

Planning Inspectorate

Reference: OR-0003680/01

Customer reference: EN010154

12 May 2026

Fosse Green Energy – Development Consent Order Application

Land approximately 9km south and south west of Lincoln

Deadline 5A (12 May 2026)

Dear Sir/Madam,

Please find below the Environment Agency's Deadline 5A submission in relation to the following matters:

1. Comments on Deadline 5 submissions
2. The Examining Authority's proposed schedule of changes to the dDCO [PD-022]
3. The Examining Authority's third written questions and requests for information (ExQ3) [PD-021]

1. Comments on Deadline 5 submissions

We have reviewed details submitted insofar as it relates to our remit and we have the following comments:

Permitted Preliminary Works Environmental Management Plan (Revision 1) [REP5-026]

In general, the Permitted Preliminary Works Environmental Management Plan (PPW EMP) should align more closely with the FCEMP [REP5-011 & REP5-12]. We would welcome clarification and amendments in relation to the matters set out below.

Given the proximity to the close of the examination, we would request that the applicant engages with us outside the examination on a draft amended PPW EMP prior to submission into the examination at Deadline 6.

Pre-construction monitoring

Clarification should be provided on whether the PPW EMP applies during the period when pre-construction monitoring is undertaken.

Culverts

There is no mention regarding construction of culverts to facilitate access as part of preparatory works. If culverts are planned to be constructed, we would prefer open-span bridges. We would welcome clarification on this matter.

Sharing updates on the PPW EMP

Given that the PPWEMP is described as a 'live' document, we request that section 1.1.9 be amended to require updates to be shared with the Environment Agency where changes relate to matters within our remit.

Section 3.2 Climate change, Table 1: Climate Change

ID CC-PPW2 - Potential impact: increase in flood risk during construction as a result of Climate Change

- Mitigation/enhancement measure item (a) states that "if areas located within Flood Zone 2 (or 3) are to be utilised for the storage of materials, this would be done in accordance with the applicable flood risk activity regulations, if required." It should be noted that where this scenario potentially arises, and a Flood Risk Activity Permit (FRAP) is required, the FRAP would need to be obtained prior to any work requiring the permit commencing.

Section 3.4 Ecology and Nature Conservation, Table 3: Ecology and Nature Conservation

Impacts to fish and associated mitigation/enhancement measures are not included. Where intrusive works on watercourses take place, measures need to be in place to ensure fish are protected. This must at a minimum involve pre-checks of the watercourse to ensure fish are not spawning, and that there is no suitable spawning habitat present. As per ID ECO-C4 in the Framework Construction Environmental Management Plan (FCEMP) [REP5-011 & REP5-12], any intrusive works must avoid fish spawning periods both for salmonids and coarse fish.

ID ECO-PPW6: Impacts to riparian mammals (Water Vole and Otter)

- The mitigation/enhancement measures should also specify that works will be halted should evidence of otters or water voles be found, and the Ecological Clerk of Works (ECoW) consulted.

ID ECO- PPW9: Potential to introduce/spread invasive non-native species (INNS) beyond the DCO Site during PPW

- Signal crayfish carry disease and are a biosecurity hazard, if in-channel works are required; works, clothing, equipment and vehicles should be disinfected. If this is not possible, equipment should be cleaned and left to dry for 5 days. In addition, if signal crayfish are encountered during in-channel works, they should be humanely dispatched and ideally disposed of onsite (burial) rather than being taken away to prevent potentially transferring crayfish plague. It is an offence under the Wildlife & Countryside Act 1981 (as amended) to return these animals to the wild if they are removed. This should be reflected in the mitigation/enhancement measures.

Section 3.10 Ground Conditions, Table 9: Ground Conditions

GC- PPW1: Potential for risks to human health associated with waste generation, land contamination, airborne contamination, and groundwater contamination. The discovery of ground contamination during groundworks. Levelling of the DCO Site including the possible introduction of new fill materials:

- The following text from ID GC-C1 (section 3.11 Ground Conditions, Table 10: Ground Conditions) of the FCEMP [REP5-011 & REP5-12] should be added, as this is key to ensuring the ground investigation is carried out in line with best practice guidance, and ensures consistency with the FCEMP: "Ground investigation works will be undertaken prior to commencing construction. The scope of the ground investigation will be discussed and approved with the LPA and the Environment Agency prior to commencement. This will be in accordance with BS10175:2026 Investigation of Potentially Contaminated Sites: Code of Practice, BS 5930:2015+A1:2020 Code of Practice for Ground Investigations, the Environment Agency's Land contamination risk management (LCRM) guidance, and any other relevant industry guidance for site investigation works. Results would be reviewed by the appointed Principal Contractor, including any additional investigation or mitigation measures beyond the impact avoidance measures stated here."
- Mitigation/enhancement measure (e) is the plan for encountering unexpected contamination. Unexpected contamination identified during PPW, including ground investigations, can be difficult to manage because contractors are often actively seeking evidence of contamination. However, if contamination is

found, we (and/or the LPA) would expect it to be properly investigated, its potential risks assessed, and any necessary remediation carried out. We suggest adopting the following wording, or similar:

Unsuspected Contamination

1. If contaminated land, including groundwater, is encountered at any time during the carrying out of the authorised development, and was not previously identified in the Environmental Statement, no further development (unless otherwise agreed in writing by the relevant authorities) shall take place within the defined area of suspected contamination. The contamination must be reported as soon as reasonably practicable to the Local Planning Authority and, where necessary, the Environment Agency. The undertaker must then undertake a risk assessment in consultation with the Local Planning Authority and, where required, the Environment Agency.
 2. Where remediation is considered necessary, a written remediation scheme and programme, setting out the measures required to make the land suitable for its intended use, must be submitted to and approved in writing by the Local Planning Authority, following consultation with the Environment Agency.
 3. Remediation works must be carried out in accordance with the approved scheme.
 4. Upon completion of the approved remediation, a verification report—based on monitoring and data collected during the remediation process and demonstrating that the works have been completed—must be submitted to the Local Planning Authority and the Environment Agency.
- Mitigation/enhancement measure (g) partly duplicates (e), which creates unnecessary confusion. While this reflects the wording in the FCEMP, we would expect this duplication to be resolved in a final detailed CEMP post-decision. However, it would be prudent to resolve it now in a revision to wording of item GC-C1 in the FCEMP [REP5-011 & REP5-12].

Section 3.5 Water Environment, Table 4: Water Environment

Table 4: Water Environment should reference the Water Management Plan, similar to the FCEMP [REP5-011 & REP5-12] in relation to monitoring requirements, and could also be included under the Management of Site Runoff mitigation/enhancement measures of ID WAT- PPW2 (Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater).

ID WAT- PPW2: Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater

- Management of Site Runoff mitigation/enhancement measure (f) is missing the additional detailed provided in relation to how wheel washing facilities will be isolated in ID WAT-C3 of FCEMP [REP5-011 & REP5-12].

ID WAT- PPW3: Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater

- Management of Spillage risk does not reference the fuel storage requirements and associated regulations, as per ID WAT-C4 (Leakage or accidental spillage of construction materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater) of the FCEMP [REP5-011 & REP5-12].

2. The Examining Authority’s proposed schedule of changes to the dDCO [PD-022]

We have reviewed the ExA’s proposed schedule of changes to the dDCO [PD-022] and we confirm that we are satisfied with the amendments presented, insofar as it relates to our remit.

In particular, it is welcomed that paragraph 3 (Further information and consultation), sub-paragraph (3), on pages 25 and 26, retains and refines the requirement for a 15 working day consultation period for DCO requirement consultees.

3. The Examining Authority’s third written questions and requests for information (ExQ3) [PD-021]

Please see below the Environment Agency’s response to the following question:

Question Number	Question to:	Question
WE.3.01	Applicant LCC Environment Agency	Assessment of effects - water run-off, operational phase a) Applicant: Page 85 of the Flood Risk Assessment [REP3-012] states that the research by Cook and McCuen notes boundary swales, as well as good, vegetated ground cover, is a suitable mitigation measure to counter any non-significant

		<p>increase in runoff from a solar panel field. What consideration was given to boundary swales around the solar array areas to address runoff from the panels in addition to suitable planting?</p> <p>b) All: In responding to ExQ1 WE.1.05(b) concerning the monitoring of water run-off from the proposed solar panels, the applicant in [REP2-029] stated that this would be picked up as part of the monitoring identified in section 6.9 of the FSMP. The second bullet point in paragraph 6.9'1 of the FSMP [REP4-010] addresses monitoring of soil conditions and refers to the “created green space areas”. Comment on whether the wording of the second bullet point in paragraph 6.9.1 of the FSMP is sufficiently clear to ensure that the monitoring would apply to the areas under the solar panels? If not suggest appropriate wording.</p>
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Environment Agency comments:

Whilst the Applicant in their response to ExQ1 [REP2-029] suggests that monitoring during the operational phase will be in section 6.9 of the Framework Soil Management Plan (FSMP), we believe this is specifically in relation to soil compaction and channelisation of water. As we stated in our response to ExQ1 [REP2-049], water quality monitoring is committed to in the Framework Operational Management Plan (FOEMP) [REP1-033 & REP1-034 – now REP5-013 & REP5-014], and we are named consultees in the Draft DCO Requirement 13 [REP2-005 – now REP3A-004]. Therefore, our position remains the same as in our Deadline 2 Submission [REP2-049], which is that we consider the mitigation measures and monitoring are sufficient from a water quality perspective.

If alternative wording is required, we would make the following suggestion, which is the same as in Table 6, section 3.5 in the FOEMP [REP3-019]:

Specific requirements and frequency of monitoring will be confirmed in the detailed OEMP(s) and the Water Management Plan (WMP), as relevant.

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If you have any questions regarding our response, please contact
NIteam@environment-agency.gov.uk.

Yours faithfully

Planning Specialist – National Infrastructure Team

Appendix 1 – Summary table of Environment Agency (EA) position on issues raised
in Relevant Representation [RR-089]

Appendix 2 – Summary of overall Environment Agency position

Appendix 1 – Summary table of Environment Agency (EA) position on issues raised in Relevant Representation [RR-089]

EA RR ID	Title	Resolution Status
EA01	Requirement 10 (Surface and foul water drainage)	Agreed
EA02	Permitted Preliminary Works	Agreed
EA03	Discharge of Requirements procedure	Agreed
EA04	Disapplication of flood risk activity permits (FRAPs)	Agreed
EA05	Disapplication of Water Resources Act 1991	Agreed
EA06	Environment Agency land interests	Agreed
EA07	Witham Washlands (Lincoln) Flood Storage Area – HDD construction compound	Agreed
EA08	Flow direction of main rivers	Agreed
EA09	Protection of fish during spawning	Agreed
EA10	Invasive species – Signal Crayfish	Agreed
EA11	Stopping works where potentially contaminated land is encountered	Agreed
EA12	Assessment of impacts on groundwater quality	Agreed
EA13	HDD – drilling fluid breakout (groundwater)	Agreed
EA14	HDD – drilling fluid breakout (surface water)	Agreed
EA15	Swales around BESS – treatment of surface water	Agreed
EA16	BESS – penstock valves and swales	Agreed
EA17	Use of gravel in drainage systems around BESS and substation	Agreed
EA18	BESS – firewater containment and disposal	Agreed
EA19	Foul water strategy	Agreed
EA20	Wheel wash water	Agreed
EA21	PFAS in PV cells	Agreed
EA22	Storage of waste batteries	Agreed
EA23	Water supply assessment and strategy	Agreed
EA24	Waste classification and soil reuse	Agreed

Appendix 2 – Summary of overall Environment Agency position

	Agreed / resolved
	Working on a solution / under discussion
	Not agreed

Environmental topics

Subject	Work package / topic / document	Scope	Method and Assumptions	Results of Assessment (i.e. Impact)	Mitigation / Enhancements	Requirement	Related RR ID
Ecology	Biodiversity Net Gain Strategy						
	Ecological Assessment & Landscape Ecological Management Plan (LEMP)					8	EA08, EA09, EA10
	Framework Construction Environmental Management Plan					12	EA09, EA10
	Framework Operational Environmental Management Plan					13	
	Framework Decommissioning Environmental Management Plan					20	
	Water Environment Report/ WFD						
	Preliminary Permitted Works Environmental Management Plan (PPW EMP)						

Water Resources	Water Supply Assessment & Strategy						EA23
Flood Risk	Flood Risk Assessment						EA07
	Flood Modelling						
	Framework Construction Environmental Management Plan						EA07
	Preliminary Permitted Works Environmental Management Plan (PPW EMP)						D5A
Water Quality	Framework Construction Environmental Management Plan					12	EA14, EA20, EA21
	Framework Operational Environmental Management Plan					13	EA16, Water Management Plan
	Framework Decommissioning Environmental Management Plan					20	
	Framework Battery Safety Management Plan					7	EA16, EA17, EA18, EA22
	Surface and foul water drainage					10	EA01, EA15, EA16, EA17, EA18, EA19
	Water Environment Regulations Compliance/WFD						

	Preliminary Permitted Works Environmental Management Plan (PPW EMP)						D5A
Groundwater Protection	Framework Construction Environmental Management Plan					12	EA02, EA11, EA13
	Framework Operational Environmental Management Plan					13	EA11, EA16
	Framework Decommissioning Environmental Management Plan					20	EA11
	Groundwater Protection						EA02, EA12, EA13, EA16, EA17
	Framework Battery Safety Management Plan					7	EA16, EA17, EA22
	Contaminated Land Assessment						EA02, EA11
	Water Environment Regulations Compliance/WFD						
	Preliminary Permitted Works Environmental Management Plan (PPW EMP)						D5A
	Waste	Waste Management Strategy					
Framework Battery Safety Management Plan						7	EA22
Framework Construction Environmental Management Plan							EA24
Framework Operational Environmental Management Plan							EA22
Framework Decommissioning Environmental Management Plan							EA22

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	Preliminary Permitted Works Environmental Management Plan (PPW EMP)						
Geomorphology	Water Environment Regulations Compliance/WFD						