



Great North Road Solar and Biodiversity Park

Draft Statement of Common Ground with the Environment Agency

Document Reference – EN010162/APP/8.3BA

Revision number 32

February January 2026

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	1 st Draft for EA Review
Issue 2	25/11/25	ES	Head of Planning	Issue 2 for EA Review
Issue 3	8/12/25	ES	Head of Planning	D1 Sign-off
Issue 4	15/01/26	ES	Head of Planning	D2 Sign-off
Issue 5	21/01/26	ES	Head of Planning	D3 Draft
Issue 6	11/02/26	ES	Head of Planning	D3 Draft
	13/02/26	MH	Planning Specialist	EA Comments
Issue 7	17/2/26	ES	Head of Planning	D3 Final draft for sign-off

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 disappplied. The approach to BNG is agreed. Outstanding matters include: <ul style="list-style-type: none"> • 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 1 st 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 28 th 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.

8/12/25	EA sign off D1 SoCG.
15/1/26	Applicant responded to comments on the SoCG.
16/1/26	EA sign off D2 SoCG.
26/1/26	Meeting with EA to review SoCG
29/1/26	EA responses to applicant RE EA005, EA014 and EA024
3/2/26	EA responses to applicant RE EA019
11/2/26	EA responses to applicant RE EA017, response noting 'With respect to the ordinary watercourses, we can confirm that on review these look to be drains, and therefore we agree with the applicant's assessment'.
13/2/26	EA comments on SoCG
17/02/26	Meeting with EA to review SoCG.
17/2/26	Applicant responses to EA comments and draft SoCG for D3 submission.
18/2/26	EA Sign off of the D3 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	EA's Position	Applicant's Position	Status
2.1.1		Policy Compliance	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.	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] [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.	Agreed
2.1.2	RR (EA026)	Flood Modelling – Tidal Climate Change	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	Section A9.1.2.1 of ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B] [REP1-039] notes that the Core Study Area would not flood during both the 0.5 % AEP (2121 UE scenario) i.e. 2121 Upper	Agreed

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>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</p>	<p>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).</p> <p>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.</p> <p>As such, ES Volume 4, Appendix A9.1: Flood Risk Assessment</p>	

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			<p>(Jacobs, 2023). Additionally, section A9.1.1.23 shows how the 0.5% (1 in 200) Upper End tidal 2121 scenario flood extent does not encroach into the order limits for the development.</p> <p>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.</p>	<p>[EN010162/APP/6.4.9.1B] [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.</p>	
2.1.3	RR (EA028)	Flood Modelling – Climate Change	<p>EA Current Position</p> <p>We do not consider this issue resolved.</p> <p>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</p>	<p>Current Position:</p> <p>The Applicant has confirmed that this matter relates to a typographical error within section A9.1.1.11 Flood Studies, and has been corrected for D3. The Applicant provided a response to the EA at Deadline 1 that explained how the CCP1 data set had been used.</p> <p>As confirmed by the EA at ISH3, subject to the update being made to the FRA there are no in-principle concerns from the EA in respect of the FRA.</p>	Under discussion

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			<p>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.</p> <p>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 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</p>	<p><u>Deadline 2 Position:</u></p> <p>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.</p> <p>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-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] [REP1-039].</p>	

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			<p>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.</p> <p>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</p>		

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			<p>allowance, rather than a higher central allowance, has been used in the CCP1 data.</p> <p>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). -</p>		
2.1.3	TBC	Flood Risk Assessment Scope and Methodology	<p>We are satisfied the Applicant has mostly assessed the impacts of the development on flood risk accurately and used the most up to date and reliable data. Specifically, we are content with the hydraulic modelling that the applicant has used to assess flood risk to the proposed development. The detailed hydraulic modelling that the applicant has used for the River Trent, Car and Pingley Dyke, and River Greet is reasonable and applies the appropriate climate change allowances.</p>	<p>Current Position: The Applicant notes that the EA have agreed with item 2.1.1 above, which confirms that the EA has no objection to the Development in respect of the Exception Test. The EA have confirmed via email on 11th February 2026 that "With respect to the potential loss of storage associated with the BESS, the applicant's response to our comments looks reasonable. Pending inclusion of this commitment in the Outline Drainage Strategy at Deadline 3, we</p>	Under discussions

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			<p>We do have an outstanding concern regarding reference to the Climate Change Projection 1 (CCP1) dataset 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] which we have sought further clarity from the Applicant on (please see issue EA028 in our response letter to the Applicant's comments on our relevant representation – XA/2025/100506/01-L01). The climate change allowances used in the CCP1 dataset are not suitable to use in the context of development which is classed as "Essential Infrastructure". We therefore <u>advise that further</u> clarity <u>is provided</u> from the applicant on the implications of its use in areas outside of where detailed hydraulic modelling is available. Nevertheless, the Applicant has located all infrastructure outside of flood zones, therefore we have no material concerns, <u>we just advise that</u></p>	<p><u>would have no further concerns in relation to this matter. With respect to the ordinary watercourses, we can confirm that on review these look to be drains, and therefore we agree with the applicant's assessment".</u></p> <p><u>Regardless of this position, the Flood Risk Assessment [EN010162/APP/6.4.9.1C] has been updated to explicitly cover flood risk from ordinary watercourses in proximity to Work Area 5a and 5b, which concludes that the watercourses have capacity to convey the 1 % AEP event plus 39% climate change allowance without overtopping. As such, there will be no loss of floodplain at the BESS.</u></p> <p><u>The ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3] Outline Drainage Strategy [EN010162/APP/6.4.9.3] commits Work Area 5a and 5b to having a SuDS network to be designed to the 1 % AEP plus 40 % climate change event. As such, work Area 5a and 5b will be safe from surface water flooding</u></p>	

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			<p><u>the Flood Risk Assessment is updated.-</u></p> <p><u>Regarding our issue EA027, in email correspondence with the Applicant, we have stated we find their assessment approach reasonable. Pending inclusion of this commitment in the Outline Drainage Strategy at deadline 3, we would have no further concerns in relation to this matter. With respect to the ordinary watercourses, we can confirm that on review these look to be drains, and therefore we agree with the Applicant's assessment.</u></p> <p><u>We believe that the development passes the exceptions test.</u></p> <p><u>highlighted in EA027 in our response letter to the applicant's comments on our relevant representation – XA/2025/100506/01-L01. The applicant has placed the battery energy storage system (BESS) within Flood zone 1, however we have concerns that the risk from ordinary</u></p>	<p><u>and there will be no loss of floodplain storage.</u></p> <p><u>Deadline 2 Position:</u> The Applicant considers the methodology of the ES Volume 4, Appendix 9.1: FRA [EN010162/APP/6.4.9.1B] [REP1-039] acceptable.</p>	

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			<p>watercourses within proximity of the infrastructure may not be fully mitigated for. We are currently working with the applicant to resolve this and feel this can be done within the examination period.</p> <p>b) We currently do not believe the development satisfies the exceptions test, due to the FRA's lack of consideration of flood risk from ordinary watercourses. Flood risk from all sources needs to be considered, not just main rivers. The BESS may be displacing floodplain storage, which may increase flood risk on site and elsewhere. As the development isn't considering flood risk from ordinary watercourses, we believe the development is therefore not compliant with the following policies:</p> <ul style="list-style-type: none"> • Overarching National Policy Statement for Energy Infrastructure <ul style="list-style-type: none"> o 5.8.6: "The Sequential Test ensures that a sequential, risk-based approach is followed to steer new 		

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			<p><u>development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account.</u></p> <p>o 5.8.11: <u>“Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:</u></p> <ul style="list-style-type: none"> ▪ <u>The project would provide wider sustainability benefits to the community that outweigh flood risk; and</u> ▪ <u>The project will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</u> <p>”</p> <p>-</p> <p>o 5.8.12: <u>“Development should be designed to ensure there is no increase in flood risk elsewhere, accounting</u></p> <p><u>for the predicted impacts of climate change throughout the lifetime of the development. There should be no net</u></p>		

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			<p>loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site."</p> <p>• National Planning Policy Framework:</p> <p>o 178: "The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: • the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</p> <p>• the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."</p> <p>o 179: "Both elements of the exception test should be satisfied for development to be allocated or permitted."</p>		

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			<u>In summary, we believe the development doesn't pass the exception test. Furthermore, it is not compliant with section 5.8.12 of the Overarching National Policy Statement for Energy Infrastructure, as it is unclear whether there is loss of fluvial floodplain associated with the BESS. Please note, we are not the decision-maker on the sequential test</u> TBC		
2.1.4	TBC	Mitigation Measures	TBC	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 [EN010162/APP/3.1C] proposed mitigation measures are considered acceptable.	Under discussion
2.1.5	TBC	Assessment of Effects	TBC	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	Under discussion

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				<p>Flood Zone (FZ) 1 (89.99 %), while 10.01 % lies in FZ 2 and FZ 3.</p> <p>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.</p> <p>The ES Volume 4, Appendix 9.1: Flood Risk Assessment [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.</p>	
2.1.62.1.4	RR (EA025)	Securing Mitigation – Work in Flood Zone 3b	<p>We do not consider this issue resolved.</p> <p>We were concerned that there was limited detail on the siting of construction compounds, equipment and materials.</p> <p>In the 6.4.9.1B Environmental Statement Volume 4, Technical</p>	<p>Current Position:</p> <p>As noted below, the Applicant has included a commitments in ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A] was updated at Deadline 1 to confirm 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</p>	Under discussion

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			<p>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 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.</p>	<p><u>3a and 3b would not be used for the storage of construction material or equipment.</u></p> <p><u>The EA have noted that the FRA included a summary of the previous version of the Outline CEMP, and so have asked for the FRA to be updated to reflect this updated measure. This has been completed at D3, and the Applicant considers that this issue should now be capable of being agreed.</u></p> <p><u>Deadline 2 Position:</u></p> <p>Construction compounds would be located in Work Areas 1 and 5 and would therefore be located within Flood Zone 1.</p> <p>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [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. This has been amended at Deadline 2</p>	

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				to include a restriction that Flood Zone 3a and 3b would not be used for the storage of construction material or equipment.	
2.1.72.1.5	RR (EA027)	Securing Mitigation – BESS	<p>Current Position: Regarding our issue EA027, in email correspondence with the Applicant, we have stated we find their assessment approach reasonable. Pending inclusion of this commitment in the Outline Drainage Strategy at deadline 3, we would have no further concerns in relation to this matter. With respect to the ordinary watercourses, we can confirm that on review these look to be drains, and therefore we agree with the Applicant's assessment.</p> <p>Deadline 2 position: We do not consider this issue resolved.</p> <p>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</p>	<p>Current Position: The EA have confirmed via email on 11th February 2026 that “With respect to the potential loss of storage associated with the BESS, the applicant’s response to our comments looks reasonable. Pending inclusion of this commitment in the Outline Drainage Strategy at Deadline 3, we would have no further concerns in relation to this matter. With respect to the ordinary watercourses, we can confirm that on review these look to be drains, and therefore we agree with the applicant's assessment”. Regardless of this position, the Flood Risk Assessment [EN010162/APP/6.4.9.1C] has been updated to explicitly cover flood risk from ordinary watercourses in proximity to Work Area 5a and 5b, which concludes that the watercourses have capacity to convey the 1 % AEP</p>	Under discussion

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			<p>whether the BESS infrastructure would be raised above the design flood level, and whether any subsequent loss of fluvial floodplain storage would be mitigated.</p> <p>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 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.</p>	<p>event plus 39% climate change allowance without overtopping. As such, there will be no loss of floodplain at the BESS.</p> <p>The ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3] commits Work Area 5a and 5b to having a SuDS network to be designed to the 1 % AEP plus 40 % climate change event. As such, work Area 5a and 5b will be safe from surface water flooding and there will be no loss of floodplain storage.</p> <p>Deadline 2 Position:</p> <p>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.</p> <p>Groundworks / enabling works for Work Area 5a are likely to level the</p>	

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			<p>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.</p>	<p>area to remove topographical hollows, meaning the baseline flooding scenario is unlikely to be representative of the Development scenario.</p> <p>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.</p> <p>This is secured through a requirement of the DCO.</p> <p>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</p>	

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
				<p>[EN010162/APP/6.4.9.1B] 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.</p>	
<p>2.1.82.1.6</p>	<p>RR (EA029)</p>	<p>Environmental Mitigation Areas</p>	<p><u>Current Position</u> AWAITING SIAN REVIEW TBC</p> <p><u>Deadline 2 Position:</u> We do not consider this issue resolved.</p> <p>We were concerned that areas designated as 'environmental mitigation areas' within 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.</p>	<p><u>Current Position</u> The Applicant has asked the EA to confirm if a response to the Applicant's Deadline 1 response is now agreed. The Applicant is awaiting a response.</p> <p><u>Deadline 2 Position:</u> 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.</p> <p>Section 9.6.1.6 of ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9] [APP-052]</p>	<p>Under discussion</p>

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			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.	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 (LEMP) [EN010162/APP/6.4.5.1A] . 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	EA's Position	Applicant's Position	Status
2.2.1	Section 42 Statutory Consultation in the Consultation Report	Biological features	Noted.	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	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>[EN010162/APP/6.4.8.15] [APP-227] which provides information about EMF from underground cables and the potential behavioural responses of fish.</p> <p>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.</p>	
2.2.2	RR (EA019)	Water Voles	<p>Current Position: We engaged with the Applicant on 17 February 2026. We have come to an agreement that the suitable solution to this issue is for the Applicant to state “For the avoidance of doubt, works covered by class licence will be undertaken in full accordance with the terms of the licence’. This must be done so within the 6.4.5.3B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction</p>	<p>Current Position: The Applicant has discussed this point and it appears that the EA now agree. The Applicant has made some further refinements to the Outline CEMP to specify that ‘For the avoidance of doubt, works covered by class licence will be undertaken in full accordance with the terms of the licence’.</p> <p>Deadline 2 position:</p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Environmental Management Plan (Tracked) - Rev 3 [REP2-051]. We will resolve this issue once we see the amended wording in an updated outline CEMP.</p> <p>Section A5.3.11.83 of the CEMP, it states "Habitats will be reinstated, where possible, or otherwise adjacent areas will be enhanced." We'd want to see that habitat is reinstated (not only where possible), and enhancements should be undertaken prior to works.</p> <p>I understand that Natural England displacement license should in theory involve an ecological clerk of works creating replacement habitat prior to construction. However our biodiversity specialists finds the above quote somewhat elusive. Are you able to correct this to state that the conditions of the license will be met? This would help us resolve this issue.</p> <p>We do not consider this issue resolved.</p> <p>-Deadline 2 Position:</p>	<p>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].</p> <p>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.</p> <p>Requirement 12 in Schedule 2 of the Draft DCO [EN010162/APP/3.1B] secures the Detailed CEMP. This must be</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We were concerned that there was displacement of water vole without sufficient mitigation implemented prior to displacement.</p> <p>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 mitigation habitat for water vole prior to construction works commencing. We therefore cannot resolve this issue.</p> <p>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</p>	<p>prepared in accordance with the ES 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.</p> <p>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.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Environmental Management Plan (Clean) - Rev 2 [REP1-030].</p> <p><i>Additional comment</i></p> <p>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.</p>		
2.2.3	Section 42 Statutory Consultation in the Consultation Report	Otter	Noted	<p>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] .</p> <p>The Applicant considers that the Pollution Prevention Plan, which outlines mitigation measures for the</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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	<p>We are satisfied and consider this issue resolved.</p> <p>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].</p> <p>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</p>	<p>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] .</p> <p>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.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			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 Consultation Report	Biodiversity (Pollution Prevention Plan)	See EA006 , EA015 , EA016 of relevant representation.	<p><u>Current Position:</u> 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. A further update to refine the commitment has also been discussed and this is submitted at Deadline 3.</p> <p><u>Deadline 2 Position:</u> The Parties-Applicant considers agree that the measures within the Pollution Prevention Plan, presented in Section 5.3.9 of the ES Volume 4, Appendix 5.3: Outline Construction Environmental</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p><u>Management Plan [EN010162/APP/6.4.5.3A]</u>, 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.</p> <p>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].</p>	
2.2.6		Biodiversity Net Gain	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	The ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13] <u>[APP-226]</u> has been prepared in accordance with Schedule 14 of the Environment Act 2021 and the Biodiversity Gain Requirements	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				(Irreplaceable Habitat) Regulations 2024. The Development would secure a significant BNG commitment.	

2.3 PRIVATE WATER SUPPLIES AND ABSTRACTIONS

Table 2-3 Private Water Supplies and Abstractions

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.3.1	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope	Noted	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.	Agreed
2.3.2	Section 42 Statutory Consultation in the	Mitigation Measures (water	We are satisfied and consider this issue resolved. We were concerned that under Requirement 16 ground conditions, we were not listed to be consulted alongside	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	Under discussion Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
	Consultation Report	quality monitoring)	the planning authority in regard to (1) and (2). 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). TBC	<p>Environmental Management Plan [EN010162/APP/6.4.5.3A] are acceptable.</p> <p>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].</p>	
2.3.3	TBC	Assessment of Effects	Noted	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	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				abstraction receptors are acceptable.	

2.4 WATER FRAMEWORK DIRECTIVE ASSESSMENT

Table 2-4 Water Framework Directive Assessment

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.4.1	Section 42 Statutory Consultation in the Consultation Report	Water Framework Directive Assessment Scope and methodology	We agree to the scope, but we have outstanding issues in regards to methodology. See EA007, EA012, EA008, EA009, EA010 etc	<p>The Parties Applicant considers 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.</p> <p>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</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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	See EA007, EA008, EA009, EA010, EA012, etc	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 pollution to the water bodies draining the Order Limits.	Under discussion
2.4.3	TBC	Cable Crossing	<u>See EA020</u> <u>Noted and agreed.</u>	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.	<u>Under discussion</u> <u>Agreed</u>

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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] .	

2.5 WATER RESOURCES MITIGATION MEASURES

Table 2-5 Water Resources Mitigation Measures

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.5.1	Section 42 Statutory Consultation in the Consultation Report	Construction Ecological Management Plan (CEcMP)	See EA018 and EA019. <u>We are awaiting review of deadline 3 updates to the Outline CEMP.</u>	Current Position: <u>The Applicant has discussed this point and it appears that the EA now agree. The Applicant has made some further refinements to the Outline CEMP to specify that 'For the avoidance of doubt, works covered by class licence will be undertaken in full accordance with the terms of the licence'.</u>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p><u>Deadline 2 Position:</u> The Parties Applicant considers 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 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.</p>	
2.5.2	Section 42 Statutory Consultation in the Consultation Report	Groundwater Quality	See EA001 , EA008, EA009, EA012, EA014, EA013, EA015, EA020 , EA024	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	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				appropriately considered and that the mitigation measures proposed are acceptable.	
2.5.3	RR (EA008)	Firewater pollution from BESS	<p>We do not consider this issue resolved.</p> <p>We were concerned that there were insufficient measures to avoid chemical pollution from Battery Fire.</p> <p>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.</p> <p>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:</p>	<p><u>Current Position:</u> Chapter 9 has been updated in D3 to confirm this. Likewise the Outline Fire Safety Management Plan has been updated to respond to this point. The Applicant considers that these should not be capable of being agreed.</p> <p><u>Deadline 1 Position:</u> 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.</p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<ul style="list-style-type: none"> • an automatic penstock will be used; • a backup power system; • regular testing will occur <p>We require the 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] to be updated to include the above measures.</p> <p>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].</p> <p>Please note this issue interlinks with issue EA010</p> <p>.</p>	<p>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 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</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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).</p>	
2.5.4	RR (EA009)	Disposal of firewater	<p>We do not consider this issue resolved.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> [REP1-030] 6.4.5.3A Environmental Statement Volume 	<p>Current Position: The Applicant understands that the EA have agreed with the amendment, but have sought a further change to ensure that the FRA is consistent with this matter. The FRA was updated at D3 to state that a tankered solution would be used.</p> <p>Deadline 1 Position: 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</p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan (Clean) - Rev 2</p> <ul style="list-style-type: none"> • [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 Assessment and Outline Drainage Strategy (Clean) - Rev 3 	<p>become contaminated and the volume of water required during a firefighting event is, therefore, reduced.</p> <p>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).</p> <p>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</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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	<p>We do not consider this issue resolved.</p> <p>We were concerned that there was a lack of post-fire pollution prevention controls regarding the firewater basin and SuDS system.</p> <p>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.</p> <p>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:</p> <p><i>“the provision of an automated penstock on the outfall of the containment system”.</i></p>	<p>Current Position: The Applicant has confirmed that the lining would be impermeable, or another design solution as may be agreed with the EA. This has been added to ensure that innovations in fire safety are not unduly constrained by the FSMP, and that an appropriate mitigation measure is incorporated within the final design. This change has been made to the FRA and FSMP and Outline Drainage Strategy at D3.</p> <p>Deadline 1 Position: 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</p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We agree with the inclusion of this measure.</p> <p>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.</p> <p>We require the following to resolve this issue:</p> <ul style="list-style-type: none"> Update 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - 	<p>Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A] has been submitted at Deadline 1 to confirm this.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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;</p> <ul style="list-style-type: none"> 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 <p>Please note this issue interlinks with issue EA008.</p>		
2.5.6	RR (EA011)	Foul Water Treatment and Disposal	We consider this issue resolved.	ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A] will	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We were concerned there was insufficient detail regarding foul water treatment and disposal.</p> <p>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.</p>	<p>be updated to confirm that if Portaloo type facilities are used then this will be a waste procedure.</p> <p>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.</p> <p>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.</p>	

2.6 GROUNDWATER AND CONTAMINATED LAND

Table 2-6 Groundwater and Contaminated Land

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.6.1	RR (EA002)	Contamination Strategy	<p>We do not consider <u>that</u> this issue <u>has now been</u> resolved.</p> <p>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).</p> <p>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:</p> <ol style="list-style-type: none"> 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 	<p>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.</p> <p>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.</p> <p><u>The same change has been included for the oOEMP and oDRP at Deadline 3.</u></p>	<p><u>Under Discussion Agreed</u></p>

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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 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.</p> <p>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.</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>3. Remediation must be carried out in accordance with the approved scheme under sub paragraph (2).</p> <p>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.</p> <p>Alternatively, a new requirement for an unsuspected contamination protocol based on the above wording, can be input into the draft development consent order.</p> <p>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:</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<ul style="list-style-type: none"> • 12 (Construction environmental management plan); • 13 (Operational environmental management plan); • 16 (Ground conditions); • 19 (Decommissioning and restoration) 		
2.6.2	RR (EA007)	Aquifers Risks	<p>We do not consider this issue resolved.</p> <p>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.</p> <p>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 update 6.2.9 Environmental Statement Volume 2 – Chapters Chapter 9 – Water Resources - Rev 1 [APP-052] to include</p>	<p><u>Current Position:</u> Notwithstanding the response provided below at Deadline 1, the Applicant notes that the EA want an explicit reference to aquifer status, which has been completed and shared at D3.</p> <p><u>Deadline 1 Response:</u> 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</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			the aquifer statuses across the scheme to resolve this issue.	<p>[EN010162/APP/6.2.9] [APP-052] assigns groundwater High sensitivity and therefore the resource, including aquifers, have been assessed appropriately.</p> <p>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.</p>	
2.6.3	RR (EA014)	Foundation Works (oCEMP)	<p>We do not consider this issue resolved.</p> <p>We were concerned that mitigation measures to prevent risks to controlled waters from foundations were insufficient.</p> <p>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 Ri</p>	<p><u>Noted-Current Position:</u></p> <p>-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 32.</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			sk Assessment, this issue is not resolved.		
2.6.4	RR (EA015)	Chemical Storage (oCEMP/oOEMP)	<p>We consider this issue resolved.</p> <p>We were concerned that there was a lack of detail regarding how fuel, oil and chemicals would be stored in bunded areas.</p> <p>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.</p>	<p>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.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.6.5	RR (EA016)	Horizontal Directional Drilling (oCEMP)	<p>We do not consider this issue resolved.</p> <p>We were concerned that there was uncertainty around launch pit location details, and their distance from the top of the bank of watercourses.</p> <p>The applicant has not provided any updated information regarding Horizontal Directional Drilling (HDD) in the revised 6.4.5.3A Environmental 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.</p> <p>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</p>	<p><u>Noted-Current Position:</u></p> <p>–The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A] has been updated <u>at Deadline 2</u> to include this commitment and was submitted at Deadline 2.</p> <p><u>A further update to refine the commitment has also been discussed with the EA and this is submitted at Deadline 3.</u></p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			Drilling Fluid Breakout Management Plan.		
2.6.6	RR (EA017)	Waste Chemicals, Fuels and Oils (oCEMP)	<p>We do not consider this issue resolved.</p> <p>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].</p> <p>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 Plan (Tracked) - Rev 2 [REP1-035] that SuDS will be checked quarterly.</p> <p>Section A5.3.9.6.1 of the 6.4.5.3A Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction</p>	<p>Current Position: We have set out in Section A5.3.9.1 of the Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3C] the types of SuDS proposed, but specifics (which measures at which locations, scale, etc.), would follow in the Detailed CEMP as appropriate. These will be set out in the Outline Drainage Strategy required in response to DCO Requirement 10.</p> <p>Deadline 2 Position: Noted. The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3BA] has been updated to include this</p>	Under Discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Environmental Management Plan (Clean) - Rev 2 [REP1-030] does not specifically state that water quality within SuDs will be monitored.</p> <p>To resolve this issue, we require:</p> <ul style="list-style-type: none"> 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]; <p>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]</p>	<p>commitment and was submitted at Deadline 2.</p>	
2.6.7	RR (EA020)	HDD Crossings	<p>We consider this issue resolved.</p> <p>We were concerned that the 6.4.5.3 Environmental Statement Volume 4 – Technical Appendices Technical</p>	<p>Noted. The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP)</p>	<p>Under discussion Agreed</p>

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>The Applicant has now amended the 6.4.5.3B Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan (Tracked) - Rev 3 [REP2-051] paragraph 94 to produce a hydrogeological risk assessment for any HDD works, close to groundwater receptors and will share the results with the Environment Agency. We are content with this addition. We do not consider this issue resolved.—</p> <p>-</p> <p>We were concerned that the 6.4.5.3 Environmental Statement Volume 4— Technical Appendices Technical Appendix A5.3— Outline Construction Environmental Management Plan— Rev</p>	<p>[EN010162/APP/6.4.5.3A] has been updated to include this commitment and was submitted at Deadline 2.</p> <p>A further update to refine the commitment has also been discussed and this is submitted at Deadline 3.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>-</p> <p>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.</p>		
2.6.8	RR (EA021)	Foul water during operation	We consider this issue resolved.	Noted. The Outline OEMP ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP)	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
		phase (oOEMP)	<p>We were concerned there was insufficient detail regarding foul water treatment and disposal.</p> <p>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 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.</p>	[EN010162/APP/6.4.5.5B] has been updated to include this commitment and was submitted at Deadline 2.	
2.6.9	RR (EA022)	Hydrocarbon Contamination (oOEMP)	<p>We consider this issue resolved.</p> <p>We were concerned that there was a lack of detail about refuelling vehicles during the operation phase. It was unclear whether it would occur</p>	Noted. The Outline OEMP ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP) [EN010162/APP/6.4.5.5B] has	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>in designated bunded areas, and if any oil interceptors would be used around hard standings.</p> <p>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.</p>	<p>been updated to include this commitment and was submitted at Deadline 2.</p>	
2.6.10	RR (EA023)	Decommissioning	<p>We consider this issue resolved.</p> <p>We were concerned that some electrical cables may be left in situ, following decommissioning of the development.</p>	<p>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</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>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.</p>	<p>commitment and was submitted at Deadline 1.</p>	
2.6.11	RR (EA012)	Other Matters - Assessment Guidance	<p>We do not consider this issue resolved.</p> <p>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</p>	<p>Current Position: Noted. Document 6.2.10 Environmental Statement Report Volume 2 – Chapters Chapter 10 – Ground Conditions and Land Contamination - Rev 1 [REP2-026] has been updated to address this comment at Deadline 3:</p> <ul style="list-style-type: none"> • SPZs are assigned medium protection, in Table 10.9 (Section 10.4.6) (this was 	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>documents contain outdated and incorrect information.</p> <p>For this issue to be resolved, the applicant should:</p> <ul style="list-style-type: none"> • Assign medium sensitivity to source protection 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. 	<p>already the case – no change needed).</p> <ul style="list-style-type: none"> • Identified private water supplies as receptors, in section 10.5.6. • Amended table 10.17 to identify SPZ 3 as medium sensitivity • Added reference to SPZs and private water supplies in table 10.18 (maximum design scenario and assessed impacts on these in Section 10.7.1.2, 10.7.2.1 and 10.7.3.1. 	
2.6.12	RR (EA024)	Water Quality Monitoring (oDRP)	<p>We do not consider this issue resolved.</p> <p>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</p>	<p>Current Position: 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</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>Section A5.6.6.8 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], 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.</p> <p>Additionally, we note that the 6.4.5.5 Environmental Statement Volume 4 – Technical Appendices Technical</p>	<p>this commitment and was submitted at Deadline 34.</p> <p>In relation to monitoring during the operational stage, section A5.5.6 of the Outline OEMP already sets out the monitoring commitments that the Applicant considers necessary. A section has been added at Deadline 3 that then relates to water quality monitoring that would be undertaken following a battery fire.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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.</p> <p>To resolve this issue we require:</p> <ul style="list-style-type: none"> Inclusion of adhering to the guidance on dealing with pollution within Land Contamination Risk Management within the 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 		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>and Restoration Plan (Clean) - Rev 2 [REP1-036];</p> <ul style="list-style-type: none"> 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	<p><u>We consider this issue resolved.</u></p> <p><u>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].</u></p> <p><u>The Applicant has updated section A5.3.6 paragraph 24 of document [REP2-051] 6.4.5.3B Environmental Statement</u></p>	<p>Current Position: <u>The Applicant updated the Outline CEMP at Deadline 2 to reflect this point, and understands that the EA has agreed this point.</u></p> <p>Deadline 1 Position: 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</p>	Agreed Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan (Tracked) - Rev 3 to include the wording:</p> <p><i>“The Environment Agency will be consulted to confirm that the chosen method of dealing with any identified contamination is appropriate for controlled water protection.”</i></p> <p>We do not consider this issue resolved.</p> <p>-</p> <p>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].</p> <p>-</p>	<p>commitment and was submitted at Deadline 2. We have also added the EA as a consultee to the commitment made in paragraph 24, and this was done at Deadline 2.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We acknowledge that we will be consulted on requirement 16. However, the applicant should amend 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], specifically section A5.3.6 paragraph 24 to state:</p> <p>-</p> <p>“The Environment Agency will be consulted to confirm that the chosen method of dealing with any identified contamination is appropriate for controlled water protection.”</p> <p>-</p> <p>Once this change is made, we will resolve this issue.</p>		

2.7 DRAFT DCO

Table 2-7 Draft DCO

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.7.1	RR (EA005)	Protective Provisions	<p><u>We do not consider this issue resolved.</u> <u>We were concerned that Protective provisions for the protection of the Environment Agency are included in Schedule 13 (part 4).</u></p> <p>Protective provision are still included in the 3.1B Draft Development Consent Order (Clean) - Rev 3 [REP1-007].</p> <p>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.</p> <p>To resolve this issue, the protective provisions will need to be removed.</p>	<p><u>Current Position:</u> The Applicant has <u>updated the Draft DCO at Deadline 3 to remove the EA's Protected Provisions and understands that this can now be agreed.</u> been engaging with the Environment Agency in respect of the issues raised in their Relevant Representation.</p> <p><u>Deadline 2 Position:</u> Protective Provisions were included in the 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.</p>	Under discussion

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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 prescribed by Regulation 12 of the 2016 Regulations and the Applicant will be required to obtain a FRAP in accordance with the statutory process.</p> <p>-</p> <p>The Applicant will continue to work with the Environment</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				Agency to resolve any outstanding issues that have been raised in their Relevant Representation.	
2.7.2		Leasehold Interest	Agreed. National Grid Reference: SK7598954119	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

2.8 SCHEDULE 2: REQUIREMENTS

Table 2-8 Schedule 2: Requirements

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.8.1	RR (EA001)	The wording of commence	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	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	Under discussion Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>undertaken with controls that apply at commencement (i.e., controls within Requirements 12 and 16 apply).</p> <p><u>We were concerned regarding the definition of commence within the 3.1 Draft Development Consent Order - Rev 1 [APP-007]. Specifically, we were concerned that works considered under "permitted preliminary works" are pre-commencement activities, that could be undertaken without the controls that only apply following commencement. To consider this issue resolved, the applicant should amend 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], 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 consider this issue resolved.</u></p>	<p>was 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].</p> <p>The Applicant <u>updated the Outline CEMP at Deadline 2 to include the further comments. The Applicant</u> understands that this would be acceptable to the EA.</p>	
2.8.2	RR (EA006)	Requirements 12, 13 and 19	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:	The Applicant confirms that the Draft Development Consent Order [EN010162/APP/3.1C] be updated at Deadline 2 to	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<ul style="list-style-type: none"> • 12 (Construction environmental management plan) • 13 (Operational environmental management plan) • 19 (Decommissioning and restoration) 	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.	
2.8.3	RR (EA004)	Requirement 9 (Fencing and other means of enclosure)	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).	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.	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.8.4	RR (EA003)	Requirement 16 (Ground conditions)	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).	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.	Agreed

2.9 OTHER MATTERS

Table 2-9 Other Matters

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.9.1	RR (Appendix B)	Disposal of Batteries	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.	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	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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.</p> <p>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</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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 9540A demonstrating resistance to thermal runaway propagation,</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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).</p> <p>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 and international standards and best practice including but not limited to NFPA 855, EASE Guidelines on</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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 RESPONSE TO EA ISSUE TRACKER (26TH JANUARY 2026) WORK PACKAGE TRACKER

Table 3-1 Response to EA Issue Trackerr (26th January 2026)

<u>Subject</u>	<u>Relevant Rep Reference</u>	<u>Deadline 1</u>	<u>Deadline 2</u>	<u>Outstanding Action</u>
<u>Groundwater and contaminated land</u>	<u>EA001</u>	<u>Not Resolved</u>	<u>This was added at D2. The Applicant has updated the oCEMP, and confirms this point.</u>	<u>N/A</u>
<u>Groundwater and contaminated land</u>	<u>EA002</u>	<u>Not Resolved</u>	<u>Para 1 was added at D1, paras 1 to 3 were requested on the 16th, and feature in the updated oCEMP submitted at D2.</u>	<u>As requested at D2, the same change will be included for the oOEMP and oDRP at D3. As requested at D2, the same change will be included for the oOEMP and oDRP at D3.</u>
<u>Water quality</u>	<u>EA003</u>	<u>Resolved</u>		
<u>Flood risk</u>	<u>EA004</u>	<u>Resolved</u>		
<u>Flood risk</u>	<u>EA005</u>	<u>Not Resolved</u>	<u>As set out in the SoCG, the dDCO does not seek to disapply the FRAP process. The existence of PPs does not infer any override of the EA's statutory powers.</u>	<u>PPs have been removed from the Draft DCO. This matter can now be agreed. EA to confirm their position regarding the Draft Protective Provisions.</u>
<u>Water quality, groundwater and contaminated land</u>	<u>EA006</u>	<u>Resolved</u>		
<u>Groundwater and contaminated land</u>	<u>EA007</u>	<u>Not Resolved</u>	<u>SoCG (D1 and D2) noted that groundwater was already identified 'High sensitivity'.</u>	<u>Noted that EA want an explicit reference to aquifer status, which has been completed and shared at</u>

<u>Subject</u>	<u>Relevant Rep Reference</u>	<u>Deadline 1</u>	<u>Deadline 2</u>	<u>Outstanding Action</u>
				<u>D3. Noted that EA want an explicit reference to aquifer status, which will be updated for D3.</u>
<u>Water quality</u>	<u>EA008</u>	<u>Not Resolved</u>		<u>Chapter 9 will be updated in D3 to confirm this. Likewise the Outline Fire Safety Management Plan will be updated to include a commitment to maintenance. Chapter 9 will be updated in D3 to confirm this. Likewise the Outline Fire Safety Management Plan will be updated to include a commitment to maintenance.</u>
<u>Water quality, groundwater and contaminated land</u>	<u>EA009</u>	<u>Not Resolved</u>		<u>The FRA will be updated at D3 to state that a tankered solution would be used. The FRA will be updated at D3 to state that a tankered solution would be used.</u>
<u>Water quality, groundwater and contaminated land</u>	<u>EA010</u>	<u>Not Resolved</u>		<u>The lining would be impermeable - the word 'impermeable' will be added before lining in the FRA and FSMP and Outline Drainage Strategy at D3. The lining would be</u>

<u>Subject</u>	<u>Relevant Rep Reference</u>	<u>Deadline 1</u>	<u>Deadline 2</u>	<u>Outstanding Action</u>
				impermeable – the word 'impermeable' will be added before lining in the FRA and FSMP and Outline Drainage Strategy at D3
<u>Water quality, groundwater and contaminated land</u>	<u>EA011</u>	<u>Resolved</u>		
<u>Groundwater and contaminated land</u>	<u>EA012</u>	<u>Not Resolved</u>	Note – response says unresolved...	<u>Chapter 10 has been updated and shared at D3. Chapter 12 being reviewed and the Applicant will confirm if a change is necessary.</u>
<u>Groundwater and contaminated land</u>	<u>EA013</u>	<u>Not Resolved</u>	<u>See updated CEMP submitted at D2</u>	
<u>Groundwater and contaminated land</u>	<u>EA014</u>	<u>Not Resolved</u>		<u>Applicant has noted that a Foundation Risk Assessment would be undertaken where contamination is found. This would be confirmed in the Detailed CEMP. Applicant has noted that a Foundation Risk Assessment would be undertaken where contamination is found. This would be confirmed in the Detailed CEMP. EA to</u>

<u>Subject</u>	<u>Relevant Rep Reference</u>	<u>Deadline 1</u>	<u>Deadline 2</u>	<u>Outstanding Action</u>
				<u>confirm if they are content with this approach.</u>
<u>Water quality</u>	<u>EA015</u>	<u>Resolved</u>		
<u>Water quality</u>	<u>EA016</u>	<u>Not Resolved</u>	<u>oCEMP was updated at D1 to respond to this matter, but the EA have sought a further clarification.</u>	<u>To be updated at D3</u> To be updated at D3
<u>Water quality</u>	<u>EA017</u>	<u>Not Resolved</u>	<u>The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A] was updated To be discussed</u>	<u>Outline CEMP has been further refined to include commitment to prepare this as part of the detailed CEMP. Outline can include commitment to prepare this for the detailed CEMP to cover this.</u>
<u>Biodiversity</u>	<u>EA018</u>	<u>Resolved</u>		
<u>Biodiversity</u>	<u>EA019</u>	<u>Not Resolved-Not Resolved</u>	<u>See paras 171, 173, Section A5.3.11.3</u>	<u>EA now agree this point. No further change needed. EA now agree this point. No further change needed.</u>
<u>Groundwater and contaminated land</u>	<u>EA020</u>	<u>Not Resolved</u>	<u>oCEMP to be clarified to state that any HDD will include a hydrological risk assessment within a detailed CEMP.</u>	<u>To be updated at D3</u> To be updated at D3
<u>Water quality</u>	<u>EA021</u>	<u>Resolved</u>		
<u>Water quality</u>	<u>EA022</u>	<u>Resolved</u>		
<u>Groundwater and contaminated land</u>	<u>EA023</u>	<u>Resolved</u>		



<u>Subject</u>	<u>Relevant Rep Reference</u>	<u>Deadline 1</u>	<u>Deadline 2</u>	<u>Outstanding Action</u>
<u>Groundwater and contaminated land</u>	<u>EA024</u>	<u>Not Resolved</u>	<u>Agreed that DRP and oOEMP should be updated at D3.</u>	<p>Applicant has updated the oDRP and oOEMP at D3. To note:</p> <ul style="list-style-type: none"> • <u>oDRP – guidance as applies at the time.</u> • <u>Operational – just the period following construction. Or after an incident.</u> <p>Applicant to update the oDRP and oOEMP. To note: oDRP – guidance as applies at the time. Operational – just the period following construction. Or after an incident. EA to confirm that they agree to this.</p>
<u>Flood risk</u>	<u>EA025</u>	<u>Not Resolved</u>		To be updated at D3 <u>To be updated at D3</u>
<u>Flood modelling</u>	<u>EA026</u>	<u>Resolved</u>		
<u>Flood modelling</u>	<u>EA027</u>	<u>Not Resolved</u>		This has been updated at D3 <u>To be updated at D3</u>
<u>Flood modelling</u>	<u>EA028</u>	<u>Not Resolved</u>		This has been updated at D3 <u>To be updated at D3</u>

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 Plan/Construction Ecological Management Plan	-	-	-	-	-	-	EA018
		-	-	-	-	-	-	EA019



Geomorphology	River Condition Assessment / Water Framework Directive Assessment	-	-	-	-	-	-	-
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4 SIGNATURES

1. 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
