

Planning Inspectorate

Our ref: XA/2025/100414/01-L01

Your ref: EN010157

[submitted via PINS portal]

Date: 27 August 2025

Dear Sir/Madam

ENVIRONMENT AGENCY RESPONSE TO EXAMINING AUTHORITY QUESTIONS (EXQ1). PEARTREE HILL SOLAR FARM, EAST YORKSHIRE.

We have reviewed the questions directed to us within your letter dated 29 July 2025 [[PD-008](#)] and respond as follows:

ExQ1	Question to:	Question:
1.2.7	The applicant, ERYC, Environment Agency (EA), Natural England (NE), Yorkshire Wildlife Trust (YWT)	Requirements - Do you consider whether any further requirements are needed, such as relating to/ to secure the following: proposed permissive paths; proposed community accessible areas; biodiversity net gain; foul and surface water drainage; skills, employment and supply chain (noting NPS EN-1 paragraph 5.13.12); and pre-construction protected species surveys. Please justify your answer and provide preferred wording of any requirements you consider necessary.
Environment Agency Response:		
Regarding Biodiversity Net Gain, we defer to Natural England on this matter.		
In our Relevant Representation [RR-005] we requested additional information about the proposed surface water drainage, particularly around the BESS and in relation to firewater containment. However, we require this to be submitted pre-consent, through the examination. Once we have reached agreement with the Applicant on their drainage and any mitigation, there may be a need to secure this via a requirement.		
We do not have any comments to make regarding the other aspects referred to in this question, as they fall outside of the scope of matters within our remit.		

ExQ1	Question to:	Question:
1.2.43	The applicant, ERYC, EA	R4, R6, R7, R8, R14 and R15 – should these requirements for a CEMP, SMP, BSMP, SWMP, OEMP and DEMP make provision for the local planning authority to consult any other

		parties as part of the approval process, or for any parties to be consulted by the undertaker prior to the submission of details to be discharged by the relevant planning authority (noting for example that the EA has requested [RR-005] to be a consultee on R4, R6 and R8)?
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Environment Agency Response:

The Environment Agency requests only to be a consultee as part of the approval process for Requirements 4, 6 and 8. However, we would always encourage applicants to share draft submissions for pre-application advice, prior to the submission of details to the local planning authority.

ExQ1	Question to:	Question:
1.3.31	The applicant, EA	<p>Protective provisions</p> <p>The applicant updated Schedule 12, Part 4 of the dDCO in respect of protective provisions for the EA. To the EA a) confirm whether you are content with the updated wording; b) if so, confirm whether this alleviates your concern regarding the disapplication of the legislative provisions referred to in your RR [RR-005] (articles 10(1)(c) and (e) of the dDCO); c) if not, please explain why and provide your preferred wording; and d) notwithstanding any potential discussions on protective provisions, please set out any implications for the disapplication of the legislative provisions referred to in your RR. To the applicant and the EA e) clarify the relevance of 'sea defence' matters as referred to in paragraph 26(2), given the inland location of the proposed development; and f) the ExA notes the protective provisions for the EA at Schedule 14, Part 5 of the East Yorkshire Solar Farm Order 2025, for example. Should agreement not be reached between yourselves on matters relating to protective provisions, would anything prevent the ExA from adopting these in any recommended DCO?</p>

Environment Agency Response:

The draft protective provisions for the Environment Agency, provided to us by the Applicant, differ from our standard protective provisions wording. As such, we are required to check the proposed changes with our legal team. Our legal team are in the process of reviewing the protective provisions, but we are unfortunately unable to provide a response to these questions in time for Deadline 1. We will endeavour to provide this in time for Deadline 2.

ExQ1	Question to:	Question:
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1.6.16	The applicant, NE, EA	HRA Section 4.5 of the HRA [APP-145] scopes out degradation of habitats as a result of changes to water quality as a result of release of sediment from construction/ decommissioning activities (such as installation of culverts) and from spillage of chemicals or contaminants. To NE and the EA a) Please confirm whether you are content for the HRA to scope out this impact pathway. To the applicant In relation to this, please address items NE5, NE6a and NE6b, Part II Table 1 of NE's RR [RR-012].
Environment Agency Response:		
a) We defer to Natural England on this matter, as they are the competent authority for HRA through the planning process.		

ExQ1	Question to:	Question:
1.9.8	EA	Updated FRA The applicant submitted an updated FRA at Procedural Deadline A [PDA-021 to PDA-028]. Please review this document and indicate, further to your RR [RR-005], whether you have any outstanding concerns.
Environment Agency Response:		
We are happy to see the inclusion of additional modelling within the updated FRA. Additionally, the Applicant has stated that all equipment will be set above the new design height for the area which has increased in depth with the addition of a freeboard. However, the Applicant has not provided the height of infrastructure in these areas in metres above Ordnance Datum. We request the Applicant specifies this height in mAOD within their FRA. <p>For the avoidance of doubt, the submitted revisions relate to concerns raised in our Relevant Representation [RR-005] under ID EA14, and all other flood risk issues have yet to be addressed within the FRA.</p>		

We trust this advice is useful. Please find a summary of our position within Appendix A.

Yours faithfully

[Redacted Signature]

Planning Specialist - National Infrastructure Team

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Cont/d..

APPENDIX A: SUMMARY OF EA POSITION

Subject	Work package	Scope	Method and Assumptions	Results of Assessment (i.e Impact)	Mitigation / Enhancements Agreed	Requirement	RR ID
Ecology	Biodiversity Net Gain Strategy						
	Landscape Ecological Management Plan (LEMP)					9	EA08, EA18, EA19
	Water Environment Report/ WFD						EA06, EA07
Water Resources	Water Supply Assessment						EA20, EA23
Flood Risk	Flood Modelling						
	Flood Risk Assessment						EA06, EA11, EA12, EA13, EA14, EA15, EA17
Water Quality	Outline Construction Environmental Management Plan					4	EA01, EA02
	Outline Operational Environmental Management Plan					14	
	Decommissioning Environmental Management Plan					15	
	Outline Battery Safety Management Plan					8	EA04
	Foul Water Disposal						
	Water Environment Regulations Compliance/WFD						EA06, EA10, EA24
Groundwater Protection	Outline Construction Environmental Management Plan					4	EA21, EA22, EA23
	Decommissioning Environmental Management Plan					15	EA25
	Groundwater Protection						EA09, EA16
	Contaminated Land Assessment					6	EA03, EA26
Waste	Waste Management Strategy						
Geomorphology	Water Environment Regulations Compliance/ WFD						EA06, EA07