



Stonestreet Green Solar

Statement of Common Ground with the Environment Agency

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Version 1

Deadline 1

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The Infrastructure Planning (Examination Procedure) Rules 2010



Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	7 November 2024	MS	Senior Director	For EA Review
Issue 2	22 November 2024	GD	Environment Agency, Planning Specialist	EA comments and tracked changes
Issue 3	27 November 2024	MS	Senior Director	For EA Review
Issue 4	05 December 2024	GD	Environment Agency, Planning Specialist	EA comments and tracked changes
Issue 5	9 December 2024	MS	Senior Director	Finalisation

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared to support an application (the 'Application') for a Development Consent Order ('DCO') from the Secretary of State for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Stonestreet Green Solar Farm (the 'Project'). The Application has been submitted by EPL 001 Limited (the 'Applicant').
- 1.1.2 This SoCG has been prepared between (1) the Applicant and the Environment Agency ('EA') (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects Guidance ¹.
- 1.1.3 The EA is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009² and so has been consulted during the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [[PD-004](#)] (Dated 22 October 2024) (Annex G).
- EIA Methodology
 - Water environment and flood risk, including ground and surface water protection, drainage, geology and soils
 - Climate change effects
 - Various Environment Management Plans, both during construction and operation
 - Any 'Shadow' licence applications
 - The DCO
- 1.1.5 This document has also been prepared in the context of the Initial Assessment of Principal Issues (Annex C), in particular:
- the use of land which are areas situated within Flood Zone 2 and Flood Zone 3, for the project, the sequential and exception tests and ensuring no increase to flood risk downstream;
 - the methodology for the installation of the cable by either using existing cable ducts or Horizontal Directional Drilling and effects on water quality from this installation;
 - effects on water quality from the construction and decommissioning phases
 - effects of surface water runoff from compounds; and
 - effects on Flood Storage areas.

- 1.1.6 It is agreed that any matters not specifically referred to in the final version of this SoCG are not of material interest or relevance to the representations submitted to the Examining Authority by the EA (the 'Representations') and therefore have not been considered in this document.
- 1.1.7 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. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Project

- 1.2.1 The Project comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.
- 1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

1.3 Current Position

- 1.3.1 Section 2 of this SoCG addresses the position of the Applicant and the EA, following a series of meetings and discussions with respect to the key areas of the Project and the Representations.
- 1.3.2 This is intended to be a 'live' document, and some aspects are still under discussion between the Parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both Parties agree on relevant points.

1.4 Record of Engagement

- 1.4.1 The Applicant has undertaken consultation and engagement with the EA throughout the development of the Application. The Applicant consulted the EA, as a prescribed consultee, in accordance with section 42 of The Planning Act (as amended) about the Project and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded the EA the opportunity to provide responses to the information in various stages of the pre-application process.
- 1.4.2 As highlighted in the EA Relevant Representation ('RR') (paras 1.2 and 1.3) the Applicant has held extensive discussions and has a positive working relationship

with the Applicant and a number of alterations to the design were agreed during the design development.

1.4.3 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and the EA in relation to the Application.

Table 1.1: Record of Engagement

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
18 May 2022	EIA Scoping - EA consultation response to EIA Scoping Opinion (response to the Applicant's request for a Scoping Opinion submitted to PINS on 19 April 2022)	Response dated 26 May 2022 (Ref: KT/2022/129574/01-L01) provided after the statutory deadline. Key issues: <ul style="list-style-type: none"> ▪ Flood risk ▪ Groundwater and contaminated land ▪ Fisheries, Biodiversity and Geomorphology
25 March to 29 April 2022	Non-Statutory Consultation 2022	No comments received.
25 October to 29 November 2022	Statutory Consultation 2022 (Preliminary Environmental Information Report) – EA consultation response	Key Topics: <ul style="list-style-type: none"> ▪ Flood risk and NPPF ▪ Environmental Permitting Regulations ▪ Crossings and HDD
10 May 2023	Meeting with EA planning and flood teams	Key Topics: <ul style="list-style-type: none"> ▪ 2022 Statutory Consultation response ▪ Flood Data and Modelling ▪ Works within AFSA ▪ Crossings approach <p>Technical Note (SLR Ref: 425.064837.00001) dated 26 July 2023 was subsequently submitted to the EA to address the issues raised in the meeting.</p>

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
13 November to 13 December 2024	Targeted Consultation 2023	No specific comments were received.
12 February to 12 March 2024	Targeted Consultation 2024	No specific comments were received.
12 June to 17 July 2023	Statutory Consultation 2023 (PEIR Addendum)	Key Topics: <ul style="list-style-type: none"> ▪ Flood risk ▪ Environmental Permitting Regulations and river works
2 August 2023	EA Meeting	Follow up meeting to discuss Technical Note (SLR Ref: 425.064837.00001) dated 26 July 2026. Key Topics: <ul style="list-style-type: none"> ▪ Approach to the hydraulic modelling and FRA ▪ Set-backs, crossings and permits
30 August 2023	Correspondence with EA	Key Topics: EA Partnership and Strategic Overview teams comments to Technical Note (SLR Ref: 425.064837.00001) and Fisheries, Biodiversity and Geomorphology (river setbacks and BNG).
14 September 2024	EA correspondence	Key Topics: <ul style="list-style-type: none"> ▪ WFD Assessment scope and focus.
14 September 2024	EA correspondence	Key Topics: <ul style="list-style-type: none"> ▪ Meeting Minutes ▪ AFSA standoff advice.
27 February 2024	Draft documents issued for EA comment	Draft SLR hydrology and hydraulic modelling reports issued to EA for comment.

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
8 February 2024	EA Meeting	Key Topics: <ul style="list-style-type: none"> ▪ Permitting and protective provisions ▪ Use of HDD and risk management ▪ Hydraulic modelling ▪ Protective provisions
23 April 2024	EA correspondence	EA response to draft SLR hydrology and hydraulic modelling reports.
24 July 2024	EA Meeting	Key Topics: <ul style="list-style-type: none"> ▪ Works in and around the AFSA

1.4.4 Additional correspondence relating to data request is not captured in Table 1.1.

1.4.5 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG as at the date of this SoCG.

1.5 Format of Document and Terminology

1.5.1 This SoCG has been structured to reflect matters and topics of interest to EA in relation to the Project as set out in the EA Representations.

1.5.2 Section 2 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’ under the topics of interest in tables as follows:

- Table 2.1: Flood Risk
- Table 2.2: Other Consents and Licences
- Table 2.3: Ecology
- Table 2.4: Groundwater and Contamination Land
- Table 2.5: Water Framework Directive Assessment

1.5.3 The following terminology is applied in Section 2:

- ‘Agreed’ indicates where the issue has been resolved (no colour).
- ‘Not Agreed’ indicates a position where both Parties have reached a final position that a matter cannot be agreed between them.

- 'Under Discussion' indicates where points continue to be the subject of on-going discussions between Parties.

1.5.4 For any issues that are 'Under Discussion', the Parties have also indicated the likelihood that disagreement will remain by the end of the Examination using a "Low" (Green), "Medium" (Amber) and "High" (Red) traffic light model, as requested in the Rule 6 letter.

2 Areas of Discussion between the Parties

2.1 Flood Risk

Table 2.1: Flood Risk

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
2.1	RR	Assessment of National Policy	<p>In accordance with the National Planning Policy Framework (paragraphs 164 and 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The Examining authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.</p> <p>22/11/2024 (EA) Agreed, the LPA have the final decision on whether the sequential and exception tests are passed.</p>	<p>The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in Appendix 2: Sequential and Exception Test Report of the Planning Statement (Doc Ref. 7.6) [APP-151]. This confirms that the requirements of both tests have been satisfied in accordance with NPS EN-1.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
2.2	RR	Flood Risk Assessment	<p>The EA are satisfied with the submitted Flood Risk Assessment (FRA) in principle (<i>APP-094 – Doc 5.4 Environmental Assessment Appendix 10.2: Flood Risk Assessment</i>). We have however the following issues and advice that should be considered.</p> <p>22/11/2024 (EA) Agreed no further comments.</p>	Noted. Detailed feedback has been responded to in the subsequent sections of this Document.	Agreed
2.3	RR	Securing Mitigation	<p>Once the suggested amendments related to the FRA have been addressed, the development shall be carried out in accordance with the consented FRA. The mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed in the consented FRA shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>22/11/2024 (EA) Agree with status, we will await final documents for review.</p> <p>04/12/2024 (EA) We require to keep the status "Under discussion" until the</p>	<p>Embedded Mitigation within the design of the Project has been set out in the Design Principles (Doc Ref. 7.5(A)) and secured by Requirement 4 (Detailed design approval) of the Draft Development Consent Order ('DCO') (Doc Ref. 3.1(B)). The drainage scheme is set out in the Outline Operational Surface Water Drainage Strategy (Doc Ref. 7.14(A)) which is secured by Requirement 11 (Operational Surface Water Drainage Strategy) in the Draft Development Consent Order (Doc Ref. 3.1(B)).</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			updates listed below have been made and agreed.		
2.4 to 2.6	RR	Issue 1 – Buried Cables	<p>Situation: Buried cables around Aldington Flood Storage Area would act as conduits for seepage of flood waters and surface waters to alternative areas or creating new routes of diversion compromising the effectiveness of Aldington Flood Storage Area and natural groundwater absorption.</p> <p>Impact: Aldington Flood Storage Area would be compromised by water channelling through cable routes increasing flood and ground water in areas that have not previously been an issue or flood waters diverting past the dam and hydrobrake.</p> <p>Solution: The applicant should provide greater detail of the planned cable routes and details of the construction of the channels so the risk of these routes can be properly considered, particularly the routes near the dam and towards Sellindge close to the railway line.</p>	<p>Drawing No. 142-02-18 (Rev 01) – Illustrative Cable Trench Detail Plan (Doc Ref. 2.6(A)) shows illustrative construction details for different cable types. The exact location of cables is not known and will be confirmed as part of the detailed designs submitted to discharge Requirement 4 (Detailed design approval) of the Draft DCO (Doc Ref. 3.1(B)).</p> <p>As set out in paragraph 4.8.10 of the Outline CEMP (Doc Ref. 7.8(A)), <i>'once electrical cables are laid, all trenches will be backfilled and reinstated to the existing ground level and seeded to reduce the risk of runoff of fine sediments into watercourses'</i>.</p> <p>A Construction Method Statement for cables within the AFSA and in its vicinity would be provided as part of the detailed CEMP(s). The Applicant will update the Outline CEMP (Doc Ref. 7.8(A)) to include this requirement.</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>22/11/2024 (EA) Agree with status, we will await final documents for review.</p> <p>04/12/2024 (EA) The status should be kept as "Under discussion" until we have reviewed the updated Outline CEMP to be formally submitted by the Applicant and are satisfied with it.</p>		
2.7 to 2.9	RR	Issue 2 - Flood Risk associated with precast concrete block ballasts	<p>Situation: Paragraph 6.1.7 of the FRA 'Solar PV modules and mounting structures' refers to an alternative option of using pre-cast concrete block ballasts where piled foundations are not appropriate. Paragraph 6.1.7 of the FRA states "A non-invasive mounting solution that uses pre-cast reinforced concrete blocks or similar to provide ballast to support the PV panels would be used where piled foundations are not appropriate." (<i>APP-094 – Doc 5.4 Environmental Assessment Appendix 10.2: Flood Risk Assessment</i>)</p> <p>Impact: The use of precast concrete block ballasts could lead to an increase in offsite flood risk as the precast concrete block ballasts take up a greater volume of the flood plain</p>	<p>Some of the foundations for PV mounting structures could be pre-cast reinforced concrete blocks or similar solution that are set on the ground surface. This approach would only be necessary if archaeology is discovered that is required to be left in situ such that piled foundations are not appropriate, noting that no evidence of such archaeology has been identified by the application surveys. In the unlikely event this is required within areas of the floodplain, this would result in small and localised losses of flood storage.</p> <p>The flood storage created through the depressions included within the Illustrative Landscape Drawings (Doc Ref. 2.7(A)) would more than</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>than the considered piled foundations.</p> <p>Solution: The applicant should demonstrate that there would be no increased flood risk if precast concrete block ballasts were to be used instead (e.g. due to reduced floodplain conveyance or loss of flood storage).</p> <p>22/11/2024 (EA) We understand that it is unlikely that foundations in the form of pre-cast reinforced concrete blocks or similar will be required and that there is additional flood storage available. We are pleased to see that the following will be added “Outline OSWDS (Doc Ref. 7.14) will be updated to include a commitment to ensure that the Project would not result in a net loss of flood storage and that appropriate compensation (if required) is in place before construction.” When this is added in the document this will be conditioned.</p> <p>04/12/2024 (EA) It is noted that the full OSWDS is secured by Requirement 11 in the Draft DCO, which is welcome. The status should be kept as “Under discussion” until</p>	<p>compensate for these small and isolated losses.</p> <p>The Outline OSWDS (Doc Ref. 7.14(A)) and a requirement in the Draft DCO (Doc Ref. 3.1(B)) secures detailed design approval of drainage details by ABC. To address the concern raised by the EA, the Outline OSWDS (Doc Ref. 7.14(A)) will be updated to include a commitment to ensure that the Project would not result in a net loss of flood storage and that appropriate compensation (if required) is in place before construction.</p> <p>The Outline OSWDS is then secured by Requirement in the Draft Development Consent Order (Doc Ref. 3.1(B)).</p>	

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			we have reviewed the updated Outline OSWDS to be formally submitted by the Applicant and are satisfied with it.		
2.10 to 12	RR	Issue 3 - Flood Storage Calculations	<p>Situation: The 'Floodplain Compensation level for Level Calculation' table from 'Annex D: Floodplain Compensation Level for Level Calculations' of the FRA demonstrates a net increase (1,543.11 m3) in flood storage downstream of the Aldington Flood Storage Area but does not show any net increase within Aldington Flood Storage Area as referenced in the Outline Operational Surface Water Drainage Strategy (OOSWDS). Paragraph 5.1.5 of the OOSWDS states "The swale and wetland areas have both been designed to enhance biodiversity and ensure that there is no adverse impact on water quality. In addition, the wetland area, which will be sited within the AFSA, will increase the capacity of fluvial flood storage available. This will therefore contribute to a small reduction in downstream flood risk." (<i>APP-094 – Doc 5.4 Environmental Assessment</i>)</p>	<p>None of the works proposed within the AFSA involve any build up in ground levels.</p> <p>The works proposed relate to;</p> <ol style="list-style-type: none"> 1. Superficial treatments and vegetation management with a commitment made that vegetation management will be ongoing with any accumulated material removed from the AFSA. Such work would therefore have a neutral impact on flood storage, 2. The provision of fencing around the skylark area in Field 29 as illustrated on the Illustrative Landscape Drawings (Doc Ref. 2.7(A)) (Sheet 3 of 5 - drawing number 011998.00001.712). The fence posts would result in a negligible loss of flood storage, but at a level that would be difficult to quantify. 3. The creation of ecological scrapes and ponds as illustrated on the 	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p><i>Appendix 10.2: Flood Risk Assessment; APP-159 – Doc 7.14 Outline Operational Surface Water Drainage Strategy)</i></p> <p>Impact: The storage capacity of Aldington Flood Storage Area may be reduced by the proposed landscaping works.</p> <p>Solution: The applicant should amend the flood storage calculations within the 'Floodplain Compensation level for Level Calculation' table from 'Annex D: Floodplain Compensation Level for Level Calculations' of the FRA to show the flood storage increase inside Aldington Flood Storage Area as stated in the paragraph 5.1.5 of the OOSWDS "increase the capacity of fluvial flood storage available".</p> <p>22/11/2024 (EA) As outlined above when the Outline OSWDS (Doc Ref. 7.14) is updated to include that there will be no net loss of storage capacity within the AFSA this will be conditioned. We have no further comments to make until we have reviewed the requested supporting calculations and updates to</p>	<p>Illustrative Landscape Drawings (Doc Ref. 2.7(A)) (Sheet 3 of 5 - drawing number 011998.00001.712). These would be formed by excavation only with all spoil removed disposed of outside of the AFSA. As such these works would only increase the available flood storage volume.</p> <p>4. The creation of the wetland area which will receive storm runoff from the Project Substation. This will be formed by excavation and will not involve impounding water to a level above the existing ground surfaces. As such the formation of this feature can only increase the volume of flood storage available.</p> <p>The net effect of these works will clearly be an increase in the available flood storage volume within the AFSA. On this basis no further assessment was deemed necessary.</p> <p>In response to this comment work is however now being undertaken to quantify the changes resulting from items 2, 3 and 4 above. This additional detail will be included within Environmental Statement Appendix</p>	

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			Environmental Statement Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)	10.2: Flood Risk Assessment (Doc Ref 5.4(A)). The updated document will be provided by Deadline 1. In addition, the Applicant will also amend the Outline OSWDS (Doc Ref. 7.14(A)) to include a commitment to ensure no net loss of storage capacity within the AFSA.	
2.13	RR	Issue 3 - Flood Storage Calculations	Solution: The applicant should also confirm that there is no loss of flood storage capacity in Aldington Flood Storage Area from the landscaping works including but limited to the woodland planting, tree planning, habitat scrapes and habitat ponds. 22/11/2024 (EA) No further comments, our above comments for Issue 2.10 to 12 apply.	As above	Under discussion
2.14 to 17	RR	Issue 4 – Unrestricted access	Situation: We will need unrestricted access to Aldington Flood Storage Area at the North end for continued maintenance and particularly in emergency situations. This may include delivering plant to the site. We also require unrestricted access to EA owned assets on the south end	The Project will not restrict access to the AFSA or impinge upon any of the Environment Agency's land interests and assets within the Order limits. Paragraph 3.6.2 of the Outline CEMP (Doc Ref. 7.8(A)) states ' <i>Access to the Aldington Flood Storage [Area] for the Environment Agency will be maintained at all times</i> '. The same	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>of Field 24 downstream of the Hydro-brake outlet.</p> <p>Impact: We may be unable to carry out our statutory duties at Aldington Flood Storage Area.</p> <p>Solution: The applicant should ensure that we have unrestricted access to our site at all times during and after construction.</p> <p>Solution: The applicant should ensure the development keeps EA access to assets on Field 24 unaffected.</p> <p>22/11/2024 (EA) This response addresses our requests. Further comments will be made when we receive the updated document.</p>	<p>commitment is made for the decommissioning stage at paragraph 3.6.2 of the Outline DEMP (Doc Ref. 7.12) [APP-157]. In relation to the operational phase of the Project, paragraph 4.3.1 of the Outline Operational Management Plan ('OMP') (Doc Ref. 7.11(A)) requires the detailed OMP to include <i>'Measures to allow the Environment Agency appropriate access to the AFSA'</i>.</p> <p>Additional drawings have been prepared to show the indicative cable route. The drawings show that the installation of cabling across the access to the primary substation will not restrict the ability of the EA to access their assets. The proposed cable will use the underground ducting as illustrated in drawing 142-02-48-EA-02 Duct Area ISS01. The duct would be installed in 2 sections allowing half of the access route to remain open during this installation process.</p> <p>During construction, access would be secured through the use of road plates that could be placed over duct trenches when required.</p>	

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
				<p>These works would be programmed for summer months, or dry periods, to further reduce any risk, with the cables then be pulled though at a later date with no impact to the access route.</p> <p>An updated AFSA (Environmental Statement Appendix 10.4: Aldington Flood Storage Area Risk Assessment (Doc Ref. 5.4)) will be provided at Deadline 1 (10th December) that will incorporate the above commitments.</p>	
2.18 to 20	RR	Issue 5 - Drainage and impact on the East Stour water levels	<p>Situation: The drainage strategy on the site adjacent to the East Stour downstream of the hydro-brake outlet on the south end of Field 24 may increase water levels in this area. There is a privately owned sluice gate downstream of the outlet that the owner operates to always ensure they have water ponding in their garden. This restricts the maximum flow on this section of river.</p> <p>Impact: The drainage solution may increase the water level as a result of the restriction downstream.</p> <p>Solution: The applicant should ensure that any drainage plans consider restrictions downstream,</p>	<p>An Outline OSWDS (Doc Ref: 7.14(A)) has been prepared to demonstrate that the Project would have a neutral effect on the volumes and rate of storm water runoff and the operation of the private sluice on the river should have no influence on this matter. Requirement 11 (Operational surface water drainage) in the Draft DCO (Doc Ref. 3.1(B)) then secures detailed design approval of drainage details by ABC, which would have appropriate regard to these considerations.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>and that the drainage solution does not increase water levels adversely. The applicant should provide us with calculations and assessments.</p> <p>22/11/2024 (EA) We are satisfied with this response. No further comments. Status changed to 'Agreed'</p>		
2.21 to 23		Issue 6 – Aldington Flood Storage Area standoff area	<p>Situation: The 8m standoff provided in the Aldington Flood Storage Area Risk Assessment (AFSARA) does not satisfy the standoff document we previously shared (see Appendix A in this letter). (<i>APP-097 – Doc 5.4 Environmental Statement Appendix 10.4: Aldington Flood Storage Area Risk Assessment</i>)</p> <p>Impact: We may be unable to maintain our owned assets resulting in an increase in flood risk.</p> <p>Solution: Works should remain outside of the standoff area previously provided to the applicant. The Aldington Flood Storage Area Risk Assessment shall be amended to reflect this standoff area (see Appendix A).</p> <p>22/11/2024 (EA) We welcome the opportunity to review FRAP</p>	<p>The standoff area shown in Environmental Statement Appendix 10.4: Aldington Flood Storage Area Risk Assessment (Doc Ref 5.4(A)) will be updated so that it aligns with the standoff area shown in Appendix A of your response letter. That document will also be updated to explicitly discuss the points below and provided by Deadline 1.</p> <p>The update confirms that all solar panels, fencing and above ground infrastructure that might restrict the EAs ability to access and maintain their assets are outside of the standoff zone. There are however three points where proposed works would extend inside this standoff area. These are:</p> <p>1) The temporary access track to the south where it crosses the outlet from the AFSA – this temporary feature is</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>applications and the updated documents. Standoff area overlap points 2 and 3 are off the flood defence asset and on natural high ground. We are satisfied with the solutions to maintain our access during the construction of these. Point 3 is more significant as where the overlap is indicated we have drains in that area. The construction of the access track along the standoff area and above the outlet will need to be reviewed to ensure it has no impact on our asset, but this will be picked up as part of the FRAP process. We will also need to agree an access licence through legal for use of our land.</p> <p>04/12/2024 (EA) The status should be kept as "Under discussion" until we have reviewed the updated document (Ref 5.4) to be formally submitted by the applicant and are satisfied with it.</p>	<p>positioned within the standoff because the crossing has to be as close as possible to a right angle to the East Stour River channel. Repositioning it further west would result in a greater impact on trees (including the loss of a large Category B tree) and impacts the existing public footbridge and right of way. We can confirm that this feature will not require any excavations, will be permeable and will be for temporary use only.</p> <p>2) The access track where it enters the main project substation – the works associated with this are above ground only comprise improvements to the surface treatment only.</p> <p>3) The cable route to the main project substation – it is not possible to relocate the underground cable route fully outside the area you have advised is required as the AFSA standoff. However, in response to your comments we have minimised any impact and relocated the trench to the far north of this area. As a result, the cable crosses the standoff above the projected maximum flood level and outside the embankment area so there</p>	

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
				<p>can be no risk to the structural integrity of the embankment.</p> <p>None of these elements will restrict the EA's ability to access and maintain their assets and, as set out in Schedule of Other Consents and Licences (Doc Ref. 3.4) [APP-018] these works would only be progressed following receipt of a FRAP from the EA.</p>	

2.2 Other Consents and Licences

Table 2.2: Other Consents and Licences

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
2.21 to 23	RR	Environmental Permits	<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> <p>Environmental permit</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 ▪ involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert <p>in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission</p>	<p>The Schedule of Other Consents and Licences (Doc Ref. 3.4) [APP-018] provides information on the other consents and licences outside of the DCO and includes:</p> <ul style="list-style-type: none"> ▪ FRAPs; ▪ IDB Land Drainage Consents; and ▪ Water Discharge Activity Permits. <p>FRAPs will be sought as appropriate under the Environmental Permitting (England and Wales) Regulations 2016.</p> <p>The Applicant notes that extensive discussions regarding the Project have taken place with the EA during the pre-application period and no concerns regarding the proposals have been raised that would suggest permits will not be forthcoming.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p> <p>22/11/2024 (EA) Whilst at present no concerns have been raised, this application will be subject to consultation from all relevant teams during the FRAP application and there may be issues identified during this process.</p>		

2.3 Ecology

Table 2.3: Ecology

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
3.1 to 3.2	RR	Overview	<p>During previous discussions, our requirements included consideration of rivers, river margins, the need for river habitat surveys and species surveys for some riparian mammals.</p> <p>The consultation documents we have reviewed have included most of the information we requested be provided.</p>	Noted	Agreed
3.4	RR	Issue 7 - Invasive species (giant rhubarb <i>Gunnera</i>)	<p>Situation: While giant rhubarb <i>Gunnera</i> spp. was not reported as per Table 9.9: Summary of Recent Invasive Species Records in the Biodiversity Chapter of the Environmental Statement (ES), it is known to be in the catchment upstream of the development site. The cultivation of <i>Gunnera</i> is now banned. (APP-033 – Doc 5.2 Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity)</p> <p>Solution: When watching briefs by the Ecological Clerks of Works are planned for works near the East</p>	The Outline CEMP (Doc Ref: 7.8(A)) sets out the general mitigation measures that would be applied during the construction works, which include measures to prevent and control the spread of invasive non-native species. Detailed CEMP(s) are then secured by Requirement 6 of the Draft DCO (Doc Ref: 3.1(B)) , which would ensure that appropriate measures to control the spread of invasive species are applied during each relevant stage in the construction. The Detailed CEMP(s) would include consideration of all relevant species listed under Schedule 9 of the Wildlife and Countryside Act	Agreed

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>Stour, Gunnera should also be included and, if any specimens found in the development site, they should be eradicated.</p> <p>04/12/2024 (EA) – We note that giant rhubarb Gunnera is listed in schedule 9 of the Wildlife and Countryside Act, and welcome that the detailed CEMP will include it.</p>	<p>1981 (as amended). The Outline CEMP (Doc Ref. 7.8(A)) and Outline DEMP (Doc Ref. 7.12) [APP-157] includes a requirement for supervision by an Ecological Clerk of Works within Biodiversity Protection Zones ('BPZs') which will include the East Stour corridor. Any works within BPZs would be approved by and supervised by an Ecological Clerk of Works.</p>	
3.6 to 3.7	RR	Issue 8 - Invasive species (mink)	<p>Situation: Mink was recorded as being in the area and surveys confirmed their presence, as per Table 9.9: Summary of Recent Invasive Species Records in the Biodiversity Chapter of the ES. (<i>APP-033 – Doc 5.2 Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity</i>)</p> <p>Solution: This project could contribute to the effort to eradicate mink in the United Kingdom with support for the soon to be launched (27 September 2024) Waterlife Recovery Southeast (WRSE) project. This contribution would be in line with the proposal, as per Table 0.1: Illustrative Maintenance and Management Schedule Years 1-5 of</p>	<p>Annex 3 of the Outline LEMP (Doc Ref: 7.10(A)) includes a requirement for pre-commencement surveys of invasive species, along with the potential requirement for a Mink Control Strategy should those surveys identify a level that may lead to impacts to water voles. The need for a Mink Control Strategy would be defined in the Detailed LEMP, which is secured by Requirement 8 (Landscape and biodiversity) of Schedule 2 of the Draft DCO (Doc Ref. 3.1(B)).</p> <p>The Applicant notes that no formal or specific request has been made in relation to a contribution to the WRSE, or an explanation as to why such a contribution would be necessary in planning terms. This is</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>the Outline Landscape and Ecological Management Plan (OLEMP) which refers to management of invasive non-native species (page 37) (<i>APP-155 – Doc 7.10 Outline Landscape and Ecological Management Plan</i>).</p> <p>This work of the WRSE is being led as a partnership of many different bodies, organisations and individuals by the Waterlife Recovery Trust (WRT, Waterlife Recovery Trust - Saving our native wildlife from the introduced American Mink). For further information about our work with WRT on WRSE, we can be contacted via KSLE@environment-agency.gov.uk (for the attention of Fisheries Biodiversity and Geomorphology).</p> <p>22/11/2024 (EA) No further comment but we are still keen for the project to contribute to WRSE.</p> <p>04/12/2024 (EA) Still under discussion and hope the applicant agrees a contribution to the WRSE.</p>	<p>over and above the Mink Control Strategy, which is agreed is already secured by the Annex 3 of the Outline LEMP (Doc Ref. 7.10(A)) and Requirement 8 (Landscape and biodiversity) of Schedule 2 of the Draft DCO (Doc Ref. 3.1(B)).</p>	
3.8 to 3.9	RR	Issue 9 - Tree planting	Situation: The landscaping proposals include the “planting of	Requirement 8 (Landscape and biodiversity) of Schedule 2 of the Draft	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>individual native wetland feathered trees along the East Stour River (Fields 19 and 26-29) and standards within existing and proposed hedgerows” as stated at paragraph 3.4.1 of the OLEMP (APP-155 – Doc 7.10 Outline Landscape and Ecological Management Plan).</p> <p>Impact: While we usually support tree planting, there are occasions where, due to our requirements for access for river management, trees can be an obstacle to flood risk management works.</p> <p>Solution: This problem can easily be overcome if the applicant discusses riverside tree planting with us so we can confirm the suitability of the proposed locations and agree them before the planting schedules are published and contractors retained.</p> <p>29/11/2024 (EA) The status should be kept as “Under discussion” until we have reviewed the updated Outline LEMP to be formally submitted by the applicant and are satisfied with it.</p>	<p>DCO (Doc Ref. 3.1(B)) secures the detailed design of the landscape scheme and would be submitted to and approved by LPA. The Applicant is willing to commit to discuss the planting proposals and specification along the East Stour River before detailed landscape proposals are submitted to the LPA. This commitment would be secured in an updated version of the Outline LEMP (Doc Ref. 7.10(A)) and submitted at Deadline 1 of the Examination. The Outline LEMP includes further measures to minimise risks of debris and obstacles to flood risk management works as follows:</p> <p><i>‘4.4.8 There should be no change in the creation of woody debris within the Aldington Flood Storage Area and any cleared vegetation will be removed.’</i></p> <p><i>‘4.5.8 Watercourses would be monitored annually. Any deadwood that becomes dislodged and blocks the central channel will be removed or repositioned should it pose a flood risk and any unwanted vegetation and litter/debris would also be removed from the watercourses on a monthly</i></p>	

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
				<i>basis under ecological supervision if necessary...'</i>	
3.11 to 12	RR	Issue 10 - Beavers	<p>Situation: Pre-commencement surveys listed in paragraph 5.3.3 of the OLEMP do not specifically include beaver (<i>APP-155 – Doc 7.10 Outline Landscape and Ecological Management Plan</i>).</p> <p>Solution: Beaver should be added to the list of species for which surveys will be completed.</p>	Beavers are included within the Pre-commencement surveys (riparian mammals). This commitment is listed at Annex 3: Indicative Mitigation and Enhancement Measures of the Outline LEMP (Doc Ref. 7.10(A)) includes the commitment for Pre-commencement surveys (riparian mammals), which would include 'water voles, otter, beavers'. These surveys are secured by the Outline LEMP (Doc Ref. 7.10(A)) and would be submitted within the Detailed LEMPs submitted to discharge Requirement 8 (Landscape and biodiversity) of Schedule 2 of the Draft DCO (Doc Ref: 3.1(B)) .	Agreed
3.13 to 3.14	RR	Issue 11 - Aquatic/Marginal planting provenance	<p>Situation: Section 6.17 'Proposed Aquatic/Marginal Planting' of the OLEMP does not refer to provenance of the species that are being planted (<i>APP-155 – Doc 7.10 Outline Landscape and Ecological Management Plan</i>).</p> <p>Solution: Specimens that are of local provenance should be procured. All</p>	<p>The ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] notes at paragraph 8.6.23 that native species would be used.</p> <p>The Applicant is willing to commit to native species being used for the Project, and which would be detailed in the detailed landscape proposals,</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			<p>specimens must also be carefully checked for the presence of aquatic non-natives.</p> <p>29/11/2024 (EA) The status should be kept as "Under discussion" until we have reviewed the updated Outline LEMP to be formally submitted by the applicant and are satisfied with it</p>	<p>submitted to the LPA. This commitment would be secured in an updated version of the Outline LEMP (Doc Ref: 7.10(A)), specifically Section 6.17 – Proposed Aquatic / Marginal Planting, submitted at Deadline 1 of the Examination.</p>	

2.4 Groundwater and Contaminated Land

Table 2.4: Groundwater and Contaminated Land

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
4.1	RR	Ground Water and Contaminated Land	We have reviewed the relevant documents related to land contamination and risks posed to groundwater for the proposed development. We are satisfied that risks to groundwater have been appropriately considered and that the mitigation measures proposed are acceptable.	Noted.	Agreed
4.2	RR	Horizontal Directional Drilling	We understand that the project will include horizontal directional drilling. We note that further liaison with us and compilation of site-specific risk assessments (as part of the detailed CEMP) will be undertaken to address these works which we welcome. Various other mitigation measures are proposed for other activities (e.g. refuelling of vehicles), many of which are standard best practice (<i>APP-153 - 7.8 Outline Construction Environmental Management Plan</i>).	<p>A series of mitigation measures are secured in paragraph 4.8.7 'Watercourse crossings/HDD' of the Outline CEMP (Doc Ref. 7.8(A)) and Outline DEMP (Doc Ref. 7.12).</p> <p>An HDD risk assessment will be provided as part of the detailed CEMP(s) and the Emergency Preparedness Plan ('EPP) will include actions required in the event of a breakout of HDD fluids.</p> <p>A series of mitigation measures to protect the water environment</p>	Agreed

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
			22/11/2024 (EA) Noted.	and surface water quality during all construction activities are secured in paragraph 4.8.10 'General Measures' of the Outline CEMP (Doc Ref. 7.8(A)) and Outline DEMP (Doc Ref. 7.12) .	
4.3	RR	Land Contamination Assessments	We further understand the land contamination assessments have concluded that the risk to controlled waters is low to very low, and as such no specific remediation is required/proposed. Based on the information we have reviewed we agree with those conclusions (<i>APP-035 – Doc 5.2) Environmental Statement Volume 2: Main Text Chapter 11: Land Contamination</i>).	Noted.	Agreed

2.5 Water Framework Directive Assessment

Table 2.5: Water Framework Directive Assessment

Ref	Relevant Application Document	Description of Matter	EA Current Position	Applicant's Current Position	Status
2.5.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Water Framework Directive (WFD) Assessment	The EA is content that the scope of the ES Volume 4, Appendix 10.3: WFD Assessment (Doc Ref. 5.4) is appropriate.	This scope is reflected in ES Volume 4, Appendix 10.3: WFD Assessment (Doc Ref. 5.4(A)) [AS-013] and relevant correspondence with the EA is provided as Annex C of the same Appendix.	Agreed
2.5.2	S42 Consultation Response to 2023 Statutory Consultation	WFD (Assessment of Effects)	The EA is content that the ES Volume 4, Appendix 10.3: WFD Assessment (Doc Ref. 5.4) provides a reasonable assessment of the potential effects of the Project.	ES Volume 4, Appendix 10.3: WFD Assessment (Doc Ref. 5.4(A)) [AS-013] demonstrates that watercourse crossings will not affect the geomorphology, ecology or water quality of the watercourse.	Agreed

3 Signatures

This Statement of Common Ground has been prepared and agreed by EPL 001 Limited and Environment Agency.

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

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On behalf of the Environment Agency

Name:

Signature:

Position:

Date:

.....

References

¹ *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> [Accessed 17 Sep. 2024].

² Legislation.gov.uk. (2023). *The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/2264/schedule/1/made>.