Cottam Solar Project

~~Draft~~ Statement of Common Ground

With the Environment Agency

Prepared by: Delta-Simons and Clarkson & Woods Ltd

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Cottam
SOLAR PROJECT

Contents

Issue Sheet

Report Prepared for: Cottam Solar Project Ltd.
DCO Submission

~~Draft~~ Statement of Common Ground
The Environment Agency

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1 Introduction

Purpose of this document

1.1.1 This Statement of Common Ground (SoCG) has been prepared as part of the proposed Cottam Solar Project Development Consent Order (the Application) made by Cottam Solar Project Ltd (the Applicant) to the Secretary of State for Energy Security & Net Zero (the Secretary of State) pursuant to the Planning Act 2008 (PA 2008).

1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.

1.1.3 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. SoCGs are an established means in the DCO consenting process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

Parties to this Statement of Common Ground

1.1.4 This SoCG has been prepared by (1) Cottam Solar Project Ltd as the Applicant and (2) the Environment Agency.

1.1.5 Collectively, Cottam Solar Project Ltd and the Environment Agency are referred to as 'the parties'.

Terminology

1.1.6 In the table in the Issues chapter of this SoCG:

- "Agreed" indicates where the issue has been resolved~~.~~, and
- ~~-~~ "Not Agreed" indicates a final position~~, and~~
- ~~"Under discussion" indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties~~.

2 Record of Engagement

Summary of consultation

2.1.1 The parties have been engaged in consultation since September 2021, just prior to the Non-Statutory Consultation period which ran from November to December 2021. A summary of the meetings and correspondence that has taken place between Cottam Solar Project and the Environment Agency in relation to the Application is outlined in Table 2-1.

Table 2.1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
03/09/2021 & 23/08/2022	Meetings with John Ray, Senior Adviser, Flood and Coastal Risk Management	Flood Risk Assessment and Drainage Strategy [APP-090] and Hydrology Chapter [EN010133/EX1/C6.2.10_A]. From a flood risk perspective, the EA representative expressed no concerns to the solar panel proposal. Comments raised: 8 m set off distances would be required to avoid permitting in respect of EA Main Rivers.
27/07/23	Section 42 Consultation response	Flood Risk Assessment and Drainage Strategy [APP-090] and Hydrology Chapter [EN010133/EX1/C6.2.10_A]. The Environment Agency stated that: Due to the size of development a site-specific flood risk assessment (FRA) detailing each phase of works will need to be submitted with the DCO application.

		If development is located within Flood Zones 2 and/or 3 mitigation measures must be proposed within the FRA to ensure the development suffers minimal impact during a flood event, and to demonstrate that flood risk is not increased elsewhere. Mitigation measures were provided based on potential risk scenarios. Environmental permitting is required for works within 8m of Main Rivers including the River Till. Directional drilling was stated as a preferable option in laying the cabling along its required route.
March 2023	EA Relevant Representation [RR-026] plus Appended Document 3rd May 2023	We have sent an email with our detailed comments to CottamSolarProject@planninginspectorate.gov.uk which can be published alongside this brief. We would not agree to disapply the Environmental Permitting (England and Wales) Regulations 2016 in their entirety. We will only agree to disapply the requirement for a flood risk activity permit. We have reviewed the proposed protective provisions (Schedule 16, Part 9) for the protection of the Environment Agency. We do not accept the current wording and will work with the applicant to agree these. Further assessment and/or information will be required on the following to enable the examining authority to make an informed decision: On ecology and biodiversity: The Water Framework Directive (WFD) assessment omits physical impacts to rivers, hydromorphological quality should be explored. More detail on the control of invasive species across the sites is required. The Landscape and Ecological Management Plan should include more detail on ditch improvements. On hydrology, flood risk and drainage: Where river crossings are proposed these must be carried out using trenchless techniques, open-cut techniques would be unsuitable.
21/02/24	Meeting with representative from East Midlands Partnerships and	To discuss topic HY-015 below – The consideration of the flood risk effects for up to 60 years

	Strategic Overview Team	
Dec 2023 to Feb 2024	Email and phone correspondence with EA Planning Advisor and EA Fisheries Technical Specialist	See issue ECO-008 Several discussions were held regarding coverage of the potential EMF impact on fish in the River Trent. EA advised that, while the Risk Assessment produced by the Applicant [REP3-034 - Appendix to EX3/C8.1.22] was acceptable, the EA was unable to make a detailed analysis of the issue since information on EMF impacts on fish arising from buried power cables is very sparse and no research relates to this particular situation. Consequently, a commitment to a research exercise to monitor for potential disturbance effects from the operational cable under the River Trent was seen as the most appropriate positive step to take. It was indicated that this monitoring may be able to tie-in with other academic fisheries monitoring being undertaken elsewhere within the Humber catchment. Discussion then moved to the best way to secure such a study via the OEMP, which would allow the fine methodological detail of the study to be developed in due course.
Dec 2023 to Feb 2024	Email and phone correspondence with EA Planning Advisor	See Issue ECO-007 Discussions took place surrounding the EA's opinion that, while the cessation of agricultural inputs is likely to have a positive impact on water quality, caution should be recommended about the level of impact. The Applicant confirms that cessation of agricultural inputs is not the only driver of predicted water quality improvements and that measures to monitor and maintain ditches within the Scheme (in terms of vegetation cover and algae presence, for example) are committed to within the Biodiversity Net Gain (BNG) assessment (secured for 30 years) and the Outline Landscape and Ecological Management Plan (LEMP). This includes measures for remediation in case targets are not achieved.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Cottam Solar Project Ltd and (2) the Environment Agency in relation to the issues addressed in this SoCG.

3 Issues

Matters Agreed

3.1.1 Table 3.1 below details the matters agreed with the Environment Agency.

Table 3.1

Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
HY-001 Hydrology	Methodology		The methodology adopted within Section 10.48.4 of Chapter 10: Hydrology, Flood Risk and Drainage of the Environmental Statement [~~EN010133/EX1/C6.2.10_A~~ APP-045] has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies and is considered acceptable.
HY-002 Hydrology	Baseline Assessment		The baseline conditions which are detailed in Section 10.5 of Chapter 10: Hydrology, Flood Risk and Drainage of the Environmental Statement [~~EN010133/EX1/C6.2.10_A~~ APP-045] are representative of the baseline site conditions.
HY-003 Hydrology	Mitigation		The proposed mitigation measures set out within Section 10.8 of Chapter 10: Hydrology, Flood Risk and Drainage of the Environmental Statement [~~EN010133/EX1/C6.2.10_A~~ APP-045] are acceptable and is secured through

			Requirement 13 in the draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G].
HY-004 Hydrology	Runoff rates		As stated in paragraph 10.8.19 of ES Chapter 10 (Hydrology, Flood Risk and Drainage) [~~EN010133/EX1/C6.2.10_A~~ APP-045] maintaining the existing surface water run-off regime by utilising permeable surfacing for the Site access, linear infiltration trenches around any proposed infrastructure (substations and batteries) and wildflower planting at the leeward edge of solar panels will ensure that the Scheme is unlikely to generate surface water runoff rates beyond the baseline scenario. A Water Management Plan will form part of the detailed CEMP which will manage impacts to water quality from runoff as set out in the Outline Construction Environmental Management Plan [~~EN010133/EX1~~ **EX5/C7.1_**~~A~~**D**].
Hydrology HY-005	River Buffers	EA's Relevant Representation [RR-026]: "4.4. We welcome the inclusion of an 8-metre buffer around main rivers."	Noted and agreed.
Hydrology HY-006	River Crossings	EA's Relevant Representation [RR-026]: "4.5. Where river crossings are proposed on the River Till and the River Trent these must be carried out using trenchless techniques. The	The Applicant, as detailed within paragraph 4.5.51 of C6.2.4 ES Chapter 4_Scheme Description [APP-039], proposes to lay the

		use of open-cut techniques would be unsuitable at these locations, and we would object to any proposal of that nature. 4.6. The applicant is advised to follow the 'service crossing below the bed of a main river not involving an open-cut technique (FRA3)' methodology for the proposed river crossing. Carrying the works out in accordance with the methodology within FRA3 will ensure works are done to the required standard in terms of flood risk."	cables across the River Till and Trent using trenchless techniques. The Applicant confirms that works will be carried out in accordance with the methodology within FRA3. The Applicant will formally apply for this exemption and confirms that paragraph 4.5.52 of C6.2.4 ES Chapter 4_Scheme Description [~~EN010133/EX1/C6.2.4_A~~ APP-039] will be amended to confirm that launching, and landing pits should be located at least 16m away from tidal rivers (e.g., the Trent) as per exemption FRA3.
Hydrology HY-007	Water Sensitive Infrastructure	EA's Relevant Representation [RR-026]: "4.8. We welcome the fact that water sensitive infrastructure will be sequentially located in flood zone 1 where possible. The ES states that where this has not been possible, equipment will be raised 0.6 metres above the 0.1% annual exceedance probability (AEP) level or as high as practicable. We wish to be made aware of any water sensitive infrastructure located within flood zone 3 (other than the tracker panels), and the height to which this infrastructure will be installed to ensure it is resilient during the design flood event."	Noted and agreed. The mitigation for sensitive infrastructure is detailed in C6.3.10.4 ES Appendix 10.1 Annex D 10.1.3 Cottam 1 West [APP-093]. Specific minimum heights for sensitive infrastructure will be developed and provided to the EA during the detailed design process.
Hydrology	Boundary fencing	EA's Relevant Representation [RR-026]:	The Applicant notes this comment.

HY-008		"4.9. Any site boundary fencing should be designed to prevent minor obstructions occurring, allowing the continuation of flow routes (if present) unimpeded through the site."	
Hydrology HY-009	Silt Management Plan	EA's Relevant Representation [RR-026]: "4.10. We agree that a silt management plan (ES, Chapter 10, Section 10.8.31) will be necessary to avoid deterioration of drainage quality and water bodies."	The Applicant confirms that provision for a Silt Management Plan is captured within the detailed Construction Environmental Management Plan (CEMP) as secured by Requirement 13 in Schedule 2 and the Decommissioning Plan as secured through Requirement 21 in Schedule 2 of draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G]
Hydrology HY-010	Abstraction Licence	EA's Relevant Representation [RR-026]: "4.11. An abstraction licence may be required depending on the volume needed for dust suppression. Water in the area can be scarce during the warmer, drier months of the year and may not be readily available. The applicant may need to consider having water storage in place ahead of time ready for when dust suppression is required."	The Applicant notes this comment.
Hydrology HY-011	Water Management Plan	EA's Relevant Representation [RR-026]: "4.12. Discharging runoff to watercourses has the potential to transport pollutants such as herbicides, pesticides, nitrates, phosphates	The Applicant confirms that protecting water quality will be explored in a Water Management Plan through the secured production of a detailed Construction Environmental Management Plan

		and silt and should be a last resort with mitigation in place to reduce the impact. It is understood that the detail on protecting water quality will be explored in a Water Management Plan, which will form part of the detailed CEMP, which is secured through Requirement 13 of the DCO." 4.13. We would advise that the CEMP explores maximising buffer distances, installation of silt traps, use of buffer strips and how best to communicate the key receptors to those working on site. This will minimise the possibility of sedimentation and erosion reaching watercourses 4.14. It should be ensured that any 'earth stockpiles' are located at least 30 metres away from any drain or watercourse for flood risk and water quality reasons. "4.15. The developer should consider water quality monitoring during construction to help prevent deteriorating water bodies."	(CEMP) by Requirement 13 in Schedule 2 of draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G]. The Applicant notes the requirements set out at 4.13, 4.14 and 4.15.
Hydrology HY-012	NFM on-site inclusion	EA's Relevant Representation [RR-026]: "4.16. Cottam 2, 3 and 3b overlap with the Environment Agency's River Eau NFM Opportunity Mapping. Opportunities to	It is considered that the proposed development poses an insignificant risk to the existing watercourses and off-site receptors and therefore

		include NFM on-site should be considered as part of mitigation in relation to flood risk and WFD.	no additional NFM measures are considered to be necessary.
Hydrology HY-013	Main River Crossings	EA's Relevant Representation [RR-026]: "4.2: We note that the applicant wishes to disapply the requirement for an environmental permit under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (EPR) and includes this in the DCO (Part 2 Principal Powers) in Article 6(1)(h). As currently drafted this Article seeks to disapply Regulation 12 in its entirety, meaning that the requirement for all types of environmental permit is disapplied. We will not agree to this. We will only agree to disapply the requirement for a flood risk activity permit and only if we can reach an agreement regarding the Protective Provisions for the Environment Agency in Schedule 16 Part 9. We are unlikely to agree to the disapplication of other environmental permits under the 2016 Regulations, including a water discharge activity. Accordingly, we request that Article 6(1)(h) is amended to read: "regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales)	*From Relevant Representations – RR-026* It is agreed that it would be appropriate to disapply the requirement for a flood risk activity permit for works within 8m of non-tidal main rivers and 16m of tidal rivers subject to agreement on the wording of protective provisions for the Environment Agency which will regulate any flood risk activities. The Applicant notes this comment and intends to work with the Party in order to agree the wording of the protective provisions for the protection of the Party.

		Regulations 2016, in respect of a flood risk activity permit only" 4.3 We have reviewed the proposed protective provisions (Schedule 16, Part 9) for the protection of the Environment Agency. We do not accept the current wording and will work with the applicant to agree the wording."	
Hydrology HY-014	Water Framework Directive	EA's Relevant Representation [RR-026]: "3.12. The WFD assessment omits physical impacts to the river that could detrimentally effect riverbank structure and substrate of the riverbed. We would expect hydromorphological quality to be explored in more detail within the WFD assessment based upon our understanding of the proposed river crossings and methods likely to be used i.e., culverts."	No modification to watercourses is proposed and the existing surface water discharge regime is proposed to be retained as existing. The proposed panelled area will also remove existing agricultural activities. The Applicant therefore considers there is negligible risk of physical impacts to rivers and their hydromorphological quality will be retained. The WFD assessment has been updated for submission at Deadline 1 and confirms this negligible risk. It is agreed that where river crossings for the cable are proposed these must be carried out using trenchless techniques as stated in Annex B, paragraph 2.10.1 of ES Appendix 10.1 [APP-091].
Hydrology HY-015	Consideration of the flood risk effects for up to 60 years	ExA 3rd Written question 3.7.2: The ExA notes the Applicant response to ExQ2.7.7 [REP4-058]. However, as there is the potential for the	The Applicant has undertaken further engagement with the Environment Agency on this matter.

		Proposed Development to operate for up to 60 years, the ExA will also need to assess a worse-case scenario of up to 60 years, in considering the flood risk effects. The ExA therefore requests that the Applicant updates the Flood Risk Assessment [APP-090] to reflect the appropriate epochs for the climate change allowances and subsequently the assessment, as currently this does not assess the worst case scenario. This should include appropriate updates to the Annexes D, E and F [APP-093, APP-094 and APP-095]. It was agreed with the Applicant on a call on 21 February 2024 that the updated flood risk assessment should be submitted for approval prior to construction (rather than prior to year 40 as originally proposed by the Applicant) as this will ensure that appropriate mitigation is in place taking into account climate change allowances up to the 2080s epoch. The Environment Agency agrees that the updated drafting of Requirement 22 adequately addresses its concerns.	It is understood that further data for the Tidal Trent is available from the Environment Agency which includes appropriate climate change allowances up to the 2080's epoch. However, the Environment Agency is not able to provide the data to the Applicant prior to the close of the Examination. Once this data has been received the Applicant will update the Flood Risk Assessment [APP-090] and it's Annexes D, E and F [APP-093, APP-094 and APP-095] accordingly. It was agreed with the Environment Agency on a call on 21 February 2024 that the updated flood risk assessment should be submitted for approval prior to construction (rather than prior to year 40 as originally proposed by the Applicant) as this will ensure that appropriate mitigation is in place taking into account climate change allowances up to the 2080s epoch. Requirement 22 in Schedule 2 to the draft DCO [EX5/C3.1_G] has therefore been amended to require the Applicant to submit the updated flood risk assessment to the Environment Agency prior to commencement of the authorised development. As per our response to HY-007, the mitigation for sensitive infrastructure is detailed in

			C6.3.10.4 ES Appendix 10.1 Annex D 10.1.3 Cottam 1 West [APP-093]. Specific minimum heights for sensitive infrastructure will be developed and provided to the EA during the detailed design process.
Ground Conditions GC-001	Preliminary Risk Assessment	EA's Relevant Representation [RR-026]: "5.1. We have reviewed the Environmental Statement: Chapter 11: Ground Conditions and Contamination (ref: APP/C6.2.11) and agree with the preliminary risk assessment findings."	Noted and agreed.
Ground Conditions GC-002	Private Water Supplies	EA's Relevant Representation [RR-026]: "5.2. Whilst Chapter 11 provides a summary of the ground conditions and receptors in the vicinity of the proposed scheme it does not appear to mention whether a search for private water supplies has been made. Although there are no licenced water supplies in the locality it is possible that small, unlicenced abstractions exist. The local planning authority will have record of these and should be contacted for further information."	West Lindsey District Council and Bassetlaw District Council have been contacted with respect to private water supplies. The information provided confirms that there are no private abstractions located within 250 m of the scheme boundary. As such, given the location and character of the proposed development, the risk to water supplies is considered very low.
Ground Conditions GC-003	Unsuspected Contamination	EA's Relevant Representation [RR-026]:	The Applicant notes this comment and confirms that this matter is secured through the provision of a detailed Construction Environmental

		"5.3. Should the 'Discovery Strategy' protocol identify any unsuspected contamination during construction we would like to review and comment on these findings alongside the local planning authority (ES Chapter 11, Section 11.8.2, bullet point 4). This appears to be secured through Requirement 13 (the CEMP) in the DCO."	Management Plan (CEMP) which is secured through Requirement 13 in Schedule 2 of draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G].
Ecology ECO-001	Protection of Otters and Water Voles	EA's Relevant Representation [RR-026]: "3.2. We welcome the recommendations in the Otter and Water Vole Survey and it is understood that the detail of protective measures will be set out in a Construction Environmental Management Plan (CEMP), or similar. Whilst we are content that enhancements to existing watercourses where otters and/or water voles have been recorded will be explored it would be preferential if there was a commitment from the developer to ensure these works are carried out." 3.3. We would recommend an assessment of ditch habitat suitability for water voles followed by suggested improvements to in channel and marginal habitats. This would provide more continuity in water vole habitat,	The Applicant confirms that the detail of protective measures will be set out in a Construction Environmental Management Plan (CEMP) is secured by Requirement 13 of Schedule 2 of the draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G]. The Requirement states that "No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities." The Applicant confirms that, through a revision to C7.3 Outline Landscape and Ecological Management Plan [~~EN010133/EX1/C7.3_A~~ REP4-035], there will be a binding commitment to the improvement works as identified by the Party.

		with populations more resilient to non-native species i.e., Mink."	
Ecology ECO-002	Enhancements to Hedgerows, Woodland, Wetland and Grassland	EA's Relevant Representation [RR-026]: "3.7. We support the recommendations for sensitive tree planting in respect of shading." "3.9. We welcome the creation and enhancement of hedgerows, woodland, wetland and native wildflower meadows which would add multiple benefits in terms of improved water quality and natural flood management (NFM)."	Enhancements incorporated into the Outline Landscape and Ecological Management Plan (OLEMP) [~~EN010133/EX1/C7.3_A~~ REP4-035] will provide multiple benefits for ecology and also water quality and natural flood management. A commitment is made within the OLEMP to conduct periodic rotational ditch management (including removal of choking vegetation) observing sensitive seasonal timing in order to maintain a diversity of vegetation structure within ditch channels across the Order Limits. See also ECO-005 below.
Ecology ECO-003	Protection of Great Crested Newts	EA's Relevant Representation [RR-026]: "3.11. We welcome the recommendations in the Great Crested Newt Survey Report and it is understood that the detail of protective measures will be set out in a CEMP, or similar. Equally the mitigation and enhancement to great crested newt habitats should be detailed to ensure that they are achieved as part of the development."	Measures to protect great crested newts as recommended within the great crested newt survey report [~~EN010133/EX1/C6.3.9.7_A~~ REP-022], and which will be secured through the Outline Ecological Protection and Mitigation Strategy [APP-356] are appropriate. Appropriate enhancement (e.g., grassland and ditch management) is set out in the OLEMP [~~EN010133/EX1/C7.3_A~~ REP4-035]. The Applicant confirms that provision of a detailed Construction Environmental Management Plan (CEMP) is secured through Requirement 13 in

			Schedule 2 of draft Development Consent Order [~~EN010133/EX1/C2.3_B~~ EX5/C3.1_G] where the mitigation and enhancement to great crested newt habitats will be detailed.
Ecology ECO-004	Invasive Species	EA's Relevant Representation [RR-026]: "3.4. We would expect to see more detail on the control of invasive species on site and how this has the potential to have an impact upstream in terms of recolonisation. 3.5. The non-native species monitoring and management should include American Mink as a named species. This would link into the catchment wide effort to address the invasion of mink in North Lincolnshire and adjacent areas. 3.6. Ongoing monitoring work should also focus on Himalayan Balsam control, which is located within the adjacent areas."	As set out in Paragraphs 9.7.236 to 9.7.241 of Chapter 9 of the Environmental Statement (Ecology and Biodiversity) [APP-044], no invasive species were recorded during any of the baseline survey work. It is considered that the proposed ditch and watercourse management and associated habitat enhancements will improve the viability and resilience of water vole populations locally and therefore help lessen impacts posed by American mink. It is not considered appropriate or proportionate to provide any targeted mink control measures within the Scheme. The absence of invasive plants such as Himalayan balsam and Japanese knotweed means that no specific measures for their control have been proposed and the Applicant considers this is reasonable.
Ecology ECO-005	Enhancements to Ditches and Watercourses for the	EA's Relevant Representation [RR-026]: "3.8.Enhancements to habitat quality within ditches and watercourses not only benefits	The possibilities for enhancement of ditches and watercourses within the Order Limits are being investigated and will be incorporated into

	Benefit of Water Quality, Otters and Water Voles	otters and water voles but can achieve an improvement to water quality in the rivers from a WFD perspective. In the ES (Chapter 9, page 13) it states that "several ditch enhancements have been proposed", however, we have been unable to find the details of these and would request the applicant provides signposting to where this information can be found. 3.10 It is implied that a Landscape and Ecological Management Plan (LEMP) or similar would be able to secure enhancements to the habitat quality of ditches and watercourses. We would like to see more detail above what is contained within the outline LEMP in so far that it relates to ditch improvements."	an updated OLEMP [~~EN010133/EX1/C7.3_A~~ REP4-035] to be submitted by Deadline 1. This information will be shared with the EA as soon as available. Enhancements already proposed arise from the sensitive management of newly created grassland habitats within field boundaries and buffer zones, as well as the cessation of pesticide and fertiliser application which can be expected to improve water quality and improve the connectivity, quantity and robustness of natural green infrastructure. Furthermore, the OLEMP [~~EN010133/EX1/C7.3_A~~ REP4-035] currently states under paragraph 4.9.6: *"Ditch management will be carefully considered, with works being undertaken on a rotational basis so that undisturbed areas remain annually. Ditch management can be carried out every 2-5 years with cutting being undertaken in autumn/winter and only one side of the bank cut each time."* It is proposed to amend the above passage to commit to incorporating rotational ditch management, as described, into the regular habitat management practices of the operational scheme. The 2-5yr rotation will ensure a mosaic of habitat maturity across the ditches and watercourses within the Order

			Limits at all times, including a proportion of bare ground and tussocky grassland. Management practices would not take place between March and August inclusive. Ditch cleaning will be undertaken using excavators equipped with weed-clearing buckets to remove choking vegetation. An ecologist will work with the management contractor to prepare a plan and timetable of ditch management which will take into account the presence of newly created valuable habitat and other seasonal and protected species constraints. The efficacy of the ditch management regime will be monitored periodically, and this will be incorporated into the LEMP's monitoring timetable. C6.2.8 ES Chapter 8 Landscape and Visual Impact Assessment [APP-043] (the 'LVIA') takes into consideration improvements to the smaller drainage network, ditches and watercourses [see paras. 8.3.60, 8.3.70, 8.3.82, 8.5.23, 8.5.24, 8.5.64, 8.5.71, 8.5.78, 8.5.80 and 8.7.12].
Ecology ECO -006	Cumulative Risks to Water Quality	EA's Relevant Representation [RR-026]: "3.13. It is important that the applicant considers the cumulative risk from the	Water quality is considered for all stages of the development within C6.3.10.1 ES Appendix 10.1: Flood Risk Assessment and Drainage Strategy Report [APP-090] and will be managed / mitigated through the proposed surface water drainage

		construction and operational phases to water quality."	scheme and Construction Environmental Management Plan (CEMP). The CEMP is secured by Requirement 13 in Schedule 2 and the Decommissioning Plan as secured through Requirement 21 in Schedule 2 of draft Development Consent Order [~~EN010133/EX1~~ EX5/C3.1_~~B~~G] will manage and mitigate cumulative risk from construction and operational phases to water quality.
Ecology ECO-~~006~~007	Water Quality Improvements	EA's Relevant Representation [RR-026]: "3.16. In the Biodiversity Net Gain (BNG) Report, enhancement to nearby watercourses are assumed solely as a result of the change of use from agriculture use to placement of solar panels and the resultant removal of fertilisers/herbicides from the fields. However, as it cannot categorically be said that other fields in the vicinity wouldn't supply run-off we do not think it can be assumed that water quality would be better as a result of the change of use alone." EA's most recent email correspondence on the matter (14/02/24):	Considering the large scale of the proposals, their 40 year duration and the area over which chemical inputs will be reduced, it is believed highly likely that at least local (I.e. within-Site and immediately downstream) improvements to water quality will result. The likelihood of this is increased when factoring in the proposed ditch management regime detailed in ECO-~~005~~006 above. We accept that ongoing agricultural activities within land beyond the Order Limits will continue to counteract this but this is beyond the influence of the Scheme and the net level of inputs within the catchments affected is still likely to be reduced. In response to the EA's most recent email correspondence, it can be confirmed that the

		"Our comments in relation to ECO-11 are provided as a cautionary advice note. We acknowledge that the cessation of agricultural inputs is likely to have a positive impact on water quality but recommend caution about the level of impact. We note the Biodiversity Net Gain (BNG) assessment and the Outline Landscape and Ecological Management Plan (LEMP) [REP3-029] that refers to the additional habitat creation and management and monitoring of this. We assume this will be put into the 30 year Habitat Management and Monitoring Plan for BNG. We should be grateful if you could confirm this. As long as there is a monitoring plan in place, with measures to address the situation if improvements are not sufficient, then this is acceptable."	measures concerning ditch management, monitoring and measures for remediation will be secured by the enactment of the OLEMP [REP4-035 – see Para 4.9.6 and section 4.10]. As set out in the BNG Assessment [APP-089, C6.3.9.12 ES Appendix 9.12], the LEMP contains all necessary aspects of, and will act as, the Habitat Management and Monitoring Plan and commits to duration of not only the statutory 30 years (for BNG) but for the life of the Scheme. Consequently, this issue can be considered agreed.
Ecology ECO-008	Potential impacts on fish species from the presence of EMF	EA's Relevant Representation [REP-093]: 3.4 Given that the potential impact of EMF on ecology is an emerging issue and not assessed within the ES we would suggest a risk assessment is carried out, centred on the grid connection corridor to fully understand the	A Risk Assessment into the potential impacts of EMF associated with the cable crossing beneath the River Trent [REP3-034 - Appendix to EX3/C8.1.22] was submitted by the Applicant and acknowledged by the EA. This Risk Assessment concluded that risks from EMF on

		risks during the operation of the proposed development. EA's Relevant Representation [REP4-077]: Using the evidence submitted in the risk assessment, we believe the figures provided would prove a low risk to fish. However, as this is an area of very little research, we cannot say there will categorically be no risk to fish populations. Accordingly, we would like the Applicant to agree to undertake a scheme of monitoring to corroborate the predicted impacts of EMF on fish, as presented in the Environmental Statement. We would suggest that the monitoring is linked to (and will therefore add to) academic research currently on going within the Trent catchment to demonstrate presence/absence of any impact to key protected species such as Lamprey at this site. This may include provision of fish tagging, and receivers at the cable crossing points. Relaying the results of the monitoring to us at regular intervals is also requested.	fish such as European eel, salmon, river lamprey and sea lamprey were low. The outline Operational Environmental Management Plan (OEMP) [EX5/C7.16_D] has been updated for Deadline 5 to include the following: "A programme of monitoring to corroborate the impacts of EMF on fish which might arise during operation of the power export cable which is to cross beneath the River Trent and how any such impacts compare to the predicted impacts of EMF on fish during operation of the power export cable will be carried out during the operation of the Scheme. Where any power export cables have also been laid for other solar projects beneath the River Trent and monitoring has been agreed for them, the purpose of the programme will be to monitor the cumulative impacts of the power export cables and a separate monitoring programme shall not be required for each solar project. The programme can be undertaken by the Applicant, by or in collaboration with the developers of the other solar projects and/or by a third party (for example, a university research team)."

			Consequently, this matter can be considered agreed.
Draft DCO DCO-001	Disapplication of Environmental Permitting (England and Wales) Regulations 2016 and protective provisions	EA's Relevant Representation [RR-026]: "6.1. Under The Environmental Permitting (England and Wales) Regulations 2016 a permit is required for installations, medium combustion plant, specified generator, waste or mining waste operations, water discharge or groundwater activities, or work on or near a main river or sea defence. 6.2.As referred to in paragraph 4.2 above, the disapplication of The Environmental Permitting (England and Wales) Regulations 2016 for work on or near a main river or sea defence (flood risk activity) is the only activity we will agree to disapply (subject to agreement regarding Protective Provisions). The applicant should make it clear that any reference made to The Environmental Permitting (England and Wales) Regulations 2016 within the DCO text is related to flood risk activities only and that any additional permits for water abstraction or discharge would still need to be applied for. 7.0 Development consent order Application and modification of statutory provisions	~~Discussions are ongoing between the~~ The Applicant confirms that the references to Sections 24 and ~~the EA regarding the disapplication~~ 25 of the Water Resources Act 1991 in Article 6 were removed from the draft DCO at Deadline 4 [EX5/C3.1_G] The protective provisions are in lieu of the requirement for a flood risk activity permit under regulation 12 of the Environmental Permitting ~~(England and Wales)~~ Regulations 2016 and the ~~drafting of the protective~~ provisions ~~for~~of byelaws made under (or as though made under) paragraphs 5, 6 or 6A of the ~~benefit of the EA~~Water Resources Act 1991. On this basis, the EA agree the disapplication provisions listed in Articles 6(1)(f) and (h) of the dDCO, subject to the inclusion of the Revision C protective provisions appearing in the made DCO.

		7.1 We do not agree to the disapplication of sections 24 (restrictions on abstraction) and 25 (restrictions on impounding) of the Water Resources Act 1991. 7.2 As referred to in paragraphs 4.2 and 6.2, we will not agree to the disapplication of the requirement for any environmental permit, other than a flood risk activity permit in exchange for agreed protective provisions. 7.3 We are considering the disapplication of local legislation listed in Schedule 3 of the DCO. If we have any concerns about this, we will endeavour to include comments in our written representations."	
Draft DCO DCO-002	Named Consultee	EA's Relevant Representation [RR-026]: "The Environment Agency wishes to be a specific named consultee in respect of Schedule 2, Requirement 7 (1) (landscape and ecological management plan); Requirement 8 (1) (ecological protection and mitigation strategy); Requirement 13 (1) (construction environment management plan); Requirement 14 (1) (operational environmental management plan) and Requirement 21 (1-4) (decommissioning and restoration). We would request that for the avoidance of doubt the words "following consultation with the	The Applicant confirms that the Party will be a specific named consultee in respect of the Requirements as listed by the Party.

		Environment Agency" are inserted after "relevant planning authority". This will give us an have an opportunity to comment on the detailed mitigation and management schemes, secured post consent, to ensure adequate protection and enhancement of the environment."	

~~3.2 Matters Under Discussion~~

~~3.2.1 Table 3.2 below details the matters under discussion with the Environment Agency.~~

~~Table 3.2~~

~~Topic~~	~~Sub-topic~~	~~Stakeholder Comment (where relevant)~~	~~Details of Matters Under Discussion~~
~~ECO-007~~	~~Potential impacts from the presence of EMF~~	~~Email correspondence from EA 9/10/23: "The potential impact of EMF on ecology is an emerging issue and we would suggest some form of risk assessment is carried out on the grid connection corridor in order for the Examining Authority to fully understand the risks during the operation of the Scheme and whether mitigation is required."~~	~~Applicant to consider the need for some form of EMF assessment to understand the risks to ecology.~~ ~~It is noted that all objects carrying an electrical current will induce electric and magnetic fields. The electromagnetic fields generated by the Scheme are not anticipated to pose any significant risk to human health or ecology, demonstrated by EMF impacts being scoped out of the Environmental Impact Assessment (see section 3.13 of C6.3.2.2 ES Appendix 2.2 EIA Scoping Opinion [APP-064]).~~

Matters Not Agreed

There are no matters that are not agreed with the Environment Agency.

4 Signatories

Overview

4.1.1 The above SoCG is agreed between Cottam Solar Project Ltd. (the Applicant) and the Environment Agency, as specified below.

Duly authorised for and on

behalf of Cottam Solar Project Ltd.

Name:	Eve Browning
Job Title:	Senior Project Development Manager
Date:	27/02/24
Signature:	[redacted]

Duly authorised for and on behalf of the Environment Agency.

Name:	Wayne Cattell
Job Title:	Planning Advisor

~~Duly authorised for and on behalf of the Environment Agency.~~

Date:	27.02.24
Signature:	[redacted]