

Planning Inspectorate

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[via Planning Inspectorate website &
oneearth solar@planninginspectorate.gov.uk
]

Date: 21 August 2025

Dear Sir/Madam

ONE EARTH SOLAR FARM

RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS 1

Thank you for consulting us on the examining authority's written questions 1. We have reviewed the questions directed at the Environment Agency and responded to them below.

We trust this advice is useful.

Yours sincerely

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Appendix 1 – Response to Examining Authorities Written Questions 1

Cont/d..

Appendix 1

ExQ1	Question to:	Question:
1.0.19	EA	Fire Safety (1) Can the EA, the Councils Environmental Health Teams, Nottinghamshire and Lincolnshire Fire and Rescue Services, and UK Health Security Agency advise from your different areas of responsibility whether you are satisfied with the proposed approach to fire safety?
Environment Agency Response:		
<p>We have reviewed REP1-059 [and REP1-060] 7.11.1 Outline Battery Safety Management Plan (Rev 2). Section 5 details the conceptual drainage design for BESS areas. We are satisfied with the measures proposed in consideration of mitigation of potential risks to groundwater. Specifically:</p> <ul style="list-style-type: none">• Water will be contained within the BESS Sites as part of the BESS Site drainage design to prevent the release of polluted water.• Activation of the fire suppression system will automatically trigger a penstock valve located downstream of the attenuation basins to isolate any potentially contaminated runoff and preventing its discharge to surrounding watercourses.• Firewater used to cool the adjacent units shall be collected by an appropriate drainage design with an impermeable lining in areas under the units and prevent infiltration of potential contaminants to the ground and groundwater.• The firewater shall be gathered into the water containment area adjacent to the BESS Sites, which will hold capacity for all the firewater. There shall be no firewater runoff released to the environment before appropriate testing has been carried out.• The attenuation basins have been sized to accommodate the volume of runoff generated by a 1 in 10 year rainfall in addition to 228 m³ of firewater with no resultant discharge to surrounding environments. <p>This design must be read in combination with the Flood Risk Assessment and Outline Drainage Strategy [EN010159/APP/6.21], in which it confirms: “contaminated water would be tankered away and would not discharge to any watercourse” (pg.46).</p> <p>It would provide us greater surety of design if there is a backup manual operation of the penstock valve, in case the automatic activation fails. The maintenance schedule should also include periodic inspection and testing of the automatic penstock closure to minimise the risk of the mechanism seizing.</p> <p>Section 4.8 on Post-incident Recovery and End of Life Management could have reference to after a fire event it should be made clear that both the lined detention basin and SuDS system would ideally need to be thoroughly drained and cleaned, prior to the penstock re-opening and allow flow of drainage water. Therefore, we would advise against gravel substrates used in the BESS and Substation compounds and surrounding drainage system as contaminants can more easily bind to their surfaces.</p> <p>Section 5.1.3 should clarify that all drainage features associated with the BESS, not only the detention basins but also the swales, will have impermeable lining.</p>		

ExQ1	Question to:	Question:
1.0.24	EA	Waste Can each party provide commentary on their views in respect to compliance with the Regulations: Waste Electrical and Electronic Equipment (WEEE) 2013
Environment Agency Response:		
<u>Battery Energy Storage Systems (BESS)</u>		
<p>Battery energy storage systems (BESS) facilities are not regulated under the Environmental Permitting Regulations regime. However, battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs. Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.</p> <p>The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.</p>		

ExQ1	Question to:	Question:
3.0.2	EA	Environmental Statement (1) With a 60 year lifespan please explain the frequency with which you would expect to have to replace components, for example BESS, Inverters, Panels. (2) It would appear that there is no specific assessment of replacements as it has been assumed it would be no worse than the initial construction period, is this a correct interpretation? (3) Assuming this is correct, the controls in place during construction to mitigate any consequential effects, would appear to need to be in place during operation, unless there is a control mechanism in place that would prevent a large-scale replacement of components. What would be a reasonable threshold that would ensure adverse environmental effects do not occur?
Environment Agency Response:		
(1) Replacement of components is dependent on the design life recommended by the manufacturer, in combination with any maintenance or operational limitations which may affect this. We suggest the applicant confirms these details with their preferred suppliers and presents a proposed timescale for any scheduled equipment replacement. The operational maintenance plans should include instruction to demonstrate how drainage systems, including penstocks and valves, will be checked, kept clean and operational functionality be ensured (for example, the		

“detailed SuDS Maintenance Schedule” mentioned in REP1-049 7.5.1 Outline Operational Environmental Management Plan (Rev 2), Table 3.4).

(2)

This is something we would expect the applicant to provide an answer for. We would typically expect infrastructure such as panel mounting frames, buried cables, and foundations for the BESS site and any other structures to remain for the whole lifespan of the scheme. The applicant should confirm if this is the case for this scheme. As such, any replacement of components would be above ground only (panels, BESS containers, etc.), with minimal impact on the subsurface environment, and no more likely to cause harm than the initial construction period. We suggest the applicant includes this information in the operational maintenance schedules or OEMP.

(3)

Any maintenance or replacement of equipment should be completed in accordance with the same controls set out in the relevant CEMP(s) for the work. If maintenance or replacement works are anticipated to be more disruptive or potentially harmful than initial construction works, we would like to see an additional management plan which satisfactorily addresses the associated risks.

ExQ1	Question to:	Question:
12.0.4	EA	Ongoing Maintenance Are IPs satisfied that the details within the OEMP are satisfactory to ensure that the drainage infrastructure will be maintained to a suitable level for the duration of the Proposed Development.
Environment Agency Response: The applicant proposes to produce a “detailed SuDS Maintenance Schedule” (REP1-049 7.5.1 Outline Operational Environmental Management Plan (Rev 2), Table 3.4). In principle, this document should be sufficient, but we cannot provide further comment until it is available for review. We look forward to seeing this and providing comment in due course. We expect to see information on maintenance of the BESS, including systems to capture firewater and ensure serviceability of any automatic penstock valves.		

ExQ1	Question to:	Question:
12.0.5	EA	Compliance with WFD A number of IPs [including RR-007, RR-095] have expressed concern of the potential adverse effect on soil health, the environment and drinking water. (1) Please advise if there are any concerns that arise from the proposed development in respect of any effects that may arise on drinking water, either during construction, operation or subsequent decommissioning. (2) Please advise on whether you consider the Water Framework Directive would be complied with, and if

		you are content that mitigation offered through the DCO would meet with any concerns identified
Environment Agency Response:		
<p>We would expect all the normal pollution prevention protocols in the CEMP, OEMP and DEMP, and fluid breakout plan for HDD. This is discussed in the WFD report (sections 4 and 5). BESS drainage design is also mentioned; the relevant documents are not referenced but we know they exist and have seen them. Assuming all these are in place, sufficiently robust, and adhered to, I would anticipate any risks to WFD Groundwater bodies are not significant and the WFD can be complied with.</p> <p>The WFD Screening Assessment contains sufficient pollution prevention which are also listed in the CEMP, OEMP and DEMP. There is one discrepancy between section 5.1.7 of the WFD Assessment and the CEMP for the minimum distance below the bed of the watercourse for cable crossings that needs to be clarified. Additionally, the bentonite fluid breakout plan and the Water Management Plan have not yet been submitted and will need to be reviewed, however we consider that providing these are compiled with there are no outstanding WFD concerns.</p>		

ExQ1	Question to:	Question:
12.0.6	EA	<p>Water Framework Directive</p> <p>NPS EN-1 states at paragraph 5.16.14 “The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19).</p> <p>The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met.</p> <p>A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential.” (our highlighting)</p> <p>(1) Can each party advise on its position in respect of the Proposed Development, its relationship to any relevant River Basin Management Plan and the requirements of the WFD.</p> <p>(2) Can each party confirm their position in respect of whether there is likely to be any deterioration of a water body, or that any water body would not achieve a ‘good status’ or ‘good potential’ as a consequence of the Proposed Development, and</p>

		<p>(3) The relevant position in respect of whether Regulation 19 is /would be met?</p> <p>(4) In light of the current position of the Stage 1 WFD screening assessment recently submitted to the EA, whether it is likely the outcome of the screening assessment will be known prior to the end of the examination.</p>
Environment Agency Response:		
<p>We are satisfied by the WFD Assessment as long as any changes in the CEMP are reflected in the Screening Assessment. Further details on these matters can be found in our response to documents submitted at deadline 2 (ref: XA/2025/100427/01)</p>		

ExQ1	Question to:	Question:
12.0.11	EA	<p>Construction Phase and oCEMP</p> <p>In your WR [REP1-103], the EA state they expect to see commitments to the use of standard construction good practice methods to manage surface water, siltation, spills and leaks and other issues for all elements of the Scheme within the Outline Construction Environmental Management Plan (oCEMP) and its supporting documents, to ensure sufficient mitigation is provided for the protection of controlled waters.</p> <p>(1) Are you content all the measures listed are secured in a robust way within the oCEMP and dDCO?</p> <p>(2) If not what further measures are required to be added?</p>
Environment Agency Response:		
<p>In general, yes, we are content that all measures listed provide sufficient mitigation for the protection of controlled waters. However additional containment measures around storage of materials and clarifying details about the foul water strategy should be provided in the CEMP.</p>		