Planning Inspectorate

[via PINS portal]

Our ref: XA/2025/100338/03-L01
Your ref: EN010157

Date: 10 September 2025

ENVIRONMENT AGENCY RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 1. PEARTREE HILL SOLAR FARM, EAST YORKSHIRE.

This response constitutes the Environment Agency's Deadline 2 response. We have reviewed the Deadline 1 submissions, specifically the Applicant's response to Relevant Representations [REP1-071], the Applicant's Response to Examining Authority Questions ExQ1 [REP1-073] and the other application documents that have been updated since submission.

Following our review, we respond to the outstanding issues raised within our Relevant Representation [RR-005] in turn below. A summary of our position is provided within Appendix A to this letter.

EA01 - Permitted Preliminary Works Definition

The Environment Agency (EA) previously raised concerns that the definition of 'permitted preliminary works may result in remediation works taking place without the controls of management plans that may only come into effect at commencement of the development. This is line with the approach we took with other Development Consent Orders (DCOs), including Oaklands Solar Farm and Helios Renewable Energy Park.

The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 24) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.44 (page 46). In light of this, we're content not to pursue this point, provided the Applicant ensures they are adhering to Land Contamination Risk Management if they are carrying out any remedial works, as stated in commitment 641. This will give will us confidence that they will be undertaking the works in such a way as to not give rise to significant effects.

EA02 - Requirement 4 – CEMP

The EA requested that we be consulted on the Construction Environmental Management Plan to be submitted and approved under Requirement 4. The Applicant has submitted an updated draft DCO (dDCO) [REP1-007] which provides for this, and we are therefore satisfied that this point has been satisfactorily addressed.

EA03 - Requirement 6 – Soil Management Plan

The EA requested that we be consulted on the Soil Management Plan to be submitted and approved under Requirement 6. The Applicant has responded to this

point in their Response to Relevant Representations [REP1-071] (page 25) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.43 (page 46). The Applicant has also updated paragraph 5.3.21 within their updated Outline Soil Management Plan [REP1-063]. In addition, the EA will now be consulted on the detailed plans submitted for approval under Requirements 4 and 8, which will give us the opportunity to ensure their plans to manage and prevent groundwater contamination are sufficient. As such, we are satisfied that this point has been sufficiently addressed.

EA04 - Requirement 8 – Battery Safety Management Plan

The EA requested that we be consulted on the Battery Safety Management Plan (BSMP) to be submitted and approved under Requirement 8. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 26) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.43 (page 46). The Applicant has updated the wording of Requirement 8 within the updated dDCO [REP1-007] to provide for this, so we're satisfied that this point has been sufficiently addressed. Please note we have outstanding concerns in regard to the content of the Outline BSMP, which are covered separately under issue EA16.

EA05 - Unsuspected Contamination Requirement

The EA requested the inclusion of an additional requirement to deal with unsuspected contamination. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 26) and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.2.35 (page 41), has updated commitments 640 and 641 within their Commitments Register [REP1- 029], and has submitted an updated Outline Construction Environmental Management Plan [REP1-051] and updated Decommissioning Environmental Management Plan [REP1-055]. Based on the inclusion of these commitments and the changes made to the CEMP and DEMP, we are satisfied that this point has been addressed.

EA06 – Use of culverts

The EA raised concerns regarding the use of culverts unless as a last resort. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 30). In addition, they have submitted an updated Water Framework Directive Screening & Scoping Assessment [REP1-031].

We welcome the Applicant's intention to utilise existing culverts or bridges where possible and note that, while the actual number of new crossings is likely to be lower than the 20 assumed locations following the completion of pre-construction surveys, for the purposes of the assessment it has been assumed that all existing crossings will will require a new culvert structure to ensure consideration of the worst-case scenario. We also acknowledge commitment 109 within their Commitments Register [REP1- 029].

However, in their response, the Applicant states that crossings over minor watercourses would be facilitated by box culverts with a mammal shelf and a bed substrate matching that of the watercourse, so no significant effects are anticipated. We are pleased to note commitment 544. As previously advised, if any existing box or pipe culvert crossings are found to be unsuitable, they should be upgraded to a

portal/3-sided/arch culvert or to a larger box culvert with mammal ledge and be of a size that does not restrict the passage of water.

There should be robust (geomorphic) reasons for the use of piped/box culverts, not just financial reasons. Minor watercourses that are wet all year can be geomorphically active and also provide refuge habitats. It is reiterated that all crossings should be considered on a case-by-case basis following surveys, not just of structural strength, but of habitat and conservation value, including geomorphological activity. We would welcome changes to the commitments to reflect this.

In addition, while the Applicant has assessed the impacts that culverting may have on main rivers, there are some locations where there are multiple crossings in close proximity to each other. The cumulative impact of potentially culverting these rivers in multiple locations should be considered.

EA07 – Culverts – post decommissioning

The EA raised concerns around proposals to leave culverts in-situ after decommissioning. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 31).

We would like to see a commitment to remove any crossings that have no further use. Given the potential change in environment at point of decommissioning, the options for removal or leaving them in situ should be considered within the DEMP. Given the possibility of warmer and wetter winters and extreme rainfall events (increasing geomorphic activity) due to climate change, it is difficult to assess whether something that is considered to be insignificant in effect at the present time will be insignificant in the future.

EA08 – Figham Pastures LWS

The EA requested that construction activities avoid the large sedge bed in Figham Pastures and suggested that the Horizontal Directional Drilling (HDD) under the River Hull be extended to bypass the Local Wildlife Site entirely. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 32), and in their response to the first Examining Authority questions (ExQ1) [REP1-073], question 1.3.9 (page 81). We acknowledge that some flexibility is needed and are satisfied with the Applicant's response that they will avoid the large sedge bed and seek to HDD under the whole site where reasonably practicable.

EA09 – Private Water Supplies

We note the proposed changes to the Environmental Statement and Preliminary Risk Assessment discussed in the ES Addendum [REP1-070] (pages 9 and 46) and are satisfied that this point has been addressed.

EA10 – Damage to Land Drains

The EA requested a commitment to inspect land drains and remediate them. Following the inclusion of commitments 551 and 615 within the Applicant's Commitments Register [REP1- 029] and the changes to the updated CEMP [REP1-051], we consider that issue EA10 has been satisfactorily addressed.

EA11 – Lifetime of the Development

We have reviewed the updated flood risk assessment [REP1-032 – REP1-049] and the results of the credible maximum scenario assessment. This shows that the site will remain resilient and will not result in any detrimental impacts offsite when climate change is considered into the 2080s epoch, so although the design is based on the 2050s climate change epoch, the Applicant's modelling demonstrates that even if the development lifespan and decommissioning extend into the 2070s, the impacts and resilience would remain comparable. Additionally, the Applicant has proposed that the DEMP will use the most up to date data and policy at the time it needs to be implemented, so we are confident it will include the necessary mitigation measures for this phase. As such, we consider this point has been addressed.

EA12 – Impacts on flood defences

The Applicant has responded to this point on page 38 of their Response to Relevant Representations [REP1-071]. In their response, the Applicant states that the worst-case scenario, assuming all crossings will require a new culvert structure, has been assessed, and that detailed design drawings will be provided to the EA under their protective provisions (once agreed). However, the Applicant is proposing crossings along main rivers where there are existing defences, and in some places, these are embankments. The Applicant has not provided any commentary specifically to demonstrate that they have considered any possible impacts that cable crossings and temporary / permanent crossings may have on the integrity of embankments, both above ground and to the foundations below ground. Subsequently, the Applicant has not proposed possible mitigation measures that would be needed when working on, near and below these defences.

EA14 – Risk of surface water flooding update

Based on the updated flood risk assessment provided [REP1-032 – REP1-049], we consider that EA14 has been satisfactorily addressed and the most up to date data has been used.

EA15 – Functional Floodplain

We have reviewed the updated flood risk assessment (FRA) [REP1-032 – REP1-049]. A plan which includes the 1 in 50 annual probability extent is shown within Appendix B of the updated FRA (drawings 60-315 and 60-316). This extent is only marginally larger than the 1 in 20 annual probability extent and would constitute a suitable and conservative proxy for functional floodplain.

EA16 – Surface Water Drainage Strategy

The EA raised concerns around the Applicant's drainage strategy, particularly around the Battery Energy Storage Systems (BESS). The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 41). The Applicant's response around the existing conceptual site model and Preliminary Risk Assessment is not entirely relevant here, as it relates to potential existing contamination, whereas the conceptual site model requested for informing the BESS (and other infrastructure) drainage design relates to the potential introduction of new contaminants from the on-site operations.

The discussion presented in the Updated WFD Screening & Scoping [REP1-031] is also not entirely relevant. Evidence is presented of the likelihood of a BESS fire, concluding that it is low. However, a BESS fire that is either put out with firewater or

left to burn, with adjacent units damped down, can still lead to the introduction of chemicals into the firewater. The likelihood of a fire may be low, but the consequences can be severe. If not suitably managed at the surface, this water can reach the groundwater, causing large-scale pollution. A significant number of the BESS units are proposed in Source Protection Zone (SPZ) 3, some close to SPZ2. The currently submitted documents do not provide confidence that pollution prevention has been fully considered.

The National Fire Chief Council's guidance has not been implemented with respect to giving consideration, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc) or using water-based suppression systems. Water used to cool adjacent BESS containers can still result in contamination should the containers fail. Therefore, containment of firewater and use of impermeable liners is best practice and should be implemented. Furthermore, in the event of a fire, a gravel base will be much harder to clean following any contamination.

EA17 – Temporary Construction Impacts

Section 5.11.56 of the updated flood risk assessment (FRA) [REP1-032 – REP1-049] discusses the impact of raising all construction compounds. Appendix B of the FRA (drawings 60-262 and 60-263) shows the impact of rising all compounds by 1 metre, which is shown to be negligible. We're therefore satisfied that this point has been addressed.

EA18 – Electro-Magnetic Fields

The EA raised concerns regarding the potential for impacts on fish from electro-magnetic fields. EA18 has been sufficiently addressed via the submission of additional information within the updated Habitat Regulations Assessment (HRA) [REP1-016] which confirms that no significant effects are anticipated.

EA19 – River Lamprey

EA19 has been sufficiently addressed via the submission of the updated HRA. The Applicant cannot commit to undertaking the works between April and September but will adhere to these timings wherever possible. In addition, further information has been provided within the updated HRA [REP1-016] to demonstrate that effects would not be significant even outside of these times, due to the depths and short-term nature of the works.

EA20 – Abstraction / De-watering

The EA raised concerns that the water requirement for HDD works had not been considered. The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 45) and a Water Resources Technical Note has been included in Appendix 1. The Applicant has also updated their Commitments Register [REP1- 029] and Outline CEMP [REP1-051] in response.

We are satisfied with the Applicant's response regarding dewatering and that abstraction from the River Hull is not intended. Though whilst bentonite wastewater is described, the volumes of water required and intended source of supply for HDD has still not been stated (other consumptive uses such as dust suppression and potable supply have been considered in the Water Resources technical note). It is therefore assumed to also be from mains supply or tankered as per the other uses.

Given the number of locations HDD is required for, this volume may not be insignificant and if this is not the case, further clarification is needed.

EA21 – Mammal Entrapment

The EA raised concerns regarding the potential for mammal entrapment from open cut trenching and suggested appropriate mitigation measures. We note the inclusion of commitment 614 within the Applicant's Commitment Register [REP1- 029] and the Outline CEMP [REP1-051] has been updated. On this basis, we're satisfied that this issue has been addressed.

EA22 – Hydrogeological Risk Assessment

We note the inclusion of commitment 662 within the Applicant's Commitment Register [REP1- 029] and are satisfied with the Applicant's response in their Response to Relevant Representations [REP1-071] (page 47). We therefore consider that issue EA22 has been addressed.

EA23 – Consumptive Water Supply

We consider that this point has been sufficiently addressed through the Applicant's Response to Relevant Representations [REP1-071] and the Water Resources Technical Note included in Appendix 1.

EA24 – Land Drains Risk Assessment

Following the inclusion of commitments 551 and 615 within the Applicant's Commitments Register [REP1- 029] and the changes to the updated CEMP [REP1-051], we consider that issue EA24 has been satisfactorily addressed.

EA25 – Decommissioning of Below Ground Cables

The Applicant has responded to this point in their Response to Relevant Representations [REP1-071] (page 55). We are satisfied with the addition of commitment 669 to complete an environmental risk assessment, but we requested it specifically for risks to controlled waters, so we would prefer to see it included further down Table 4-1 of the Outline DEMP, in the section of Land, Soil and Groundwater.

EA26 – Remediation Strategy

We are satisfied with the Applicant's response to this point on page 56 of their Response to Relevant Representations [REP1-071].

Additional Advice

We acknowledge that we have an outstanding unanswered question from ExQ1 – question 1.3.31 – regarding Environment Agency protective provisions. Unfortunately, due to resourcing pressures, we are unable to provide a response to this in time for Deadline 2. We will endeavour to provide an update in time for Deadline 3.

We trust this advice useful.

Yours faithfully

[redacted]
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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	EA06, EA08, EA18, EA19, EA21
	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, EA16
	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