



Great North Road Solar and Biodiversity Park

Draft Statement of Common Ground with the Environment Agency

Document Reference – EN010162/APP/8.3C

Revision number 4

March 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
Issue 8	19/3/26	ES	Head of Planning	D4 draft for comment
Issue 9	20/3/26	MH	Planning Specialist	EA comments

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
<u>13/2/26</u>	<u>EA agreed to resolve EA027</u>
<u>17/3/26</u>	<u>Meeting with EA to review SoCG position</u>
<u>17/03/26</u>	<u>EA issued Draft Deadline 4 response letter to the applicant. In addition the EA issued comments on EA016 and EA024</u>
<u>19/03/26</u>	<u>The Applicant issued updated draft SoCG in response to the meeting held on 17/03/26.</u>
<u>20/03/26</u>	<u>EA provided updates to SoCG in response to recent applicant updates</u>
<u>23/03/26</u>	<u>Email confirmation issued from the EA to the Applicant confirming agreement on EA016 and EA024</u>
<u>24/03/26</u>	<u>Email confirmation issued from the EA to the Applicant confirming agreement on EA025 and EA029</u>
<u>24/03/26</u>	<u>EA issued final Draft Deadline 4 response letter to the applicant.</u>

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	Current Position 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	Current Position Noted Deadline 3 Position Section A9.1.2.1 of ES Volume 4, Appendix A9.1: Flood Risk	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 ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-39] still refers to the application of tidal climate change as a percentage. This is misleading, as tidal climate change is applied by increasing sea levels to reflect climate change, and not by scaling flows by a percentage as is the case when applying climate change to fluvial (river) flows. It is not critical for this project, given the proposed development's location is within the fluvial dominant reach of the River Trent, and is not affected by tidal flooding in the tidal design event (0.5% plus upper climate change), based on Environment Agency detailed hydraulic modelling (Jacobs, 2023). Additionally, section A9.1.1.23 shows how the 0.5% (1 in</p>	<p>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 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] [REP1-039] 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</p>	

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			<p>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>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 [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>Current Position</p> <p>We 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 - ES Volume 4 – Technical Appendices Technical Appendix A9.1 – Flood Risk Assessment [EN010162/APP/6.4.9.1A] [AS-051]. The Applicant referred to Figure 9.18 to show that all panels would be placed outside of the design event. However, this figure was named '1% AEP Defended Extents (CCP1)'. It was unclear whether the extent</p>	<p>Current Position</p> <p>Noted.</p> <p>Deadline 3 Position</p> <p>The Applicant has confirmed that this matter relates to a typographical error within section A9.1.1.11 ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1D] [REP3-050], 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>	Agreed

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<p>shown in this figure included the addition of 39% for the allowance of climate change.</p> <p>This was a reporting issue, rather than an issue that is likely to alter the conclusions of the Flood Risk Assessment (FRA). The Applicant has expanded on the usage of the CCP1 (climate change projection 1) dataset within the ES Volume 4, Technical Appendices - Technical Appendix A9.1 – Flood Risk Assessment [EN010162/APP/6.4.9.1C] [REP3-051], which we find to be reasonable. We are therefore content to resolve this issue.</p> <p>Deadline 3 Position 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 - ES Volume 4 – Technical Appendices Technical Appendix A9.1 – Flood Risk</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> <p>Deadline 2 Position: 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>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Assessment [EN010162/APP/6.4.9.1A] [AS-051]. The Applicant referred to Figure 9.18 to show that all panels would be placed outside of the design event. However, this figure was named '1% AEP Defended Extents (CCP1)'. It was unclear whether the extent shown in this figure included the addition of 39% for the allowance of climate change.</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 ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-039] shows the 1% defended extent (Risk of Flooding from Rivers</p>		

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			<p>and Sea) with climate change applied (CCP1). The climate change applied for this dataset is the central allowance for the 2050s epoch which reflects a 17% uplift for the Lower Trent and Erewash management catchment. Within section A9.1.1.11 Flood Studies page 18 paragraph 56 the Environment Agency's CCP1 climate change dataset is erroneously referred to as +23%, which reflects the higher central uplift for the 2050s epoch. The Environment Agency climate change projection (CCP1) applied to the Risk of Flooding from Rivers and Sea dataset reflects the central allowance for the 2050s epoch (+17%). In the case of the Flood Map for Planning, the central allowance for the 2080s epoch (+29%) was applied.</p> <p>The FRA should be updated to correctly refer to the climate change allowances applied to Environment Agency datasets</p>		

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			<p>(CCP1). It should then be identified if this has any implications for the proposed development, noting that a central 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>		
2.1.4	TBC	Flood Risk Assessment Scope and Methodology	<p>Current Position: We have agreed a position with the Applicant and consider this issue is resolved.</p> <p>Deadline 3 Position: 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</p>	<p>Current Position: Noted</p> <p>Deadline 3 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</p>	Agreed

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			<p>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>We do have an outstanding concern regarding reference to the Climate Change Projection 1 (CCP1) dataset within the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [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 advise that further clarity</p>	<p>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".</p> <p>Regardless of this position, the Flood Risk Assessment [EN010162/APP/6.4.9.1C][REP3-050] 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.</p> <p>The ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3][REP3-052] commits Work Area 5a and 5b to having a SuDS network to be designed</p>	

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			<p>is provided 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, we just advise that the Flood Risk Assessment is updated.</p> <p>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>We believe that the development passes the exceptions test.</p>	<p>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: The Applicant considers the methodology of the ES Volume 4, Appendix 9.1: FRA [EN010162/APP/6.4.9.1B] [REP1-039] acceptable.</p>	
2.1.5	RR (EA025)	Securing Mitigation –	Current Position:	Current Position	Agreed, pending

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		Work in Flood Zone 3b	<p>We have agreed a position with the Applicant, however we will need to confirm this once the requested change has been published on the Examination Library.</p> <p>12th March Position</p> <p>1.8.19 relates to the infrastructure in the design flood event, not construction compounds/equipment. Note 1.8.20 states “She highlighted a few outstanding issues: clarification of reporting in relation to Work Area 5 (the “BESS”), placement of construction compounds and stockpiles during the construction phase, “</p> <p>We do not consider this issue resolved, however progress has been made with the Applicant to find a resolution.</p> <p>In email correspondence with the Applicant (dated 12 March 2026), the Applicant proposed the following amendment to the oCEMP:</p>	<p>Please see paragraph 1.8.19 of the Written Summary of Oral Submissions from Issue Specific Hearing 3 and Response to Action Points [EN010162/APP/8.26] [REP3-101] where the EA confirm that the Agency is satisfied that the Applicant has placed all infrastructure outside of the design flood event, ensuring no loss of fluvial floodplain. He noted that, as a result, no additional mitigation is required and the Development is not expected to increase flood risk either on or off site. The EA will note that the commitment to not locate construction compounds, land for storage, or equipment within Flood Zones 2 and 3 has been in place since Deadline 1, and this has been discussed with the EA before Deadlines 1, 2 and 3. The Applicant notes that in the D3 response the EA are now asking for an emergency response plan to be included in the oCEMP in relation to Work Areas 6, 7 and 8. The Applicant is content to do this and the following has been added in a</p>	confirmation that the agreed changes have been submitted at D4

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			<p>“The Principal Contractor will monitor weather forecasts and plan works accordingly. An Emergency Flood Response Plan (‘EFRP’) will be provided through the detailed CEMP(s) for Work No.s 6, 7 and 8 and would set out actions that will be implemented in the event of flooding (fluvial or extreme rainfall) or the issue of a flood alert or warning during construction works.</p> <p>The EFRP will include:</p> <ul style="list-style-type: none"> (1) Details of roles and responsibility for maintaining, updating and implementing the plan; (2) Overview of the local flood risk; (3) Details of the local Environment Agency flood warning service; (4) Specific action that will be undertaken in response to the issuing of a flood alert or flood warning; and (5) Details of access and egress routes onto the relevant works for the period in advance of and during a flood event. <p>The EFRP will include procedures for securing or relocating materials stored in bulk from the floodplain and safe</p>	<p>new Section A5.3.12.1 (under A5.3.12 Incident Response Plan):</p> <p><i>The Principal Contractor will monitor weather forecasts and plan works accordingly. An Emergency Flood Response Plan (‘EFRP’) will be provided through the detailed CEMP(s) for Work No.s 6, 7 and 8 and would set out actions that will be implemented in the event of flooding (fluvial or extreme rainfall) or the issue of a flood alert or warning during construction works.</i></p> <p><i>The EFRP will include:</i></p> <ul style="list-style-type: none"> <i>(1) Details of roles and responsibility for maintaining, updating and implementing the plan;</i> <i>(2) Overview of the local flood risk;</i> <i>(3) Details of the local Environment Agency flood warning service;</i> <i>(4) Specific action that will be undertaken in response to the issuing of a flood alert or flood warning; and</i> <i>(5) Details of access and egress routes onto the relevant works for the</i> 	

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			<p>access and escape routes for personnel on-Site.”</p> <p>We accept this wording as a suitable resolution to our issue. We will only consider this issue resolved upon submission of an updated oCEMP, incorporating this wording, to the examination document library.</p> <p>Deadline 3 Position:</p> <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 ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy (Clean) [EN010162/APP/6.4.9.1B] [REP1-039] the applicant has committed to not placing construction compounds</p>	<p><i>period in advance of and during a flood event.</i></p> <p><i>The EFRP will include procedures for securing or relocating materials stored in bulk from the floodplain and safe access and escape routes for personnel on-Site.</i></p> <p>Deadline 3 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][REP1-030] 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 3a and 3b would not be used for the storage of construction material or equipment.</p> <p>The EA have noted that the FRA included a summary of the previous version of the Outline CEMP, and so</p>	

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			<p>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 flood zone 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>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.</p> <p>Deadline 2 Position: 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][REP1-030] 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 to include a restriction that Flood Zone 3a and 3b would not be used for the storage of construction material or equipment.</p>	
2.1.6	RR (EA027)	Securing Mitigation – BESS	<p>Current Position: We consider this issue resolved.</p>	<p>Current Position: Noted</p>	Agreed

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<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 whether the BESS infrastructure would be raised above the design flood level, and whether any subsequent loss of fluvial floodplain storage would be mitigated. Section A9.1.2.3.5 Work Area 5a BESS remains unchanged in the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B][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</p>	<p>Deadline 3 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”.</p> <p>Regardless of this position, the Flood Risk Assessment [EN010162/APP/6.4.9.1C][REP3-050] 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</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>floodplain storage associated with the BESS.</p> <p>The ES Volume 4, Technical Appendices - Technical Appendix A9.3 – Outline Drainage Strategy [EN010162/APP/6.4.9.3] [REP3-052] commits Work Area 5a and 5b to having a SuDS network to be designed to the 1 % AEP plus 40 % climate change event. We believe this is a reasonable approach for ensuring there is no loss of floodplain storage. Therefore, we are content to resolve this issue.</p> <p>Deadline 3 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</p>	<p>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] [REP3-052] 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: 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] [REP1-039] 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 area to remove topographical hollows, meaning the baseline flooding</p>	

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<p>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 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 ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-039]. Paragraph 13 on page 42 of the FRA states that the placement of above ground infrastructure will avoid</p>	<p>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] [REP1-039] 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 [EN010162/APP/6.4.9.1B] [REP1-</p>	

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<p>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>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>039]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>	

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
2.1.7	RR (EA029)	Environmental Mitigation Areas	<p>Current Position:</p> <p>We have agreed a position with the Applicant, however we will need to confirm this once the requested change has been published on the Examination Library.</p> <p>We have engaged with the Applicant on 17 March 2026, and reached a suitable solution to resolve this issue. We require a commitment within the Outline Landscape and Ecology Management Plan, or Outline Construction Environmental Management Plan, stating that works within the riparian corridor of the River Trent will ensure that reasonable access is preserved for the Environment Agency. This will ensure the Environment Agency has sufficient space to access the riverbank for maintenance.</p> <p>For the riparian corridor proposed adjacent to the River Trent, the Applicant must ensure that sufficient space is maintained to allow for future emergency access and maintenance activities, including the</p>	<p>Current Position:</p> <p>The Applicant has agreed a response with the EA, and a draft revision of the oLEMP, ES Volume 4, Appendix A5.1.1: oLEMP Appendix [EN010162/APP/6.4.5.1D], was shared before D4. This has been submitted at D4 and the Applicant considers the matter agreed.</p> <p>Deadline 3 Position:</p> <p>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>Deadline 2 Position:</p> <p>Section A9.1.2.2.1 of ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1B][REP1-039] 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</p>	Agreed, pending confirmation that the agreed changes have been submitted at D4

Ref	Relevant Documents	Description of Matters	EA's Position	Applicant's Position	Status
			<p>use of vehicles and heavy-duty machinery. This can be demonstrated by, but is not limited to, submitting vehicle tracking plans showing there is unrestricted vehicular access for a six-wheeler grab lorry to enter the site and park parallel to the watercourse for operation of the mechanical arm. This detail can come forward post-consent.</p> <p>Deadline 2 Position: 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 - ES Volume 4 – Technical Appendices Technical Appendix A9.1 – Flood Risk Assessment [EN010162/APP/6.4.9.1A][AS-051] may restrict the Environment Agency flood response team's access to watercourses in times of a flood.</p>	<p>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] 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][REP1-025].</p> <p>As such, access to watercourses and flood defences will be unaffected by the Development.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			The applicant has not addressed this within the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-039] . Therefore, we cannot resolve this issue.		

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 [EN010162/APP/6.4.8.15] [APP-227] which provides information	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>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][REP1-030] are appropriate.</p>	
2.2.2	RR (EA019)	Water Voles	<p>Current Position: We consider this issue resolved. We were concerned that there was displacement of water vole without sufficient mitigation implemented prior to displacement. We engaged with the Applicant on 17 February 2026. We came to an agreement that the suitable solution to this issue was for the Applicant to state: “For the avoidance of doubt, works covered by class licence will be</p>	<p>Current Position: Noted.</p> <p>Deadline 3 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 <i>‘For the avoidance of doubt, works covered by class licence will be undertaken in full accordance with the terms of the licence’</i>.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>undertaken in full accordance with the terms of the licence”.</p> <p>The ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3C] [REP3-038] includes the above wording. We are therefore content to resolve this issue.</p> <p>Deadline 3 Position:</p> <p>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 “<i>For the avoidance of doubt, works covered by class licence will be undertaken in full accordance with the terms of the licence</i>’.</p> <p>This must be done so within the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3B] [REP2-051]. We will resolve this issue once we see the amended wording in an updated outline CEMP.</p> <p>Deadline 2 Position:</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]][REP1-030] .</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][REP1-025] was submitted at Deadline 1 and specific details of mitigation will be provided in the final CEMP.</p> <p>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</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 Environmental Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A] [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 ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental</p>	<p>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][REP1-005] secures the Detailed CEMP. This must be prepared in accordance with the ES Volume 4, Appendix 5.3: Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030] . 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][REP2-005] 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][REP1-025] and must be implemented as approved.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Management Plan [EN010162/APP/6.4.5.3A][REP1-030].</p> <p><i>Additional comment</i></p> <p>We note that table A5.1.5 the ES Volume 4, Technical Appendices - Technical Appendix A5.1 - Outline Landscape and Ecology Management Plan [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][REP1-030].</p> <p>The Applicant considers that the Pollution Prevention Plan, which</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>outlines mitigation measures for the construction and use of the access track, is appropriate to ensure that culverts are designed in accordance with best practice to minimise construction impacts on otters. The measures are secured in ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A] .</p>	
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 ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3][APP-204].</p> <p>The revised wording in the ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-</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][REP1-030].</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</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>030] has been sufficiently modified to reflect the potential presence of aquatic Invasive Non-Native Species and associated increased risk of accidental spread within watercourses. This issue can therefore be resolved.</p>	<p>Equipment (PPE), which explicitly contacts the water during works.</p>	
2.2.5	Section 42 Statutory Consultation in the Consultation Report	Biodiversity (Pollution Prevention Plan)	<p>Current Position: We consider this issue resolved.</p>	<p>Current Position: Please refer to Row 2.6.5 of the SoCG, which notes that the Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-030] was updated at Deadline 2 to include this commitment. A further update to refine the commitment has also been discussed with the EA and this is submitted at Deadline 3.</p> <p>Please refer to paragraph 102 of the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP)</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>[EN010162/APP/6.4.5.3C] [REP3-037]</p> <p>Paragraph 97 of the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3C] sets out the applicants response to Hydrological risk assessments as part of their D3 to response.</p> <p>Deadline 3 Position The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-030] 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> <p>Deadline 2 Position:</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>The Applicant considers 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 Management Plan [EN010162/APP/6.4.5.3A][REP1-031], 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>A detailed CEMP is secured by Requirement 12 in Schedule 2 of the Draft DCO [EN010162/APP/3.1B][REP1-005].</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] [APP-226] 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 quality monitoring)	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	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
	Consultation Report		<p>the planning authority in regard to (1) and (2).</p> <p>We have reviewed the Draft Development Consent Order [EN010162/APP/3.3A] [REP1-007], and can confirm we have been included as a relevant authority for the approval of Requirement 16 (1) (2).</p>	<p>Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030] 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][REP1-030] 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][REP2-005].</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	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				on PWS and the EA registered 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	Current Position: Matters EA007, 008, 009, 010 have been resolved, and so this has now been agreed.	Current Position: Noted. Deadline 3 Position: The Applicant considers that the methodology for the ES Volume 4, Appendix 9.2: Water Framework Directive Assessment [EN010162/APP/6.4.9.2A] [AS-053] is acceptable. As stated in Section A9.2.2 of the ES Volume 4, Appendix 9.2: Water Framework Directive Assessment [EN010162/APP/6.4.9.2A] [AS-053] , the WFD status, water quality classification and future objectives	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				of the screened-in RBMP water bodies are based on the information provided by the EA. Therefore, the Applicant considers that the methods for determining magnitude effects on WFD status is sufficient.	
2.4.2	TBC	Assessment of Effect on the WFD water bodies	Current Position: Matters EA007, 008, 009, 010 have been resolved, and so this has now been agreed.	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.	Agreed
2.4.3	TBC	Cable Crossing	Noted and agreed.	The Applicant considers the proposed cable crossing is appropriate and reduce the effect on the waterbodies to an acceptable level.	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				Cable crossings will utilise horizontal directional drilling (HDD) as the default option. Open trench methods will only be utilised on ordinary watercourses. A series of mitigation measures are secured in Section A5.3.9.4 'Cable Works' of the ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A] [REP1-030] .	

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)	Current Position: This has been agreed, as our matter on EA019 has been resolved.	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 <i>'For the avoidance of doubt, works covered by class licence will be</i>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p><i>undertaken in full accordance with the terms of the licence'.</i></p> <p>Deadline 2 Position: The Applicant considers 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][REP1-030]. A detailed CEcMP is secured by Requirement 12 in Schedule 2 of the Draft DCO [EN010162/APP/3.1C][REP2-005]. 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	Groundwater Quality	<p>Current Position: This has been resolved, as per our position on EA012, EA014.</p>	<p>Current Position: The Applicant has updated oOEMP and issued a draft version to the EA, ES Volume 4, Appendix A5.5:</p>	Agreed, pending confirmation that the

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
	Consultation Report		EA024 - The Applicant issued an updated draft of the oOEMP which included a new Section A5.5.6.2. This included cross-reference to Section A5.3.9.6.1 of the oCEMP to note that this includes a commitment to water quality monitoring during the 6 months following completion of construction works. We have agreed a position with the Applicant, however we will need to confirm this once the updated oOEMP has been published on the Examination Library.	<p>Outline OEMP [EN010162/APP/6.4.5.5D] has been submitted at Deadline 4.</p> <p>Deadline 3 Position: The Parties agree that the relevant documents related to land contamination and risks posed to groundwater for the proposed development are appropriate. Risks to groundwater have been appropriately considered and that the mitigation measures proposed are acceptable.</p>	agreed changes have been submitted at D4
2.5.3	RR (EA008)	Firewater pollution from BESS	<p>Current Position: We consider this issue resolved. We were concerned that there were insufficient measures to avoid chemical pollution from Battery Fire.</p> <p>The ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3] [REP3-052] includes a maintenance schedule for SuDs under section A9.3.6.</p> <p>Deadline 3 Position:</p>	<p>Current Position: 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>Deadline 1 Position: The Applicant can confirm that penstocks would be automated</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<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>ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9A] [REP3-022] has not been updated. Therefore, our issue remains unresolved.</p> <p>The applicant has updated both the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-039] and ES Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4] [REP1-032], to state:</p> <ul style="list-style-type: none"> an automatic penstock will be used; a backup power system; regular testing will occur 	<p>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] [REP1-032] has been submitted at Deadline 1 and confirms that penstocks would be automated and regularly tested.</p> <p>A backup system will also be in place in case of power failure.</p> <p>In addition, ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A] [REP1-032] 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</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We require the ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9] [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 ES Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4] [REP1-032].</p> <p>Please note this issue interlinks with issue EA010</p> <p>.</p>	<p>BESS enclosures (noting that this is the standard, but that equipment has not yet been procured) is an Ingress Protection rating of IP55 or better, in accordance with IEC 60529. This rating indicates that water projected in jets against the enclosure from any direction has no harmful effects and does not penetrate the interior. This firefighting approach reduces the likelihood of fire-water becoming contaminated to begin with, noting that this does not apply to sprinklers (which at this stage of the Development, are not confirmed in the design).</p>	
2.5.4	RR (EA009)	Disposal of firewater	<p>Current Position:</p> <p>We 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>The following documents have been updated to sufficiently describe how fire</p>	<p>Deadline 3 Position:</p> <p>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>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>will be disposed of in the event of a fire at the Battery Energy Storage System (BESS):</p> <p>ES Volume 2, Chapter 9 – Water Resources [EN010162/APP/6.2.9A] [REP3-023];</p> <p>ES Volume 4, Technical Appendices - Technical Appendix A5.4 – Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4B][REP3-039];</p> <p>ES Volume 4, Technical Appendices - Technical Appendix – Outline Drainage Strategy [EN010162/APP/6.4.9.3] [REP3-052].</p> <p>The Applicant has requested that the specification of the impermeable lining be considered at detailed design phase. We are satisfied with this approach.</p> <p>Deadline 3 Position:</p> <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>Deadline 1 Position:</p> <p>Section 9.6.2.2 of ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9] [APP-052] outlines that firefighting water will not be directly applied to an affected BESS container, meaning there is reduced potential for firefighting water to become contaminated and the volume of water required during a firefighting event is, therefore, reduced.</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][REP1-032] 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,</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9][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> <p>ES Statement Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030]</p> <p>ES Statement Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4][REP1-032]</p> <p>ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B] [REP1-039]</p>	<p>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][REP1-032] have been submitted at Deadline 1 to confirm that a tankered solution would be used. Onsite treatment / remediation of captured water is not proposed for the Development.</p>	
2.5.5	RR (EA010)	Firewater Basin and SuDs	<p>Current Position: We consider this issue resolved. We were concerned that there was a lack of post-fire</p>	<p>Current Position: Noted.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>pollution prevention controls regarding the firewater basin and SuDS system.</p> <p>The following documents have been updated to describe sufficient post-fire pollution prevention controls regarding the firewater basin and SuDS system:</p> <p>ES Volume 2, Chapter 9 – Water Resources [EN010162/APP/6.2.9A][REP3-023];</p> <p>ES Volume 4, Technical Appendices - Technical Appendix A5.4 – Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4B][REP3-039];</p> <p>ES Volume 4, Technical Appendices - Technical Appendix A9.3 – Outline Drainage Strategy [EN010162/APP/6.4.9.3][REP3-052].</p> <p>The Applicant has requested that the specification of the impermeable lining be considered at detailed design phase. We are satisfied with this approach.</p> <p>Deadline 3 Position: We do not consider this issue resolved.</p> <p>We were concerned that there was a lack of post-fire pollution</p>	<p>Deadline 3 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 Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4A][REP1-032] has been submitted at Deadline 1 to confirm this.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>prevention controls regarding the firewater basin and SuDS system.</p> <p>ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9][APP-052] has not been updated. Therefore, our issue remains unresolved.</p> <p>We note that document ES Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4][REP1-032] 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>We agree with the inclusion of this measure.</p> <p>We note the updates made to the ES Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4][REP1-032] and</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage Strategy [EN010162/APP/6.4.9.1B][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> <p>ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9][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> <p>Update ES Volume 4, Technical Appendices - Technical Appendix A5.4 - Outline Fire Safety Management Plan [EN010162/APP/6.4.5.4][REP1-032] and</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>the ES Volume 4, Technical Appendices - Technical Appendix A9.1 - Flood Risk Assessment and Outline Drainage[EN010162/APP/6.4.9.1B][REP 1-039] to clarify whether the impermeable lining is being referred to</p> <p>Please note this issue interlinks with issue EA008.</p>		
2.5.6	RR (EA011)	Foul Water Treatment and Disposal	<p>We consider this issue resolved.</p> <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 ES Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan [EN010162/APP/6.4.5.5][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</p>	<p>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-030] will 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>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			the Draft Development Consent Order [EN010162/APP/3.1B] [REP1-005] . The updates made to these documents have resolved our concerns.	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] [REP1-030] will be updated to confirm this.	

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	We consider that this issue has now been resolved. We were concerned that there was a lack of detail regarding the unexpected contamination protocol within the Draft Development Consent Order [EN010162/APP/3.1] [APP-	Requirement 16 has been updated to name the EA as a consultee, as requested. This is set out in the updated Draft Development Consent Order [EN010162/APP/6.4.5.5B] [REP1-005] submitted at Deadline 1. The ES Volume 4, Appendix A5.5: Outline Operation	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>007] requirement 16 (Ground Conditions) (2).</p> <p>We require the ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030] to be updated to include the following wording for an unsuspected contamination protocol:</p> <p>In the event that contaminated land is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the local planning</p>	<p>Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5B][REP2-052] has been updated at Deadline 2 to include the requested unsuspected contamination protocol.</p> <p>The same change has been included for the ES Volume 4, Technical Appendices - Technical Appendix A5.5 – Outline Operation Environmental Management Plan [EN010162/APP/6.4.5.5C][REP3-040] and ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6C][REP3-042] at Deadline 3.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>authority, and where necessary, the Environment Agency.</p> <p>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> <p>Remediation must be carried out in accordance with the approved scheme under sub paragraph (2).</p> <p>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</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>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> <p>12 (Construction environmental management plan); 13 (Operational environmental management plan); 16 (Ground conditions); 19 (Decommissioning and restoration)</p>		
2.6.2	RR (EA007)	Aquifers Risks	<p>Current Position: We consider this issue resolved.</p> <p>We were concerned that ES Volume 2 – Chapters Chapter 9 – Water [EN010162/APP/6.2.9][APP-052] does not mention the aquifer status of the bedrock, or describe the superficial deposits that underlie the proposed scheme.</p> <p>The ES Volume 2, Chapter 9 – Water Resources</p>	<p>Current Position: Noted</p> <p>Deadline 3 Position: 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>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>[EN010162/APP/6.2.9A][REP3-023] now includes the aquifer status of the bedrock, and describes the superficial deposits that underlie the proposed scheme.</p> <p>Deadline 3 Position: We do not consider this issue resolved.</p> <p>We were concerned that ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9][APP-052] does not mention the aquifer status of the bedrock, or describe the superficial deposits that underlie the proposed scheme.</p> <p>ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9] [APP-052] has not been updated. We require the applicant to update ES Volume 2 – Chapters Chapter 9 – Water Resources [EN010162/APP/6.2.9][APP-052] to include the aquifer statuses across the scheme to resolve this issue.</p>	<p>Deadline 1 Response: 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.</p> <p>Table 9.9 of ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9][APP-052] assigns groundwater High sensitivity and therefore the resource, including aquifers, have been assessed appropriately.</p> <p>ES Volume 3, Figure 9.3: Superficial Geology [EN010162/APP/6.3.9A][AS-041] shows that Work Area 5a is underlain by clay, silt, sand and gravel.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.6.3	RR (EA014)	Foundation Works (oCEMP)	<p>Current Position: We consider this issue resolved. We were concerned that mitigation measures to prevent risks to controlled waters from foundations were insufficient. Paragraph 32 of the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3C][REP3-037] has been amended to include reference to the need to complete a Foundation Works Risk Assessment in areas within 100m of identified contamination.</p> <p>Deadline 3 Position: 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>Current Position: Noted.</p> <p>Deadline 3 Position: The ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3B][REP2-050] has been updated to include this commitment and was submitted at Deadline 3.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>The applicant has not amended document ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030] in relation to a Foundation Works Risk assessment. As there is no commitment to a Foundation Works Risk Assessment, this issue is not resolved.</p>		
2.6.4	RR (EA015)	Chemical Storage (oCEMP/oO EMP)	<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 ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan</p>	<p>Noted. ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-030] 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
			<p>[EN010162/APP/6.4.5.3A][REP1-030] and the ES Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan [EN010162/APP/6.4.5.5A][REP1-035]. We therefore consider this issue resolved.</p>		
2.6.5	RR (EA016)	Horizontal Directional Drilling (oCEMP)	<p>Current Position: The Applicant has included a commitment to produce a drilling fluid management plan as part of the final CEMP for any HDD locations. The EA accept this as a suitable resolution to our issue. We will only consider this issue resolved upon submission of an updated oCEMP, incorporating this commitment, to the examination document library.</p> <p>20th March Position: We do not consider this issue resolved, however progress has been made with the Applicant to find a resolution.</p>	<p>Current Position: EA016 Please refer to our response below from Deadline 3 which notes that the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-030] was updated at Deadline 2 to include this commitment. A further update to refine the commitment has also been discussed with the EA and this is submitted at Deadline 4. Please refer to paragraph 102 of the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management</p>	Agreed, pending confirmation that the agreed changes have been submitted at D4

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We note that paragraph 97 of section A5.3.9.4.2 of the of the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3C] [REP3-037] states that “Hydrogeological risk assessments will be carried out to assess the risks of HDD installation methods”. Whilst a Hydrogeological Risk Assessment can be used to assess the likelihood of a frac-out, it typically does not include mitigation to manage occurrences. Furthermore, this commitment only addresses risks to groundwater and does not cover risks posed to surface water quality should a frac-out occur. A commitment to providing a drilling fluid management plan would appropriately address our concerns for surface water quality.</p> <p>Paragraph 102 outlines precautions to avoid frac-out. Whilst this covers some details of a breakout plan, we’d require more details for it to be a functional operational document. For example, a</p>	<p>Plan (CEMP) [EN010162/APP/6.4.5.3C][REP3-036]</p> <p>Paragraph 97 of the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3C][REP3-036] sets out the applicants response to Hydrological risk assessments as part of their D3 to response.</p> <p>The Applicant has also shared a further update that includes a commitment to a drilling fluid breakout management plan. The draft has been shared and agreed with the EA.</p> <p>Deadline 3 Position: The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A][REP1-</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>drilling fluid breakout management plan should also include (but not limited to):</p> <ul style="list-style-type: none"> • how a frac-out/drilling fluid spill will be detected (such as a drop in drilling pressure or evidence of a frac-out); • how a clean-up will be managed (through personnel training and reporting it); • mitigations measures that will be used to contain a spill <p>To resolve this issue, we only require a commitment to be included within the outline CEMP to provide further details within a drilling fluid breakout management plan. We do not need the details listed above to be provided in the outline document – these can be provided post-consent. We are content for further details of the management plan to be developed post-consent, provided we are consulted on the full CEMP in due course.</p> <p>Following discussions with the Applicant dated 17 March 2026, we have come to an acceptable solution. The Applicant will</p>	<p>030] was updated at Deadline 2 to include this commitment. A further update to refine the commitment has also been discussed with the EA and this is submitted at Deadline 3.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>update the outline CEMP to include a commitment to providing a drilling fluid breakout management plan. We are content with this approach, and will resolve this issue upon submission of an updated outline CEMP to the examination document library, incorporating this wording.</p> <p>Deadline 3 Position: 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 ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030]. Therefore, this issue is not resolved.</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<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 ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3][APP-204] should be developed into a Drilling Fluid Breakout Management Plan.</p>		
2.6.6	RR (EA017)	Waste Chemicals, Fuels and Oils (oCEMP)	<p>Current Position: We consider this issue resolved. We were concerned that there was a lack of detail regarding SuDS maintenance and monitoring in ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management [EN010162/APP/6.4.5.3][APP-204]. We have reviewed the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3C][REP3-037] and the ES Volume 4, Technical Appendices - Technical Appendix A9.3</p>	<p>Current Position: Noted</p> <p>Deadline 3 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][REP3-036] 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</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>– Outline Drainage Strategy [EN010162/APP/6.4.9.3][REP3-052]. We believe there is a sufficient level of commitment to SuDS maintenance and monitoring.</p> <p>Deadline 3 Position: We do not consider this issue resolved.</p> <p>We were concerned that there was a lack of detail regarding contamination determination within the ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management [EN010162/APP/6.4.5.3][APP-204].</p> <p>We note that the applicant has outlined in Table A5.5.3 of ES Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan [REP1-035] that SuDS will be checked quarterly.</p>	<p>in the Outline Drainage Strategy required in response to DCO Requirement 10.</p> <p>Deadline 2 Position: The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3B][REP2-050] has been updated to include this commitment and was submitted at Deadline 2.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Section A5.3.9.6.1 of the ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management [EN010162/APP/6.4.5.5] [REP1-030] does not specifically state that water quality within SuDs will be monitored.</p> <p>To resolve this issue, we require: Clarity of what SuDs will be proposed for the construction compound within ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030]; A SuDs maintenance schedule to be included in the ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030]</p>		
2.6.7	RR (EA020)	HDD Crossings	<p>We consider this issue resolved.</p> <p>We were concerned that the ES Volume 4 – Technical Appendices Technical</p>	Noted. The Outline CEMP ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP)	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Appendix A5.3 – Outline Construction Environmental Management [EN010162/APP/6.4.5.3][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 ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3B][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.</p>	<p>[EN010162/APP/6.4.5.3A][REP2-050] 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>	
2.6.8	RR (EA021)	Foul water during operation phase (oOEMP)	<p>We consider this issue resolved.</p> <p>We were concerned there was insufficient detail regarding foul water treatment and disposal.</p>	<p>Noted. The Outline OEMP ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP) [EN010162/APP/6.4.5.5B][REP2-</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>The applicant has updated section A.5.5.1 of the ES Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan [EN010162/APP/6.4.5.5][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 Draft Development Consent Order [EN010162/APP/3.1B][REP1-005]. The updates made to these documents resolve our concerns.</p>	<p>050 has been updated to include this commitment and was submitted at Deadline 2.</p>	
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 in designated bunded areas, and if any oil interceptors would be used around hard standings.</p>	<p>Noted. The Outline OEMP ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (oOEMP) [EN010162/APP/6.4.5.5B][REP2-050] 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
			<p>The applicant has provided the appropriate mitigation against the risks from fuels, oils and other chemicals via updating the ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][REP1-030] and the ES Volume 4, Technical Appendices - Technical Appendix A5.5 - Outline Environmental Management Plan [EN010162/APP/6.4.5.5][REP1-035]. We therefore consider this issue resolved.</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>The applicant has updated document ES Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration</p>	<p>Noted. The Outline DRP ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6B][REP3-042] has been updated to include this commitment and was submitted at Deadline 1.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Plan [EN010162/APP/6.4.5.6][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>		
2.6.11	RR (EA012)	Other Matters - Assessment Guidance	<p>Current Position</p> <p>We consider this issue resolved.</p> <p>We were concerned that the assessment in ES Report Volume 2 – Chapters Chapter 10 – Ground Conditions and Land Contamination [EN010162/APP/6.2.10][APP-053] had been carried out in accordance with the Design Manual for Roads and Bridges (DMRB) and associated supporting documents. These documents contain outdated and incorrect information. This led to inaccuracies in the document, which needed to be resolved in the following ways:</p> <p>Assign medium sensitivity to source protection zones (SPZ) as outlined</p>	<p>Current Position</p> <p>Noted.</p> <p>Deadline 3 Position:</p> <p>ES Volume 2 – Chapters Chapter 10 – Ground Conditions and Land Contamination [EN010162/APP/6.2.10][REP2-026] has been updated to address this comment at Deadline 3:</p> <p>SPZs are assigned medium protection, in Table 10.9 (Section 10.4.6) (this was already the case – no change needed).</p> <p>Identified private water supplies as receptors, in section 10.5.6.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>in (Table 3.70 in LA 113 – as referred to in Table 3.11 of LA 109).</p> <p>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> <p>Table 10.17 has been updated, and paragraph 88 has been sufficiently amended. The details relating to private water supplies are now sufficiently considered in ES Volume 2, Chapter 9 – Water Resources [EN010162/APP/6.2.9A][REP3-023].</p> <p>Deadline 3 Position: 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 [EN010162/APP/6.2.10][APP-053] had been carried out in accordance with the Design Manual for Roads and</p>	<p>Amended table 10.17 to identify SPZ 3 as medium sensitivity</p> <p>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.</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Bridges (DMRB) and associated supporting documents. These documents contain outdated and incorrect information.</p> <p>For this issue to be resolved, the applicant should:</p> <p>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).</p> <p>Table 10.17 the SPZ 3 is assigned a low sensitivity. This is not an appropriate consideration of sensitivity.</p> <p>Neither LA 109 or 113 include private water supplies as receptors. These receptors should be considered.</p>		
2.6.12	RR (EA024)	Water Quality Monitoring (oDRP)	<p>Current Position</p> <p>We do not consider this issue resolved, however progress has been made towards its resolution.</p> <p>We were concerned that surface water and groundwater quality monitoring carried out as part of the ES Volume 4 – Technical Appendices</p>	<p>Current Position</p> <p>Applicant has updated the oOEMP at Deadline 4.</p> <p>ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6B][REP3-042] – Please see section A5.6.6.7</p>	Agreed, pending confirmation that the agreed changes have been

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Technical Appendix A5.6 – Outline Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6][APP-207], would be carried out without a commitment to remediation of any identified pollution.</p> <p>To resolve this issue we requested: Inclusion of adhering to the guidance on dealing with pollution within Land Contamination Risk¹ Management within the sentence “Any pollution by the Development identified in this monitoring will be remediated insofar as is practicable.” Of the ES Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6][REP1-036];</p> <p>Inclusion of details of surface water quality monitoring in the ES Volume 4 – Technical Appendices Technical Appendix A5.5 – Outline Operation Environmental Management Plan [EN010162/APP/6.4.5.5][APP-206]</p>	<p>‘Pollution Prevention’ which states under each pollution prevention paragraph, that ‘It is assumed that measures will be in line with those described in the CEMP, or if in need of update, in accordance with best practice guidelines at the time of decommissioning’. The EA will note that this is in line with the position set out by the Applicant to the EA in the email dated 26th January, which stated: “The EA have asked that this is referred to in the oOEMP and the oDRP. The Applicant has noted that decommissioning of the project would be more than 40 years into the future, which means that it is unlikely that this guidance would be relevant at the time. The Applicant’s position would be that a statement confirming ‘the DRP would be prepared having regard to relevant</p>	submitted at D4

¹ GOV.UK (2025). Land contamination risk management (LCRM). Available at: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm.23>
 March 2026

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>We note that sections A5.6.6.8 and A5.6.6.9 have been amended in the ES Volume 4, Technical Appendices - Technical Appendix A5.6 – Outline Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6B][REP3-043] to include an unsuspected contamination protocol. Whilst this does not conform to our request for the inclusion of adhering to the guidance on dealing with pollution within Land Contamination Risk Management, we find this amendment adequate to resolve the first bullet point above.</p> <p>We are unable to resolve the second bullet point. In correspondence with the Applicant (dated 19 February 2026), we stated the following:</p> <p>“Monitoring is not required for the entire operational phase of the development; however, we note that the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.3B][REP2-051] includes a commitment to undertake monitoring once a month for six months</p>	<p>policy and legislation at the time of decommissioning’.</p> <p>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3C][REP3-036]: paragraph 129 then commits to monthly monitoring after the construction period completes. This is considered to be appropriate and consistent with what the EA had requested.</p> <p>ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5C][REP3-040]: has been updated to include a crossed reference to the post construction monitoring set out in the oCEMP, along with water quality monitoring arrangements for the operational phase, specifically setting out monitoring, investigation and reporting procedures to be followed in the event of a pollution incident (including, for example, a battery</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>following the construction phase (under Section A5.3.9.6.1 on Surface Water Monitoring). Our concern is that this defined monitoring period is not referenced in the ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.3B][REP2-051] . Our water quality specialist has therefore requested that the same wording from the oCEMP is included/referenced in the oOEMP, to ensure consistency. Their view is that, if different contractors are responsible for the CEMP and the OEMP, the absence of this commitment in the oOEMP could create a risk that the monitoring requirement set out in the oCEMP may be overlooked.”</p> <p>Following discussions with the Applicant dated 17 March 2026, we have come to an acceptable solution. The Applicant will update the outline OEMP to refer to the post construction water quality monitoring in the outline CEMP. This will not be a formal commitment. We are content with this approach, and will resolve this issue</p>	<p>fire). These updates describe the parameters to be analysed, the decision-making framework for repeat monitoring, and the reporting process to the Environment Agency.</p> <p>Deadline 3 Position: The Outline DRP ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A] [REP1-036] has been updated to include this commitment and was submitted at Deadline 3.</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>upon submission of an updated oOEMP to the examination document library, incorporating this wording.</p> <p>We are pleased by amendments to A5.5.6.1 and A5.5.6.1.1 in the ES Volume 4, Technical Appendices - Technical Appendix A5.5 – Outline Operation Environmental Management Plan [EN010162/APP/6.4.5.5C][REP3-041]. They state that if a fire occurs at the BESS, the Applicant must begin checking the quality of nearby connected watercourses, investigate any signs of pollution caused by the fire, take action to reduce further contamination, and report all findings and actions to the Environment Agency.</p> <p>Deadline 3 Position: 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 Technical Appendix A5.6 – Outline</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6][APP-207], would be carried out without a commitment to remediation of any identified pollution.</p> <p>Section ES Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6A][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 ES Volume 4 – Technical Appendices Technical Appendix A5.5 – Outline Operation Environmental Management Plan</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>[EN010162/APP/6.4.5.5][APP-206] does not contain details of surface water monitoring during operation. Section A5.3.9.6.1 of ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3][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: 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 ES Volume 4, Technical Appendices - Technical Appendix A5.6 - Outline Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6][REP1-036];</p>		

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			Inclusion of details of surface water quality monitoring in the ES Volume 4 – Technical Appendices Technical Appendix A5.5 – Outline Operation Environmental Management Plan [EN010162/APP/6.4.5.5][APP-206]		
2.6.13	RR (EA013)	Other Matters – Inconsistency Wordings	<p>We consider this issue resolved.</p> <p>We were concerned by inconsistency of wording of the discovery strategy in the ES Volume 4 – Technical Appendices Technical Appendix A5.3 – Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3][APP-204] and Requirement 16 of the Draft Development Consent Order [EN010162/APP/3.1][APP-007].</p> <p>The Applicant has updated section A5.3.6 paragraph 24 of ES Volume 4, Technical Appendices - Technical Appendix A5.3 – Outline Construction Environmental Management Plan</p>	<p>Current Position:</p> <p>The Applicant updated the Outline CEMP at Deadline 2, ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3B][REP2-050], to reflect this point, and understands that the EA has agreed this point.</p> <p>Deadline 1 Position:</p> <p>Noted. ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3B][REP2-050] has been updated to include this commitment and was submitted at Deadline 2. We have</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>[EN010162/APP/6.4.5.3B][REP2-051] 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>	also added the EA as a consultee to the commitment made in paragraph 24, and this was done at Deadline 2.	

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>Current Position: We consider this issue resolved. We were concerned that Protective provisions for the protection of the Environment Agency are included in Schedule 13 (part 4). Protective provisions for the Environment Agency have been removed from the Draft Development Consent Order [EN010162/APP/3.1D][REP3-005]. We</p>	<p>Current Position: Noted.</p> <p>Deadline 3 Position: The Applicant has updated the Draft DCO at Deadline 3 to remove the EA's Protected Provisions and understands that this can now be agreed.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>are therefore content to resolve this issue.</p> <p>Deadline 3 Position: We do not consider this issue resolved. We were concerned that Protective provisions for the protection of the Environment Agency are included in Schedule 13 (part 4).</p> <p>Protective provision are still included in the Draft Development Consent Order [EN010162/APP/3.3A][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>Deadline 2 Position: The Draft Development Consent Order [EN010162/APP/3.1C] [REP2-005] 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][REP2-005] 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>	
2.7.2		Leasehold Interest	Agreed. National Grid Reference: SK7598954119	The Applicant acknowledges that the EA have a leasehold interest	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				for the siting of rain gauging equipment at Staythorpe Power Station. The Applicant confirms that Staythorpe Power Station is outside of the Order Limits.	
2.7.3	EA response to D2 submissions	DCO wording	<p>Current Position: There are a number of requirements within the 3.1C Draft Development Consent Order (Tracked) - Rev 4 [REP2-006] that utilize the phrase “substantially in accordance with”.</p> <p>Using the term “substantially” results in the requirement being unenforceable and imprecise. This is contrary to the 2 of the 6 tests for planning conditions within paragraph 57 of the National Planning Policy Framework.</p> <p>For those requirements that we are listed to be consulted on, where the term “substantially” has been used, we request its removal from the following:</p> <ul style="list-style-type: none"> 7. Fire safety management (4); 8. Landscape and ecological management plan and biodiversity design strategy (5a); 10. Surface and foul water drainage (1); 	<p>Current Position: The Applicant and EA confirm that it is not possible to come to a mutual agreement on this issue and therefore it will remain ‘not agreed’.</p> <p>The phrase “substantially in accordance with” is established precedent in a number of DCOs. Both Examining Authorities and Secretary of States have been satisfied that this is enforceable, and an appropriate mechanism to balance:</p> <ul style="list-style-type: none"> Legal certainty for the decision-maker and affected parties Practical flexibility for the undertaker to refine the scheme without seeking a full material change approval 	Not Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			12. Construction environmental management plan (2); 13. Operational environmental management	Confidence that environmental and design outcomes assessed in the ES will still be delivered Please refer to requirements in the Stonestreet Green, Fenwick, Helios and Tillbridge DCOs which all use the same wording in DCO requirements.	
2.7.4	Email dated 20 March 2026 EA response to D2 submissions	Long-term Flood Risk Mitigation	<p>Current Position: We find this explanation acceptable, and therefore do not need further discussion.</p> <p>Deadline 2 position: We note that there is an inconsistency regarding the dates under (2) and (2)(a) – the first relating to the anticipated continuation past 31 January 2069, and the second relating to continued operation past 31 December 2069, in respect to the Flood Risk Assessment. We request an explanation for this inconsistency. Otherwise, we require these dates to be amended to match with each other.</p>	<p>Current Position: The dates quoted in the requirement are correct. The Applicant would be willing to explain this to the EA, but in short, the following explains why the two dates are distinct and necessary. If the development is still in operation on 31 Jan 2069 work would need to be undertaken to determine the risk to (and from) the Development continuing into the next climate change epoch (i.e. 2070s onwards). Setting January 2069 as the date therefore allows the Undertaker to update flood risk assessment for the period of potential operation from 2070. This approach is considered</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				entirely reasonable, but we would welcome further discussion.	

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	<p>Works considered under “permitted preliminary works” are pre-commencement activities that could be undertaken without the controls that only apply following commencement.</p> <p>EA requested that “remedial work in respect of any contamination or other adverse ground conditions” is removed from the permitted preliminary works list, and that such works are undertaken with controls that apply at commencement (i.e., controls within Requirements 12 and 16 apply).</p> <p>We were concerned regarding the definition of commence within the Draft Development Consent Order</p>	<p>The Draft DCO 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][REP2-050].</p> <p>The Applicant updated the Outline CEMP at Deadline 2 to include the further comments. The Applicant understands that this would be acceptable to the EA.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			<p>[EN010162/APP/3.3A][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 ES Volume 4, Technical Appendices - Technical Appendix A5.3 - Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A][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.</p>		
2.8.2	RR (EA006)	Requirements 12, 13 and 19	<p>We have reviewed the Draft Development Consent Order [EN010162/APP/3.3A][REP1-007], and can confirm we have been included as a relevant authority to be consulted on the following:</p>	<p>The Applicant confirms that the Draft Development Consent Order [EN010162/APP/3.1C][REP2-005] be updated at Deadline 2 to include the EA as consultee in the discharge of Requirements 9, 12, 13, 16 and 19.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			12 (Construction environmental management plan) 13 (Operational environmental management plan) 19 (Decommissioning and restoration)	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 Draft Development Consent Order [EN010162/APP/3.3A][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][REP2-046] 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
2.8.4	RR (EA003)	Requirement 16	We have reviewed the Draft Development Consent Order [EN010162/APP/3.3A][REP1-007] , and	The Applicant confirms that the dDCO will be updated at Deadline 1 to include the EA as a consultee	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
		(Ground conditions)	can confirm we have been included as a relevant authority for the approval of Requirement 16 (1) (2).	in the discharge of Requirement 16.	
2.8.5		<i>Updates with regards to agreements reached on Requirements</i>	<p>Current Position: We previously requested to be named on a number of requirements. We are pleased to see that we have been listed to be consulted/as a relevant authority regarding:</p> <ul style="list-style-type: none"> 7. Fire safety management (4); 8. Landscape and ecological management plan and biodiversity design strategy (1); 9. Fencing and other means of enclosure (1) (2) 10. Surface and foul water drainage (1); 12. Construction environmental management plan (1a); 13. Operational environmental management plan (2); 16. Ground conditions (1) (2); 19. Decommissioning and restoration (1b); 23. Long-term flood risk mitigation (1) (2) (2d) (3) (4) 	<p>Current Position: Noted.</p>	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
2.8.6		Requirement 12	<p>Current Position We find this wording acceptable. We request that it is input in a draft DCO, and submitted to the examination document library.</p> <p>Deadline 3 position: Please note, we have an issue in regard to the wording for requirement 12. in the Draft Development Consent Order [EN010162/APP/3.1C][REP2-006]. Please see 12. Construction environmental management plan in Appendix B.</p> <p>We note that within the Draft Development Consent Order [EN010162/APP/3.1C][REP2-006], an amendment was made to requirement 12. Construction Environmental Management Plan. We are now listed to be consulted “on the topics specified: (a) the Environment Agency, on the arrangements for refuelling and horizontal directional drilling.”</p>	<p>Current Position: Please note that the Requirement was updated at Deadline 2 to reflect feedback made by the ExA (see Q2.1.22 from the ExA, and our response to it in Responses to ExA's First Written Questions [EN010162/APP/8.22A] [REP3-096]). The Applicant is content to amend the wording of Requirement 12, but the Applicant suggests that this is done in line with the precedent set by the Helios Solar DCO. This would be as follows:</p> <p><i>12.—(1) No phase of the authorised development may commence until a construction environmental management plan for that phase has been submitted to and approved by the planning authority, in consultation with the following organisations (on the topics specified):</i></p>	Agreed, pending confirmation that the agreed changes have been submitted at D4

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
			We cannot accept this amendment, as we will need to review the entirety of the CEMP in due course. We note that we were listed to be consulted on the entirety of the CEMP under the previous Draft Development Consent Order [EN010162/APP/3.1B][REP1-005] . We request that we are listed to be consulted under 12. (1), and the 12. (a) section should be removed.	<i>(a) the Environment Agency, <u>in relation to matters in relation to its statutory functions</u>; and (b) the county authority, on sustainable drainage systems measures.</i>	

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][REP1-036] states that the final Decommissioning Site Waste Management Plan (DSWMP) will be implemented in line with the most recent policy and legislation	Agreed

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				<p>at the time of decommissioning. This is then supported by Paragraph 82, that states that the Waste Hierarchy shall be the core waste management principles, as required in the Waste (England and Wales) Regulations 2011. It is likely that regulations and policy requirements with respect to decommissioning, disposal and recycling shall change over the lifetime of the Development, and as such, the Outline DSWMP confirms 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 established standards and guidance provide multi-layered controls to minimise the probability of chemical release and</p>	

Ref	Relevant Documents	Description of Matter	EA's Position	Applicant's Position	Status
				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] [REP1-032] 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, 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	

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

3 EA ISSUE TRACKER

Table 3-1 EA Issue Tracker

Subject	Relevant Rep Reference	Deadline 4	Outstanding Action
Groundwater and contaminated land	EA001	Resolved	
Groundwater and contaminated land	EA002	Resolved	
Water quality	EA003	Resolved	
Flood risk	EA004	Resolved	
Flood risk	EA005	Resolved	
Water quality, groundwater and contaminated land	EA006	Resolved	
Groundwater and contaminated land	EA007	Resolved	
Water quality	EA008	Resolved	
Water quality, groundwater and contaminated land	EA009	Resolved	
Water quality, groundwater and contaminated land	EA010	Resolved	
Water quality, groundwater and contaminated land	EA011	Resolved	
Groundwater and contaminated land	EA012	Resolved	
Groundwater and contaminated land	EA013	Resolved	
Groundwater and contaminated land	EA014	Resolved	

Subject	Relevant Rep Reference	Deadline 4	Outstanding Action
Water quality	EA015	Resolved	
Water quality	EA016	Draft wording has been shared with the EA, who have confirmed this is acceptable. Pending confirmation that this change is included at D4, this matter is agreed.	To be updated at D3
Water quality	EA017	Resolved	
Biodiversity	EA018	Resolved	
Biodiversity	EA019	Resolved	
Groundwater and contaminated land	EA020	Resolved	To be updated at D3
Water quality	EA021	Resolved	
Water quality	EA022	Resolved	
Groundwater and contaminated land	EA023	Resolved	
Groundwater and contaminated land	EA024	Agreed, pending confirmation that the agreed changes have been submitted at D4	EA to confirm that the agreed changes have been made in D4.
Flood risk	EA025	Agreed, pending confirmation that the agreed changes have been submitted at D4	EA to confirm that the agreed changes have been made in D4.
Flood modelling	EA026	Resolved	
Flood modelling	EA027	Resolved	
Flood modelling	EA028	Resolved	
Flood Risk	EA029	Agreed, pending confirmation that the agreed changes have been submitted at D4	EA to confirm that the agreed changes have been made in D4.

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
