatment and Disposal	**ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]** will be updated to confirm that if Portaloo type facilities	We consider this issue resolved. We were concerned there was insufficient detail regarding foul water treatment and disposal.	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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.	The applicant has updated section A.5.5.1 of the 6.4.5.5A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan (Tracked) - Rev 2 [REP1-035] to state that the management of foul water will be set out in the final Outline Environmental Management Plan. We have been listed as a relevant authority to be consulted for requirement 10 (Surface and foul water drainage) in the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-005]. The updates made to these documents have resolved our concerns.	

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. The **ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5B]** has been updated at Deadline 2 to include the requested unsuspected contamination protocol.	We do not consider this issue resolved. We were concerned that there was a lack of detail regarding the unexpected contamination protocol within the 3.1 Draft Development Consent Order - Rev 1 [APP-007] requirement 16 (Ground Conditions) (2). We require the [REP1-030] 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 to be updated to include the following wording for an unsuspected contamination protocol: 1. In the event that contaminated land is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the local planning authority, and where necessary, the Environment Agency. 2. Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the local planning authority, following consultation with the Environment Agency. 3. Remediation must be carried out in accordance with the approved scheme under sub paragraph (2). 4. Following the implementation of the remediation strategy approved under sub-paragraph (2), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency. Alternatively, a new requirement for an unsuspected contamination protocol based on the above	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				wording, can be input into the draft development consent order. We are pleased to see that the 3.1B Draft Development Consent Order (Clean) - Rev 3 states that we are a relevant authority to be consulted on the following requirements: • 12 (Construction environmental management plan); • 13 (Operational environmental management plan); • 16 (Ground conditions); • 19 (Decommissioning and restoration)	
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]**	We do not consider this issue resolved. We were concerned that 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] does not mention the aquifer status of the bedrock, or describe the superficial deposits that underlie the proposed scheme. 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] has not been updated. We require the applicant to	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			[APP-052] assigns groundwater High sensitivity and therefore the 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.	update 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] to include the aquifer statuses across the scheme to resolve this issue.	
2.6.3	RR (EA014)	Foundation Works (oCEMP)	Noted. The **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3B]** has been updated to include this commitment and was submitted at Deadline 2.	We do not consider this issue resolved. We were concerned that mitigation measures to prevent risks to controlled waters from foundations were insufficient. The applicant has not amended document 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] in relation to a Foundation Works Risk assessment. As there is no commitment to a Foundation Works Risk Assessm ent, this issue is not resolved.	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
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 2.	We consider this issue resolved. We were concerned that there was a lack of detail regarding how fuel, oil and chemicals would be stored in bunded areas. The applicant has provided appropriate mitigation measures relating to the risks from fuels, oils and other chemicals within the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] and the 6.4.5.5A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan (Tracked) - Rev 2 [REP1-035]. We therefore consider this issue resolved.	Agreed
2.6.5	RR (EA016)	Horizontal Directional Drilling (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	We do not consider this issue resolved. We were concerned that there was uncertainty around launch pit location details, and their distance from the top of the bank of watercourses. The applicant has not provided any updated information regarding Horizontal Directional Drilling (HDD) in the revised 6.4.5.3A Environmental	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			include this commitment and was submitted at Deadline 2.	Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) – Rev 2 [REP1-030]. Therefore, this issue is not resolved. To resolve this issue the applicant should provide further detail around the launch pit locations, and precautions in (originally in paragraph 93 of the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204] 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 2.	We do not consider this issue resolved. We were concerned that there was a lack of detail regarding contamination determination within the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204]. We note that the applicant has outlined in Table A5.5.3 of the 6.4.5.5A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management	Under Discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				Plan (Tracked) - Rev 2 [REP1-035] that SuDS will be checked quarterly. Section A5.3.9.6.1 of the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] does not specifically state that water quality within SuDs will be monitored. To resolve this issue, we require: • Clarity of what SuDs will be proposed for the construction compound within the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030]; • A SuDs maintenance schedule to be included in the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030]	
2.6.7	RR (EA020)	HDD Crossings	Noted. The Outline CEMP **ES Volume 4, Appendix A5.3: Outline Construction**	We do not consider this issue resolved. We were concerned that the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices	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 2.	Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204] didn't state that hydrogeological risk assessments would be carried out to assess the risks of HDD installation methods in areas close to groundwater receptors. The applicant has not amended document 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030] in relation to a hydrogeological risk assessment for any HDD works. As there is no commitment to a hydrogeological risk assessment, this issue is not resolved.	
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/6.4.5.5B]** has been updated to include this commitment	We consider this issue resolved. We were concerned there was insufficient detail regarding foul water treatment and disposal. The applicant has updated section A.5.5.1 of the 6.4.5.5A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan (Tracked) - Rev 2 [REP1-035] to state the management of foul water will be set out in the	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			and was submitted at Deadline 2.	final Operation Environmental Management Plan (OEMP). Furthermore, we have been listed as a relevant authority to be consulted on requirement 10 (surface and foul water drainage) in the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-005]. The updates made to these documents resolve our concerns.	
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/6.4.5.5B]** has been updated to include this commitment and was submitted at Deadline 2.	We consider this issue resolved. We were concerned that there was a lack of detail about refuelling vehicles during the operation phase. It was unclear whether it would occur in designated bunded areas, and if any oil inceptors would be used around hard standings. The applicant has provided the appropriate mitigation against the risks from fuels, oils and other chemicals via updating the [REP1-030] 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 and the [REP1-035] 6.4.5.5A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan (Tracked) - Rev 2. We therefore consider this issue resolved.	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
2.6.10	RR (EA023)	Decommissioning	Noted. The Outline DRP **ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6B]** has been updated to include this commitment and was submitted at Deadline 1.	We consider this issue resolved. We were concerned that some electrical cables may be left in situ, following decommissioning of the development. The applicant has updated document 6.4.5.6A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration Plan (Clean) - Rev 2 [REP1-036], specifically section A5.6.2.1. This section now includes a commitment to complete a risk assessment for any cables that are proposed to be left in situ once the site is decommissioned. We find this acceptable and therefore consider the issue resolved.	Agreed
2.6.11	RR (EA012)	Other Matters - Assessment Guidance	Noted.	We do not consider this issue resolved. We were concerned that the assessment in document 6.2.10 Environmental Statement Report Volume 2 – Chapters Chapter 10 – Ground Conditions and Land Contamination - Rev 1 [APP-053] had been carried out in accordance with the Design Manual for Roads and Bridges (DMRB) and associated supporting documents. These	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				documents contain outdated and incorrect information. For this issue to be resolved, the applicant should: • Assign medium sensitivity to source protections zones (SPZ) as outlined in (Table 3.70 in LA 113 – as referred to in Table 3.11 of LA 109). ○ Table 10.17 the SPZ 3 is assigned a low sensitivity. This is not an appropriate consideration of sensitivity. • Neither LA 109 or 113 include private water supplies as receptors. These receptors should be considered.	
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]** [REP1-036] has been updated to include this commitment and was submitted at Deadline 1.	We do not consider this issue resolved. We were concerned that surface water and groundwater quality monitoring carried out as part of the 6.4.5.6 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.6 – Outline Decommissioning and Restoration Plan - Rev 1 [APP-207], would be carried out without a commitment to remediation of any identified pollution. Section A5.6.6.8 of the 6.4.5.6A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				and Restoration Plan (Clean) - Rev 2 [REP1-036], has been updated to include reference to remediation of surface and groundwaters if monitoring detects any pollution. However, it states "Any pollution by the Development identified in this monitoring will be remediated insofar as is practicable." This should be expanded to include adhering to the guidance on dealing with pollution within Land Contamination Risk Management. Additionally, we note that the 6.4.5.5 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.5 – Outline Operation Environmental Management Plan - Rev 1 [APP-206] does not contain details of surface water monitoring during operation. Section A5.3.9.6.1 of the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204] provides details of surface water monitoring during construction. We require the OEMP to be updated to include details of surface water quality monitoring. To resolve this issue we require: • Inclusion of adhering to the guidance on dealing with pollution within Land Contamination Risk Management within the	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
				sentence "Any pollution by the Development identified in this monitoring will be remediated insofar as is practicable." Of the 6.4.5.6A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration Plan (Clean) - Rev 2 [REP1-036]; • Inclusion of details of surface water quality monitoring in the 6.4.5.5 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.5 – Outline Operation Environmental Management Plan - Rev 1 [APP-206]	
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/6.4.5.3B]** has been updated to include this commitment and was submitted at Deadline 2. We have also added the EA as a consultee to the	We do not consider this issue resolved. We were concerned by inconsistency of wording of the discovery strategy in the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan - Rev 1 [APP-204] and Requirement 16 of the 3.1 Draft Development Consent Order - Rev 1 [APP-007]. We acknowledge that we will be consulted on requirement 16. However, the applicant should amend document 6.4.5.3A Environmental Statement Volume	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			commitment made in paragraph 24, and this was done at Deadline 2.	4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2 [REP1-030], specifically section A5.3.6 paragraph 24 to state: "*The Environment Agency will be consulted to confirm that the chosen method of dealing with any identified contamination is appropriate for controlled water protection*." Once this change is made, we will resolve this issue.	

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	Protective provision are still included in the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-007]. We cannot agree to the disapplication of Flood Risk Activity Permits (FRAPs) or any other permitting	Under discussion

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			Draft Development Consent Order [EN010162/APP/3.1C] at Part 4 of Schedule 13, and the adequacy of such provisions are subject to ongoing discussion between the parties. The **Draft Development Consent Order [EN010162/APP/3.1C]** 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 **Draft Development Consent Order [EN010162/APP/3.1C]** do not include a framework to replace the process	legislation; therefore the protective provisions cannot be included in the draft DCO. To resolve this issue, the protective provisions will need to be removed.	

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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 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 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/6.4.5.3B]**. The Applicant understands that this would be acceptable to the EA.	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 undertaken with controls that apply at commencement (i.e., controls within Requirements 12 and 16 apply).	Under discussion
2.8.2	RR (EA006)	Requirements 12, 13 and 19	The Applicant confirms that the **Draft Development Consent Order [EN010162/APP/3.1C]** be updated at Deadline 2 to	We have reviewed the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-007], and can confirm we have been included as a relevant authority to be consulted on the following:	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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.	• 12 (Construction environmental management plan) • 13 (Operational environmental management plan) • 19 (Decommissioning and restoration)	
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 Main River, and **ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1B]** 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.	We have reviewed the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-007], and can confirm we have been included as a relevant authority for the approval of Requirement 9 (1) (2).	Agreed

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
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.	We have reviewed the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-007], and can confirm we have been included as a relevant authority for the approval of Requirement 16 (1) (2).	Agreed

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	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
			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 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		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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 hazards. These strategies include BESS equipment compliance with UL 9540 (or IEC 62619) for safe performance of the BESS, testing evidence to UL		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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]** [REP1-032] has been prepared based on British		

Ref	Relevant Documents	Description of Matter	Applicant's Position	EA's Position	Status
			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	Scope	Method and Assumptions on areas of uncertainty	Results of Assessment (i.e Impact / +ve/_ve)	Mitigation / Enhancements	Solution	Status	RR Issue number
Flood Risk	Flood Risk Assessment							EA004 EA005 EA025

								EA027
								EA029
	Flood Modelling: FRA							EA026
								EA028
								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
								EA015
								EA016
								EA017
								EA021
								EA022
								EA024
Fisheries	**Fish Impact Assessment /Water Framework Directive Assessment**							
Biodiversity	**Outline Construction Environment Management**							EA018
								EA019

	Plan/Construction Ecological Management Plan							
Geomorphology	**River Condition Assessment / Water Framework Directive Assessment**							

4 SIGNATURES

2. 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