



The Planning Inspectorate
Temple Quay House
Bristol
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Our ref: OR-0001625/01
Your ref: EN010153
Date: 28 April 2026

To whom it may concern

ENVIRONMENT AGENCY'S DEADLINE 2 RESPONSE

EAST PARK ENERGY

This response constitutes the Environment Agency's Deadline 2 response.

We have reviewed the Applicants Deadline 1 submissions, specifically Response to 8.8 Applicant Responses to Relevant Representations [[REP1-055](#)] and other application documents that have been updated.

Following our review, we have responded to the outstanding issues raised within our Relevant Representation [[RR-367](#)] (dated 23 December 2025, ref. XA/2025/100504/01-L01) in turn below.

For our response, we have provided the following appendices consisting of:

- [Appendix A:](#)
 - Our comments regarding the issues raised in our Relevant Representation
 - Issues Resolved
 - Issues Under Discussion
- [Appendix B:](#)
 - A summary of our position

Yours faithfully


Planning Specialist

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APPENDIX A – Our comments regarding the issues raised in our Relevant Representation

Issues Resolved

The applicant has provided updates to the appropriate documents in the examination, and we consider the issues resolved.

Draft DCO

EA001

We were concerned that we were not listed as a relevant authority for the approval of Requirement 9 Operational Environmental Management Plan (OEMP).

The Applicant has updated the draft DCO [[REP1-006](#)] to name us as a consultee for the approval of requirement 9.

EA002

We were concerned that we were not listed as a relevant authority for the approval of Requirement 10 Battery Safety Management Plan (BSMP).

The Applicant has updated the draft DCO [[REP1-006](#)] to name us as a consultee for the approval of requirement 10.

EA003

We were concerned that we were not listed as a relevant authority for the approval of Requirement 14 Surface Water Management Plan (SWMP).

The Applicant has updated the draft DCO [[REP1-006](#)] to name us as a consultee for the approval of requirement 14.

Chapter 2 The Scheme

EA005

We were concerned that PFAS products would be used during construction and operation of the development, which would lead to impacting water quality.

The Applicant has updated the oCEMP [[REP1-033](#)], oOEMP [[REP1-036](#)] and oDEMP [[REP1-038](#)] to ensure that PFAS is appropriately managed. We agree with the measures provided.

Additional information

For awareness, we wish to clarify that whilst bentonite clay itself is generally PFAS free we are aware that coatings, binders, or additives applied during pellet production can introduce PFAS compounds.

EA006

We required the applicant provide further information regarding foul water and ensure the groundwater receptors were protected.

The Applicant has updated Section 4.1.24 in the oDEMP [REP1-038] specifying how foul water will be managed and we deem this appropriate.

EA008

We disagreed with the Applicants approach to leave cabling infrastructure in-situ at the decommissioning stage.

The applicant has updated Paragraph 2.4.2 of the oDEMP [REP1-038]. It has been updated to include a commitment to assess environmental impact of leaving infrastructure in situ versus removal at the time.

Additional information

The applicant should consider how the cabling installation method will allow easy removal of elements if required, as previously suggested.

EA009

The Applicant is partnered with a research company with the intentions to undertake scientific research on collocating agriculture production with solar generation. These activities could release contaminants (pesticides and herbicides) to groundwater bodies if not appropriately managed.

The applicant has updated the oOEMP [REP1-037] to include the paragraphs 4.1.15 to 4.1.18, that outline appropriate measures to manage this risk.

Chapter 7 Ecology and Nature

EA010

The Applicants Otter survey were insufficient. To address this, we required pre-construction surveys to be conducted to confirm presence/absence of otter holts and resting places.

The updated oCEMP [REP1-033] addresses our issue concerning insufficient otter surveys, as the applicant has agreed to implement pre-construction otter surveys as a management measure.

EA011

The proposal was not clear whether there would be a 10m buffer zone around watercourses from the bank top.

The applicant has addressed this issue concerning riparian buffers, as they have confirmed the riparian buffer will be measured from the bank-top of all watercourses.

Chapter 8 Hydrology and Flood Risk

EA012

Our concern was the Applicants water supply strategy for the proposal. The details provided did not give us with confidence that the water demands of the project were understood and alternative water supply sources were fully considered.

The Applicant has outlined in their Applicant Response to Relevant Representations [\[REP1-055\]](#) that:

- They will be tankering water to the project site during the construction phase.
- They have secured a public water network piped connection via Anglian Water for the limited water requirements for the operational phase.

The Applicant's response is satisfactory in resolving our concerns. However, we have the below additional advice to the Applicant, and an attached EA Water supply strategy advice note that should be considered.

Additional information

Tankering volumes to site will result in additional numbers of HGVs on local roads. This should be reflected in the traffic and transport assessment of the Environmental statement. In order to evaluate how many more HGVs are needed an estimate of volumes and/or number of days is presumably required. If this increase is deemed to be unacceptable, other sources of supply will need to be considered.

It is at the Applicant's risk if contingency is not made for alternative sources of supply and consideration is not made for the limitations and planning required to make them viable for the scheme.

EA013

To ensure the Flood Risk Assessment was appropriate, we required the Applicant to complete a sensitivity test for the credible maximum scenario for the upper climate changes allowances for fluvial flows (95th Percentile).

The Applicant has updated Chapter 8 Hydrology and Flood Risk [\[REP1-010\]](#) the pluvial hydraulic modelling for the scheme by applying the climate change allowances for the 2080s epoch. It was agreed that pluvial modelling could be taken as a representative for the minor watercourse through the site. The updates to the modelling provided are appropriate and resolve our concern.

EA014

We required the Applicant confirm the 0.1% (1 in 1000) annual exceedance probability event is a reasonable or conservative proxy for the design flood event and credible maximum scenario flood events.

The Applicant has updated Chapter 8 Hydrology and Flood Risk [REP1-010] the pluvial hydraulic modelling for the scheme by applying the climate change allowances for the 2080s epoch. It was agreed that pluvial modelling could be taken as a representative for the minor watercourse through the site. The updates to the modelling provided are appropriate and resolve our concern.

EA017

We were concerned that the Applicants hydrogeological model was in adequate and subsequent discussions needed to be amended.

The applicant has updated sections 8.6.25 to 8.6.28. of the Chapter 8 Hydrology and Flood Risk [REP1-010], this is satisfactory in resolving our concerns.

EA018

We required clarification and justification from the Applicant there is no hydraulic link or impact on Private Water Supply receptors (PWS) and the development proposal.

We note the applicant has confirmed no groundwater abstractions are proposed. As locations of the confirmed PWSs relative to the site were not given in the published information, the applicant's justification was unclear. The Applicants Response to Relevant Representations [REP1-055] provided under EA018 is acceptable.

Chapter 12 Ground Conditions

EA021

The Applicant had reporting inconsistencies within at paragraphs 12.8.14 and 12.8.15 of Chapter 12 Ground Conditions [REP1-012]

The Applicant has updated the paragraphs 12.8.14 and 12.8.15 and are deemed acceptable.

EA022

The Applicant outlined that it had ruled out a piling risk assessment prior to determining the groundwater conditions.

The applicant has updated Table 5.8 of the oCEMP [REP1-033] to include a commitment to completing a piling risk assessment and it informed by the pre-construction site investigations.

EA024

We raised issue as the Applicant proposed not to undertake monitoring of groundwater or surface water prior to or during construction.

The inclusion of the groundwater monitoring measures outlined in Table 5.8 of the oCEMP [\[REP1-033\]](#) is acceptable.

EA025

Our concerns related to the hardstanding design, as it was not stated where hardscaping cover will and not be used.

The Applicant has updated Paragraph 12.8.30 of the Chapter 12 Ground Conditions [\[REP1-012\]](#) that outlines that hardstanding will be utilised for the substation, BESS and access roads. This clarification resolves our issues.

EA026

We required the Unexpected Contamination Protocol (UCP) be included in the oOEMP [\[REP1-037\]](#) to ensure UCP would be managed consistently through all phases of the development.

The Applicant has updated the oOEMP [\[REP1-037\]](#) specifically section 12.7.3 to include the UCP.

EA027

The Applicant had not provided mitigation measures under the ground conditions topic which could impact controlled waters, in Table 1 of Appendix 2-3 of the Site Preparation Works [\[REP1-014\]](#).

The additions made to Table 1 of Appendix 2-3 of the Site Preparation Works [\[REP1-014\]](#) is generally acceptable.

Additional information

Please note that BS10175:2011 + A2:2017 has been replaced by BS10175:2026.

We note the applicant only proposes to investigate “areas of potential made ground, infilled pits and within the vicinity of the abandoned oil pipeline.” In the oCEMP [\[REP1-033\]](#), the applicant commits to a groundwater monitoring programme (if shallow groundwater is identified) and Piling Risk Assessment(s).

The scope of the investigation must therefore be broad enough to facilitate this, or a subsequent phase of investigation with additional intrusive locations may be required.

We recommend the applicant refers to sections of Scope of ground investigation and frequency of sampling and testing outlined in BS5930, and BS EN 1997-2 (referenced therein).

Biodiversity Net Gain Report

EA028

We raised concerns that ditch creation was not included within the BNG report [\[REP1-053\]](#).

Clarification has now been provided explaining why the new ditches are not currently being included in the Watercourse BNG Metric. Should it be deemed that the ditches will likely hold water for over 4 months in a given year, the habitat should be included within the Watercourse BNG Metric.

EA029

We raised concerns with the scheme not achieving a 10% uplift in Biodiversity Net Gain watercourse units.

We appreciate that BNG is not yet mandatory for NSIPs already going through the DCO process. The voluntary uplift in biodiversity units is welcomed; however, it is disappointing that the recommended minimum 10% uplift for watercourse units could not be achieved for this project.

Additional information

It is also acknowledged that according to oLEMP [\[REP1-041\]](#) redline boundaries have been moved away from rivers where possible, which removes them from consideration in the BNG metric.

It should be noted that a new landscaped corridor is proposed where the Pertenhall Brook crosses the site. Reduction in agricultural inputs through the change of use of the surrounding land could have its own uplifting effects. Given the life of the proposed development, the applicant should still seek to work with adjacent landowners, the LLFA/IDB, EA and other organisations to improve the BNG value and WFD status of the local watercourse network.

EA030

We were concerned as mitigations measure for Great Crested Newt (GCN) were missed out of the outline construction environmental management plan.

The updated oCEMP [\[REP1-033\]](#), addresses our concerns regarding GCN pre-construction measures. Table 5.1 now includes mitigation measure for works to be undertaken in accordance with a Natural England EPS Mitigation Licence method statement.

EA031

The Applicant had not provided mitigation measures for concrete in the outline construction environmental management plan.

The updated paragraphs 4.1.22 - 4.1.25 of the oCEMP [[REP1-033](#)] now provides mitigation measures for managing concrete and resolves our concerns.

Outline Soil Management Plan

EA034

We were concerned that section 5.2.2 of the oSMP did not refer to the need to follow the Unexpected Contamination Protocol (UCP).

The applicant has confirmed that Section 6.3 of the oSMP [[APP-161](#)] applies to all phases of the scheme and notes that an UCP will be followed for any earthworks.

The Applicant further outlined the UCP has been secured in the oOEMP [[REP1-037](#)]. This explanation provided by the applicant is acceptable.

Issues under discussion

The applicant has not provided the appropriate updates to the documents in the examination; therefore, we consider the issues to be unresolved.

Draft DCO

EA004

The Applicant had expressed their interest in applying to disapply the Flood Risk Activity Permits (FRAPs) required for the Pertenhall Brook crossing point. After further discussions with the Applicant, they have expressed they no longer wish to apply for the disapplication of the FRAPs into the DCO.

The Applicant has confirmed they are now going to apply for a FRAP (Flood Risk Activity Permit), to resolve this issue the Applicant should:

- Remove from the draft DCO [[REP1-006](#)] the disapplication of regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016.
- Remove the Protective Provisions for the Environment Agency from Schedule 13 of the draft DCO [[REP1-006](#)].

Chapter 2 The Scheme

EA007

We required the applicant to confirm the impermeable areas will be created in areas where the storage of chemicals, fuels etc during construction and decommissioning.

The applicant has outlined in document [[REP1-055](#)] that the heavy matting will be impermeable and that appropriate secondary containment systems will be used. We consider this response acceptable in principle.

We request this information be included as a commitment in the oCEMP, oEMP and oDEMP to ensure the measures are secured in the control documentation.

Chapter 8 Hydrology and Flood Risk

EA015

We required the Applicant to review the freeboard allowances for solar panels and provide evidence that the Risk of Flooding from Surface water mapping is a representative or conservative proxy for the fluvial design flood event and credible maximum scenarios.

The Applicant updated Chapter 8 Hydrology and Flood Risk [[REP1-010](#)]. The outputs of the modelled flood have led to the appropriate mitigation measures (which include allowances for climate change) outlined below, these are considered acceptable:

- The extent of flooding affecting proposed solar panels is minor and mostly mitigated by the 800mm panel raise providing at least 300mm freeboard above maximum water level. Small areas show greater depths of flooding and additional raising is proposed to mitigate this and maintain 300mm freeboard.

However, to resolve this issue the Applicant should include details within the Appendix 8-1: Flood Risk Assessment of Chapter 8 Hydrology and Flood Risk [REP1-010] regarding the volume of storage lost from solar panel support frames and the effect on flood risk elsewhere. This will demonstrate the development is compliant with policy, in particular paragraph 5.8.12 within the Overarching National Policy Statement for Energy (EN-1).

EA016

The reporting of groundwater receptors sensitivities is not consistent. For completeness we request these sensitivities be addressed in the reporting. This has no effect on the conclusions of the assessments but should be accurately represented.

We have reviewed the updates made to Chapter 8 Hydrology and Flood Risk [REP1-010] and Chapter 12 Ground Conditions [REP1-012] as outlined in the Applicant Response. The updates are not quite as stated:

- Table 8.7, Moderate sensitivity – *“Groundwater Catchment Source Protection Zone (SPZ) 3 and Secondary A Aquifers. Above a Principal Aquifer.”*
 - We suggest that *“Above a Principal Aquifer”* be removed, as this should be High or Very High.
- Table 8.7, Low sensitivity, still states *“Above a Secondary Aquifer.”*
 - This does not align with Table 12.6.

EA019

The Applicant’s water quality monitoring schedule is inadequate.

We recognise that Table 5.4 of the oCEMP [REP1-033] and oOEMP [REP1-037] stated that *“Requirements for a detailed watercourse quality monitoring plan will be agreed with the regulator. This would include details of all baseline, construction phase and post construction (operational phase) monitoring, which will involve both visual assessments and quality testing”*. Water quality monitoring is also included in Table 5.4 of the oDEMP [REP1-038].

We are named as a consultee in Requirement 5 of the CEMP in the draft DCO [REP1-006], however considering that *“Any CEMP submitted for approval must be in substantial accordance with the outline construction environmental management plan”* we are mindful that some further details should be included.

To resolve this issue, in line with best practice with other project developments, we request there is a commitment that establishes:

- The frequency of sampling for each stage.
- Outline that monitoring plan will detail the proposed locations, quantity and methodology of monitoring for pre-construction, during construction, and post construction water quality monitoring will be.

Monitoring locations for water quality monitoring should include upstream and downstream of any surface water outfalls or watercourse crossings. Monitoring frequency should begin prior to construction, six months before construction starts to ensure an accurate baseline. Frequency of monitoring should be once per month. However, during certain construction activities (like earthworks or concrete work) this frequency of sampling may increase. Monitoring should continue all throughout construction, and into the first few months of operation. Monitoring will then resume during decommissioning. This water quality monitoring during post construction, and decommissioning, is to ensure that water quality returns to a pre-construction baseline.

Chapter 12 Ground Conditions

EA020

We request the maximum parameters for BESS foundations are consistent across all reports.

It was not clearly presented in Chapter 12 Ground Conditions [[REP1-012](#)]. The Applicant has now provided clarification that the 0.5m below ground level is for the internal access roads of the BESS.

While this is a minor issue, we suggest that paragraph 12.8.22 could be updated to provide clarity as there is no mention of access roads, and the proposed design depth of 0.5m immediately follows sentences about concrete pad and strip foundations.

EA023

We request the Applicant ensure the risk to PWS are assessed in each phase of works.

The response to Issue EA018 is sufficient to resolve this issue. For completeness it would be beneficial for similar information to be given in Chapter 12 Ground Conditions [[REP1-012](#)].

Additional information

In Chapter 4 EIA Methodology [[APP-040](#)], Table 4.2, the Zone of Influence for Ground Conditions is identified as being 500m. We note that it states in paragraph

4.5.7 that ZOIs may exceed the study area, but this was not immediately clear. The Water Resources ZOI is 1km, and PWS should be considered within this Topic.

We do not consider 50m to be an appropriate study area radius for ground conditions. However, we did not identify this statement during previous phases of consultation.

Chapter 12 Ground Conditions [REP1-012] Paragraph 12.8.33 states: “*The Site is not located within a Source Protection Zone, there are no groundwater abstractions for drinking water within the surrounding area.*”. While this could include PWS, it does not explicitly mention PWS and there was no indication that PWS had been considered in this statement.

Outline Construction Environmental Management Plan

EA032

We requested the Applicant provide further mitigation measures be added to the oSWMP and the oCEMP to ensure refuelling and storage of fuels and oils are appropriately managed and not decrease water quality.

The updates to 4.1.26 of the oSWMP [REP1-047] and Table 5.8 of the oCEMP [REP1-033] are acknowledged.

To resolve this issue, we request that a sentence be added to:

- Table 5.4 for chemicals and fuel spillages of the oCEMP [REP1-033].
- Table 5.8 of the oCEMP [REP1-033].
- Paragraph 4.1.26 of the oSWMP [REP1-047].

To clarify the mitigation measures will protect surface water quality, as well as ground conditions.

EA033

We requested the Applicant provide further mitigation measures be added to the oSWMP and the oCEMP, to explain how vehicle and concrete wash out will be managed.

The updates to 4.1.26 of the oSWMP [REP1-047] and Table 5.8 of the oCEMP [REP1-033] are acknowledged.

To resolve this issue, we request that a sentence be added to:

- Table 5.4 for chemicals and fuel spillages of the oCEMP [REP1-033].
- Table 5.8 of the oCEMP [REP1-033].
- Paragraph 4.1.26 of the oSWMP [REP1-047].

To clarify the mitigation measures will protect surface water quality, as well as ground conditions.

Outline Battery Safety Management Plan

EA035

We are concerned that it is unclear how batteries will be removed and stored at the end of life, or after a fire-event, and how the impermeably lined areas will be thoroughly cleaned.

The update to Table 6 to change the sluice maintenance schedule to be inspected quarterly is noted in the oSWMP [[REP1-047](#)].

There was not an updated oBSMP submitted at Deadline 1, we recommend that there is an updated at the next Deadline to include the details contained within the Applicant's comments.

- Section 4.5.5. of the oBSMP [[APP-162](#)] outlines that valves are connected to the BESS fire alarm system, but it doesn't specify that valves will be activated to close by the BESS fire alarm system if the alarm starts to sound.
- There is no mention with the oBSMP [[APP-162](#)] of valves having a manual override facility.
- The storage and disposal of damaged or end-of-life batteries is still unclear. The Applicant should confirm where damaged and end-of-life batteries will be stored prior to removal from site.
 - This may be within the BESS units, according to manufacturer recommendations.
 - However, if it is outside of the BESS units, the storage area must be impermeable, covered and bunded, and a fire watch should be implemented.
 - We note that section 2.6.13 of the oBSMP [[APP-162](#)] states that "A fire watch will be present until all potentially damaged BESS equipment batteries are removed from the area following a fire event", however this does not cover un-damaged batteries removed for maintenance or replaced. Whilst we recognise the Applicant's response that the batteries are 'expected to be safe' and 'not leaking chemicals', they can still pose a risk unless adequately contained.
- A sentence that provides clarification that the detention lagoon and retention basin are the same features.
- The Applicant states they will obtain necessary permits to discharge to watercourses or local drainage networks. We request clarification on which discharge location will be used as this will require different assessments.
 - Section 4.3.7 of the oBSMP [[APP-162](#)] states "discharge to the local watercourses"
 - Section 4.5.7 of the oBSMP [[APP-162](#)] says "released to the local drainage network".
- Section 4.4.3 of the oBSMP [[APP-162](#)] describes the Emergency Response Plan (ERP) and post-incident recovery plan. However, there is no inclusion of containment areas being inspected and cleaned following any fire event, prior to any isolation valves being re-opened for normal operation. This should be updated in the oBSMP for a future deadline.
 - In relation to the ERP, we recommend that it should identify the importance of notifying any downstream river/groundwater

- abstractors in the event of a fire should impacts to surface water and/or groundwater occur.
- The ERP should be developed in consultation with the Environment Agency to ensure that incident response personnel are made aware of this as a priority.

Water Framework Directive Assessment EA036

We are concerned the applicant had not referenced all available management plans in the WFD assessment.

The applicant has confirmed the mitigation measures are considered and set out in the framework of environmental management plans. These management plans are secured by Requirements of the Draft Development Consent Order [[AS-008](#)] and therefore must be delivered.

We agree that the WFD Assessment [[APP-099](#)] should be read alongside the outline environmental management plans.

However, the conclusions of the WFD Assessment are that the residual effects of potentially reduced water quality are assessed as having no adverse impact on the water body's current WFD status or its status objective due to the mitigation measures included within the oCEMP. This only remain true for the duration of the project if the oOEMP, oDEMP and oBSMP which secure the relevant mitigation measures are also named.

APPENDIX B – EA Summary of Position

Work package	Subject	Note:	Status	RR Issue number
Draft DCO	OEMP	Request to be consultee on requirement 9		EA001
	BSMP	Request to be consultee on requirement 10		EA002
	SWMP	Request to be consultee on requirement 14		EA003
	PP and FRAP	Disapplication of FRAP		EA004
Chapter 2: The Scheme	GWCL	PFA commitment/ mitigation in OEMP/DEMP		EA005
	Water Quality			
	GWCL	Foul Water		EA006
	Water Quality			
	GWCL	Impermeable Areas		EA007
	Water Quality			
	GWCL	Cabling Infrastructure Decommissioning		EA008
GWCL	Sources of contamination		EA009	
Chapter 7: Ecology and Nature Conservation	Biodiversity	Otter surveys		EA010
	Biodiversity	Watercourse buffers		EA011
Chapter 8: Hydrology and Flood Risk	Water Resources	Water Supply Strategy		EA012
	Flood Risk	Sensitivity Test		EA013
	Flood Modelling	Credible Maximum Scenario Flood Event		EA014
	Flood Modelling	Solar Panel Freeboard		EA015
	GWCL	Groundwater Sensitivity		EA016
	GWCL	Hydrogeological Modelling		EA017
	GWCL	Private Water Supply and hydraulic linkages		EA018

	Water Quality	Water Quality Monitoring		EA019
Chapter 12: Ground Conditions	GWCL	BESS Maximum Conditions		EA020
	GWCL	Reporting Inconsistencies		EA021
	GWCL	Pilling Risk Assessment		EA022
	GWCL	Private Water Supplies impacts are assessed		EA023
	GWCL	Groundwater Monitoring		EA024
	GWCL	Hardscaping		EA025
	GWCL	Unexpected Contamination Protocol		EA026
	GWCL	Preliminary works impacts to controlled waters		EA027
Biodiversity Net Gain	Biodiversity	Ditch Creation		EA028
	Geomorphology	Watercourse Uplift		EA029
Outline Construction Environmental Management Plan	Biodiversity	Great Crested Newts		EA030
	Water Quality	Concrete Management		EA031
	Water Quality	Storage of Fuel, Oil and Chemicals		EA032
	Water Quality	Washout Water		EA033
Outline Soil Management Plan	GWCL	Unexpected Contamination Protocol		EA034
Outline Battery Safety Management Plan	Water Quality	Battery Energy Storage System Design		EA035
Water Framework Directive Assessment	Water Quality	Management Plans Reference		EA036