

The Planning Inspectorate

Reference: OR-0008352/01

Customer reference: EN0110012

[via PINS portal]

11 August 2026

Dear Sir/Madam

**ENVIRONMENT AGENCY RESPONSE TO THE APPLICANT'S RESPONSES TO
RELEVANT REPRESENTATIONS. LIGHT VALLEY SOLAR.**

This letter constitutes the Environment Agency's response to the Applicant's responses to relevant representations [[PDA-014](#)]. We will also be submitting a response which constitutes comments on any further information of submissions accepted by the Examining Authority (ExA). This will be sent as a separate submission.

Following our review, we respond to the issues raised within our Relevant Representation [[RR-0419](#)] in turn below.

A summary of the Environment Agency's overall latest position is shown in Appendix A. The Environment Agency's position on individual issue IDs as raised in our Relevant Representation [[RR-0419](#)] is shown in Appendix B.

EA01 Electromagnetic Fields

We understand that assessments are undertaken on a worst-case scenario basis. We are pleased to see that the outline Construction Environmental Management Plan (CEMP) [[APP-192](#)] will be updated to confirm that the detailed CEMP will need to set out the electromagnetic field mitigation measures that have been deployed and explain how that has taken account of the latest research and practice on this matter.

This issue remains outstanding.

EA02 Fish eDNA Survey

We are satisfied with the Applicant's response to this issue. We look forward to receiving the grid references for each survey location as a useful addition for information/continuity purposes.

We consider this issue to be resolved.

EA03 Fish Spawning and Migration Periods

We are pleased to see that the outline CEMP [[APP-192](#)] will be updated to remove noncommittal wording and to provide further detail on timings of works and mitigation.

This issue remains outstanding.

EA04 Lamprey Migration Period

We are pleased to see that the outline CEMP [[APP-192](#)] and the Shadow Habitats Regulations Assessment [[APP-223](#)] will be updated to include the correct river lamprey and sea lamprey migration periods.

This issue remains outstanding.

EA05 Atlantic Salmon Egg Incubation Period

We acknowledge the Applicant's response.

We consider this issue to be resolved.

EA06 Culverts

In respect of fish, our position remains that culverts should be avoided and that open-span crossings should be prioritised. However, we understand the position laid out by the Applicant in their response. We will await the detailed design consultation on the specifics of each crossing in the Protective Provisions in the draft Development Consent Order (DCO) [[APP-017](#)] and note the commitment to preserve the natural watercourse bed in the DCO Requirements.

In respect of otters, we note the Applicant's comments regarding foreseen impacts to otter crossing the Selby Dam, and are pleased to see confirmation that replacement or new culverts will be designed to ensure that they allow for passage of mammals. We look forward to seeing the additional detail which is to be added to the outline CEMP [[APP-192](#)].

This issue remains outstanding.

EA07 Open-Cut Trenching

We are pleased to see the Applicant has committed to incorporating reinstatement of bankside habitats into the outline CEMP [[APP-192](#)], as we recommended.

This issue will remain outstanding until Table 3-13 of the outline CEMP [[APP-192](#)] has been updated to include the additional detail described in [[PDA-014](#)].

EA08 Otter and Water Vole Mitigation During Decommissioning

We are pleased to see the Applicant has committed to adding otter and water vole avoidance and mitigation measures into the outline Decommissioning Environmental Management Plan (DEMP) [[APP-194](#)].

This issue will remain outstanding until the outline DEMP [[APP-194](#)] has been updated.

EA09 Wheel Washing

We are pleased to see the outline Operational Environmental Management Plan (OEMP) [\[APP-193\]](#) will be updated to include further details of how wash water will be managed to ensure contaminants do not enter local watercourses.

This issue remains outstanding.

EA10 Foul Waste

We are pleased to see that the outline CEMP [\[APP-192\]](#), outline OEMP [\[APP-193\]](#), outline DEMP [\[APP-194\]](#) and Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#) will be updated to include further details on how foul drainage will be managed to ensure contaminants do not enter local watercourses. We are also pleased to see that the discrepancies between the documents on foul water and effluent will be corrected, and that Table 7-1 within Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [\[APP-180\]](#) will be updated to consider potential impacts from welfare facilities.

This issue remains outstanding.

EA11 Sealed Drainage System

We are pleased to see that Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#), the outline OEMP [\[APP-193\]](#) and the outline Battery Safety Management Plan (BSMP) [\[APP-196\]](#) will be updated to clarify that the Battery Energy Storage System (BESS) will be fully sealed.

This issue remains outstanding.

EA12 Valves and Penstocks

We note the Applicant's comments regarding how the automated fire suppression systems do not necessarily form part of design as the units may be designed to burn out.

We will review the updated Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [\[APP-180\]](#) once available.

This issue remains outstanding.

EA13 BESS and Substation Drainage

We are pleased to see that Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#), the outline CEMP [\[APP-192\]](#) and outline OEMP [\[APP-193\]](#) will be updated to include further details on drainage.

We note the use of 'sentinel' monitoring systems will be considered at detailed design stage. We would encourage the Applicant to adopt these systems at the discharge point for the proposed Solar Development Site 4 Substation Compound, which is sited above a superficial Secondary A aquifer.

We note that the Applicant states "the same measures included within the BESS in relation to a fire event would not be employed at the sub-stations as it is assumed that the mitigation measures associated with preventing leaks/spills to surface water will prevent groundwater contamination". We request further details of the systems to be put in place to prevent pollutant release in the event of a reasonable worst-case major incident such as an oil-filled

transformer fire, should it be anticipated that the drainage design for managing higher risk areas of the Substations as described in Section 5.5.7 of Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#) not be sufficient to address this occurrence. We note Section 5.5.9 of this document states that “where no mains drainage is available, treated surface water can be discharged via soakaway providing appropriate containment and management measures are in place”. This would introduce the potential for pollutants to be discharged from the Substation drainage systems directly into groundwater.

This issue remains outstanding.

EA14 Testing of Firewater

We are pleased to see that Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#) and the outline BSMP [\[APP-196\]](#) will be updated to include specific detail on the water quality testing proposed for BESS firewater runoff.

We note the Applicant’s confirmation that the suppression system would only discharge water.

This issue remains outstanding.

EA15 Disposal of Firewater

We are pleased to see that Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [\[APP-180\]](#) will be updated.

We note that further details will be included in the detailed BSMP.

This issue remains outstanding.

EA16 Post-Incident Recovery Plan

We are pleased to see that Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [\[APP-180\]](#) and the outline BSMP [\[APP-196\]](#) will be updated to include further detail on the post-incident recovery plan.

This issue remains outstanding.

EA17 Storage and Disposal of Batteries

We are pleased to see that the outline BSMP [\[APP-196\]](#) will be updated to include further detail on the removal and disposal of damaged equipment.

We note the comment that states the detailed BSMP will be substantially in accordance with the outline BSMP [\[APP-196\]](#).

This issue remains outstanding.

EA18 Construction Methodology

We are pleased to see that the outline CEMP [\[APP-192\]](#), will be updated to include details on fuel and oil storage and disposal of water from concrete during construction.

This issue remains outstanding.

EA19 Spill Mitigation During Operation and Decommissioning

We are pleased to see that the outline Pollution and Spillage Response Plan (PSRP) [[APP-198](#)] will be updated to ensure consistence across other management plans.

This issue remains outstanding.

EA20 Storage of Substances during Decommissioning

We are pleased to see that the outline DEMP [[APP-194](#)] will be updated.

This issue remains outstanding.

EA21 Mitigation in WER Compliance Assessment

We are pleased to see that Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [[APP-180](#)] and the outline PSRP [[APP-198](#)] will be updated.

This issue remains outstanding.

EA22 Commitments Register

The Applicant's comments on the deliberately limited scope of the Commitments Register [[APP-145](#)], and that the management plans are the key mechanism to secure the mitigation for each phase is noted.

We are pleased to see that a Per- and polyfluoroalkyl substances (PFAS) commitment will be added to Appendix 1.3 Commitments Register [[APP-145](#)].

This issue remains outstanding.

EA23 Drainage during Decommissioning

We are pleased to see that the outline CEMP [[APP-192](#)] and outline OEMP [[APP-193](#)] will be updated to explicitly reference the potential need for a Water Discharge Activity Permit.

We note the Applicant's comment regarding coverage of surface water drainage within the outline DEMP [[APP-194](#)].

This issue remains outstanding.

EA24 Water Quality Monitoring

We are pleased to see that the outline PSRP [[APP-198](#)], outline CEMP [[APP-192](#)], outline OEMP [[APP-193](#)] and outline DEMP [[APP-194](#)] will be updated to include a commitment for a monitoring plan.

We note that the Applicant's response references Table 3-3. We assume this to be an error and believe the correct reference would be Table 3-13 of the outline CEMP [\[APP-192\]](#).

We request a clear securing mechanism for Environment Agency review and approval of the PSRP. Although this is outlined as a commitment within Section 2.13.1 of the outline CEMP [\[APP-192\]](#) (and therefore understood to be secured under the DCO), it does not currently state that this would be subject to review and comment by the Environment Agency. We request this document to be updated to confirm this.

Further details of monitoring proposals would be preferred at this stage, but we acknowledge that the detailed CEMP, OEMP and DEMP to be produced post-consent will provide full details and be subject to review and comment by the Environment Agency.

This issue remains outstanding.

EA25 Pollution Policy and Guidance

We are pleased to see that the outline CEMP [\[APP-192\]](#) and Appendix 15.4 Outline Drainage Strategy [\[APP-182\]](#) will be updated to ensure the correct pollution policy and guidance is cited.

This issue remains outstanding.

EA26 Degradation of Cables

Thank you for confirming that cabling will be designed to safely operate for the duration of the operational period of the Proposed Development.

We consider this issue to be resolved.

EA27 Impact on Groundwater Abstractions

We note that groundwater abstractions are attributed sensitivity and importance criteria in Table 15-9 of Chapter 15 - Water Resources and Flood Risk [\[APP-053\]](#). We consider abstractions for agricultural use (i.e. potentially for food production purposes) and unlicensed abstractions for potable use should be considered to be high sensitivity rather than medium sensitivity.

This issue remains outstanding.

EA28 BESS and Substation Interaction with Water Table

We note the Applicant's comments on dewatering and adherence with abstraction and discharge regulations. We also note that ground investigation will confirm presence/absence of groundwater within foundation depth range post-consent.

We look forward to reviewing the updated outline CEMP [\[APP-192\]](#) when this is available.

This issue remains outstanding.

EA29 Retaining Access to Monitoring and Sampling Points

The Hydrology Data Explorer shows the presence of two groundwater level monitoring stations with continuous monitoring within 1km of the draft Order Limits, at Riccal Approach and Hambleton.

Our records show a hydrometric monitoring site at Hambleton WPC Works lies within the proposed Grid Connection Corridor. Other monitoring sites are present within 250m of the draft Order Limits:

- Birkin Drift (observation borehole)
- Peel Hall Farm Drift (observation borehole)

Chapter 15 - Water Resources and Flood Risk [[APP-053](#)] should be updated to include the above information.

This issue remains outstanding.

EA30 Retention of Cables Post-Decommissioning

We note the Applicant's comments regarding the need for flexibility.

We are pleased to see that the outline CEMP [[APP-192](#)] will be updated to include a commitment relating to cable construction, as requested.

This issue remains outstanding.

EA31 Peat Deposits

We note the Applicant's comments acknowledging that while geology and ground conditions were scoped out, damage to peat deposits and instability are geotechnical considerations. Notwithstanding, we encourage the Applicant to note that the uncontrolled release of pollutants into surface or groundwater, for example from damaged peat deposits as a result of the Proposed Development, could constitute a pollution incident. In such cases the 'polluter pays principle' may be employed in accordance with the Environment Act 2021 ([Environment Act 2021](#)), and in extreme cases an Anti-Pollution Works Notice may be issued under the Anti-Pollution Works Regulations 1999.

We are satisfied that any required mitigation measures will be incorporated into the detailed CEMP as appropriate, which we will be consulted on.

We consider this issue to be resolved.

EA32 Thermal Pollution of Groundwater

We discussed the proposed approach to thermal pollution of groundwater with the Applicant in a meeting on 22 June 2026. We look forward to reviewing further details of this approach in due course.

This issue remains outstanding.

EA33 WER Waterbodies within the Study Area

We are pleased to see that additional waterbodies will be added to Table 6-1 of Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment

[\[APP-180\]](#). However, the Applicant should provide justification for screening out the Derwent Sherwood Sandstone.

This issue remains outstanding.

EA34 Dewatering and GWDTEs

We note the Applicant's response but would like to point out that trenchless crossings may require local dewatering of launch and reception pits, which could affect Burr Closes SSSI if unmitigated. The Applicant should consider this further.

This issue remains outstanding.

EA35 BESS and Substation Interaction with Bedrock

We will review the updated outline CEMP [\[APP-192\]](#) once available.

This issue remains outstanding.

EA36 Omission of Groundwater Units

We acknowledge the Applicant's response, however we request that Section 4.3.3 of Appendix 15.2 Water Environment Regulations (Water Framework Directive) Compliance Assessment [\[APP-180\]](#) is updated so that it directs the reader to Chapter 15 - Water Resources and Flood Risk [\[APP-053\]](#) for full details of the geological setting of the Proposed Development.

This issue remains outstanding.

EA37 Historic Worked Ground

We are pleased to see that the outline CEMP [\[APP-192\]](#) and Appendix 1.3 Commitments Register [\[APP-145\]](#) will be updated to commit to avoidance or investigation and remediation where necessary of any areas of historic ground working.

This issue remains outstanding.

EA38 Infiltration into the Cable Trench

We acknowledge that assessment of existing contamination was scoped out of the Environment Statement (ES) assessment at scoping stage.

We are pleased to see that the outline CEMP [\[APP-192\]](#) and Appendix 1.3 Commitments Register [\[APP-145\]](#) will be updated to correct the reference to the 'pipeline'. We will review these updated documents once available.

This issue remains outstanding.

EA39 Watching Brief

We are pleased to see that the outline CEMP [\[APP-192\]](#) will be updated to clearly state that construction personnel will be provided briefings and toolbox talks which will identify visual

and olfactory indicators of contamination and the need to implement protocols when these are encountered, as requested.

This issue remains outstanding.

EA40 HDD Method Statement

We thank the Applicant for confirming that the outline CEMP [[APP-192](#)] already includes a commitment to completing a Hydrogeological Impact Assessment for trenchless crossing work in Table 3-13.

We consider this issue to be resolved.

EA41 Decommissioning of Cable Trench

We are pleased to see that the outline DEMP [[APP-194](#)] will be updated to include a commitment for appropriate mitigation to be applied for impermeable structures such as clay stanks where removal of cabling is taken forward. We will review the updated document once available.

This issue remains outstanding.

EA42 Roles and Responsibilities

We are pleased to see that the outline DEMP [[APP-194](#)] and outline PSRP [[APP-198](#)] will be updated to clarify details surrounding roles and responsibilities.

This issue remains outstanding.

EA43 Pollution Incidents

We are pleased to see that the outline PSRP [[APP-198](#)] will be updated to include further details on issues including application of pesticides and/or herbicides, and management and maintenance of oil/water interceptors, if present.

This issue remains outstanding.

EA44 COMAH

The Applicant's response is noted.

We consider this issue to be resolved.

EA45 Flood Defences

The Applicant has said that they seek confirmation that the reservoir referenced is that at Wistow. We can confirm that this is correct. The Environment Agency's National Infrastructure Team do not hold any further information to be able to supply to the Applicant for their review, however our Estates Team may do so. We understand that the Applicant is already liaising with our Estates Team and therefore we would suggest that they discuss this matter with them.

We understand that the Applicant has identified the embankments and have committed to pre- and post-construction surveys. However, due to the sensitivity of the defences and the works the Applicant is looking to undertake we would expect to see a commitment to monitoring the defences whilst works take place. This is to ensure that if any shifting or cracking of defences start to occur all works can be paused until additional mitigation can be implemented. Additionally, the Applicant should commit to producing a contingency plan for if embankments become damaged or start to collapse during works.

This issue remains outstanding.

EA46 Design Flood Level

We note that the Applicant's response confirms that minimum finished floor levels (FFLs) for flood sensitive assets will be set to the 1 in 100-year plus 31 / 30% adopted climate change allowance plus 300 mm freeboard or set to the height of the credible maximum scenario (whichever is higher). This seems reasonable from our perspective in terms of the principle of freeboard. It should be noted that this is separate to our specific concerns surrounding solar PV panel freeboard (**EA47 Solar PV Panel Freeboard**).

We consider this issue to be resolved.

EA47 Solar PV Panel Freeboard

We do not agree with the Applicant's response to this issue.

Whilst solar panels can be placed within the floodplain, the panels themselves should not be inundated in the design flood event. Where panels are located within the design flood extent (such as Site 1), they should be raised such that the panels themselves remain above flood levels. This would normally involve applying a minimum freeboard (e.g. 300mm) above the modelled design water level which in the context of Essential Infrastructure would be the 1% (1 in 100) Annual Exceedance Probability (AEP) plus higher central climate change scenario to define the minimum height of the lowest leading edge of the panels. This allowance accounts for uncertainties in hydraulic modelling, as well as factors such as debris during flood events.

Alternatively, it would be reasonable to suggest that the panels are placed so the lowest leading edge is just above the 1% (1 in 100) AEP plus credible maximum (upper) climate change water level. The levels of the panels can vary above this freeboard level, however it must be ensured that they are not placed below this threshold with respect to the design flood. This position is supported by the Overarching National Policy Statement for Energy (EN-1). Paragraph 5.8.7 states that new energy infrastructure should be designed to remain operational during flood events, while paragraph 5.8.12 highlights the need to safely manage flow conveyance and avoid adverse impacts from obstruction or deflection. If the solar panels themselves were inundated during the design flood event, this would likely compromise their operability. In addition, inundated panels could increase blockage potential within the floodplain and not just present a storage loss, with potential implications for flood flow routes and potential off-site impacts.

This issue remains outstanding.

EA48 Offsite Flood Risk

A key concern, linked to our comments on freeboard for the solar PV panels (**EA47 Solar PV Panel Freeboard**) is that some of the solar panels themselves, and not just the support legs, may be inundated during the design flood event. In addition to the loss of storage and implications for operability, inundated solar PV panels could act as a more significant obstruction to flow, with potential to increase flood risk offsite. We welcome the additional volumetric assessment undertaken in relation to the hydraulically connected floodplain, which is helpful.

We also acknowledge the limitations of explicitly modelling solar panel support columns due to their relatively small scale and sub-grid resolution. However, uncertainties remain particularly in the context of inundated solar PV panels which would act as a more significant barrier to flow. The solar PV panels themselves should be raised above the design flood level within Site 1 as noted within our response to EA47 and any volumetric and level change calculations should be updated to reflect this change.

This issue remains outstanding.

EA49 Land Raising

The Applicant must ensure that sufficient wording is included within Design Parameters and Commitments [[APP-217](#)]. We would welcome further discussions on this matter with the Applicant, in particular around whether this matter needs to be secured by a separate DCO Requirement.

This issue remains outstanding.

EA50 Breach Location

The washland embankments in this location fall under the Reservoirs Act. The residual risk to a large portion of Site 4 is therefore driven by breach of the washland embankment which runs along Birkin Road. This is adequately captured by the Risk of Flooding from Reservoirs Mapping shown in Figure 15.11 and Sections D.3.24 and D.3.25 of the Flood Risk Assessment [[APP-179](#)]. On this basis, no further action is required.

We consider this issue to be resolved.

EA51 Functional Floodplain

The Applicant's response notes that the Proposed Development is classified as Essential Infrastructure for which the exception test applies in Flood Zone 3a and Flood Zone 3b. Flood Zone 3b data is not available in the Strategic Flood Risk Assessment (SFRA), however, the Environment Agency's definition of functional floodplain has been used to define the southern washlands (now removed from the order limits) as Flood Zone 3b. This seems reasonable.

We ask that the Applicant confirms if any aspects of built development fall within the Functional Floodplain for Site 1 based on the Lower Ouse and Wharf Washlands model output data.

This issue remains outstanding.

EA52 Fencing

We are pleased to see that the Design Parameters and Commitments [\[APP-217\]](#) will be updated to state that where fencing intersects flood zones it should be designed to ensure blockage risk is kept to a minimum and that there are no impacts on flood flow routes. We will review the updated document once available.

This issue remains outstanding.

EA53 Hydraulic Modelling

The Applicant's response addresses the comment raised by the Environment Agency on the hydraulic modelling.

We consider this issue to be resolved.

EA54 Requirement 10 – Surface and Foul Water Drainage

We are pleased to see that the draft DCO [\[APP-017\]](#) will be updated to make the Environment Agency a consultee for Requirement 10, as requested. We will be able to consider this issue resolved once the updated DCO [\[APP-017\]](#) is made available for review.

This issue remains outstanding.

EA55 Requirement 13 – Operational Environmental Management Plan

We are pleased to see that the DCO [\[APP-017\]](#) will be updated to make the Environment Agency a consultee for Requirement 13, as requested. We will be able to consider this issue resolved once the updated DCO [\[APP-017\]](#) is made available for review.

This issue remains outstanding.

EA56 Requirement Wording

We maintain our position on this matter. The use of 'substantially' in DCO requirements undermines the enforceability of proposals and/or may erode the environmental protections put in place. The overarching management plans provide a large scope for the detail to come later, and the Rochdale envelope applies, thus flexibility is built into the process. To resolve this matter, the word 'substantially' needs to be removed from the identified Requirements.

This issue remains outstanding.

EA57 Environment Agency Protective Provisions

We can confirm that we have discussed this issue with the Applicant and have come to an agreement on the form of the Protective Provisions. We will be able to consider this issue resolved once the updated DCO [\[APP-017\]](#) is made available for review.

This issue remains outstanding.

EA58 Discharge of Requirements Procedure

We do not agree with the Applicant's response to this issue. This is something that the Environment Agency is asking for across all NSIPs.

This issue remains outstanding.

We trust this advice is useful.

Yours faithfully

Chloe Snowball

Planning Specialist - National Infrastructure Team

E-mail: NITeam@environment-agency.gov.uk

APPENDIX A – SUMMARY OF OVERALL EA POSITION

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

Subject	Work package	Scope	Method and Assumptions	Results of Assessment (i.e Impact)	Mitigation / Enhancements Agreed	Requirement	RR ID
Biodiversity	Ecological Assessment						EA06, EA07, EA08, EA09
Fisheries	Fish Impact Assessment						EA01, EA02, EA03, EA04, EA05, EA06
Water Resources	Water Supply Strategy						
Flood Risk Surface Water Quality	Flood Risk Assessment						EA45, EA46, EA47, EA48, EA49, EA50, EA51, EA52
	Hydraulic Model						EA48, EA50, EA53
	Outline Construction Environmental Management Plan						EA13, EA18, EA24, EA25
	Outline Operational Environmental Management Plan					13	EA09, EA11, EA13, EA19, EA24, EA55
	Outline Decommissioning Environmental Management Plan						EA17, EA19, EA20, EA23, EA24
	Outline Battery Safety Management Plan						EA11, EA12, EA14, EA15, EA16, EA17

Groundwater Protection	Surface and Foul Water Drainage Strategy					10	EA10, EA15, EA16, EA23, EA25, EA54
	Water Environment Regulations Compliance						EA12, EA13, EA15, EA16, EA21
	Outline Construction Environmental Management Plan						EA13, EA31, EA34, EA37, EA38, EA39, EA40
	Outline Operational Environmental Management Plan					13	EA11, EA13, EA32, EA55
	Outline Decommissioning Environmental Management Plan						EA30, EA41
	Outline Battery Safety Management Plan						EA11
	Water Environment Regulations Compliance						EA13, EA21, EA28, EA33, EA36

APPENDIX B - ENVIRONMENT AGENCY'S POSITION ON INDIVIDUAL ISSUE IDS AS RAISED IN OUR RELEVANT REPRESENTATION

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

Issue ID	RAG Status
EA01	
EA02	
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