

Planning Inspectorate  
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**Our ref:** XA/2024/100146/01-L01  
**Your ref:** EN010139

**Date:** 29 August 2024

Dear Sir/Madam

**DEADLINE 2 - WRITTEN REPRESENTATION. OAKLANDS SOLAR. MULTIPLE LOCATIONS ACROSS DARLINGTON, STOCKTON AND DURHAM.**

Following our Relevant Representation (RR) [\[RR-168\]](#) dated 17 May 2024, we had a meeting (12 June 2024) with the applicant and their consultants to address the issues raised.

Points 1-6 that we raised in our RR are still outstanding. However, the applicant has committed to resolving these issues.

We are unable to provide a more detailed update at this moment in time as we are awaiting updates to the following:

- Flood Risk Assessment (FRA)
- Draft Development Consent Order (dDCO)
- Outline Construction and Environment Management Plan (oCEMP)
- Other Consents and Licences document [APP-166]
- Water Framework Directive (WFD) Assessment

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

Yours faithfully

**Mr [REDACTED]**  
**Planning Specialist**

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**Appendix 1 Environment Agency Work Package Tracker**

|  |  |
|--|--|
|  | <b>PINS RAG System</b>   |
|  | <b>Agreed</b> - no further discussion needed   |
|  | <b>Working on a solution</b> - final position not yet reached                                  |
|  | <b>Not agreed</b> - final position that cannot be agreed and will remain a point of difference |

| Overarching Tracker     |  |                     |                     |                     |  |                           |   |
|-------------------------|--|---------------------|---------------------|---------------------|--|---------------------------|---|
| Subject                 | Topics   | Assessment          | Impact              | Solution            | Agreed requirement / assessment updated to resolve issue | Requirement Number in DCO | Note:   |
| Ecology within EA Remit | Outline Construction Environmental Management Plan (CEMP) (mitigation/ management measures to protect Otter and its habitat) (RR Point 4i) | Working on solution | Working on solution | Working on solution | Working on solution                                      | 4                         | The Applicant has agreed by email to update the oCEMP which will fully address this point. Environment Agency (EA) are waiting for oCEMP and CEMP Requirement to be   |
|                         | Fisheries (Directional Drilling) (RR Point 4ii)  | Working on solution | Working on solution | Working on solution | Working on solution                                      | 4                         | The Applicant has agreed by email to update the oCEMP which will fully address this point. EA are waiting for oCEMP and CEMP Requirement to be updated.   |
|                         | Water Framework Directive (WFD) Assessment regarding Directional Drilling (RR Point 3)   | Working on solution | Working on solution | Working on solution | Working on solution                                      |                           | If Directional Drilling takes place under a watercourse the WFD Assessment needs to be reviewed in line with oCEMP/CEMP to show activities don't adversely affect WFD Status.   |
|                         | WFD Assessment regarding new surface water outfall (RR Point 3)  | Working on solution | Working on solution | Working on solution | Working on solution                                      |                           | The Applicant confirmed that the submitted Consents and Licences document (APP-166) includes an error as it refers to the installation of a new surface water outfall. The applicant has confirmed verbally that a surface water outfall will not be installed. EA waiting for this document to be updated to reflect this. |

**Appendix 1 Environment Agency Work Package Tracker**

|                               |  |                     |                     |                     |                     |   |  |
|-------------------------------|--|---------------------|---------------------|---------------------|---------------------|---|--|
| <b>Flood Risk</b>             | Sequential Test (RR Point 1)   | Working on solution | Working on solution | Working on solution | Working on solution |   | Meeting with Applicant's consultants 12/06/2024 to discuss EA flood risk concerns. They agreed to update the Flood Risk Assessment (FRA) to show the Sequential Test has been passed. They will forward the amended FRA onto EA in due course. |
|                               | Vulnerability Classification (RR Point 1)  | Agreed              | Agreed              | Agreed              | N/A so agreed       |   | The Vulnerability Classification is 'Essential Infrastructure'.  |
|                               | Exception Test (RR Point 1)  | Working on solution | Working on solution | Working on solution | Working on solution |   | Meeting held with the Applicant's consultants 12/06/2024. They are currently undertaking flood modelling and will update the FRA to address this point and send to EA in due course.   |
|                               | The development should include an assessment of flood risk over at least 75 years, in line with the PPG (RR Point 1) | Working on solution | Working on solution | Working on solution | Working on solution |   | Meeting held with the Applicant's consultants 12/06/2024. They are currently undertaking flood modelling and will update the FRA to address this point and send to EA in due course.   |
|                               | Climate Change Allowance (RR Point 1)  | Working on solution | Working on solution | Working on solution | Working on solution |   | Meeting held with the Applicant's consultants 12/06/2024. They are currently undertaking flood modelling and will update the FRA to address this point and send to EA in due course.   |
|                               | Detailed Flood Modelling (RR Point 1)  | Working on solution | Working on solution | Working on solution | Working on solution |   | Meeting held with the Applicant's consultants 12/06/2024. They are currently undertaking flood modelling and will update the FRA to address this point and send to EA in due course.   |
| <b>Groundwater Protection</b> | Directional Drilling and Control Measures (groundwater/surface water interaction) (RR Point 6)                       | Working on solution | Working on solution | Working on solution | Working on solution | 4 | The Applicant has agreed by email to update the oCEMP which will fully address this point. EA are waiting for oCEMP and CEMP Requirement to be updated.  |
|                               | CEMP to include Bentonite Breakout Plan (new issue not included in RR)   | Working on solution | Working on solution | Working on solution | Working on solution | 4 | The Applicant has verbally agreed to update the oCEMP which will fully address this point. EA are waiting for oCEMP and CEMP Requirement to be updated.  |
|                               | WFD Assessment regarding Directional Drilling (RR Point 3)   | Working on solution | Working on solution | Working on solution | Working on solution |   | If Directional Drilling takes place under a watercourse the WFD Assessment needs to be reviewed in line with oCEMP/CEMP to show activities don't adversely affect WFD Status.  |

**Appendix 1 Environment Agency Work Package Tracker**

|  |   |                     |                     |                     |                     |   |   |
|--|---|---------------------|---------------------|---------------------|---------------------|---|---|
| <b>Surface Water Quality</b>           | WFD Assessment regarding new surface water outfall (RR Point 3)   | Working on solution | Working on solution | Working on solution | Working on solution |   | The Applicant confirmed that the submitted Consents and Licences document (APP-166) includes an error as it refers to the installation of a new surface water outfall. The applicant has confirmed verbally that a surface water outfall will not be installed. EA waiting for this document to be updated to reflect this. |
|  | Construction Environment Management Plan (CEMP) in relation to Construction Surface Water Management Plan (RR Point 5)  | Working on solution | Working on solution | Working on solution | Working on solution | 4 | The EA request to be consulted on the Construction Surface Water Management Plan. EA waiting for CEMP Requirement to be updated to reflect this.  |
|  | WFD Assessment (RR Point 3)   | Working on solution | Working on solution | Working on solution | Working on solution |   | If Directional Drilling takes place under a watercourse the WFD Assessment needs to be reviewed in line with oCEMP/CEMP to show activities don't adversely affect WFD Status.   |
| <b>Development Consent Order (DCO)</b> | Disapplication of Flood Risk Activity Permits (FRAP) under the Environmental Permitting Regulations (2016) (RR Point 2)   | Working on solution | Working on solution | Working on solution | Working on solution |   | The applicant will no longer seek to disapply the FRAP. EA are waiting for the Draft DCO to be updated to reflect this.   |
|  | EA to be consulted on CEMP - 'No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the relevant planning authority, <i>in consultation with the Environment Agency.</i> ' RR Point 4i) | Working on solution | Working on solution | Working on solution | Working on solution | 4 | EA waiting for the Draft DCO to be updated to include EA as consultee on CEMP Requirement.  |