



HELIOS RENEWABLE
ENERGY
PROJECT

PINS Document Number:
EN010140/APP/8.1.1

Draft Statement of Common Ground with the Environment Agency

January 2025



Helios Renewable Energy Project

Draft Statement of Common Ground with the Environment Agency

Planning Inspectorate Reference: EN010140

January 2025

Prepared on behalf of Enso Green Holdings D Limited

Project Ref:	33627/A5/SOCG	
Status:	Issue	Draft
Issue/Rev:	Procedural Deadline A	Deadline 2
Date:	November 2024	January 2025
Prepared by:	BF/AB	AB
Reviewed by:	GW	JB

Stantec
7 Soho Square
London
W1D 3QB

Tel: 020 7446 6888



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1. Introduction

1.1. Overview

- 1.1.1. This Statement of Common Ground ('SoCG') has been prepared by Enso Green Holdings D Limited (the 'Applicant') in conjunction with the Environment Agency in respect of the Helios Renewable Energy Project Development Consent Order (DCO) (the 'Proposed Development').
- 1.1.2. The SoCG sets out the matters of agreement between the Applicant and the Environment Agency and also explains those matters which, at the time of writing, remain in progress, or where agreement has not been achieved.
- 1.1.3. This SoCG is based on the Environment Agency's Relevant Representation received on 10 October 2024 [RR-117].
- 1.1.4. The SoCG will be amended as the examination progresses to enable a final version to be submitted to the Examining Authority.
- 1.1.5. This SoCG covers all the matters which are relevant to the Environment Agency.

2. Record of Engagement

2.1. Summary of consultation and engagement

2.1.1. There have been various meetings and correspondence between the Applicant and the Environment Agency relating to the Proposed Development, which is set out in full at ES Chapter 9 Water Environment **[APP-029]**.

2.1.2. Since receiving the Environment Agency’s Relevant Representation, meetings have taken place to discuss and resolve the matters that have been raised. These meetings are summarised in Table 2.1 below.

Table 2.1: Record of Engagement

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
07/11/2024	Email	Environment Agency’s preferred SoCG approach.
14/11/2024	Meeting	SoCG format and draft response to relevant representation.
17/12/2024	Email	Applicant provided an update to the Environment Agency notifying them that a Technical Note would be shared prior to Deadline 2.
17/12/2024	Email	Environment Agency thanked the Applicant for the notification of their intention to share the Technical Note in January.
07/01/2024	Email	Applicant confirmed they are content with the protective provisions from the Viking DCO (used as an example).
08/01/2024	Email	Environment Agency explained that they will issue their updated protective provisions shortly and would prefer to agree the updated protective provisions than the previous set.

Date	Date of Meeting / Form of Correspondence	Key topics discussed and key outcomes
09/01/2024	Email	Applicant shared the Water Environment Supplementary Assessment with the Environment Agency and requested their comments by 16/01/2024.

3. Current Position

3.1.1. Table 3.1 provides a schedule that summarises the position on key matters between the Applicant and the Environment Agency. Appendix A details the position between the Applicant and the Environment Agency on each relevant representation.

3.1.2. Each matter is attributed a status as follows:

Agreed	The matter is agreed between the parties, or there are no significant disagreements such that the matter is considered closed.
Under discussion	This matter is neither 'agreed' or 'not agreed'. Technical work is being undertaken with the aim of achieving agreement, though the risk of disagreement remains.
Not agreed	The matter is not agreed between the parties and the outcome of the approach taken by the Applicant or the Environment Agency is considered to result in a materially different impact to the assessment conclusions.

Table 3.1: Key Matters

Matter	Status	Date
Hydraulic Flood Model	Green	Nov 2024
Volumetric assessment of solar infrastructure	Yellow	Nov 2024
Flood compensatory storage scheme	Yellow	Nov 2024
Finished floor levels	Yellow	Nov 2024
Operation in times of flood – contingency in the event of remote failure	Yellow	Nov 2024
Outline CEMP	Green	Nov 2024
CEMP to apply to site preparation works	Yellow	Nov 2024
Pollution prevention measures for routine management of drainage from BESS compound	Yellow	Nov 2024
Hydrogeological Risk Assessment (HyRA)	Green	Nov 2024
Piling Risk Assessment	Green	Nov 2024
WFD Compliance Assessment	Green	Nov 2024
Water Abstraction Licence strategy	Yellow	Nov 2024
Protective Provisions	Yellow	Nov 2024
Water Resources Strategy	Green	Nov 2024
Waste Management Strategy	Green	Nov 2024

4. Signatures

4.1.1. This Statement of Common Ground is agreed upon:

On behalf of the Environment Agency:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

Appendix A: Detailed Matters

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
EA-01 [RR-117]	Groundwater source protection	<p>1. Additional Requirements are necessary:</p> <ul style="list-style-type: none"> • A Requirement for a Hydrogeological Risk Assessment and follow up actions (as proposed in the Environmental Assessment and Flood Risk Assessment). This is needed to protect groundwater levels and flow. 	<p>This is consistent with the recommendations contained in the Flood Risk Assessment (FRA) [APP-232] and Water Environment ES Chapter 9 [APP-029].</p> <p>Paragraphs 3.50 – 3.52 of the FRA [APP-232] and paragraphs 9.5.67 and 9.6.4 – 9.6.5 of the ES Chapter 9 [APP-029] discuss this matter.</p> <p>In accordance with the EA’s recommendation, an additional DCO Requirement will be added to the draft DCO.</p>	Agreed
EA-02 [RR-117]	Groundwater source protection	<ul style="list-style-type: none"> • A Requirement for a Piling Risk Assessment and follow up actions (as proposed in the Environmental Assessment and Flood Risk Assessment). This is needed to protect groundwater quality. Please see Appendix 2 for suggested text for these Requirements. 	<p>This is consistent with the recommendations contained in the Flood Risk Assessment (FRA) [APP-232] and Water Environment ES Chapter 9 [APP-029].</p> <p>Paragraphs 3.50 – 3.52 of the FRA [APP-232] and paragraphs 9.5.67 and 9.6.4 – 9.6.5 of the ES Chapter 9 [APP-029] discuss this matter.</p> <p>In accordance with the EA’s recommendation, an additional DCO Requirement will be added to the draft DCO.</p>	Agreed
EA-03 [RR-117]	Construction site management	<p>2. Amended Requirements</p> <ul style="list-style-type: none"> • We request that the wording of Requirement 4 is amended to ensure the Construction Environmental Management Plan (CEMP) applies to site preparation works. • We request that the wording of Requirement 4 is amended to include that the CEMP is approved by the local planning authority in consultation with the Environment Agency. 	<p>The principle of amending DCO Requirement 4 to reference site preparation works and referencing consultation with the EA is acceptable.</p> <p>The wording of DCO Requirement 4 will be amended in line with the EA’s recommendation.</p>	Agreed
EA-04 [RR-117]	Protective provisions	<p>3. Protective Provisions</p> <p>We do not agree the wording of the protective provisions included in Part 4 of Schedule 9 of the draft DCO. However the wording is close to what we can agree and for that reason with minor amendments we see no reason why we should not be able to agree the wording of the protective provisions within the examination period. We cannot agree to the disapplication of the requirement for a flood risk activity permit until we have agreed the wording of the protective provisions.</p>	<p>The wording of the protective provisions included in Part 4 of Schedule 9 of the draft DCO will be reviewed in consultation with the EA and amended wording will be agreed in due course.</p>	Under discussion
EA-05 [RR-117]	BESS floodplain compensation	<p>4. Remaining risks to the Environment which have not been addressed</p> <ul style="list-style-type: none"> • We require further detail as to how the flood risk compensation scheme as proposed in the Flood Risk Assessment will be secured to ensure this development does not cause flood risk elsewhere. This detail should include phasing of works to ensure that there will be no net loss of floodplain during construction. 	<p>In relation to the flood compensation scheme Paragraph 4.147 of the FRA [APP-232] states:</p> <p>‘The timing to deliver the floodplain compensation scheme for the Substation and BESS Compound taking into account the realisation of the climate change scenarios over the operational lifespan of the Proposed Development would be kept under review as part of a Flood Management Strategy for the Site. The Flood Management Strategy for the Site would be secured by a suitably worded DCO Requirement requiring details to be submitted to and approved by the Local Planning Authority based on the EA approved site-specific flood model.’</p> <p>Paragraph 4.172 of the FRA [APP-232] states:</p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
			<p><i>‘The Flood Management Strategy for the Site would keep under review the need to implement a level for level floodplain compensation scheme for the Substation and BESS Compound to mitigate the effect of the earth flood defence bund. A preliminary floodplain compensation scheme within the DCO limits has been shown to be feasible and could be provided on the Site. If required to be implemented, the adaptation measures would ensure that flood risk as a result of the earth flood defence bund would not increase on the Site or elsewhere.’</i></p> <p>This approach is reflected in paragraphs 9.5.16, 9.5.78, and 9.9.8 of the ES Chapter 9 [APP-029].</p> <p>Inspection of Drawing No. E216/150 contained in Appendix 11 and Drawing No. E216/153 contained in Appendix 14 of the FRA [APP-234] show that the requirement for floodplain compensation for the Substation and BESS Compound is not required in either the defended Tidal or Fluvial ‘design flood’ and would only be required in the defended Fluvial ‘credible maximum climate change scenario’ (Drawing No. E216/154 Appendix 15 of the FRA [APP-234]). The timing of the delivery of the floodplain compensation scheme is dependent on if the credible maximum climate change scenario comes to pass over the operational lifespan of the development.</p> <p>The Flood Management Strategy for the Site should be secured by a suitably worded DCO Requirement and would contain the mechanism to review the need to implement a floodplain compensation scheme for the Substation and BESS Compound against climate change scenarios over the operational lifespan of the development.</p> <p>The wording of the DCO Requirement could include the need for a CEMP to be agreed covering the construction of the floodplain compensation scheme and could include details of the phasing of the construction.</p> <p>The wording of the DCO Requirement will be agreed with the EA.</p>	
EA-06 [RR-117]	Operation of the development in times of flood	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> • No details have been provided covering operation in times of flood, to include clearance of debris and contingency in the event of failure of remote operation of solar panels. 	<p>The Applicant has provided the following details which it is discussing with the EA.</p> <p>With respect to operation of the development in times of flood paragraph 4.186 of the FRA [APP-232] states:</p> <p><i>‘The Proposed Development is not ‘occupied’ and therefore there is no risk to users (construction, operation and decommissioning staff) of the development. Construction or occasional maintenance activities would be scheduled to avoid periods of elevated flood risk. During times of elevated flood risk, no personnel would be onsite and access to the Proposed Development would be restricted. Therefore, due to its ‘unoccupied’ nature, the Proposed Development would be safe for users in times of flood. Sensitive plant would be able to be shut down and restarted remotely in response to a flood alert. When a flood alert / warning is issued the Proposed Development would be evacuated as a precautionary measure using the local</i></p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
			<p>highway network in accordance with the Proposed Development’s flood warning and evacuation plan.’</p> <p>For the avoidance of doubt no personal would be onsite during a flood event to avoid putting operational staff at risk. Any clearance of debris or general clean up or repair of equipment after flood waters have receded shall be included in the OEMP which will be secured by DCO Requirement 7. Paragraph 3.4.2 of the oOEMP [APP-124] has been amended accordingly and will be submitted at Deadline 2.</p> <p>With respect to the rotation of solar panels paragraph 3.3 of the FRA [APP-232] states:</p> <p><i>‘The lower edge of the panels would be up to 0.9m above ground level at the maximum rotation and the horizontal stow position would be approximately 2m above ground level.’</i></p> <p>This references ES Figure 3.4 - Solar PV Panel Elevations [APP-041].</p> <p>Paragraph 4.165 of the FRA [APP-232] states:</p> <p><i>‘From an inspection of Figure 4 it can be seen that when the solar arrays are rotated to a horizontal stow position, the solar panels would be approximately 2m above ground level. The maximum depth of flooding in Solar Farm Zone during the fluvial ‘design flood’ is predominately <0.3m with one isolated low spot in the northwest corner of Field Number 42 where flood waters are up to 1.3m. The stow position is therefore significantly above the fluvial ‘design flood’ level. The outputs of the site-specific flood modelling demonstrate that the minimum freeboard allowances for the stow position of the solar arrays could be achieved. The solar panels would be raised above the fluvial ‘design flood’ and therefore safe from flooding and could continue to operate safely during these conditions.’</i></p> <p>Even at full rotation the lower edge of the solar panel would be a minimum 0.9m above ground level (Table 3.2 ES Chapter 3 [APP-023]) and the majority of solar panels would still be raised above the fluvial ‘design flood’ with only a very limited area of Field 42 having a residual risk if rotating solar arrays would stop functioning in the fluvial ‘design flood’.</p> <p>Due to the nature of the flood risk in the fluvial ‘design flood’ (predominately <0.9m deep, except in Field No. 42) there is an inherent flood resilience built into the design.</p> <p>This minimises the need for additional contingency planning.</p>	
EA-07 [RR-117]	Equipment levels	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> Finished floor levels for the built development must be set at 300mm above the design flood. 	<p>It is considered the Proposed Development complies with this guidance.</p> <p>The solar farm equipment that has a ‘finished floor level’ would be the Inverter Field Stations [APP-043] and the equipment associated with the Substation and BESS compound [APP-044-048]. Parameters associated with the equipment are specified in Table 3.2 ES Chapter 3 [APP-023].</p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
			<p>Paragraph 4.126 of the FRA [APP-232] states:</p> <p><i>‘In line with normal construction practice, it is proposed that any on site buildings would have floor levels raised at least 0.3m (and up to 0.6m) above existing ground level with appropriate damp proof course protection. This would ensure that the interior of any such building is kept suitably dry.’</i></p> <p>Paragraph 4.127 of the FRA [APP-232] states:</p> <p><i>‘The location of ancillary control equipment would be preferentially located in areas of very low surface water flood risk and very low fluvial flood risk in the fluvial ‘design flood’ and in areas affected by flood depths <0.6m in the fluvial ‘credible maximum scenario sensitivity test’ flood event.’</i></p> <p>Paragraph 4.132 of the FRA [APP-232] states:</p> <p><i>‘The Substation and BESS Compound would be situated to avoid areas of elevated surface water flood risk and the fluvial ‘design flood’ extents.’</i></p> <p>Paragraph 4.137 of the FRA [APP-232] states:</p> <p><i>‘The BESS containers would be raised at least 0.3m (and up to 0.6m) above ground which provides additional protection from the ingress of surface water within the bunded area.’</i></p> <p>Through the sequential design of the site, locating the Inverter Field Stations, Substation and BESS Compound outside of areas affected by the fluvial ‘design flood’ (where the flood depth is therefore zero) the minimum floor level of +0.3m above ground level (and up to +0.6m) would therefore be at least +0.3m above the design flood and comply with the EA’s guidance.</p> <p>Section 2 of the ‘Water Environment Supplementary Assessment’ shared with the Environmental Agency (09/01/25) provides clarification on the finished floor levels and includes a recommendation to amend the Flood Risk Assessment to explicitly state that the finished floor levels will be at least +0.3m (and up to +0.6m) above existing ground level and +0.3m above the fluvial ‘design flood’ level. Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.</p>	
EA-08 [RR-117]	Flood Risk Assessment	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> <i>No calculations have been presented within the Flood Risk Assessment to confirm that the volume of flood water displaced by the solar panel supports is negligible.</i> 	<p>Paragraph 4.121 of the FRA [APP-232] states:</p> <p><i>‘The minimal cross-sectional area and spacing of the PV panel supports and equipment framework would allow the free flow of flood waters around the base of the structures. The shape of the panels’ supports would be designed to allow the free passage of water around the</i></p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
			<p>support. The presence of the panel supports in flood risk areas would not materially impede water flows due to their small size, cross sectional profile and wide spacing (typically one panel support on a solar array for every 8-9m).’</p> <p>Paragraph 4.124 of the FRA [APP-232] states:</p> <p>‘Due to the nature of the proposed equipment in the area of elevated flood risk, the volume of flood water displaced by the PV panel supports and fence posts is negligible in the context of the wider floodplain and flood waters could flow freely around the panel supports, base of the structures, and security fence.’</p> <p>We stand by our assessment that the effect of flood water displaced by the solar panel supports is negligible. These are discrete structures across the Site. Due to the nature of the rotating solar arrays [ES Figure 3.4 - Solar PV Panel Elevations [APP-041] the amount of support structure is reduced compared with fixed structures. We would not typically assess the volume displaced by fence posts or landscape planting in the floodplain and the same logic applies to solar panel supports.</p> <p>However, to provide clarification on this point, the Applicant has now carried out the assessment work requested and has provided a copy to the Environment Agency (the ‘Water Environment Supplementary Assessment’ sent 09/01/25). Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.</p>	
EA-09 [RR-117]	Groundwater source protection	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> • No details have been provided regarding operational pollution prevention measures in the routine management of drainage from BESS compound. 	<p>Paragraph 5.71 of the FRA [APP-232] states:</p> <p>‘SuDS is proposed for managing the disposal of surface water runoff from the Proposed Development associated with the BESS Compound (including the Substation). It is proposed that the runoff from the BESS compound would be collected by a series of filter drains in three sub-catchments. Flows would be conveyed to the filter collector drains by overland flows and via sub surface flows within the porous subbase of the BESS compound. Filter drains would then convey runoff to three attenuation basins designed with sediment forebays to enhance water quality and promote sediment deposition. Runoff would be discharged at a controlled rate into the onsite drainage ditches/watercourses.’</p> <p>Paragraph 5.75 of the FRA [APP-232] states:</p> <p>‘The outfalls would be fitted with penstocks to allow for containment during a contamination event.’</p> <p>The design of the SuDS for the BESS compound includes measures to treat surface water as it flows through the drainage system (predominately by sediment deposition in the SuDS Features) and a penstock as a failsafe device to contain a pollution event.</p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
			<p>The routine maintenance of the SuDS features and the BESS Compound will include regular inspections for pollution events. This will be specified in the OEMP, secured by DCO Requirement 7. In addition, further details of sediment removal from the SuDS will be provided in the OEMP. The oOEMP [APP-124] has been amended accordingly. As a failsafe, a water quality device (such as a downstream defender supplied by Hydro International, or similar approved) will be fitted to the outfall from the SuDS features to further safeguard quality of day to day runoff from oils, debris and sediments. This will be specified in the FRA [APP-232 to APP-235] and on Drawing No. E216/88 contained in Appendix 25.</p> <p>Further detail regarding the water quality device has been provided to the Environment Agency within the ‘Water Environment Supplementary Assessment’. Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.</p>	
EA-10 [RR-117]	Land contamination	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> No protocol has been provided in Outline CEMP for if unexpected contaminated land is identified during ground investigation or construction. 	A protocol for addressing unexpected contaminated land shall be included in the detailed CEMP which will be secured by DCO Requirement 4. The oCEMP [APP-121] has been amended accordingly and will be submitted at Deadline 2.	Under discussion
EA-11 [RR-117]	Consents and Licences	<p>4. Remaining risks to the Environment which have not been addressed (continued)</p> <ul style="list-style-type: none"> No consideration has been made of the potential need for water abstraction licences for consumptive uses, in addition to licences for dewatering that have already been identified 	<p>The need for water abstraction is considered to be limited in the construction, operation and decommissioning of the Proposed Development.</p> <p>If water abstraction is required, the appropriate consent (abstraction licence) would be sought at the time.</p>	Under discussion
EA-12 [RR-117]	Groundwater source protection	<p>Issues relating to Water Environment</p> <p>APP-232: Flood Risk Assessment (Part 1 of 4)</p> <p>APP-124: Environmental Statement</p> <p>Appendix 5.4 - Outline OEMP Groundwater Source Protection Para 3.42-3.54</p> <p>Issue - The BESS Compound drainage infrastructure will under normal operation discharge via attenuation ponds into on-site drainage ditches/watercourses. There is potential for connectivity between these unlined water bodies and the underlying Aquifer.</p> <p>Impact - Contamination arising from spills and leaks in the BESS compound could infiltrate into the underlying Aquifer via drainage into surface water courses.</p> <p>Solution - Provide outline operational controls to monitor for, prevent, and manage spills and leaks within the BESS compound in outline OEMP, and provide detailed controls in Site Maintenance Plan.</p>	<p>As per response to EA-09.</p> <p>The oOEMP [APP-124] has been updated to include routine maintenance of the SuDS features and regular inspections for pollution events and other operational controls to monitor for, prevent, and manage spills and leaks within the BESS compound. The updated oOEMP will be submitted at Deadline 2.</p> <p>The drainage design for BESS compound could be updated to provide a water quality device on the outfall from the SuDS features to intercept oils, debris and sediments. Further detail regarding the water quality device has been provided to the Environment Agency within the ‘Water Environment Supplementary Assessment’. Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.</p>	Under discussion
EA-13 [RR-117]	Groundwater source protection	<p>APP-029: Environmental Statement</p> <p>Chapter 9: Water Environment</p> <p>Issue - As of August 2024, the definition of source protection zones has changed slightly to allow for better clarification (how long it will take groundwater to reach the source, rather</p>	HyRA and Piling Risk Assessment would need to take into account guidance at the time of the assessment.	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant's Response	Status
		<p>than pollutant) - Groundwater source protection zones (SPZs) - GOV.UK (www.gov.uk) Impact - Failure to use this revised definition may result in non-compliance with guidance. Solution - Consider this definition in any HRA/Piling Risk Assessments and other documents to be submitted</p>	<p>The definition of SPZs in Paragraph 3.44 of the FRA [APP-232] will be updated for completeness.</p>	
EA-14 [RR-117]	Consents and Licences	<p>APP-029: Environmental Statement Chapter 9: Water Environment; APP-113: Environmental Statement Appendix 2.3 Construction Dust Risk Assessment; APP-008 Consents and Licences Position Statement Issue - Consumptive use of water is not identified in the construction or operational phases as described in the Environmental Statement Chapter 9. For example, Appendix 2.3 describes mitigation measures which include dust suppression techniques and wheel washing. The Consents and Licences Position Statement identifies the need for an abstraction licence for dewatering activities, but does not consider other consumptive uses. The use of surface water or groundwater for other consumptive uses will also be subject to licensing. Impact - Failure to consider the need to apply for water abstraction licences may cause unexpected delays to the works. Licensing may come with restrictions which restrict access during low flows, prolonged dry weather and drought, and may need contingency planning for times of unavailability. Solution - Amend Consents and Licences Position Statement Table 1 to include consumptive use of water. Amend the oCEMP to include mention of potential requirement for Abstraction licence from the Environment Agency. The subsequent detailed CEMP should identify where water is to be sourced from, and highlight that any required licences must be secured prior to their requirement.</p>	<p>As per response to EA-11.</p> <p>If water abstraction is required the appropriate consent (abstraction licence) would be sought at the time. Details would be contained in the detailed CEMP secured by DCO Requirement 4 and include an assessment of source of water and licencing requirements.</p> <p>Consents and Licences Position Statement Table 1 [APP-008] could be updated to reference consumptive use of water.</p> <p>The oCEMP [APP-121] has been amended to reference the potential requirement for an Abstraction Licence from the Environment Agency, and will be submitted at Deadline 2.</p>	Under discussion
EA-15 [RR-117]	Consents and Licences	<p>APP-008: Consents and Licences Position Statement Comment - The Consents and Licences Position Statement identifies the potential for licences being required for dewatering. More information about the criteria for exemption can be found in The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works, and when a discharge permit is required if it falls outside of our regulatory position statement for de-watering discharges.</p>	<p>Consents (abstraction licence / discharge permit) would be sought at the at the appropriate time when details of construction and operation are available. Works would need to comply with the guidance / legislation at the time of construction/operation/decommissioning of the Proposed Development.</p>	Under discussion
EA-16 [RR-117]	Construction site management	<p>APP-121: Environmental Statement Appendix 5.1 - Outline CEMP (OCEMP) Issue - Requirement 4(2) of the Draft DCO states that CEMP must include a protocol in the event that unexpected contaminated land is identified. This protocol is not included in the Outline CEMP. Impact - Unexpected contamination could be encountered during construction works, which if not appropriately managed could result in the mobilisation of contaminants into controlled waters (groundwaters within SPZ1 and SPZ3) and a detrimental impact to controlled water. Solution - Provision in the revised Outline CEMP for a contamination watching brief and discovery protocol, requiring consultation with the Environment Agency if unexpected land</p>	<p>As per response to EA-10.</p> <p>A protocol for addressing unexpected contaminated land shall be included in the detailed CEMP which will be secured by DCO Requirement 4. The oCEMP [APP-121] has been amended accordingly and will be submitted at Deadline 2.</p>	Under discussion

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
		<i>contamination is encountered during ground investigation or construction.</i>		
EA-17 [RR-117]	Groundwater source protection	<p>APP-006: Draft Development Consent Order Requirements</p> <p><i>Issue - No Requirement for Hydrogeological Risk Assessment currently provided in draft DCO. Paragraph 9.6.4 of Chapter 9 of the ES, and paragraph 3.52 of the FRA state that the implications of the development proposals on physical disturbance of the aquifer and on groundwater levels or flow relating to the proposed trenchless utility crossing at the railway will be determined via a Hydrogeological Risk Assessment and that this will be secured by a suitably worded DCO requirement.</i></p> <p><i>Impact - Failure to carry out the Hydrogeological Risk Assessment could result in unacceptable impacts to groundwater characteristics arising from construction.</i></p> <p><i>Solution - Include a Requirement for Hydrogeological Risk Assessment for proposed trenchless utility crossing of railway, with any arising contingency works. Details to be submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency, prior to construction works commencing.</i></p>	<p>As per response to EA-01.</p> <p>The principle of a DCO Requirement securing these measures is acceptable and wording to be agreed and finalised.</p>	Agreed
EA-18 [RR-117]	Groundwater source protection	<p>APP-006: Draft Development Consent Order Requirements</p> <p><i>Issue - No Requirement for Piling Risk Assessment currently included in draft DCO. Paragraph 9.65 of the ES proposes a Piling Risk Assessment for piled foundations within SPZ1, to be secured by DCO requirement.</i></p> <p><i>Impact - Foundation piling works could cause physical disturbance or create contaminant pathways, potentially impacting controlled waters (groundwater quality) within SPZ1.</i></p> <p><i>Solution - Provide a Requirement in DCO for production of a full Piling Risk Assessment for any piled structures proposed within SPZ1, and a Piling Method Statement for areas of the site outwith the SPZ1 to minimise risks to Secondary A and Principal Aquifers’. Requirement to include implementation of any arising contingency works. Details to be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency prior to construction works commencing.</i></p>	<p>As per response to EA-02.</p> <p>The principle of a DCO Requirement securing these measures is acceptable and wording will be agreed and finalised.</p>	Agreed
EA-19 [RR-117]	Construction site management	<p>APP-006: Draft Development Consent Order Requirement 4 Part 1 Article 2: Interpretation</p> <p><i>Issue - Requirement states: No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority. “commence” is interpreted to mean to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than the site preparation works (except where stated to the contrary). Therefore, site preparation works could commence without the benefit of CEMP.</i></p> <p><i>Impact - Risk to the environment during site preparation works</i></p> <p><i>Solution - Amend wording of Requirement 4 or the definition of “commence” to ensure CEMP applies to site preparation works.</i></p>	<p>As per response to EA-03.</p> <p>The principle of amending the DCO Requirement 4 to reference site preparation works is acceptable.</p>	Agreed
EA-20 [RR-117]	Construction site management	<p>Requirement 4</p> <p><i>Issue - Requirement 4(1) of the Draft DCO prevents the Applicant from commencing any phase of construction before the local planning authority has approved the CEMP for that phase. We request to be consulted on the initial CEMP submission prior to the commencement of site preparation works and construction.</i></p> <p><i>Impact - The CEMP provides essential mitigation to prevent impacts from sedimentation and pollution from construction sites. We often encounter construction sites that have</i></p>	<p>As per response to EA-03.</p> <p>The principle of amending DCO Requirement 4 to reference consultation with the EA is acceptable.</p>	Agreed

Ref.	Matter	Environment Agency – Current Position	Applicant’s Response	Status
		<p>caused pollution because their CEMP was either insufficient or was not adhered to</p> <p><i>Solution - We request to be consulted on the CEMP to be approved under Requirement 4 and ask that part 1 of this Requirement is re-worded as follows: “No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority in consultation with the Environment Agency. Any CEMP submitted for approval must be in accordance with the outline CEMP and any approved CEMP must be adhered to for the duration of the works in the phase of the authorised development to which the CEMP relates.”</i></p>		
EA-21 [RR-117]	Development Consent Order	<p><i>Article 18(7)</i></p> <p><i>Issue - Article 18(7) could be more accurately worded. Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 prohibits the operation of a regulated facility or the causing or knowingly permitting a water discharge activity or groundwater activity except under and to the extent authorised by an environmental permit.</i></p> <p><i>Impact - Lack of drafting clarity can cause difficulties with interpretation.</i></p> <p><i>Solution - Redraft to state that nothing in Article 18 overrides the requirement for an environmental permit under regulation 12(1) of the Environmental Permitting (England and Wales) Regulations 2016.</i></p>	The wording of Article 18(7) will be reviewed.	Under discussion
EA-22 [RR-117]	Construction site management	<p><i>APP-121: Environmental Statement</i></p> <p><i>Appendix 5.1 - Outline CEMP (OCEMP)</i></p> <p><i>Comment - We would like to offer the following advice to aid in the development of an effective detailed CEMP:</i></p> <ul style="list-style-type: none"> <i>Section 2.15.1: This section confirms that the Site Manager will undertake monitoring and auditing to ensure compliance with the detailed CEMP. Appropriate monitoring within a dedicated plan is required, such as an Environmental Monitoring Plan, to ensure that it is carried out routinely.</i> <i>Section 2.15.3: This section states that a Non-Conformance Report will be created in the event that monitoring identifies non-compliance with the CEMP. Oversight of contractors by an applicant is a key control mechanism to ensure compliance with a CEMP and the implementation of appropriate pollution prevention measures. We recommend that the detailed CEMP secures an obligation for the Principal Contractor to share Non-Conformance Reports with the Applicant to ensure oversight is maintained.</i> <i>Appendix 1: The Environmental Permitting (England and Wales) Regulations 2016 have not been mentioned within the Legislative Framework list. These Regulations are the principal legislation which controls water discharge activities, and therefore pollutions, and should be included within the list of relevant legislation.</i> 	<p>The detailed CEMP, secured by DCO Requirement 4, will take into account advice on monitoring, auditing and oversight in accordance with good practice. The oCEMP [APP-121] has been amended accordingly and will be submitted at Deadline 2.</p> <p>The legislative Framework list has been updated to reference The Environmental Permitting (England and Wales) Regulations 2016.</p>	Under discussion
EA-23 [RR-117]	Flood Risk Assessment	<p>Issues relating to Flood Risk</p> <p><i>APP-232 Flood Risk Assessment</i></p> <p><i>Section 4.124 Solar Array Support Structures</i></p> <p><i>Issue - The risk of flooding has not been adequately assessed. No calculations have been presented within the Flood Risk Assessment to demonstrate that the volume of flood water displaced by the solar panel supports is negligible.</i></p> <p><i>Impact - The Flood Risk Assessment lacks the technical detail to allow displacement of flood water to be accurately assessed.</i></p>	<p>As per response to EA-08.</p> <p>We stand by our assessment that the effect of flood water displaced by the solar panel supports is negligible (Paragraphs 4.121 & 4.124 of the FRA [APP-232]). These are discrete structures across the Site. We would not typically assess the volume displaced by fence posts or landscape planting in the floodplain and the same logic applies to solar panel supports. However, to provide clarification on this point, the Applicant has now carried out the assessment work requested and has provided a copy to the Environment Agency (the ‘Water</p>	Under discussion

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		<i>Solution - Use the area volume method to provide the volumetric displacement of the solar panel arrays in the design scenario and the potential impact on levels that this might have across the study area to demonstrate the displacement of flood water and confirm that this is negligible and would not increase flood levels.</i>	Environment Supplementary Assessment’ sent 09/01/25). Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.	
EA-24 [RR-117]	Equipment levels	<p><i>Section 4.126 & 4.134 Finished floor levels</i></p> <p><i>Issue - Finished floor levels of all built development are to be set a minimum of 0.3m above ground level. This does not take into consideration the water level in a design flood event and the impacts of climate change, resulting in insufficient mitigation for the ‘credible maximum scenario’.</i></p> <p><i>Impact - The failure to raise finished floor level to the adequate level may cause the proposed development to be at risk of flooding.</i></p> <p><i>Solution - Raise all finished floor levels to a minimum of 300mm above the design flood level.</i></p>	<p>As per response to EA-07.</p> <p>It is considered the Proposed Development complies with this guidance.</p> <p>Through the sequential design of the site locating the Inverter Field Stations and Substation and BESS Compound outside of areas affected by the fluvial ‘design flood’ (where the flood depth is therefore zero) the minimum floor level of +0.3m above ground level (and up to +0.6m) would therefore be at least +0.3m above the design flood and comply with the EA’s guidance.</p> <p>Section 2 of the ‘Water Environment Supplementary Assessment provides clarification on the finished floor levels and includes a recommendation to amend the Flood Risk Assessment to explicitly state that the finished floor levels will be at least +0.3m (and up to +0.6m) above existing ground level and +0.3m above the fluvial ‘design flood’ level. Once the Environment Agency has reviewed this document and the Applicant and the Environment Agency have reached a point of agreement, a copy will be submitted to the Examination.</p>	Under discussion
EA-25 [RR-117]	Flood Risk Assessment	<p><i>Section 4.142-4.147 Appendix 19 Floodplain compensation</i></p> <p><i>Issue - The flood action plan proposed in Section 4.116 includes remotely rotating the solar panel arrays to a safe horizontal position. However, the applicant has not provided a contingency plan for if this remote system is to fail, and the necessary freeboard allowance cannot be achieved. Additionally, the applicant has failed to provide a maintenance plan for the clearance of debris which may become caught during the time of a flood.</i></p> <p><i>Impact - Failure of the remote system in times of flood may lead to the solar panels not being raised above the flood water. This occurrence results in an increased risk to the development, and the solar planes becoming unsafe and/or not operational in times of a flood.</i></p> <p><i>Solution - A contingency plan is required for the remote operation of the solar panels to deal with the risk of failure or evidence that the solar panels will remain safe during times of a flood. A maintenance plan is required to ensure any build-up of debris during a flood event is cleared when safe.</i></p>	<p>As per response to EA-06.</p> <p>Any clearance of debris or general clean up or repair of equipment after flood waters have receded could be included in the detailed OEMP which will be secured by DCO Requirement 7 requiring details will be submitted to and approved by the Local Planning Authority. The oOEMP [APP-124] has been amended accordingly and will be submitted at Deadline 2.</p> <p>Regular maintenance of the solar arrays would reduce the risk of failure of the rotating mechanism. Regular maintenance of equipment in areas of elevated flood risk is set out in the oOEMP [APP-124] and will be included in the detailed OEMP which will be secured by DCO Requirement 7.</p> <p>Due to the nature of the flood risk in the fluvial ‘design flood’ (predominately <0.9m deep, except in Field No. 42) there is an inherent flood resilience built into the design. This minimises the need for additional contingency planning.</p>	Under discussion
EA-26 [RR-117]	Flood Risk Assessment	<p><i>Section 4.142-4.147 Appendix 19 Floodplain compensation</i></p> <p><i>Issue - Flood compensation has not been adequately addressed. A floodplain compensation scheme is proposed (as shown in FRA Appendix 19) as mitigation for the loss of floodplain and impeding flow routes. There is no confirmation that this will be taken forward. Part 2 of the Exception Test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe without increasing flood risk elsewhere and, where possible, the development should reduce flood risk overall.</i></p> <p><i>Impact - Failure to confirm steps to reduce flood risk overall</i></p>	<p>As per response to EA-05</p> <p>Inspection of Drawing No. E216/150 contained in Appendix 11 and Drawing No. E216/153 contained in Appendix 14 of the FRA [APP-234] show that the requirement for floodplain compensation for the Substation and BESS Compound is not required in either the defended Tidal or Fluvial ‘design flood’ and would only be required in the defended Fluvial ‘credible maximum climate change scenario’ (Drawing No. E216/154 Appendix 15 of the FRA [APP-234]). The timing of the delivery of the floodplain compensation scheme is dependent on if the</p>	Under discussion

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		<i>Solution - Amend wording of FRA to commit to the proposed floodplain compensation scheme and include the scheme in Works Plans as part of the DCO.</i>	credible maximum climate change scenario comes to pass over the operational lifespan of the development. The Flood Management Strategy for the Site should be secured by a suitably worded DCO Requirement and would contain the mechanism to review the need to implement a floodplain compensation scheme for the Substation and BESS Compound against climate change scenarios over the operational lifespan of the development.	
EA-27 [RR-117]	Flood Risk Assessment	<i>Section 4.33 Site Specific Flood Model Issue - The Flood Risk Assessment refers to reporting and information which has since been superseded by a more recent hydraulic model report The Flood Risk Assessment is based on the May 2024 site specific flood model and model report. The model reporting for this is provided in Appendix 10. The final model technical note is dated 25th June 2024. These latest hydraulic model report should be included and referenced in the Flood Risk Assessment Impact - Lack of clarity regarding flood model versions. Solution - Please include the latest version of the Flood Modelling Technical Note (June 2024) as an appendix to the Flood Risk Assessment. Please ensure that this is referenced in the Flood Risk Assessment</i>	Appendix 10 of the FRA [APP-232, 233 & 234] will be updated to reference latest version of the Hydraulic Model Technical Note (June 2024) produced by Aegaea. For the avoidance of doubt, the flood modelling outputs assessed as part of the FRA have not changed. The only change is the additional sensitivity testing provided in Section 6 of the Hydraulic Model Technical Note. The sensitivity testing does not impact the conclusions of the FRA.	Under discussion
EA-28	Water Resources Strategy	No significant consumptive uses of surface water or groundwaters are identified by the Applicant in the construction, operation or decommissioning of the Proposed Development requiring a comprehensive Water Resources Strategy.	No significant consumptive uses of surface water or groundwaters are identified in the construction, operation or decommissioning of the Proposed Development requiring a comprehensive Water Resources Strategy. If water abstraction is required the appropriate consent (abstraction licence) would be sought at the time. Details would be contained in the detailed CEMP secured by DCO Requirement 4 and include an assessment of source of water and licencing requirements. The oCEMP [APP-121] has been amended accordingly and will be submitted at Deadline 2.	Agreed
EA-29	Waste Management Strategy	The Environment Agency is satisfied that a detailed Waste Management Strategy is not required.	A detailed Waste Management Strategy is not required.	Agreed
EA-30	Hydraulic Flood Model	A site specific hydraulic flood model has been devised by the Applicant building on the Environment Agency’s strategic flood models for the area. This has undergone the EA’s hydraulic model review process which was concluded in July 2024 and model has been signed off as fit for purpose.	The site specific hydraulic flood model has been reviewed and approved by the EA and forms the evidence for the FRA [APP-234]. EA hydraulic model review concluded on 10 July 2024 as confirmed by email from Phil Sale (Modelling Specialist – National Infrastructure Team).	Agreed
EA-31	Outline CEMP	An Outline CEMP [APP-121] has been provided by the Applicant. We are content with the issues raised and outline mitigation measures identified and that a detailed CEMP would be secured by a Requirement.	An Outline CEMP [APP-121] has been provided and a detailed CEMP would be developed based on these principles and secured by DCO Requirement 4.	Agreed
EA-32	WFD Compliance Assessment	A detailed WFD Compliance Assessment is not required.	Due to the lack of direct effects of the development on the WFD water bodies it is considered a formal WFD Compliance Assessment is not required and any indirect effects are dealt with through the wider application documents (ES Chapter 9 [APP-029]).	Agreed