

The Planning Inspectorate

Our ref: XA/2024/100139/01-L01

Your ref: EN010122

Date: 22 August 2024

Dear Sir/Madam

DEADLINE 3 - ENVIRONMENT AGENCY COMMENTS ON DEADLINE 1 AND DEADLINE 2 SUBMISSIONS. OAKLANDS FARM SOLAR PARK, DERBYSHIRE.

We write in response to the Examining Authority's invitation to respond to information submitted at Deadlines 1 and 2.

Deadline 1

Updated Draft Development Consent Order [\[REP1-004\]](#)

We note and welcome the changes to the Draft DCO, in particular the amendments to Requirement 9 (Construction environmental management plans).

Updated Outline Construction Environmental Management Plan [\[REP1-008\]](#)

We welcome the Applicant's proposal to produce an Environmental Monitoring Plan within the Construction Environmental Management Plan (CEMP) and their acknowledgement of the need to gain environmental permits for water discharge activities under Environmental Permitting (England and Wales) Regulations 2016. We consider that this addressed points 4 and 5 raised within our Relevant Representation [\[AS-019\]](#).

Regarding section 1.23 Site Investigation, we consider this to be appropriate in so far as it relates to the protection of groundwater from contamination and in line with good industry practice and guidance.

Please see 'Appendix 1 Environment Agency Work Package Tracker' below which provides more detail on our progress of overcoming each RR point.

Deadline 2

We confirm that we have no additional advice to offer in relation to information submitted at Deadline 2.

We trust this advice is useful.

Yours faithfully

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Appendix 1: Environment Agency Work Package Tracker

Overarching Tracker							
Subject	Topics	Assessment/ Plan/ DCO	Impact	Solution	Agreed requirement/ or assessment updated to resolve issue	Requirement Number in DCO	Note:
Ecology	Water Environment Report / WFD (with regards to potential culverting of Ordinary Watercourses) (Relevant Representation (RR) Point 2)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They advised Water Framework Directive Assessment (WFD) has been updated to include this point and they will send to EA in due course
Flood Risk	Sequential Test (RR point 1)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They advised Flood Risk Assessment (FRA) will be updated to include this point and they will send to EA in due course
	Vulnerability Classification (RR point 1)	Agreed	Agreed	Agreed	Agreed		FRA now includes correct Vulnerability Classification, 'Essential Infrastructure'
	Exception Test (RR point 1)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They are currently undertaking flood modelling and will update the FRA to address this point in due course.
	Climate Change Allowance (RR point 1)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They are currently undertaking flood modelling and will update the FRA to address this point in due course.
	Detailed Flood Modelling (RR point 1)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They are currently undertaking flood modelling and will update the FRA to address this point in due course.
Geomorphology	Water Environment Report / WFD (RR Point 2)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They advised WFD has been updated to include this point and they will send to EA in due course

Groundwater Protection	WFD Assessment (WFD assessment needs to include WFD Groundwater Body) (RR Point 2)	Working on solution	Not Agreed	Not Agreed	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - They advised WFD Assessment has been updated to include this point and they will send to EA in due course
Waste	Construction Environment Management Plan (CEMP)	Agreed	Agreed	Agreed	Agreed	9	Please see Requirement
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	22	Please see Requirement
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	N/A so agreed		
	Waste Management Strategy	Working on solution	Working on solution	Working on solution	Not Agreed	9	Applicant to send EA topsoil removal proposals. EA to provide advice on Waste Management Strategy and CL:AIRE DoW CoP
Water Quality	Construction Environment Management Plan (CEMP) 1) daily monitoring by Principal Contractor. The need for an Environmental Monitoring Plan (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated DCO [REP1-004] and oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Construction Environment Management Plan (CEMP) 2) Environmental Permit for discharges should be reflected in the CEMP (RR Point 4)	Agreed	Agreed	Agreed	Agreed	9	Updated oCEMP [REP1-008] at Deadline 1 has resolved this point.
	Decommissioning Environment Management Plan (DEMP)	Agreed	Agreed	Agreed	Agreed	5	Please see Requirement
	The pollution risks of emergency response have not been appropriately assessed. (Point 7 on RR)	Working on solution	Working on solution	Working on solution	Not Agreed		Meetings held with applicant's consultants 09/05/2024 and 18/07/2024 - We are waiting for the Drainage Assessment (part of FRA) to be updated to include this point, which they will forward to EA in due course.
	Operational Environment Management Plan (OEMP)	Agreed	Agreed	Agreed	Agreed	11	Please see Requirement
	Water Environment Report / WFD - Changes to water quality that do not impact WFD Status should be considered (RR Point 6)	Agreed	Agreed	Agreed	N/A so agreed		This point has been fully resolved. No need for any assessments/ documents to be updated as this was a misunderstanding rather than an issue with methodology.
Development Consent Order (DCO)	Disapplication of s25 of the Water Resources Act (impoundment) (RR Point 3)	Working on solution	Working on solution	Working on solution	Not Agreed		Meetings held with applicant's consultants 18/07/2024 - They no longer wish to disapply s25 of the Water Resources Act. Applicant to apply for Impoundment Licence through usual process outside of DCO. dDCO to be updated.
	CEMP Requirement wording changed to include EA to be consulted (RR Point 5)	Agreed	Agreed	Agreed	Agreed		Updated DCO [REP1-004] at Deadline 1 has resolved this point.