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Our ref: AN/2024/135611  
Your ref: EN010142

Date: 09 October 2024

By email:

[TillbridgeSolarProject@planninginspectorate.gov.uk](mailto:TillbridgeSolarProject@planninginspectorate.gov.uk)

**Order Granting Development Consent for the Tillbridge Solar Project  
(EN010142) – Issue Specific Hearing 1, 15 October 2024.**

Dear Nicholas

I refer to your recent notification of the above and the request that it would be helpful if the Environment Agency could attend the Hearing.

As your subsequent records will show, following email discussions I had with Daniel Hurley of your office on 25 September 2024, I did register on to speak at the Hearing to be held on the afternoon of 15 October 2024.

My intention was to give an update on the situation regarding protective provisions in relation to item 5.2. As you will be aware, in Section 9 of my relevant representations letter of 24 July 2024, I advised the Environment Agency is currently reviewing its Standard Protective Provisions which all applicants are expected to enter into before we will agree to disapplication and it was expected that this exercise would be complete by the end of August.

Unfortunately, matters have not progressed as I had anticipated and, based on Legal advice, I am only able to advise of the following:

*Regrettably, the review of our standard protective provisions has taken longer than anticipated. We anticipate our review will be complete within the next 3-4 weeks, by which time we should be able to update the applicant and the examining authority on our position regarding the acceptability of the form of protective provisions put forward by the applicant. As we have said previously, we do not anticipate any*

*fundamental disagreement and are confident that we should be able to agree the protective provision wording with the application within the examination period.*

In addition, you will also be aware that, in Section 10 of my relevant representations letter, I noted that the whole of the Anglian Water Authority Act (AWAA) 1977 is listed in Schedule 3 of the DCO (Legislation to be disapplied). In view of this, we said we would like more information about why the whole Act is being applied for to help us understand the impact it may have for us.

We have raised this point with the applicant and they are still in the process of providing us with a response.

I am therefore also not able to give an update on this point at this moment in time.

It is anticipated that all of the other matters I raised in my relevant representations letter will be progressed via discussions in relation to the Statement of Common Ground and my aim is that the latest situation is contained in our Written Representations which we are aware are due by deadline 2 on 14 November 2024. We had a useful meeting with the applicants' consultants and legal advisors on 21 August 2024 at which all of the points I have raised were discussed. However, at the time of writing this letter, we had not received the first draft of the Statement of Common Ground for consideration.

I hope that this information clarifies the current situation from the Environment Agency's point of view. I still propose to attend the Hearing as I feel it will assist me with understanding the project as a whole. However, for the reasons given above, I do not feel I can add anything to the points raised in my relevant representations by speaking.

I should be grateful if this letter could be taken into account prior to the Hearing.

In the meantime, should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the details below.

Yours sincerely

Wayne Cattell  
Planning Advisor

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