

The Examining Authority  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** AN/2023/134186/05-L01  
**Your ref:** EN010149  
**Date:** 5 August 2025

Dear Members of the Examining Authority

**Order Granting Development Consent for the Springwell Solar Farm Project  
Deadline 3 Submission – Summary of Oral Representations at Issue Specific  
Hearings 3 and 4**

Please see below a summary of the oral submissions made on behalf of the Environment Agency during the Issue Specific Hearings (ISH) for the above project.

**Issue Specific Hearing 3**

At ISH3 (Groundwater, Contaminated Land and the Battery Energy Storage Site) held on 16 July 2025, the Environment Agency made submissions on the following agenda items:

**6. Land, Soil and Groundwater**

*6.4. The Applicant and the Environment Agency will be asked questions about the approach to unexpected contamination and whether changes made to the Outline Construction Environment Management Plan [REP1-060] by the Applicant at Deadline 1 should form a new requirement within the Draft Development Consent Order.*

The Environment Agency set out concerns regarding how the commitment for dealing with unexpected contamination should be secured in the Development Consent Order (DCO), given that the development is situated in a sensitive location for groundwater resources that provide significant quantities of drinking water. We welcome the inclusion of the procedure set out in the outline Construction Environmental Management Plan (CEMP). However, we are of the view that as the final CEMP will have been approved prior to any unexpected contamination being discovered, the need for further (remediation scheme) approval may be lost. It is our view that the approval of any remediation scheme for unexpected contamination needs to be secured on the face of the DCO, via a separate Requirement, to avoid any possibility of this.

A further concern relates to the DCO having included 'remedial work in respect of any contamination' as one of the 'permitted preliminary works' (Article 2 Interpretation) and the possibility that it could be interpreted that these can take place prior to any need for review and approval. We appreciate that this has been 'carved out' of Requirement 12, but we remain of the view that this will be made clearer by the inclusion of a separate requirement. There are precedents for this in other DCOs, the most recent in the [Viking CCS Pipeline DCO](#) (page 59 Requirement 9) – this project runs through a similar rural location and (contrary to the Applicant's view), such requirements are not confined to use by projects in industrial areas.

The procedure outlined in the outline CEMP (page 51) [\[REP2-015\]](#) appears more onerous than that which the Environment Agency is advocating in that it appears to require the cessation of all works. We only require the cessation of work in the area where contamination is discovered until an appropriate investigation and remediation strategy has been approved.

For convenience, we repeat the Requirement requested (which was previously included in paragraph 3.5 of our Relevant Representation [RR-130]) below:

**Procedure in cases of unexpected contamination**

- (1) At any time during construction, in the event that unexpected contamination is found to be present work in that location must cease immediately and no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the relevant planning authority, following consultation with the Environment Agency.
- (2) The remediation strategy shall be implemented as approved under sub-paragraph (1).
- (3) Within three months of the implementation of the strategy a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the relevant planning authority following consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved verification strategy to demonstrate that the site remediation criteria have been met.

**ISH3 ACTION POINT 10:** *The Applicant and the Environment Agency were asked to have further discussions on the wording relating to unexpected contamination and provide an update at Deadline 3.*

We can advise you that further discussions on this issue took place on 4 August 2025. The Applicant advised us that they will be amending the procedure in the outline CEMP to replace the obligation to cease all works with an obligation to cease works only in the location where unexpected contamination is discovered – we have no objection to this amendment. However, the issue of securing consultation and approval of any remediation scheme through an additional requirement in the DCO will remain a point of disagreement between the parties.

*6.5. The Environment Agency and Local Authorities will be asked whether they consider leaving cables in the ground during decommissioning an acceptable approach.*

This matter would be considered by the Environment Agency as part of any review of the decommissioning plan (secured by Requirement 19) against relevant environmental guidance, policy and good practice in force at that time.

*6.6. Matters associated with the management of firewater during a thermal runaway event at the BESS and the emergency response plan will be discussed with the Applicant and the Environmental Agency.*

Our representative was unable to comment on the details of the discussion described by the Applicant during a meeting with the Environment Agency held on 3 July 2025, as she was not present at that meeting. However, she confirmed that we are satisfied with the details provided to date and, as a consultee to the battery emergency response plan (Requirement 7), we will have an opportunity to comment on the detailed proposals in due course.

#### **Issue Specific Hearing 4**

At ISH4 (Water Environment) held on 17 July 2025, the Environment Agency made submissions on the following agenda item:

*5.3. The Environment Agency will be asked whether it accepts the Applicant's view that a connection to a public sewer is not feasible.*

The Environment Agency confirmed that it accepts the Applicant's view that a connection to a public sewer is not feasible. We are also satisfied that our inclusion as a consultee to Requirement 10(4) will provide the appropriate opportunity to comment on the non-mains foul drainage proposal during the detailed design stage.

**ISH4 ACTION POINT 8:** *The Applicant and Environment Agency were asked to update the Statement of Common Ground (SoCG) and submit this at Deadline 3. This is now complete, and the Applicant will submit the updated final SOCG on our behalf at Deadline 3.*

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours sincerely

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**Principal Planning Adviser**

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