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Environment Agency

The Planning Inspectorate

Via email to:
botleywestsolar@planninginspectorate.gov.uk

Our ref: XA/2025/100270/03-L01
Interested Party No. 20055261
Your ref: EN010152
Date: 01 July 2025

To Whom It May Concern,

Deadline 2 – Environment Agency responses to The Examining Authority's first written questions (ExQ1).

Thank you for consulting us on the Examining Authority's first written questions and requests for information (ExQ1). We provide our responses in Appendix 1.

Yours faithfully

[redacted]
Planning Specialist – National Infrastructure Team

Email: NITeam@environment-agency.gov.uk

Appendix 1 – Environment Agency's response to first written questions (ExQ1)

Appendix 1 – Environment Agency's response to first written questions (ExQ1)

1.5.8 ***Accuracy of the Book of Reference, Land Plans and Points of Clarification***
Are any Affected Persons or IPs aware of any inaccuracies in the BoR [REP1-010] , Statement of Reasons (SoR) [AS-015] or Land Plans [AS-006]? If so, please set out what these are and provide the correct details.

Comment
There are no recorded formal Environment Agency land interests/rights affected by this DCO. eg freehold, leasehold , easement or licence. Where the Environment Agency is listed as Occupier or Reputed Occupier in the BoR this is referring to ...'river management only' Caution therefore needs to be had in certain locations where Environment Agency have various operational assets on third party land without formal agreements.

1.7.4 ***Disapplication of legislative provisions***
Article 6, together with Schedule 3, of the dDCO [REP1-004] relate to the disapplication of legislative provisions. Set out whether there are any anomalies on the list, whether there is any disagreement in respect of any provision being disapplied and set out any reasons behind this disagreement (if any exist).

Comment
We note within Schedule 3 of the dCO that environmental legislation, as regulated by the Environment Agency, has not been included. We have not received a formal request to disapply environmental legislation relating to this scheme and therefore expect any relevant permits and licences to be applied for in due course.

1.7.27 ***Management Plans***
A number of management plans are submitted with the application [see the *Other Documents* section in the Examination Library for the list of management plans].
1) Review those management plans and set out clearly what changes, if any, you consider necessary. It may be better to put these in a tabular format. As long as the rationale behind the proposed amendments are explained.
2) Are there any management plans promised in the future (see Table 1.1 of the Outline Code of Construction Practice) that you consider are important or critical to be reviewed during the Examination, and thus the Applicant should submit now?

Subject	**Comment**
Biodiversity	**Document Ref: APP-7.6.3** • 5.3.1 - Include an additional proposal in Zone 2, to enhance in-channel habitat of watercourses that will be impacted (such as installation of culvert crossings).

	• 8.2.6 - To change minimum riparian buffer for all watercourses during works to 10 m instead of 8 m, as 10 m is deemed more effective at allowing space for commuting by mammals and the maintenance of a natural river corridor. • 9.1.6 - To change non-consideration of BNG for watercourses, to consider BNG for watercourses. Watercourses may be impacted during the construction and decommissioning phases (e.g. installation of crossings, riparian works, etc.).
Fisheries	**Document ref APP-231** Crossing ref BWM2/HV/OC/709. Open cut crossing works should take place when this waterbody is dry. Since it connects directly to the River Evenlode, which supports a notable fish population, its seasonal wetness may offer suitable habitat for European eels and serve as a refuge for juvenile fish.
Geomorphology	**APP-231 7.3.9 - Crossing Schedules:** It would be advantageous to have a map/plan of crossing locations, and in the case of watercourse crossings, the name of the watercourse being crossed. Without such a map it becomes impossible to interpret the crossing schedule. If there is already a set of maps/plans within the library, these should be explicitly cross-referenced/linked to the crossing schedule. Appendix 6.2: Cable Laying Methodology and Indicative HDD Crossing Locations is available, but it only concerns the locations of potential HDD crossings, and not the locations of any open cut works. **APP-232 7.6.1 - Outline Code of Construction Practice - Part 1:** *1.10.24* There are still inconsistent values for easements/buffers for watercourses, e.g. range from 8-10m. Minimum of 10m buffer, on both sides and measured from the top of the watercourse banks (or landward base of flood defence), should be committed to. **APP-235 7.6.3 - Outline Landscape and Ecology Management Plan:** “9.1.6 No net gain is targeted for watercourses”. Minor watercourses and ditches cross the array areas and, although the intent is to protect them using buffers,

	at some locations, i.e. crossing points, a buffer is not possible to implement, especially where open cut crossings are proposed. Therefore watercourses, where crossings for access or cable laying are proposed, should be assessed using the watercourse unit of the BNG metric and minimum 10% uplift encouraged.
Groundwater & Contaminated Land	**APP-232 7.6.1 Outline Code of Construction Practice – Part 1:** It would be advantageous to be able to review the following outline management plans, listed in Table 1.1 as supporting documents due to be completed prior to construction, during the Examination period. If this cannot be achieved, it would be preferred to at least be provided with further detail of the proposed content of these plans, such as in Section 1.10.29: • Pollution Prevention Plan; • Spillage and Emergency Response Plan; and • Contaminated Land and Groundwater Discovery Strategy. Section 1.10.30 refers to published guidance for pollution prevention during piling and penetrative ground improvement dated 2001. The Applicant should note that this guidance was updated in March 2025 and is available here: Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention Section 1.10.36 states that the Pollution Prevention Plan will include measures to protect groundwater during construction, based on guidance contained in CIRIA C532 Control of Water Pollution from Construction Sites – Guidance for Consultants and Contractors (2001). Due to the geographic spread of the site, the Applicant should also refer to CIRIA C648 Control of Water Pollution from Linear Construction Projects (2006). **APP-234 7.6.2 Outline Operational Management Plan:** Table 3.1 Refers to risk of contamination from damaged solar panels. The detailed OMP should clearly identify that damaged panels would be repaired or replaced as soon as practicable to avoid these acting as a source of soil and water contamination, and that visibly damaged panels should be avoided during routine cleaning. The

	'Ground Conditions' entry should cross reference the Pollution Prevention Plan. The PPP should include details of proposed monitoring / sentinel systems to identify spills and leaks during operation.
Flood Risk Management	**N010147-000339-EN010147_APP_7.1 - Planning Supporting Statement (PSS) inc Green Belt Case.pdf** ***2.3.25*** The Applicant should provide a formal commitment to the surface water flood risk enhancements at Cassington. ***Table 2: National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), November 2023, 2.10.65, 2.10.66*** Note that in the context of flood risk, a time-limited consent is required because the Applicant has only considered climate change projections up to 2069 using the 2050s epoch. As noted in Environment Agency Relevant Representation EAFR-007 please provide clarity on the timeline for decommissioning. There should be a formal commitment to complete decommissioning by 2069. ***Table 2: National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), November 2023, 2.10.63*** Where cabling crosses important archaeology, this will not be buried. If this coincides with the design flood extent, how will this be made safe for flood flows and debris? ***Table 2: National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), November 2023, 2.10.80*** If earthworks are within the design flood extent, then the Applicant must consider compensatory flood storage (CFS) and ensure that flood flow routes are not inhibited. ***Table 2: National Policy Statement for Renewable Energy Infrastructure (NPS EN-3), November 2023, 2.10.81*** Soil stored outside the 1 in 100 year flood extent where possible and always outside of FZ3b / functional floodplain. Note Relevant Representation EAFR-009.

	Table 4: National Policy Statement for Electricity Works Infrastructure NPS EN-5), 2.1.4 As noted in Environment Agency Relevant Representation EAFM-004 and EAFR-008 we are concerned that the substations may be at fluvial flood risk. Noting the fact that there is no plan to decommission the substations, this flood risk could increase with climate change beyond the 2050s epoch. Please provide supporting evidence that the substations will be resilient to flooding beyond the 2050s epoch and that they will not increase flood risk elsewhere **EN010147-000340-EN010147_APP_7.3.1 -Site Construction Compound Accesses.pdf** Clarify if hard surfaces and maintenance are existing or new, and whether the Applicant will manage any runoff. Proposed embankment works should not inhibit flood flow routes. May require CFS if within the design flood extent. **EN010147-000341-EN010147_APP_7.3.2 -Operational Development Areas Plan.pdf** Substations and Power Conversion System (PCS) units should be 600mm above the design flood level. CFS is needed for any loss of flood storage within the design flood extent. **EN010147-000343-EN010147_APP_7.3.4 - Temporary Facilities Plan.pdf** Any loss in flood storage may need to be compensated. Proposed roads should not inhibit flood flow routes. Impermeable areas need to manage runoff e.g., SUDS. **EN010147-000345-EN010147_APP_7.3.9 - Crossing Schedules.pdf** All main rivers should be crossed using a trenchless method. We note that this may not be the case for the Filchampsted Brook at grid reference (445259, 206060).

	HDD entry and exit pits should be set back a safe distance from the watercourses and flood assets, the agreed minimum setback distance and depth should be stated and demonstrated to be safe. Main river crossings CR 709, CR 3014, CR 815, CR 8101 are using Other Trenchless Technique (OTT), please clarify how each will be achieved. Main river crossings CR 809 and CR 8500 crossings are HDD which is acceptable. **EN010147-000346-EN010147_APP_7.6.1 - Outline Code of Construction Practice_Part1.pdf** ***1.3.2*** There should be a formal commitment to consult the Environment Agency on the final CoCP. ***1.5.3*** *Further clarity is required on the methods proposed for Other Trenchless Techniques (OTTs)* ***1.8.22*** The Environment Agency will require access to all watercourses and flood assets at all times for inspections and emergency works. ***1.10.24*** The Applicant should demonstrate that the proposed offsets are safe. Assets crossed will need a pre-works and post-works survey with the assessment comparing the condition submitted to the Environment Agency for review as to the need of remediation by the Applicant. Entry and exit pits should be outside Flood Zone 3b. ***1.10.25*** Please clarify what is meant by a “surface watercourse”. ***1.10.26*** Clarify whether the depth below hard bed and flood assets will be 5m for the cable crossing of watercourses.

	1.10.28 The Environment Agency should be consulted on the site-specific crossing method statement(s). ***1.10.39*** All works in proximity to flood assets should set safe vibration limits which are monitored to prevent damage to the flood assets – this should be informed by an assessment of vibration. Additionally, settlement should be monitored for the cable route, particularly where watercourses are crossed by a trenchless method. **EN010147-000350-EN010147_APP_7.6.4 - Outline Decommissioning Plan.pdf** ***1.1.0, 1.1.1, 2.2.2*** As the Applicant has only considered climate change projections up to 2069, using the 2050s epoch, there should be a formal commitment to complete decommissioning by 2069. ***2.1.1, 2.1.2*** The buried elements which are proposed to remain in situ may become exposed due to erosion of the watercourses. The Applicant should not assume that these buried elements are to be retained. As noted in Environment Agency Relevant Representation EAFM-004 and EAFR-008 we are concerned that the substations may be at fluvial flood risk. Noting the fact that there is no plan to decommission the substations, this flood risk could increase with climate change beyond the 2050s epoch. Please provide supporting evidence that the substations will be resilient to flooding beyond the 2050s epoch and that they will not increase flood risk elsewhere ***2.1.3*** The removal of piles will need a vibration assessment and monitoring, if in proximity to flood assets, to ensure no adverse effects. **2.1.7** There would need to be a commitment from the landowner to preserve the capacity to drain effectively if the access tracks / permissive paths are to be retained.

	2.2.3 There should be a formal commitment to consult the Environment Agency as part of the Decommissioning Plans (DPs) ***Table 3.1: Decommissioning Mitigation and Management Measures*** CFS would be needed if earthworks reduce flood storage volume.
Flood Modelling	**EN010147-000345-EN010147_APP_7.3.9 - Crossing Schedules.pdf** Many of the HDD exit and entry pits are in Flood Zone 1, the only exception to this would be the HDD crossing points under the River Thames although the exit points are set back >50 meters from the Thames and outside of Flood Zone 3. The entrance pits for the crossing under the Thames appear to be potentially within functional floodplain (Flood Zone 3b) and in an area that is flooded historically (Winter 2013-2014 event). Please clarify if this is the case. Can the entry points be set back further so that they do not fall within the functional floodplain? **EN010147-000346-EN010147_APP_7.6.1 - Outline Code of Construction Practice_Part1.pdf** Section 1.10.25 page 12 notes that where a surface watercourse is to be crossed by HDD the cables will be installed at least 2 metres below the hard bed of any watercourse. It is noted that Relevant Representation EAFR-002 dated 27/02/2025 asked for a minimum depth of 5 metres below hard bed and flood assets which is at odds with what is described in the Outline Construction Code of Practice.

1.8.14 ***Lack of survey data***

Within ES Chapter 9 [APP-046], table 9.3.1 reports, in response to the Environment Agency, that no surveys are being carried out for water voles. Paragraph 9.6.77 states no surveys have been carried out for fish. Paragraph 9.9.694 states no surveys have been done for otters. Given the Proposed Development is in close proximity to watercourses, proposes HDD underneath major watercourses (with the potential for bentonite breakout to be managed) and involves transformative proposals along waterways (e.g. River Evenlode), should surveys be undertaken?

Subject	Comment
Biodiversity	We strongly encourage that otter and water vole surveys are undertaken. Protected species surveys help determine whether a project will have a negative impact on a protected species and inform whether mitigation is required. I'm concerned that if an otter resting place is located within the 10m buffer, there is a risk the species could be indirectly impacted (as holts require an additional protection zone that would need to extend beyond the buffer). Protected species surveys are also considered a standard practice during construction. The applicant also runs the risk of project delays should an otter's place of shelter be discovered, due to the need to apply for a European Protected Species Licence.
Fisheries	There is no survey data for fish nor are fish included in a desk study. The only reference to fish being present in watercourses is in paragraph 9.6.76 of chapter 9 of the ES. It would be prudent not to apply the precautionary principle, therefore all HDD activities on the Thames and Evenlode must take place outside of the sensitive migration and spawning period for fish which are as follows: • October – May for salmonids • March – June 16th for coarse fish. This is to avoid disturbing fish at sensitive times from the noise associated with drilling.
Geomorphology	It is noted that the response indicates that all watercourse crossings will be via HDD – this is not quite true, as the crossing schedule indicates that some watercourses will be crossed by open cut techniques. Crossing of ephemeral watercourses via trenchless methods would be an extreme action and would not be expected. However, it should be considered that reinstatement of the banks and channel bed is inherently weaker than the natural bed/banks, which may encourage scour of bed and banks during high flow events, especially in a channel that is not always wet. There is also the potential for subsidence of the channel bed at the crossing location due to auto-compaction. Ecologically, potential refuges can be destroyed and vegetation structure damaged, which may encourage colonisation by INNS etc.

	As mentioned in a previous comment (above) - minor watercourses and ditches cross the array areas and, although the intent is to protect them using buffers, at some locations, i.e. crossing points, a buffer is not possible to implement. Therefore watercourses, where crossings for access or cable laying are proposed, should be surveyed and assessed using the watercourse unit of the BNG metric and minimum 10% uplift encouraged.

1.10.16 *Water Framework Directive*

Are you content with all aspects of the WFD assessment [APP-174] and are you satisfied with the conclusions reached therein?] and are you satisfied with the conclusions reached therein?

Comment
The Environment Agency notes that no updates to the WFD Assessment have been submitted since our Relevant Representation [RR-0308]. Our RR comments are still applicable.

1.18.1 *Robustness of Assessment*

ES Chapter 18 [APP-055] deals with waste and resources. Are there any concerns regarding the Applicant's assessment, assumptions or conclusions?

Comment
We do not have any concerns regarding the details within ES Chapter 18.