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Our ref: AN/2023/133932/06-L01
Your ref: EN010127
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Date: 24 October 2023

Dear Sir

**Planning Act 2008 - application for a Development Consent Order for Mallard Pass Solar Farm: Deadline 7 submissions published - Rule 17 Letter and ExA's questions on the draft Development Consent Order
Land either side and in the vicinity of the east coast main line, near the village of Essendine (Rutland And South Kesteven)**

Environment Agency's response to the Rule 17 letter request for further information dated 18 October 23

Section 4 Water and Flood Risk

Question 4 a): Please can the Environment Agency provide comments on the flood risk modelling submitted by the Applicant at Deadline 7, including confirmation of whether the conclusions and suggested approach to mitigation are satisfactory?

Environment Agency's response:

Currently, the climate change allowance for a 60-year development in this location is 28%. The current supporting flood risk assessment was based on modelling which included a climate change allowance of 20%; this is in excess of the allowance of 10% in the current guidance for the 2050s epoch. As the Environment Agency does not hold fluvial flood levels for the 1% annual exceedance probability (AEP) plus 28% climate change, we agreed with the Applicant that the 0.5% AEP plus 20% levels could be used as a proxy.

The Applicant submitted updated information within the document titled Statement on 60 Year Time Limit, Dated October 2023 (Environmental Statement Chapter 11 – Water Resources)

The updated model has not been provided for review by the Environment Agency; however a summary of the results has been provided which is adequate and appropriate for the proposed development. The modelled extents (as shown in drawing

No. 2, Appendix X, Rev 0, dated 04 October 23) align with the Environment Agency's flood extent data. This shows that an area may get flooded with depths of up to 0.1m and 0.2m: this would fall within the model tolerances and is not considered significant. There is a small area where depths fall between 0.3m and 0.4m: as the leading edge of the PV array tables will be 0.8m above ground they will not be affected. The supporting structures are designed to be flood resistant and are not of a scale to cause any impact on third parties through displacement of water, should flooding occur.

We agree that the applicant's conclusions are satisfactory and remain satisfied that the 0.5% AEP event is a good proxy for the climate change allowance for the 2080s epoch. We do not require any additional mitigation measures.

Question 4 b):

Can the Environment Agency, Lincolnshire County Council, Rutland County Council and South Kesteven District Council confirm if they agree with the Applicant's position that the conclusions of the Flood Risk Assessment and Chapter 11 of the Environmental Statement remain unchanged with the introduction of a 60 year time limit?

Environment Agency's response:

The Flood Risk Assessment concludes:

'The residual risk of the Proposed Development flooding from all sources is Negligible'.

Chapter 11 of the Environmental Statement concludes:

'The Proposed Development has been assessed as having negligible significant effect on these receptors.' (Receptors referred to being hydrology, flood risk and ground conditions).

The Environment Agency agrees that the residual risk from **fluvial** flooding to the development itself, and to third parties, remains negligible with the introduction of a 60 year time limit.

Assessment of risk from other sources, such as surface water, would also need to incorporate the appropriate climate change allowances for the 2080 epoch, as there may be an impact on the volume of surface water attenuation required. This would need to be agreed with the Lead Local Flood Authorities.

Examining Authority's commentary and questions on the draft DCO

Q6.0.8: R19 (Long-term flood risk mitigation)

a) If still required, please provide an update on whether the wording of this newly proposed Requirement has been agreed with the EA along with the relevant authorities. If not required, please provide reasons.

b) Is it appropriate for the matters in R(2)(a) to be approved by the EA, rather than in consultation with the EA. What is the justification for this when usually such matters would fall for the approval of the relevant planning authority (and local lead flood authority)?

c) Comments from relevant interested parties are invited on this proposed Requirement and related flood risk matters.

Environment Agency's response:

An initial version of this draft Requirement was proposed by the EA for use in the event of an acceptable assessment beyond 2078 not being undertaken at the pre-consent

stage. The wording included in REP7-009, 3.1.6 Draft Development Consent Order (Version 6) includes some minor amendments proposed by the Applicant, to which we have no objection.

However, having reviewed the information now submitted on fluvial flood risk for the 60 year lifetime and found this to be acceptable, we do not require the inclusion of R19. Please see the reasoning in our response to question 4 a) above.

Should the Examining Authority however determine that R19 is required, we should be included as a consultee, not an approving body. The wording of R19 would need to be amended accordingly.

Q7.0.1 Part 5 (For the protection of the Environment Agency)

Noting the Applicant D7 submission [REP7-037] that the Protective Provisions have been fully finalised and agreed, can the EA confirm whether this is correct and consequently whether it now consents to the disapplication of the need for a flood risk activity permit and any applicable bylaws under the Water Resources Act 1991, for the purposes of section 150 of the Planning Act 2008?

Environment Agency's response:

Yes, this is correct. The Protective Provisions covering both flood risk activity permitting and protection of the Gwash-Glen Water Transfer Pipeline have been finalised and agreed. The EA consents to the disapplication of the need for a flood risk activity permit and any applicable bylaws under the Water Resources Act 1991, for the purposes of section 150 of the Planning Act 2008.

Yours faithfully

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