Planning Inspectorate

[via PINS portal]

Our ref: XA/2026/100512
Your ref: EN010163

Date: 07 January 2026

ENVIRONMENT AGENCY DEADLINE 2: STEEPLE RENEWABLES.

RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 1 AND RESPONSE TO ExQ1.

This response constitutes the Environment Agency's Deadline 2 submission.

We have reviewed the Deadline 1 submissions, specifically:

- [REP1-008] Applicant's Comments on Relevant Representations

A summary of our position is provided in Appendix 1: Work Package Tracker.
Our response to ExQ1 is provided in Appendix 2

We respond to the comments regarding our Relevant Representation [RR-025] in turn below.

Theme: Flood Risk

RR-025/5

FR01 Climate change impacts on fluvial flood risk have been assessed for the 2050's epoch using the 'Higher Central' allowance. This is based on an operational lifetime of the development of 40 years, ceasing prior to the end of 2069.

Our comment:

Resolved. The applicant's response and rationale of the proposed limitations to the development lifetime seem acceptable. Our concern remains, that climate change has only been assessed to 2069, so we would want the ExA to be comfortable that the applicant's approach will limit the lifetime of development appropriately.

RR-025/6

FR02 The FRA does not include any consideration of flood risk from infrastructure remaining in place beyond the end of 2069.

Our comment:

Working on a solution. Agree that the FRA should be updated to include an assessment of decommissioning phase flood risk impacts. This should include an assessment of floodplain volume loss due to infrastructure within the 100 year plus 39% climate change extent.

A decommissioning phase Flood Management Plan should set out a priority to decommission and remove development within high flood risk areas first.

RR-025/7

FR03 In an extreme flood event, such as a breach of the River Trent defences, shutdown of the site may be required rapidly and at short notice. No site shutdown process has been provided.

Our comment:

This matter can be closed. Response noted. We will continue to work with the applicant on the documents referred to.

RR-025/8

FR04 Recoverability and resilience of critical infrastructure in the event of a breach of Trent defences is unclear

Our comment:

Working on a solution. We recognise that a breach scenario would not normally be considered as the “design event”, however, given the criticality of the BESS, has any consideration been given to bunding the BESS to provide additional resilience in the event of a breach or can the BESS be designed so that any damage in the event of a breach is minimalised? Is there any risk of hazardous chemicals within batteries becoming mobilised if a breach were to occur?

RR-025/9

FR05 It is unclear what scenario the maximum water level results presented on the cross sections in Appendix E relate to

Our comment:

Resolved. The applicant's response to this comment is that the water levels reflect the design flood extent and that the FRA will be updated to confirm this. This is reasonable. The cross sections in Appendix E should clearly label that the design event has been used (e.g. 1% (1 in 100) annual exceedance probability flow plus 23% climate change).

RR-025/10

FR06 The available freeboard shown in the 1d modelling for some cross sections of the Catchwater Drain is limited and it is not clear whether structures have been included in the modelling

Our comment

Working on a solution. The applicant is currently in the process of updating the model for the Catchwater Drain to include structures and additional model runs to test the sensitivity of

model results. This is welcomed and we await the updated model and results for review in due course.

Theme: Ecology & Fisheries

RR-025/11

EF1 Aquatic habitat / species is not mentioned in the Decommissioning Plan (DP). We do not agree with the statement in ES Ch 7 that no further physical impacts on watercourses would be likely to arise during the decommissioning phase.

Our comment:

This matter can be closed. This also relates to RR-025/2. We note the response to our relevant representations on this matter. The response for RR-025/11 and RR-025/2 is acceptable and we would be pleased to be consulted on the detailed CEMP captured in Requirement 7

RR-025/12

EF3 Omission -The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 is not listed, although we note it is included in APP-103 Appendix 7.1 Legislation and Policy.

Our comment:

Working on a solution. Applicants' comments are noted, and we are satisfied that the Applicant has considered and meets the requirements of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 within ES Appendix 7.12 - Biodiversity Net Gain Report [APP-114]. However, we request that the legislation be included within ES Chapter 7 for completeness.

RR-025/14

EF5 Further clarity required regarding mitigation measures for otter and water vole.

Our comment:

This matter can be closed. We are satisfied with the Applicant’s response.

RR-025/15

GEO1 We advise that pipe (and box) culverts can interfere with water conveyance, sediment transport and the movement of fish and mammals.

Our comment:

This matter can be closed. The response is acceptable, especially intention to improve crossings and ensure that crossings over flowing watercourses are clear/open span, including replacing two piped culverts with open span structures.

RR-025/16

GEO2 The topographic maps are difficult to interpret because the contours are not labelled or shaded and the spot height text is too small

Our comment:

This matter can be closed. We are satisfied that the topographic maps will be revised via requirement 16

Theme: Groundwater & Contaminated Land

RR-025/17

GWCL1 Not all sources of contamination have been assessed, and the Conceptual Site Model (CSM) is not sufficient.

Our comment:

Working on a solution. As we commented, the Conceptual Site Model table in Section 4.4 is not adequate. We would typically expect each potential source-pathway-receptor linkage to be given as a separate line in this table and be subject to its own assessment. This would include the power station and waste exemptions for sludge as highlighted previously. For examples of different types of conceptual site model, refer to BS EN ISO 21365 Soil quality – Conceptual site models for potentially contaminated sites.

The proposed action "to include a sub-section in the CSM to address contaminant risks in the power station area only" should have been done as part of a robust model, and not made as a later addition.

The applicant agrees that the power station should be subject to a more detailed ground investigation, and there is a Moderate development risk for this area. This was not made clear in the Conceptual Site Model table or subsequent conclusions. It also contradicts the assessed Low risk to controlled waters in the current table: "No significantly leachable contaminants are anticipated on site as limited made ground is expected. No mitigation anticipated."

In the current table it states that water receptors are "too far from potential low risk contaminant sources". The site is underlain by secondary aquifers, which the applicant has correctly defined as a receptor. It is unclear how this receptor has been determined as being "too far" from potential sources.

We look forward to seeing the updated and more comprehensive CSM in due course.

RR-025/18

We previously noted that construction of the power station within the site boundary is not noted in the table in Section 3.1 (either on- or off-site), or the discussion of where Made Ground might be expected in Section 3.2.

Our comment:

Working on a solution. Note that this comment has been taken from the Additional Explanation section of our comment EA Ref. GWCL1 (response ID RR-025/17) and was not raised as an issue on its own. As such, some of the context appears to have been lost. Content of APP-047, mentioned in the applicant's response, did not form part of our comment.

APP-055 includes responses to our previous comments. We previously commented that in APP-082 we would expect the review of historical maps given as the table in Section 3.1 to include mention of the construction of the power station. While the power station is mentioned in several sections of the desk study, the only place in APP-082 that the date of construction is mentioned is the Executive Summary. We expect any information in the summary to also be in the body of the report. We would expect construction of the power station to be identified as part of the historical map review.

The applicant proposes to revise the tables in sections 3.1 and 3.2 of APP-082 as part of the examination process. We support this solution and look forward to reviewing the updated document in due course.

RR-025/19

GWCL2 The recommendations for the assessment of potential contaminants of concern only cover soil testing should also include groundwater, and this omission has been carried The Applicant notes this comment but disagrees that Groundwater sampling is required at this stage. ES Appendix 2.2 Phase 1 Geoenvironmental Desk Study [APP-082] sets out there are no pathways and assessed low risk of contaminant linkages for ground water. Specifically, no significant contaminants are anticipated on site as limited made ground is expected. Therefore, no mitigation is anticipated. Furthermore, receptors are too far from potential low risk contamination EN010163/EX/8.3 125 forward into the main report and draft DCO. Impact Any contamination in groundwater may be missed if no testing is undertaken

Our comment:

Working on a solution. Refer to our comments on RR-025/018 and review this response after the CSM has been updated.

Shallow groundwater is possible, and pollutant sources, including the power station, have been identified. The potential for groundwater chemical testing should not be ruled out at this stage, albeit we agree the exact scope can be confirmed at a later date.

The applicant states: "receptors are too far from potential low risk contamination sources to be affected." We disagree with this, as shallow groundwater in secondary aquifers, a receptor, may be present across the site.

We are satisfied that a ground investigation is proposed, and that these works can be carried out after grant of DCO, subject to actions relating to contamination in the CEMP and DCO being appropriately followed.

RR-025/20

GWCL3 -The mitigation measure for unexpected contamination is currently insufficient in Table 3.4. Procedure in Table 3.11 is given twice, but the entries are slightly different from each other.

Our comment

Working on a solution. We are pleased to note that the relevant sections of the CEMP, OEMP and DP will be revised, however this should be included in the outline plans. The detailed CEMP(s), OEMP(s) and DP(s) are to be based on the outline plans presented. If it is not clearly set out in the outline plans there is a risk that the requested changes will not be consistently added to all versions of the detailed plans for each work package. The outline plans should be revised in line with our comments.

RR-025/21

GWCL4 Requirement and instruction for dewatering is not clearly defined.

Our comment:

Working on a solution. We are pleased to note that the relevant sections of the CEMP, OEMP and DP will be revised, however we consider the proposal to do this only in the detailed plans may be too late. The detailed CEMP(s) and DP(s) are to be based on the outline plans presented. If the correct information is in the outline plans, it will expediate agreement of the detailed plans, and help ensure that the requested changes are consistently added to all versions of the detailed plans for different packages of work. It would give us greater confidence in this issue being resolved appropriately if any subsequent revisions of the outline plans are updated in line with our comments.

RR-025/22

GWCL5 -There is a lack of clarity regarding whether water will be used in firefighting, and the Outline Fire Risk Management Plan states a provisional intention for the BESS site to be self-sufficient during a battery based fire; however, it also notes that this approach will be EN010163/EX/8.3 128 need for firewater containment measures.

Our comment:

Working on a solution. We acknowledge that designs for the BESS site and its fire prevention measures are yet to be confirmed, however for the reasons given we still expect measures to capture firewater to be included. Even if the final proposed firefighting solution does not include water, the use of water in firefighting, or interactions with other water such as rain during a fire event, cannot be categorically ruled out. The site is underlain by secondary aquifers, and this receptor must not be put at risk.

We are pleased to note the applicant's commitment to update the Outline Fire Risk Management Plan to accommodate use of water for firefighting purposes on site, and we look forward to reviewing this in due course. We expect some of the inconsistencies between the various reports to be reviewed.

RR-025/23

GWCL6 Proposal for drainage systems around BESS sites to be infilled with gravel.

Our comment:

Working on a solution. We are pleased to see that further information will be provided, and we look forward to seeing this in due course.

RR-025/25

GWCL8 The potential for impacts of dewatering on shallow WFD groundwater bodies has not been considered.

Our comment:

Working on a solution. The applicant comments that the WFD Assessment "sets out shallow groundwater does not appear to be continuous beneath the site". However, in the report this is followed by: "it is acknowledged that the BGS borehole logs do not provide sufficient Site coverage to draw firm conclusions" and regional groundwater flow is also discussed (APP 121 Section 5.5.3).

We support the proposal to include the information given in this response in future revisions of the WFD Assessment. Furthermore, discussion of dewatering controls covered as RR-025/21 should also be considered.

RR-025/26

GWCL9 Record of historical maps is incomplete. Duplicate maps included instead.

Our comment:

Working on a solution. We are pleased to see that the relevant Appendix will be updated, and we look forward to seeing this in due course

RR-025/27

GWCL10 Instruction for unexpected contamination should include reference to local planning authority (LPA)

Our comment:

Resolved. We agree that liaison with the Local Planning Authority (LPA) is covered within requirements 7 and 12.

RR-025/28

Point for consideration We have previously commented on the limited localised heating of the ground and any groundwater present in the immediate vicinity of the HV cables.

Our comment:

Resolved. We do not currently have published guidance on assessment of heat as a groundwater pollutant, but we ask developers to consider making their own assessments.

However, on this occasion we have reviewed the site setting using parameters derived from our guidance for ground source heating and cooling systems. Note: thermal impacts of these systems should not typically be used to assess the impacts of buried cables. We are satisfied that the DCO site is not within an area where harm is likely to be caused by heat pollution from buried HV cables. If significant contamination is encountered at any point, potential thermal impacts may need to be reassessed. Where multiple cables are laid in a single trench, the applicant should consider appropriate spacing between cables to prevent overheating.

RR-025/29

Point for consideration - The applicant has proposed that Source Protection Zone (SPZ) 3 should be determined as low sensitivity, alongside unproductive aquifers. We disagree with this.

Our comment:

Resolved. We are pleased to note the proposed revision and look forward to seeing this in due course.

RR-025/30

Point for consideration: The Outline Fire Risk Management Layout does not show the proposed drainage basin and automatic closures.

Our comment:

Working on a solution. We are pleased to see that the relevant plan and other deliverables will be updated, and we look forward to seeing these in due course.

RR-025/31 – this covers two separate points:

Point for consideration: Minor differences between the summary of borehole data between Chapter 8 and Appendix 8.3 when compared to the same information in Appendix 8.2.

Issue: The oCEMP omits some specific topics that should be included at this stage to ensure they are taken into the detailed CEMPs.

Our comment:

Regarding Borehole data - Working on a solution. We are pleased to see that the relevant documents will be updated, and we look forward to seeing these in due course.

Regarding content of oCEMP – Unresolved. We maintain our position that these points should be included in the outline CEMP to ensure they are consistently carried through to the individual detailed management plans.

Yours sincerely,

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Appendix 1: Work Package Tracker

Subject	Work package	Scope	Method	Results	Mitigation	Requirement	Tier1 (matter for refusal)/ Tier2 (can be resolved in inquiry)	Notes
Flood risk	Flood Risk Assessment						**T2**	Working on resolutions.
Flood Risk	Flood Risk Modelling						**T2**	Agreement that model for Catchwater Drain is to be updated
Ecology and Fisheries	Decommissioning Plan						**T2**	Resolved.
Ground water & contaminated land	Conceptual Site Model						**T2**	Working on a solution. Updated CSM to be produced for review.
	oCEMP						**T2**	Issues regarding groundwater testing have been resolved. Mitigation for unexpected contamination, and instruction for dewatering, should both be included in Outline CEMP, OEMP & DP.
	Surface Water Drainage Strategy						**T2**	Await review of further detail regarding drainage design and automatic shutdown valve for BESS
	Outline Fire Risk Management Plan						**T2**	Await review of amended Outline Fire Risk Management Plan
Water Quality	oCEMP						**T2**	Expand wording of the oCEMP to ensure adequate scope of the detailed management plans : Temporary Construction Drainage Strategy, Water Management Plan, Foul Water Management, Pollution Incident and Emergency Response Plan

Appendix 2 - Environment Agency response to ExQ1

ExQ1	Question to:	Question:
Q1.0.1	All parties	**Artificial Intelligence (AI)** The Planning Inspectorate has issued guidance (Use of artificial intelligence in casework evidence) in relation to the use of AI. Have you used AI to create or alter any part of your documents, information or data?
	EA response	We have not used AI to create or alter any part of our documents, information or data.
Q1.0.4	The applicant and all interested partie (IPs)	**2025 revisions to National Policy Statements (NPSs)** Following a review of the energy NPSs, the government consulted on updates to EN-1 (the overarching energy NPS), EN-3 (renewable energy infrastructure) and EN-5 (electricity networks) in April to May 2025. After considering responses to the consultation, the government is due to publish revised versions of EN-1, EN-3 and EN-5 following a 21-sitting day 'consideration period'. Further details can be found here. Please set out any implications for the consideration of the proposed development arising from the updated NPSs.
	EA response	No implications
Q1.0.5	The applicant and all IPs	**Solar roadmap** The Solar roadmap: United Kingdom powered by solar was issued by the Department for Energy Security and Net Zero on 30 June 2025. Please set out how the proposed development would align with the measures set out in roadmap.
	EA response	No comment
Q7.0.2	All IPs	**Report on the Interrelationships with other National Infrastructure Projects** Following the submission of the above report [REP1-012] by the applicant at deadline 1, please provide any comments on the suitability of the report.
	EA response	No comment
Q9.2.16	Nottinghamshire County Council, Bassetlaw District Council, **Environment Agency** and Trent Valley Drainage Board	**Article 14 – Discharge of water** Is it necessary for a paragraph to be added that does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2016? If so, please explain why and if not, explain why not.
	EA response	Reference to the definition of a "water discharge activity" as set out in Schedule 21should be included for completeness and the avoidance of doubt.

Q9.2.18	The applicant, Nottinghamshire County Council, Bassetlaw District Council and the Environment Agency	**Article 14(5) – Discharge of water** Paragraph 5 refers to 'main river' although no definition is provided as to what this includes. Should the following definition highlighted in bold be added to paragraph (8) after sub-paragraph (b) to improve precision: "'main river" means watercourses as defined under section 113(1) of the Water Resources Act 1991 and shown as such on the statutory main river maps held by the Environment Agency and the Department for Environment, Food and Rural Affairs. If so, please amend accordingly or explain why this is not necessary.
	EA response	Agree that the proposed definition should be included.
Q9.2.19	The applicant, Nottinghamshire County Council, Bassetlaw District Council and the Environment Agency	**Article 14(9) – Discharge of water** 1. Can the applicant explain the measures you have taken to ensure that all parties who could be affected by this provision, such as owners of any watercourse, public sewer or drain, have been made aware of the deemed consent provision. 2. Do the councils and the EA consider that the 28-day period specified for issuing a decision of an application for consent a sufficient period of time? If not, explain why not and what you consider an appropriate period of time for issuing a decision would be.
	EA response	We do not agree with para (9). Consent to discharge to a watercourse is controlled by the Environmental Permitting (England and Wales) Regulations 2016 and this regime is not limited to a 28-day decision-making period. We routinely recommend applicants consider the likely need for discharge permits as early as possible, to avoid delays to the development.
Q9.4.21	The applicant, local authorities and statutory consultees	**Requirement 25 – Consultation** To improve precision, is a timescale required to be added stipulating a time period for another person or body to provide comments to the undertaker?
	EA response	Yes, timescales should be included, specifying: timescales for consultation by the discharging authority to the consultee; timescales for the consultee to respond; timescales for the consultee to notify the discharging authority when further information is required; and timescales for the discharging authority to notify the undertaker of such further information requests. This should include provision for longer periods of time if required and agreed between the parties..
Q10.0.1	Environment Agency,	**Suitability of sequential and exception test**

	Nottinghamshire County Council and Bassetlaw District Council	Do you have any comments on the suitability of the sequential assessment for flood risk and the Exception Test contained in sections 6 and 7 of [APP-186] and particularly whether it satisfies the requirements of section 5.8 of NPS EN-1?
	EA response	Assessment of the Sequential Test is not within the remit of the Environment Agency. We are satisfied that the applicant has adequately followed the exception test
Q13.0.4	All IPs	**Viewpoint locations and photomontages** Further to the question above noting comments raised on this matter, are there any specific locations where parties consider should be included in the viewpoints and photomontages? If so, please provide full justification as to why those locations are required, the receptors that they would represent and what they would provide in addition to that not included in the current suite of viewpoint locations and photomontages.
	EA response	No comment
Q13.4.6	All IPs	**Assessment of effects** Do any interested parties disagree with any of the assessment findings in table 1 of the RVAA [APP-100]? If so, please explain why.
	EA response	No comment