

Gate Burton Energy Park

Statement of Common Ground between the Applicant and the Environment Agency EN010131

APFP Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Prepared for:

Gate Burton Energy Park Limited

Prepared by:

AECOM Limited

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Gate Burton Energy Park Limited and (2) Environment Agency.

.Lauren McGill, Project Manager on behalf of Gate Burton Energy Park Limited

Date: 04/07/2023

Signed..... *LMCGILL*

.....

Keri Monger (Planning Specialist) on behalf of Environment Agency

Date: 11 July

2023..... XX/XX/2023

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Signed... 

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1. Introduction

1.1 Introduction

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to accompany an application made to the Secretary of State for the Department for Business, Energy & Industrial Strategy for a Development Consent Order (the Application) under section 37 of the Planning Act 2008 (PA 2008) for the proposed Gate Burton Energy Park (the Scheme). The Application is submitted by Gate Burton Energy Park Ltd (the Applicant) which is a subsidiary/group company of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned UK investment and asset management company specialising in renewable energy. **The Funding Statement [EN010131/APP-221/6.7]** provides further information on the Applicant and Low Carbon.
- 1.1.2 This SoCG has been prepared by (1) Gate Burton Energy Park Ltd as the Applicant and (2) the Environment Agency (EA). Together the Applicant and the EA are 'the parties' in this SoCG.
- 1.1.3 The EA is a non-departmental public body, the purpose of which is 'to protect or enhance the environment taken as a whole'; so as to contribute to 'the objective of achieving sustainable development' (Environment Act, 1995). The Environment Agency is a prescribed consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 'Working with Public Bodies' produced by the PINS sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA. The Applicant has consulted the EA throughout development of the Scheme.
- 1.1.4 The EA's role covers various topics including:
- managing the risk of flooding from main rivers, reservoirs and the sea;
 - regulating major industry and waste;
 - treatment of contaminated land;
 - water quality and resources;
 - fisheries;
 - inland river, estuary and harbour navigation; and
 - conservation and ecology of the aquatic environment.
- 1.1.5 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to the EA representations and therefore have not been considered in this document.
- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not

been reached (and that is the parties' final position) and where discussions are still ongoing.

1.1.7 ~~This original version of this SoCG has ~~was been~~ prepared for submission with the Application, with the intention that it will be revised and updated as discussions progress during the Pre-Examination and Examination periods as required. This revised version has been prepared by the Applicant for submission during the Pre-Examination period to present an update of what is understood to be the current position. This version incorporates the first round of comments received from the Environment Agency, but does not yet present an agreed final draft SoCG. This original version of this SoCG was prepared for submission with the Application, with the intention that it would be revised and updated as discussions progress during the Pre-Examination and Examination periods as required. This revised version has been prepared by the Applicant for submission during the Examination period at Deadline 1. This version incorporates the second round of comments received from the Environment Agency. All issues are considered to be agreed, subject to final confirmation from the Environment Agency~~
A draft version of the SoCG was submitted with the Application in January 2023. This version provides the final document agreed upon and signed by both parties, submitted at Deadline 1 on 18 July 2023.

1.1.8 ~~The only remaining matter of discussion between the two parties is on Protective Provisions, which are expected to be agreed shortly. Updates on the status of Protective Provisions are provided in document 6.5 Schedule of Negotiations and Powers Sought [APP-219/6.5] and revisions of this document submitted for future deadlines in the Examination process. It was therefore not considered necessary to replicate updates on Protective Provisions in this Statement of Common Ground.~~

1.2 The Scheme

1.2.1 Gate Burton Energy Park is a proposed solar photovoltaic electricity generating facility. The Application is for development consent to construct, operate, maintain and decommission ground mounted solar photovoltaic (PV) panel arrays, on-site battery storage and associated infrastructure. Associated infrastructure includes, but is not limited to, access provision and an underground 400kV electrical connection of approximately 7.5km to the National Grid Substation at Cottam Power Station. A detailed description of the Scheme is included in **Chapter 2: The Scheme** of the Environmental Statement [~~EN010131/APP-011/3.1~~].

1.2.2 Following engagement with the EA, the following changes ~~have~~ were made~~been made~~ to the Scheme prior to Application submission:

- Precautionary easements of 10 metres have been applied around all watercourses (except for where watercourse crossings are required), increasing to 16 metres from the top of each~~in the vicinity of~~ flood

defences. This was secured through the **Framework Construction Environmental Management Plan (CEMP) [EN010131/APP-224/7.3]**. An amendment to this section to change 'top' to 'toe' has been agreed with the Environment Agency post submission and will be updated in Version 2 of the **Framework CEMP**, submitted at a future deadline.

- The layout has been amended in the north eastern corner with panels removed from flood zones 2 and 3, those ~~fluvial flood zones~~ associated with Padmoor Drain. This is to ensure a sequential approach has been taken to the location of infrastructure within the site. This is secured through the **Works Plans [EN010131/AS-004 and AS-005PP/5.2]**. The Works Plans show Work Area 1 as being that where solar panels can be located, with Work Area 1 excluding areas of flood risk and Padmoor Drain.

1.3 Format of Document and Terminology

- 1.3.1 Section 2 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not Agreed' indicates a final position where the parties have agreed to disagree, 'Agreed' indicates where the issue has been resolved.
- 1.3.2 A full record of engagement between the parties is provided in Appendix A.

2. Areas of Discussion between the Parties

Ref.	Document	Topic	EA Position	Applicant Position	Status
1.1	EA Stat Con Response:	Flood Risk	<p>Following review of PEIR, recommend measures are incorporated within the development proposals as follows:</p> <ul style="list-style-type: none"> • Suitable easements to development are established around all watercourses and any cable crossing points agreed with the relevant parties, this is to include main rivers, ordinary watercourses and IDB assets. • Critical infrastructure, panels and structures within the development should be sequentially located to avoid flood zone 3 areas of high fluvial flood risk and raised to a sufficient height to avoid floodwater. These should be preferentially located within flood zone 1, an area at low probability of flooding. All services within areas at risk should be designed where possible to be flood resilient/water compatible. 	<p>Chapter 9: Water Environment [EN010131/APP/3.1] and accompanying appendices have been<u>were</u> updated for the Environmental Statement and reflect the following:</p> <ul style="list-style-type: none"> • Precautionary easements of 10 <u>metres</u> have been applied around all watercourses (except for where watercourse crossings are required) to take account of minor differences between required easements from relevant parties. These have been increased to 16 <u>metres</u> in the vicinity of flood defences. <u>For flood defence easements (or buffers) these would be measured from the toe of the flood defence. A change has will been made to the Framework CEMP [APP-224/7.3] on page 25 to reflect the change from measurement from the 'top' of the flood defence to the 'toe' agreed post submission of the Application. For standard watercourse buffers these would be measured from the centre line of the watercourse as determined from Ordnance Survey mapping (with the exception of the River Trent). This avoids issues with determining the watercourse edge in situations where this varies considerably as flow rate changes. It is proposed that the easement (or buffer) is measured from the centre line of the watercourse as determined from Ordnance Survey mapping (with the exception of the River Trent). This avoids issues with determining the watercourse edge in situations where this varies considerably as flow rate changes.</u> • A sequential approach has been taken in locating panel layout for all sources of flooding to avoid areas of flood risk. The BESS Compound have been sequentially located to 	Agreed

Ref.	Document	Topic	EA Position	Applicant Position	Status
			<ul style="list-style-type: none"> Any site/boundary fencing should be designed to prevent minor obstructions occurring allowing the continuation of flow routes (if present) unimpeded through the site. <p><u>The Environment Agency have subsequently commented (09/02/23) that the 16 metre buffer in the vicinity of the flood defences is not measured from the centre line of the watercourse, but instead from the top of the bank/toe of the flood defence. This comment has been picked up by the Applicant and agreed.</u></p>	<p>fFlood zZone 1. The layout has been amended in the north eastern corner with panels removed from <u>flood zones 2 and 3 fluvial flood zones</u> associated with Padmoor Drain. <u>This was secured in the Works Plans submitted with the Application.</u></p> <ul style="list-style-type: none"> Panels are raised a minimum of 800 mm above ground level to avoid floodwater. <u>This is secured in the Outline Design Principles [APP-007/2.4].</u> Noted regarding site/boundary fencing, this will be accounted for at detailed design. <u>To ensure this is actioned a change to the Framework CEMP (within Table 3-4) [APP-224/7.3] and Framework OEMP (within Table 3-4) [APP-225/7.4] will have been made to specify this and will be included in the Deadline 1 submission. Both documents are secured by the draft DCO.</u> 	
1.2	EA Stat Con Response:	Flood Risk (Cable Route)	<p>Construction methods for undertaking the works are yet to be fully confirmed, however directional drilling may be a preferred option in laying the cabling along its required route. It is advised that the following recommendations are adhered to in conjunction with the necessary safe working practices.</p> <p>We have the following initial recommendations:</p> <ul style="list-style-type: none"> That the launching and landing areas for the cabling installation works are a minimum of 16 	<p>The recommendations are noted and have been incorporated into locations for launch/exit pits (see Appendix 2-B: Grid Connection Construction Method Statement [EN010131/APP-114/3.3])</p> <p>Chapter 9: Water Environment [EN010131/APP-018/3.1] and the Outline Design Principles document <u>Framework CEMP [EN010131/APP-224/7.32.3]</u> incorporate a requirement to include a minimum of 16 metres distance from launch/landing pits to the top <u>top</u> of defences to limit impact of the works, and all excavated material not re-used will be removed from the floodplain. <u>This wording will be updated to refer to the 'toe' of the defences rather than the top in Version 2 of the Framework CEMP.</u></p> <p>Discussion and early engagement with the PSO team will be undertaken regarding management and mitigation against</p>	Agreed

Ref.	Document	Topic	EA Position	Applicant Position	Status
			<p>metres from the toe of the defences to limit the impact of the works.</p> <ul style="list-style-type: none"> • Permanent hazard markers on both banks of the main river are erected. • All excavated material not re-used on the site of the works is removed from the floodplain. <p>The works seek to manage and mitigate against disturbance of the bed and banks of the main river - we advise further discussion and early engagement with our Partnerships and Strategic Overview (PSO) team in relation to this. The East Midlands PSO team can be contacted via EMD_PSO@environment-agency.gov.uk</p>	<p>disturbance of the bed and banks of the main river (River Trent). A Framework CEMP is included in in the DCO application [EN010131/APP-224/7.3] and outlines mitigation for the water environment based on best practice. This is secured through a requirement of the DCO and will be developed into a detailed CEMP post consent.</p>	
1.3	EA Stat Con Response:	Environmental Permitting	<p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence 	<p>A precautionary approach to watercourse easement (or buffers) for the Scheme has been included within Chapter 9: Water Environment [EN010131/APP-018/3.1] to reflect relevant parties' requirements. These have been set to 10 <u>metres</u> to take account of minor differences between required easements from relevant parties (EA, Lead Local Flood Authority, Internal Drainage Board). These have been increased to 16 <u>metres</u> in the vicinity of flood defences on <u>the</u> River Trent.</p> <p>The advice regarding environmental permitting is noted. Requirements for permits are outlined in Chapter 9: Water</p>	Agreed

Ref.	Document Topic	EA Position	Applicant Position	Status
		<ul style="list-style-type: none"> • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. 	<p>Environment [EN010131/APP-018/3.1] of the Environmental Statement.</p> <p>The draft DCO has been updated to respond to the points raised and submitted at Deadline 1 of the Examination. The Applicant now seeks sought by way of Article 6(1)(h) in the draft DCO [APP-215], as submitted with the application, to disapply the requirement for environmental permits Flood Risk Activity Permits under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. Following discussions with the Environment Agency, the Applicant has submitted an updated draft DCO at Deadline 1 to amend this provision to be in respect of flood risk activity only, which are ordinarily to be granted by the EA.</p> <p>The Applicant also seeks by way of Article 6(1)(f) the disapplication of the provisions of any byelaws made under, or having effect as made under paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991.</p> <p>In accordance with section 150 of the Planning Act, the Applicant requires the consent of the Environment Agency for these disapplications.</p> <p>Following discussions with the Environment Agency, the Applicant is no longer seeking to disapply section 24 (restrictions on abstraction) or section 25 (restrictions on impounding) of the Water Resources Act 1991. The Applicant previously sought these disapplications through Articles 6(1)(d) and 6(1)(e) in the draft DCO [APP-215], as submitted with the application, but they have been removed from the DCO submitted at Deadline 1.</p>	<p>Under discussion <u>Agreed</u></p>

Ref.	Document	Topic	EA Position	Applicant Position	Status
				<p><u>The Applicant has included in Part 8 of Schedule 15 to the draft DCO protective provisions for the benefit of the Environment Agency. The terms of those provisions are still under discussion, but it is anticipated by the parties that agreement will be reached shortly and in any event before the close of the examination and that once protective provisions have been agreed, the Environment Agency would provide its consent to the disapplications.</u></p> <p><u>This will be subject to the acceptance of the Protective Provisions for the Environment Agency in Schedule 15 Part 8 of the DCO. The Applicant also seeks disapplication of the requirements for abstraction licences and impounding licences under the Water Resources Act 1991 by way of Article 6(d) and Article 6(e) in the draft DCO. In order for Article 6(h), (d) and (e) of the draft DCO to take effect, the Applicant requires the consent of the EA to include such provisions under s150 Planning Act 2008.</u></p>	
1.4	EA Stat Con Response:	Water Framework Directive	<p>EA are happy with the detail provided around the WFD and that a relevant WFD assessment will be undertaken.</p> <p><u>The PEIR contained sufficient detail regarding the WFD assessment that would be undertaken to support the DCO application. The EA will provide further comment on receipt of, and following a review of, the submitted WFD assessment.</u></p> <p><u>Update 20/06/23:</u></p>	<p>Appendix 9-A – WFD Assessment [EN010131/APP-137/3.3] accompanies Chapter 9: Water Environment [EN010131/APP-018/3.1].</p> <p>Since the WFD Screening provided within the PEI Report, the ‘worst case’ for assessment in regard to watercourse crossings has been updated. This is reflected in the full Appendix 9-A – WFD Assessment [EN010131/APP-137/3.3] within the ES. As a worst case it is assumed for the assessment of water quality that all watercourses that are crossed for access tracks within the Solar and Energy Storage Park will be culverted. These are expected to require 17 watercourse crossings, 10 of which are new crossings and seven are existing culverted crossings. It should be noted that the crossing locations will be fixed at</p>	<p>To be discussed<u>Agreed</u></p>

Ref.	Document	Topic	EA Position	Applicant Position	Status
			<p><u>We agree that the WFD Assessment contains the required level of detail and correctly identifies watercourses which could be impacted and proposes the relevant mitigation.</u></p> <p><u>The Environment Agency wishes to be a specific named consultee in respect of the WFD Mitigation and Enhancement Strategy.</u></p>	<p>detailed design and so the number required may change. Open span crossings may be used in some instances <u>based on screening criteria presented in Appendix B of this Statement of Common Ground, and which was presented to the Environment Agency at a meeting on 6th June 2023.</u> Nonetheless, the assessment presents the worst case of 10 new culverted crossings. Where works are required to the seven existing culverts, this is assumed to be a maximum extension of up to <u>2 metres</u> in each case.</p> <p>For the assessment of water quality, the access track for the Grid Connection Corridor is assumed to require culverting of all watercourses that are crossed for cable installation (with the exception of the River Trent) for a five year period as a worst case. <u>The screening process undertaken with regard to watercourse crossings to determine whether culverting or open span structures were appropriate is included in Appendix B.</u></p> <p>During construction works, it is assumed that flow would be maintained by damming and over pumping. The culvert design in all cases will aim to minimise changes in alignment and length as much as is feasible and will be oversized to allow a naturalised substrate to form. Length for length equivalent watercourse enhancements have been committed to within the DCO <u>(via the Framework CEMP [APP-224/7.3])</u> for all culverts, and this will be described in a WFD Mitigation and Enhancement Strategy that is a requirement of the DCO. <u>The Environment Agency would be a consultee in respect of the WFD Mitigation and Enhancement Strategy. This is included as a commitment within the Framework CEMP.</u></p> <p><u>The -River Trent (main river) will be crossed for the Grid Connection Corridor using trenchless techniques. This is</u></p>	

Ref.	Document	Topic	EA Position	Applicant Position	Status
				<p><u>stated within the Outline Design Principles [APP-007/2.4] (under Work No. 4). Accordance with the Outline Design Principles is secured via the Requirement 5: Detailed Design Approval.</u></p> <p>There are six <u>ordinary</u> watercourse crossings that are outside of the <u>Grid Connection Corridor</u> avoidance areas that could require open cut installation techniques. In all cases a pre-works morphology survey of the channel of each watercourse to be crossed will be undertaken prior to construction to ensure that there is a formal record of the condition of each watercourse prior to commencement. For these crossings it is assumed again that water flow would be maintained during the works by damming and over pumping. Once the watercourses are reinstated, silt fences, geotextile matting or straw bales should be used initially to capture mobilised sediments until the watercourse has returned to a settled state. It will be a requirement that the watercourses are reinstated as found and water quality monitoring will be undertaken prior to, during, and following on from the construction activity. Regular observations of the watercourses will also be required post-works during vegetation re-establishment of the banks, especially following wet weather, to ensure that no adverse impacts have occurred. These requirements will be described in the Water Management Plan (WMP), which will be a technical appendix of the final CEMP.</p>	
1.5	EA Stat Con Response:	Biodiversity	Outstanding surveys to be completed but happy with surveys proposed. Certain comments regarding the proposal which the Environment Agency would like considered:	1) Surveys for riparian mammals have been undertaken within watercourses where impacts are predicted and, in consideration of the potential for Otter holts, has included adjacent woodland, scrub and mature trees that may be used by Otter. Construction within the Grid Connection Corridor, including any internal access tracks, will utilise non-intrusive methods (including	<u>Agreed</u>

Ref.	Document	Topic	EA Position	Applicant Position	Status
			<p>1) Otter surveys need to include assessment of adjacent woodland for otter holt potential as well as just species presence along the watercourses in question. Where there are works on the banks of watercourses there needs to be a specific attention with regards to water vole. Displacement techniques may be required during construction phase, but this should be highlighted sooner rather than later.</p> <p>2) Biodiversity Net Gain (BNG) needs to meet 10% as a minimum, currently there is no plan with regards to BNG. We would like to see improvement of watercourses in the area for flora and fauna, particularly water vole which may include the management of invasive species which have a major impact on water vole populations but also habitat improvements in ditches and other watercourses.</p> <p>3) The loss of marsh land on site is a potentially significant impact from the project. Can this area be left</p>	<p>offsets from the banks of the watercourses to protect riparian habitats) for the majority of watercourses to avoid physical disturbance to watercourses, particularly those where the habitat quality is suitable for riparian mammals, or where evidence of these species has been recorded. As such, no displacement is required for riparian mammals. Pre-commencement surveys will be used to determine baseline conditions remain the same and update mitigation measures accordingly.</p> <p>2) A BNG assessment has been undertaken to quantify the overall effect of the Scheme upon the site's biodiversity value. Calculations consider the level of proposed habitat loss, retention, enhancement and/or creation which could be delivered by the Scheme and are measured using DEFRA's Biodiversity Metric 3.1. The BNG assessment is provided as part of the Application [EN010131/APP-230/7.9].</p> <p>3) Solar panels have been removed from the area of marshy grassland that is within the Solar and Energy Storage Park boundary and the surrounding habitat retained.</p> <p>4) The need to clearly outline measures that are mitigation and measures that are enhancement are noted, and this has been outlined in Chapter 8: Ecology and Nature Conservation [EN010131/APP-017/3.1] where applicable.</p>	

Ref.	Document	Topic	EA Position	Applicant Position	Status
			and buffered as watercourses have been? 4) There needs to be a clear outline of what is mitigation and what is enhancement for the purposes of the scheme, and how this has been derived.		
1.6	EA Stat Con Response:	Aquatic Ecology	Can the applicant confirm there will be no potential impact on fish and eel and rule this out within the proposal?	Horizontal drilling will be used to install the power cables >2 metres below the River Trent (and other watercourses and ditches where this approach is required). This will ensure that there will be no impediment to movement or impact on fish and eel. Minor and temporary vibrations may be experienced during drilling, but these are not expected to be of an intensity or duration sufficient to cause an impact. A comprehensive aquatic desk study has been completed, and along with targeted aquatic surveys, will inform the ecological appraisal and impact assessment (refer to Appendix 8-E Aquatic Baseline Report [EN01031/APP-129/3.3]), including for watercourses and ditches where new culverts, or extension of existing culverts, or open-trenching through watercourses, is required. An exercise of rating the sensitivity of watercourses and ditches has been completed to inform the requirement for targeted aquatic ecological surveys, also informed by the desk study of existing data.	<u>Under discussion</u> Agreed
1.7	EA Stat Con Response:	Water Quality	At any stage of the development no polluting matter shall be allowed to enter any surface water or groundwater body without the benefit of an Environmental Permit. No quantities of water greater than 20m ³ /day shall be removed or impounded from surface	The requirements regarding water quality and permits are noted. Mitigation measures to control runoff and spillages that may contain polluting matter, and to reduce mobilisation of sediments and pollution where works are required in watercourses are included in the Framework CEMP [EN010131/APP-224/7.3] , which are also discussed in Chapter 9: Water Environment [EN010131/APP-018/3.1] . The Framework CEMP provides the structure and content for the detailed CEMP, which will be completed once a contractor is appointed. The Framework CEMP also secures	<u>Under discussion</u> Agreed

Ref.	Document	Topic	EA Position	Applicant Position	Status
			<p>water or groundwater sources without the benefit of an Abstraction Licence. This includes non-consumptive abstractions.</p> <p>Before any in-river work is undertaken correct measures, including a detailed method statement, shall be considered and assessed by the Environment Agency's Land and Water team. Particular care should be given to minimising and mitigating the risk of siltation to the concerned watercourse(s).</p> <p>Should any pollution, over-abstraction or flooding events occur work should stop as soon as is safe and practicable and the Environment Agency informed within the same timeframe.</p> <p>The site borders the Park Wood East/West SSSI sites. Should there be any risk of these locations being affected permission should be gained from Natural England before any work is undertaken.</p> <p>Should any of the above points be breached please be minded</p>	<p>the requirement for a WMP to accompany the detailed CEMP. The WMP will provide greater detail regarding the mitigation to be implemented to protect the water environment from adverse effects during construction. This will be agreed with the EA Land and Water team post consent.</p> <p>Permitting requirements relating to water and water quality are outlined in Chapter 9: Water Environment [EN010131/APP-018/3.1]. As noted above, the applicant seeks to disapply the requirement for environmental permits under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. All types of permits under this regime are issued by the EA. The applicant also seeks disapplication of the requirements for abstraction licences and impounding licences under the Water Resources Act 1991.</p> <p>The EA reference to Park Wood East/West SSSI sites appears to be in error as this is not mapped in the vicinity of the Scheme, nor is any reference to it available online.</p>	

Ref.	Document	Topic	EA Position	Applicant Position	Status
			that the Environment Agency has powers of under the Environmental Permit Regulations 2016 (England and Wales) and the Water Resources Act 1991 and enforcement action, up to and including prosecution, may be taken against the offender(s).		
1.8	EA Stat Con Response:	Ground Conditions	<p>The PEIR report suggests that any low level risks to water quality will be able to be managed.</p> <p>There are unlikely to be significant risks to controlled water receptors as this is a predominantly undeveloped site. We are therefore satisfied with the information presented on ground conditions and have no further comments to make at this stage.</p>	Comments are noted and agreed.	Agreed

~~Appendix A~~

~~Appendix B~~ Appendix A ~~Appendix A:~~ RRecord of Engagement

Date	Correspondence	Topics discussed and outcomes
13 October 2021	Letter/e-mail	Correspondence from Applicant to EA introducing the Scheme as part of non-statutory consultation including details and dates of the proposed non-statutory consultation process in Jan-Feb 2022.
14 Dec 2021	EIA Scoping request and response	<ul style="list-style-type: none"> The EA provided an opinion in response to the EIA Scoping request, which was returned to the applicant via PINS on 20 December 2021. Within the response the EA stated that they were satisfied that an FRA would be submitted to support the DCO and supported the proposal to undertake a WFD Screening and Scoping Assessment to ensure WFD compliance. With regard to ground conditions, it was stated that the EA were satisfied that a Preliminary Risk Assessment will be submitted with the DCO. Finally, it was stated that the EA were satisfied that waste could be scoped out of the EIA.
11 January 2022	Letter/e-mail	Correspondence from Applicant to EA issued on the non-statutory consultation process
16 June 2022	Letter/ email	Correspondence from Applicant to EA issued on the statutory consultation process, including consultation booklet and feedback form.
3 August 2022	E-mail	Correspondence from EA to Applicant providing response to statutory consultation
August 2022	Statutory Consultation	The EA reviewed the Preliminary Environmental Information Report (PEIR) and provided a response in August 2022. All of the points from this response are included in Section 2 – Areas of Discussion between the Parties.
<u>24 January 2023</u>	<u>E-mail</u>	<u>First draft of SoCG issued to Environment Agency by the Applicant.</u>
<u>3 April 2023</u>	<u>E-mail</u>	<u>Environment Agency comments on first draft of SoCG received by the Applicant.</u>
<u>3 May 2023</u>	<u>E-mail</u>	<u>Second draft of SoCG issued to Environment Agency by the Applicant.</u>
<u>6 June 2023</u>	<u>Virtual Meeting</u>	<u>Culverts: The Applicant outlined the screening process that was undertaken to determine where there was a need for open cut crossings for access tracks across the Scheme. The Environment Agency were also issued a copy of the screening documents for subsequent review (see Appendix B).</u>
<u>20 June 2023</u>	<u>E-mail</u>	<u>Environment Agency comments on second draft of SoCG received by the Applicant.</u>

~~Appendix C~~ Appendix B Watercourse Crossing Screening

Main Site:

Crossing ID	NGR	Stream/ Ditch	Existing crossing?	Existing crossing NGR	Indicative location of crossing	Designated site?	WFD Screening	Aquatic Sensitivity Classification	Terrestrial ecology sensitivity	Water Quality (based on EIA criteria - see EIA Ch9)	Hydromorphology	Proposal: existing culvert extension, new culvert or bailey bridge and why?
1	SK 84968 85594	Stream	Yes	SK 84968 85594	At road crossing NGR	No	Screen In (functional aquatic habitat)	Moderate/High. 30cm water level and likely holds water all year. High cover of emergent and floating vegetation in the channel	Low	Low - not WFD monitored, low estimated Q95 (typically dry), likely impacted by agricultural pollution when flowing, no protected species	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	Culvert extension - max 2m
2	SK 85152 85428	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
3	SK 84080 85168	Ditch	Yes			No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	Culvert extension - max 2m
4	SK 84960 83945	Stream	Yes	SK 84960 83945	At road crossing NGR	No	Screen In (functional aquatic habitat)	Moderate/High >80% macrophyte cover with multiple species found. Trees upstream of the culvert	Low	Low - as per above description	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	Culvert extension - max 2m
5	SK 85483 84101	Stream	No	N/A	N/A	No	Screen In (functional aquatic habitat)	Moderate/High >80% macrophyte cover with multiple species found. Trees upstream of the culvert	High water vole present	Low - as per above description	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	New bailey bridge High sensitivity watercourse for aquatics and terrestrial ecology
6	SK 86325 84235	Ditch	Yes	SK 86325 84235	At road crossing NGR	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	Culvert extension - max 2m
7	SK 86350 84081	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
8	SK 86209 84057	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
9	SK 86395 83897	Ditch	Yes	SK 86395 83897	At road crossing NGR	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	Culvert extension - max 2m
10	SK 86063 83677	Ditch	Yes	SK 86063 83677	At road crossing NGR	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	Culvert extension - max 2m
11	SK 86338 83490	Ditch	No			No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
12	SK 86513 83466	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
13	SK 86735 83429	Ditch	No			No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
14	SK 86863 83357	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
15	SK 86994 83337	Ditch	No			No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse
16	SK 85528 82979	Ditch	Yes	SK 85528 82979	At road crossing NGR	No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	Culvert extension - max 2m
17	SK 85263 82877	Ditch	No			No	Screen Out (ditch, typically dry)	Low	Low	Low - as per above description	Ditch, appears to be artificial drain, typically dry	NEW culvert - because low sensitivity watercourse

Grid Connection Route:

Watercourse ID	NGR	Ditch/Stream	Existing crossing?	Existing crossing NGR	Indicative location of crossing	Designated site?	WFD Screening	Aquatic sensitivity classification	Terrestrial ecology sensitivity	Water Quality importance (based on EIA criteria - see EIA Ch9)	Hydromorphology	Proposal
1	SK 83389 80964	Ditch	Yes	SK 83174 80955	210m west	No	Screen Out (ditch, typically dry)	Low - No evidence of flows or presence of aquatic species	Low	Low - not WFD monitored, low estimated Q95 (typically dry), likely impacted by agricultural pollution when flowing, no protected species	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
2	SK 82620 80975	Ditch (Carr Drain)	Yes	SK 82637 80900	80m south	No	Screen Out (ditch, typically dry)	Low - Dominated by terrestrial grasses and duckweed	Low (26)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when flowing, no protected species and dominated by terrestrial species	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
3	SK 82074 80721	Stream (Seymour Drain)	Yes	SK 82074 80721	At cable crossing NGR	No (but connected to Mother Drain, a LWS)	Screen In (functional aquatic habitat)	High - (connectivity with Mother Drain) - WFD waterbody, multiple INNS present.	Low (30)	High - WFD monitored watercourse, but with estimated Q95 <1.0m ³ /s. However, monitoring data indicates watercourse is under pressure from agricultural pollution. There is a surface water abstraction from the watercourse in the study area for agriculture. It also receives treated sewage from Cottam STW and is therefore of importance for dispersal of this effluent.	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	Culvert extension or new culvert
4	SK 81467 80498	Ditch	Yes	SK 81482 80352	150m south	No	Screen In (potentially functional aquatic habitat)	Moderate - Likely holds water outside summer months. Aquatic species present.	Low (31)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when flowing, no protected species	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	Culvert extension or new culvert
5	SK 80473 79842	Ditch	Yes	SK 80366 79831	100m west	No	Screen Out (ditch, typically dry)	Low - Dry ditch with no aquatic species present	Low (33a)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species (or aquatic species)	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
6	SK 80543 79409	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low - Dry ditch with no aquatic species present	Low (35)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species (or aquatic species)	Ditch, appears to be artificial drain, typically dry	New culvert
7	SK 80648 78987	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low - Dry ditch, heavily vegetated with terrestrial plants	Low (36)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species (or aquatic species)	Ditch, appears to be artificial drain, typically dry	New culvert
8	SK 84903 81950	Ditch	Yes	SK 85037 81992	100m east. Potentially culverted under farm track	No	Screen In (potentially functional aquatic habitat)	Moderate	Low	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
9	SK 84190 81349	Ditch	Yes	SK 84164 81425	100m north. Existing farm track	No	Screen Out (ditch, typically dry)	Low - dry ditch	Low	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
10	SK 83356 81043	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low - dry ditch	Low	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	New culvert
11	SK 82539 80888	Ditch	No	N/A	N/A	No	Screen Out (ditch, typically dry)	Low - dry ditch	Low (28)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	New culvert
12	SK 82226 80723	Ditch	Yes	SK 82656 80740	400m east	No	Screen Out (ditch, typically dry)	Low - dry ditch	Low (27)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	Culvert extension or new culvert
13	SK 80388 79833	Ditch	No	N/A	N/A	No (but connected to Cow Pasture Lane Drains LWS - ref. 2/470)	Screen Out (ditch, typically dry)	Low - dry ditch	Low (33a)	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	New culvert
14	SK 80527 79271	Ditch	Yes	SK 80616 79268	100m east	No	Screen In (potentially functional aquatic habitat)	Moderate	Low	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Watercourse, likely originated as a natural feature, albeit now highly modified for drainage	Culvert extension or new culvert
15	SK 80697 80258	Ditch	Yes	SK 80697 80258	N/A	Yes	Screen In (potentially functional aquatic habitat)	Moderate	High - Link to cow pasture lane drains LWS	Low - not WFD monitored, low estimated Q95, likely impacted by agricultural pollution when/if flowing, no protected species	Ditch, appears to be artificial drain, typically dry	Bailey bridge

Watercourse crossing locations – label references correspond to Watercourse Screening spreadsheet



Solar and Energy Storage Park



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Solar and Energy Storage Park



Willingham-by-stow
Cemetery

Water Furrows Lane

Marton Road

Marton Road

Marton Road

Marton Road

200m

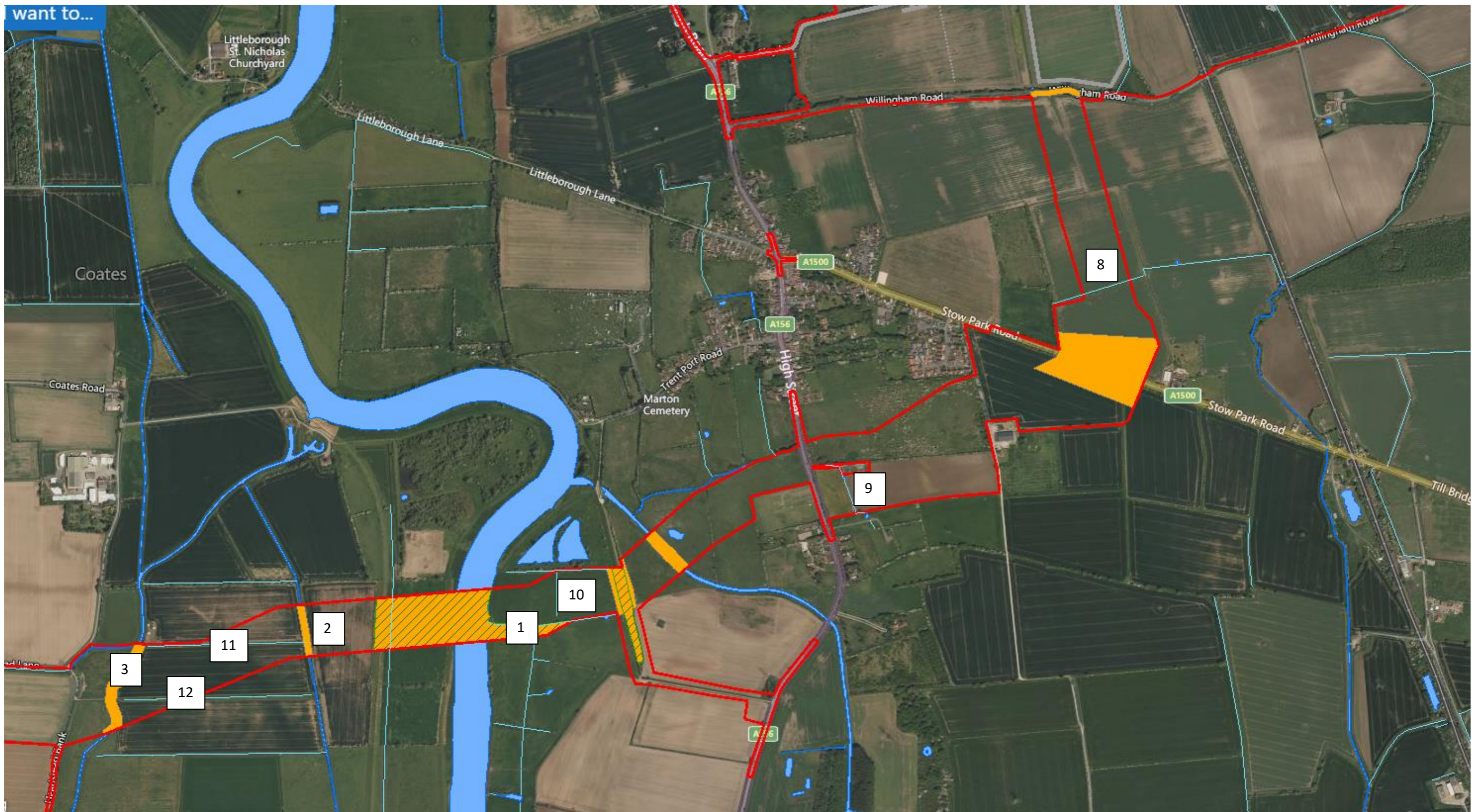
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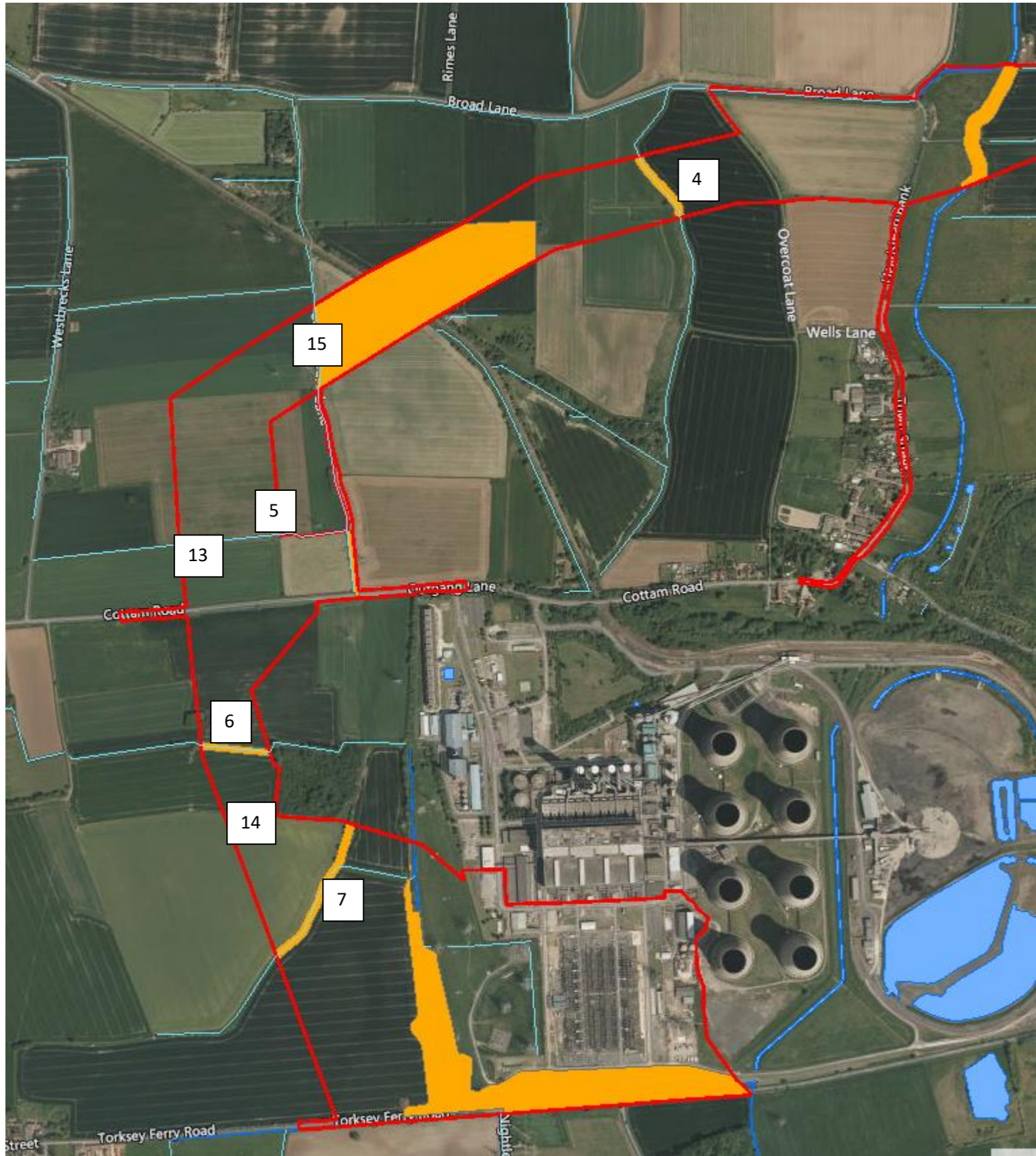


Solar and Energy Storage Park

Grid Connection Route



- LEGEND**
- Grid Connection Corridor
 - No Temporary Access
 - Avoidance Area



LEGEND

- Grid Connection Corridor
- No Temporary Access
- Avoidance Area