

The Planning Inspectorate

Reference: OR-0011572/01

Customer reference: EN0110012

[via PINS portal]

02 October 2026

Dear Sir/Madam

ENVIRONMENT AGENCY COMMENTS ON ANY INFORMATION RECEIVED AT DEADLINES 1 AND 2 AND ACCEPTED BY THE EXAMINING AUTHORITY. LIGHT VALLEY SOLAR.

This letter constitutes the Environment Agency's response to any information received at Deadlines 1 and 2 accepted by the Examining Authority (ExA). We will also be submitting a response which constitutes our response to the ExA's first written questions (ExQ1). This will be sent as a separate submission.

We have reviewed the submissions accepted by the ExA, in particular:

- Draft Development Consent Order (DCO) (Version 2) [[REP2-004](#) and [REP2-005](#)]
- Design Parameters and Commitments (Version 2) [[REP2-021](#) and [REP2-022](#)]
- Shadow Habitats Regulation Assessment (sHRA) (Version 2) [[REP2-023](#) and [REP2-024](#)]
- Chapter 15 - Water Resources and Flood Risk (Version 2) [[REP2-043](#) and [REP2-044](#)]
- Figure 15.4 Groundwater and Surface Water Designations [[REP2-052](#)]
- Appendix 1.3 Commitments Register (Version 2) [[REP2-069](#) and [REP2-070](#)]
- Appendix 15.1 Flood Risk Assessment (FRA) (Version 2) [[REP2-079](#) and [REP2-080](#)]
- Appendix 15.2 Water Environment Regulations (WER) (Water Framework Directive) Compliance Assessment (Version 2) [[REP2-081](#) and [REP2-082](#)]
- Appendix 15.4 Outline Drainage Strategy (Version 2) [[REP2-085](#) and [REP2-086](#)]
- Outline Construction Environmental Management Plan (CEMP) (Version 2) [[REP2-089](#) and [REP2-090](#)]
- Outline Operational Environmental Management Plan (OEMP) (Version 2) [[REP2-091](#) and [REP2-092](#)]
- Outline Decommissioning Environmental Management Plan (DEMP) (Version 2) [[REP2-093](#) and [REP2-094](#)]
- Outline Battery Safety Management Plan (BSMP) (Version 2) [[REP2-097](#) and [REP2-098](#)]
- Outline Pollution and Spillage Response Plan (PSRP) (Version 2) [[REP2-099](#) and [REP2-100](#)]
- Permitted Preliminary Works Environmental Management Plan (PPWEMP) (Version 1) [[REP2-113](#)]

- The Applicant's Response to Submissions Received at Deadline 1 Statutory Bodies (Version 1) [[REP2-118](#)]
- Figure 15.28 1 in 30-year event (defended) - Additional Submission accepted at the discretion of the Examining Authority [[AS-042](#)]

A summary of the Environment Agency's overall latest position is shown in Appendix A. The Environment Agency's position on individual issue IDs as raised in our Relevant Representation [[RR-0419](#)] is shown in Appendix B.

EA01 Electromagnetic Fields

We are satisfied with the Applicant's commitment to include detailed electromagnetic field (EMF) mitigation measures within the detailed CEMP which is stated in Table 3-3 of the updated outline CEMP [[REP2-089](#) and [REP2-090](#)]. We are pleased to see that C18 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] has been updated to specify that the commitment of minimum depth of 5m below bed mitigates EMF impacts on fish and includes all main watercourses where high voltage (>132kV) cables are proposed to be buried beneath.

This issue is resolved.

EA03 Fish Spawning and Migration Periods

We are satisfied with the change of wording in Table 3-3 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which states that sensitive migratory times for diadromous fish will be avoided by noisy construction activities.

This revision is sufficient to address our concerns regarding fish spawning and migration periods.

This issue is resolved.

EA04 Lamprey Migration Period

We are satisfied that the correct migratory times will be avoided and have been stated in Table 3-3 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] and Section 8.3.17 of the sHRA [[REP2-023](#) and [REP2-024](#)].

This issue is resolved.

EA06 Culverts

We are satisfied with the updated wording in Table 3-3 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which ensures that fish will be protected where there are temporary culverts on the Selby Dam and Habholme Dyke. We are also content that permanent culverts will be designed to allow free fish passage.

We are also satisfied with the updates made to Table 3-3 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] in relation to enhancement measures for otters, including ensuring any replacement culverts over Selby dam allow for passage of mammals.

This issue is resolved.

EA07 Open-Cut Trenching

We are satisfied with the updates made to Table 3-13 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which confirms that bankside habitats will be reinstated, and that exact reinstatement methods will be confirmed in the detailed CEMP.

This issue is resolved.

EA08 Otter and Water Vole Mitigation During Decommissioning

We are satisfied that otter and water vole avoidance and mitigation measures have been incorporated into Table 3-3 of the outline DEMP [[REP2-093](#) and [REP2-094](#)]. These include pre-commencement surveys and the procurement of a mitigation licence (if required).

This issue is resolved.

EA09 Wheel Washing

We are satisfied with the updates made to Sections 2.7.2 to 2.7.4 of the outline OEMP [[REP2-091](#) and [REP2-092](#)] which includes further details of how wash water will be managed to ensure contaminants do not enter local watercourses. We also welcome the updates made to C107, C170 and C191 within the Commitments Register [[REP2-069](#) and [REP2-070](#)].

This issue is resolved.

EA10 Foul Waste

We are satisfied with the updates made to Table 3-13 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] and Table 3-13 of the outline OEMP [[REP2-091](#) and [REP2-092](#)]. We are also pleased to see that any references to tanks, pumps, or septic systems have been removed from Table 3-12 of the outline DEMP [[REP2-093](#) and [REP2-094](#)]. We also welcome the updates made to Sections 5.5.16 to 5.5.18 of the Outline Drainage Strategy [[REP2-085](#) and [REP2-086](#)] and Section 5.2.5 of the WER Assessment [[REP2-081](#) and [REP2-082](#)] in relation to foul waste. We also welcome the updates made to C127 and C181 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] confirming use of sealed non-mains drainage solution.

Whilst we recognise that we are named as a consultee for the discharge of Requirement 10 (surface and foul water drainage) and Requirement 19 (decommissioning and restoration), and therefore minor amendments can still be addressed post-consent, we recommend the Applicant clarifies the wording in the outline DEMP [[REP2-093](#) and [REP2-094](#)] on the topic of foul waste management. We recommend it be amended to be in line with the outline CEMP [[REP2-089](#) and [REP2-090](#)], outline OEMP [[REP2-091](#) and [REP2-092](#)] and C127 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] (i.e. sealed cesspool or package

treatment plant). During the decommissioning phase, there will be the need for welfare facilities of contractors but that is currently unclear. The outline DEMP [REP2-093 and REP2-094] currently only covers how foul water drainage systems will be managed as they are capped off and removed. For clarity, we consider this issue to be resolved, but would recommend that the Applicant considers these proposed updates for completeness.

This issue is resolved.

EA11 Sealed Drainage System

We are pleased to see that updates have been made to the Outline Drainage Strategy [REP2-085 and REP2-086], outline BSMP [REP2-097 and REP2-098] and outline OEMP [REP2-091 and REP2-092] confirming that drainage systems will be fully sealed which will prevent risk of contamination in the event of a fire. We note that the description of the BESS drainage system has been updated to confirm this will be impermeable and equipped with isolation systems.

Table 2-2 of the Design Parameters and Commitments [REP2-021 and REP2-022] has been updated to confirm foundation details of up to 2m (conventional shallow) or 15m (piles), and Table 3-3 has been amended to include foundation/piling maximum depths of 2.5m/15m for Work No. 3. With those details established, and a commitment to Foundation Works Risk Assessment (FWRA) in Table 3-13 of the outline CEMP [REP2-089 and REP2-090], we are content with the approach taken by the Applicant.

This issue is resolved.

EA12 Valves and Penstocks

We are satisfied that Item 18 within Section 5.2.4 of the WER Assessment [REP2-081 and REP2-082] has been updated to confirm BESS will either use internal water-based fire suppression system or else be designed to safely burn out.

We are pleased to see that Item 19 within Section 5.2.4 of the WER Assessment [REP2-081 and REP2-082] has been updated to confirm there will be manual backup operation of the shut-off valves, and regular checking and maintenance of drainage isolation devices associated with fire water containment.

Additionally, we welcome the updates made to C131 within the Commitments Register [REP2-069 and REP2-070] and numerous sections of the outline BSMP [REP2-097 and REP2-098] which confirm automatic drainage isolation devices with manual override. Updates to Section 5.4.11 of the Outline Drainage Strategy [REP2-085 and REP2-086] also support this as it confirms that there will be maintenance of drainage isolation to prevent seizing.

This issue is resolved.

EA13 BESS and Substation Drainage

The current commitments around 'sentinel' type monitoring systems at the BESS outfall are insufficient and we are concerned that there is a risk that spills and leaks during normal BESS operation could go unnoticed. The proposal to consider 'sentinel' monitoring systems for the BESS compound drainage system is not yet as secure in the Outline Drainage Strategy [[REP2-085](#) and [REP2-086](#)] or outline OEMP [[REP2-091](#) and [REP2-092](#)] as we would expect and there lacks adequate explanation of how substation drainage will be managed.

Additionally, the outline CEMP [[REP2-089](#) and [REP2-090](#)] currently does not refer to the consideration of sensor-based systems at the BESS outfall, as indicated in WR-EA-013 within The Applicant's Response to Submissions Received at Deadline 1 Statutory Bodies [[REP2-118](#)].

We note that C131 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] mentions a worst-case pollution incident, including a fire involving oil-filled electrical plant (e.g. transformers). However, it does not specifically refer to the substation. We recognise it goes on to state that "where a higher pollution risk is present, such as the BESS, substations, and transformers, the drainage strategy incorporates appropriate containment, treatment and discharge controls, including oil-water separation and dedicated firewater retention systems". However, we request this information is suitably secured (i.e. in the outline CEMP, outline OEMP and the Outline Drainage Strategy).

The Applicant should confirm if the decision as to whether additional water quality monitoring, potentially including sensor-based systems, will be informed by risk assessment and options appraisal at the detailed design stage, the results of which will be incorporated into the detailed Drainage Strategy.

This issue remains outstanding.

EA14 Testing of Firewater

The updates to Sections 5.4.12, 5.4.13, 5.4.24 and 5.5.15 of the Outline Drainage Strategy [[REP2-085](#) and [REP2-086](#)] and Sections 4.5.4 and 4.5.10 of the outline BSMP [[REP2-097](#) and [REP2-098](#)] are appropriate. We also welcome the updates made to Table 3-13 of the outline OEMP [[REP2-091](#) and [REP2-092](#)] relating to BESS firewater testing and C131 of the Commitments Register [[REP2-069](#) and [REP2-070](#)] which support this issue.

This issue is resolved.

EA15 Disposal of Firewater

Sections 4.5.10 to 4.5.11 of the outline BSMP [[REP2-097](#) and [REP2-098](#)] and Section 5.4.13 of the Outline Drainage Strategy [[REP2-085](#) and [REP2-086](#)] confirm that there will be no discharge without testing results and it could be removed via tanker. We are also satisfied with the amendments made to Section 7.4.29 of the WER Assessment [[REP2-081](#) and [REP2-082](#)] which now include additional on disposal of firewater.

However, we note that Section 5.4.14 of the Outline Drainage Strategy [[REP2-085](#) and [REP2-086](#)] states that the requirement for an Environmental Permit would be identified and progressed at detailed design [stage] once final drainage arrangements are confirmed, and prior to commencement of the regulated activity. This appears to relate specifically for discharge of uncontaminated firewater. It is unlikely that an Environmental Permit for the discharge of firewater, pending contamination testing, from the BESS drainage system would be granted pre-emptively prior to operation of the Proposed Development. We therefore advise that this text is amended to reflect the likelihood that application for such a Permit would be sought once firewater requiring management was present.

This issue remains outstanding.

EA16 Post-Incident Recovery Plan

We are satisfied with the addition of Item 20 to Section 5.2.4 of the WER Assessment [[REP2-081](#) and [REP2-082](#)], and the updates to Sections 4.5.10 and 4.5.11 of the outline BSMP [[REP2-097](#) and [REP2-098](#)] which now include further details on the post-incident recovery plan.

This issue is resolved.

EA17 Storage and Disposal of Batteries

We are satisfied with the updates regarding battery replacement which have been made to Sections 3.3.15 and 3.3.16 of the outline BSMP [[REP2-097](#) and [REP2-098](#)].

This issue is resolved.

EA18 Construction Methodology

We are satisfied with the additional detail on fuel and oil storage and disposal of water from concrete during construction which has been added to Table 3-13 of the outline CEMP [[REP2-089](#) and [REP2-090](#)]. We also welcome the significant improvements made to C156, C172, C178, C180 and C187 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] which cover the topics of fuels, oils, chemicals and concrete.

This issue is resolved.

EA19 Spill Mitigation During Operation and Decommissioning

We are satisfied with the updates made to Sections 2.1.3, 2.3.4 and 2.3.5 of the outline PSRP [[REP2-099](#) and [REP2-100](#)] which now name all of the relevant management plans for consistency purposes.

We note that Section 2.4.1 of the outline PSRP [[REP2-099](#) and [REP2-100](#)] states that emergency contact details will be listed within the final CEMP and Emergency Response Plan (ERP) and will be adopted and updated during each phase of development. We are of the opinion that it is not sufficiently clear that these details

will be adopted in the detailed OEMP and detailed DEMP. For clarity, we consider this issue to be resolved, but would recommend that the Applicant updates the text to clarify that updated necessary emergency contact details will be included in the detailed OEMP and detailed DEMP.

This issue is resolved.

EA20 Storage of Substances during Decommissioning

We are satisfied that Table 3-12 of the outline DEMP [[REP2-093](#) and [REP2-094](#)] has been updated to include references to pollution prevention (more specifically measures relating to fuel).

This issue is resolved.

EA21 Mitigation in WER Compliance Assessment

We are satisfied with the updates made to Sections 5.2.2 and 5.3.3 of the WER Assessment [[REP2-081](#) and [REP2-082](#)] which now state the relevant management plans. We note that Section 2.1.3 of the outline PSRP [[REP2-099](#) and [REP2-100](#)] now references the outline OEMP [[REP2-091](#) and [REP2-092](#)] and outline DEMP [[REP2-093](#) and [REP2-094](#)].

This issue is resolved.

EA22 Commitments Register

We are generally satisfied with the updates made to the Commitments Register [[REP2-069](#) and [REP2-070](#)], however, we would request the addition of a similar commitment to C190 but for the decommissioning phase, secured via the outline DEMP. Site checks will be completed periodically by the Site Manager or a suitable delegate, secured by the outline CEMP, during the construction phase. There is no equivalent commitment for the decommissioning phase. There is a risk that unsuitable conditions could go unnoticed and mitigated during the decommissioning phase.

This issue remains outstanding.

EA23 Drainage during Decommissioning

We are pleased to see that the potential need for a Water Discharge Activity Permit has been referenced in Table 3-13 of the outline OEMP [[REP2-091](#) and [REP2-092](#)], however we can see from the tracked changes made to both the outline CEMP [[REP2-089](#) and [REP2-090](#)] and C176 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] that the reference to the potential need for a Water Discharge Activity Permit has been added and then deleted.

We seek clarification from the Applicant about the reason for this as we anticipate that permits could still be required in construction phase. This seems to be in direct contradiction of what the Applicant has previously said in The Applicant's Response

to Relevant Representations Part 1 [\[PDA-014\]](#) where it states that the acquisition of a Water Discharge Activity Permit would be made explicit in the outline CEMP and outline OEMP.

This issue remains outstanding.

EA24 Water Quality Monitoring

We note that Table 3-13 of the outline CEMP [\[REP2-089\]](#) and [\[REP2-090\]](#) has been updated to specify that a monitoring plan will be developed in consultation with the Environment Agency and will outline the frequency of water quality monitoring prior to and during construction. We also note that Table 3-13 of the outline OEMP [\[REP2-091\]](#) and [\[REP2-092\]](#) states that a monitoring plan will be developed which will cover the first few months of operation. We request that the outline CEMP [\[REP2-089\]](#) and [\[REP2-090\]](#) is updated to make it clear that there will also be post-construction monitoring. This is to ensure that contractors understand that these two management plans are linked. If construction is completed in phases a scenario could occur where certain areas finish being constructed access or panelled area is completed with construction, but prior to the whole site starting operation.

We would also request that the wording in Table 3-13 of the outline OEMP [\[REP2-091\]](#) and [\[REP2-092\]](#) is improved so that is clear that there is also the purpose to check it has returned to baseline conditions as measures pre-construction.

We would also request that the wording of the outline OEMP [\[REP2-091\]](#) and [\[REP2-092\]](#), outline DEMP [\[REP2-093\]](#) and [\[REP2-094\]](#) and outline PSRP [\[REP2-099\]](#) and [\[REP2-100\]](#) are amended to be in line with the outline CEMP [\[REP2-089\]](#) and [\[REP2-090\]](#) and Commitments Register [\[REP2-069\]](#) and [\[REP2-070\]](#) which states that the monitoring plan will be developed in consultation with the Environment Agency. As it stands this is inconsistent across the documents.

C30 within the Commitments Register [\[REP2-069\]](#) and [\[REP2-070\]](#) should be updated to clearly state that the monitoring plan will include sampling methodology, analytical suites and protocols for identifying and addressing nonconformance.

This issue remains outstanding.

EA25 Pollution Policy and Guidance

We are satisfied with the updates made to Section 5.5.12 of the Outline Drainage Strategy [\[REP2-085\]](#) and [\[REP2-086\]](#), Section 2.13.1 of the outline CEMP [\[REP2-089\]](#) and [\[REP2-090\]](#) and C168 within the Commitments Register [\[REP2-069\]](#) and [\[REP2-070\]](#).

This issue is resolved.

EA27 Impact on Groundwater Abstractions

We are satisfied with the updates made to Table 15-9 of Chapter 15 – Water Resources and Flood Risk [[REP2-043](#) and [REP2-044](#)] which now class licensed and unlicensed abstractions as ‘High’ sensitivity.

This issue is resolved.

EA28 BESS and Substation Interaction with Water Table

We are satisfied with the updates made to Table 3-13 in the outline CEMP [[REP2-089](#) and [REP2-090](#)] which provide results of proportionate assessment of dewatering impacts based on site-specific groundwater levels.

This issue is resolved.

EA29 Retaining Access to Monitoring and Sampling Points

We are pleased to see the submission of Figure 15.4 Groundwater and Surface Water Designations [[REP2-052](#)] which adds an additional hydrometric monitoring point which we had identified.

We wish to point out that the key for Figure 15.4 Groundwater and Surface Water Designations [[REP2-052](#)] shows a Drinking Water Safeguard Zone (Groundwater) marked as a purple diagonal hatch, but this designation is incorrect. The area marked in purple on the Figure is a Drinking Water Surface Water Safeguard Zone (Elvington & Loftsome Bridge). The Figure also does not show the following designated areas, which lie within the area shown within the viewport:

- Derwent from Elvington Beck to River Ouse Drinking Water Surface Water Protected Area
- Ouse from River Nidd to Stillingfleet Beck Drinking Water Surface Water Protected Area
- Carlton East Drinking Water Groundwater Safeguard Zone
- Great Heck and Pollington Drinking Water Groundwater Safeguard Zone

As it stands, it provides an inaccurate representation of sensitive surface water and groundwater designations.

For clarity, we consider this issue to be resolved, but the Applicant should update the Figure to correct the errors and omissions.

This issue is resolved.

EA30 Retention of Cables Post-Decommissioning

We are satisfied with the updates made to Section 1.2.6 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which states that where possible a method of cable construction best enabling future removal will be used should this be the preferred environmental option at the time of decommissioning

This issue is resolved.

EA32 Thermal Pollution of Groundwater

As mentioned in The Applicant's Response to Submissions Received at Deadline 1 Statutory Bodies [[REP2-118](#)], we are awaiting consultation on a Technical Note.

This issue remains outstanding.

EA33 WER Waterbodies within the Study Area

We are pleased to see that the additional WER waterbodies have been added to Table 6-1 of the WER Assessment [[REP2-081](#) and [REP2-082](#)] and justification has been provided within Section 6.3.7 for the decision to screen out Derwent Sherwood Sandstone due to distance and absence of hydrological connection.

This issue is resolved.

EA34 Dewatering and GWDTEs

We are satisfied with the update made to Section 15.8.7 of Chapter 15 – Water Resources and Flood Risk [[REP2-043](#) and [REP2-044](#)] which now includes GWDTEs as receptors requiring surface water and groundwater monitoring plans.

However, we note that this Section only commits to Hydrogeological Impact Assessment (HIA) for trenchless watercourse crossings only. Trenchless crossings of other features could cause impacts to sensitive controlled waters if risks are not adequately assessed and mitigated. The Applicant should amend the text to commit to HIA for trenchless watercourse crossings, and for other trenchless crossings where works may interact with groundwater in Principal or Secondary aquifers. This should also be captured in the outline CEMP [[REP2-089](#) and [REP2-090](#)].

This issue remains outstanding.

EA35 BESS and Substation Interaction with Bedrock

We are satisfied with the update made to Table 3-13 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which states that the FWRA will be required for any foundation solution likely to interact with, or else create a new pollution pathway to, a Secondary or Principal aquifer.

This issue is resolved.

EA36 Omission of Groundwater Units

We are pleased to see that Section 4.3.6 of the WER Assessment [[REP2-081](#) and [REP2-082](#)] has been updated to direct the reader to full details of the geological setting in Chapter 15 – Water Resources and Flood Risk [[REP2-043](#) and [REP2-044](#)].

This issue is resolved.

EA37 Historic Worked Ground

We are pleased to see that C139 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] has been updated to commit to avoidance or investigation and remediation where necessary of any areas of historic ground working. We are also satisfied with the updates made to Tables 3-13 and 3-14 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] which now include reference to the LCRM and updated standard BS10175:2026 when discussing ground investigations.

This issue is resolved.

EA38 Infiltration into the Cable Trench

We are pleased to see that the outline CEMP [[REP2-089](#) and [REP2-090](#)] and C132 within the Commitments Register [[REP2-069](#) and [REP2-070](#)] have been updated to correct the inaccurate reference to pipeline. We note that there will be a watching brief and discovery strategy for managing unexpected contamination identified during excavations to manage other risks.

This issue is resolved.

EA39 Watching Brief

We are pleased to see that Table 3-3 within the outline CEMP [[REP2-089](#) and [REP2-090](#)] has been updated to state that construction personnel will be provided briefings and toolbox talks which will identify visual and olfactory indicators of contamination and the need to implement protocols when these are encountered. However, this detail is missing from Table 3-13 and the requirement for a land contamination toolbox talk, linked to the contamination watching brief and discovery protocol, should be added to ensure that the toolbox talks are not overlooked by the Contractor.

This issue remains outstanding.

EA41 Decommissioning of Cable Trench

We are satisfied with the updates made to Table 3-2 of the outline DEMP [[REP2-093](#) and [REP2-094](#)] which now confirms impermeable structures such as clay stanks will be subject to mitigation during decommissioning.

This issue is resolved.

EA42 Roles and Responsibilities

We are pleased to see that Section 1.3.1 of the outline PSRP [[REP2-099](#) and [REP2-100](#)] has been updated to clarify which key roles apply to which phases of the Proposed Development. We note that the outline DEMP [[REP2-093](#) and [REP2-094](#)] does not set out roles and responsibilities at this stage but commits to incorporate this in detailed DEMP, this is reasonable.

This issue is resolved.

EA43 Pollution Incidents

We are pleased to see that Section 2.1.1 of the outline PSRP [[REP2-099](#) and [REP2-100](#)] has been updated to include further details on issues including application of pesticides and/or herbicides, and management and maintenance of oil/water interceptors, if present.

This issue is resolved.

EA45 Flood Defences

We are pleased to see that Table 3-13 within the outline CEMP [[REP2-089](#) and [REP2-090](#)] has been updated to include the commitments we have requested in relation to the monitoring of flood defences.

This issue is resolved.

EA47 Solar PV Panel Freeboard

We are pleased to see that Section 4.2.13 of the FRA [[REP2-079](#) and [REP2-080](#)] has been updated to state that minimum finished floor levels for flood sensitive assets and solar PV panels within the design flood extent of Solar Development Site 1 will be set at the 1 in 100 year event plus a 31%/30% climate change allowance and 300 mm freeboard, or the credible maximum flood scenario, whichever is greater. This commitment is welcomed, particularly as Site 1 is the only site located within the defended design flood extent. The remaining sites are subject to residual flood risk and flooding during more extreme events (for example, the 1 in 1,000-year event), rather than the defended design flood event. We have no further concerns regarding solar PV panel freeboard.

This issue is resolved.

EA48 Offsite Flood Risk

We are pleased to see that additional detail has been added to Sections 6.3.15 to 6.3.19 of the FRA [[REP2-079](#) and [REP2-080](#)] on the impacts on flood risk elsewhere and the hydraulically connected floodplain. There will be a minimal impact (less than a millimetre) on the loss of storage across the whole floodplain. We are satisfied that this will not have a felt impact.

This issue is resolved.

EA49 Land Raising

We are satisfied with the additional text which has been added to Table 3-13 of the outline CEMP [[REP2-089](#) and [REP2-090](#)] and Section 7.4.6 of the FRA [[REP2-079](#) and [REP2-080](#)] relating to localised changes in ground levels. Additionally, we are satisfied with the proposal for the full assessment of impacts to be secured within the

detailed CEMP for which the Environment Agency is a named consultee for the discharge of this Requirement.

This issue is resolved.

EA51 Functional Floodplain

We are satisfied with ID WR-EA-045 within The Applicant's Response to Submissions Received at Deadline 1 Statutory Bodies [\[REP2-118\]](#). The Applicant has included additional information regarding the use of the 1 in 30-year (3.3% AEP) extent for the definition of Flood Zone 3b. We also welcome the submission of Figure 15.28 1 in 30-year event (defended) [\[AS-042\]](#).

This issue is resolved.

EA52 Fencing

We are satisfied with the updates made to Table 2-5 within the Design Parameters and Commitments document [\[REP2-021\]](#) and [\[REP2-022\]](#) which now states that where fencing intersects flood zones it should be designed to ensure blockage risk is kept to a minimum and that there are no impacts on flood flow routes.

This issue is resolved.

EA54 Requirement 10 – Surface and Foul Water Drainage

We are pleased to see that the Draft DCO [\[REP2-004\]](#) and [\[REP2-005\]](#) has been updated to include the Environment Agency as a named consultee for the discharge of Requirement 10.

This issue is resolved.

EA55 Requirement 13 – Operational Environmental Management Plan

We are pleased to see that the Draft DCO [\[REP2-004\]](#) and [\[REP2-005\]](#) has been updated to include the Environment Agency as a named consultee for the discharge of Requirement 13.

This issue is resolved.

EA56 Requirement Wording

We maintain our position on this matter. We note that the ExA has posed question Q1.16.36 to North Yorkshire Council on this matter in ExQ1 [\[PD-008\]](#).

This issue remains outstanding.

EA57 Environment Agency Protective Provisions

We can confirm that we are agreeable to the two minor amendments that the Applicant has made to the Protective Provisions in the Draft DCO [[REP2-004](#) and [REP2-005](#)].

This issue is resolved.

EA58 Discharge of Requirements Procedure

No changes have been made to the discharge of Requirements procedure in the Draft DCO [[REP2-004](#) and [REP2-005](#)] in respect of this issue.

This issue remains outstanding.

New Issues

EA59 Permitted Preliminary Works – Surface Water Quality

The Applicant has submitted a new document, the PPWEMP [[REP2-113](#)] at Deadline 2.

We note that within this document it does not state that any Sustainable Drainage Systems (SuDS) will be used to help manage any drainage associated with the permitted preliminary works (PPW). We have concerns about any water quality risks that surface runoff could transport to water environment receptors. There is also no mention of welfare facilities, and foul waste, during PPW. The PPWEMP [[REP2-113](#)] should be updated so that it considers these issues and ensures consistency across the other management plans.

Furthermore, we seek clarification about how the PPW may impact on timelines for establishing the water quality baseline. We understand that the outline CEMP [[REP2-089](#) and [REP2-090](#)] already secures a monitoring plan. However, there is a risk that PPW could disturb sediment or bring hazardous substances onsite. Where Section 1.7.2 of the PPWEMP [[REP2-113](#)] states that there will be monitoring, we seek understanding of what this entails as the monitoring plan is supposed to be agreed in consultation with the Environment Agency.

We also note that some key guidance relevant to the protection of water quality is absent and some controls are not clearly stated within Sections 2.3.1, 2.4.1, 2.6.1 of the PPWEMP [[REP2-113](#)]. The document should be updated to cite additional relevant guidance and regulations and commit to additional controls. The following should be referenced:

- Oil Storage Regulations for Businesses
- Land Contamination Risk Management

Until this matter is discussed with us, the Applicant should consider this as a new issue that we consider to be unresolved.

EA60 Mechanism for Review and Approval of the Preliminary Works Environmental Management Plan

There is currently no mechanism in the draft DCO [[REP2-004](#) and [REP2-005](#)] to secure review and approval of the PPWEMP [[REP2-113](#)], and to ensure that PPW do not commence until approval has taken place. If the PPWEMP [[REP2-113](#)] is insufficiently protective of environmental effects, these activities could impact controlled waters. The draft DCO [[REP2-004](#) and [REP2-005](#)] should be amended to state that PPW may not commence until the PPWEMP has been submitted to and approved by the relevant planning authority in consultation with relevant key statutory stakeholders including the Environment Agency.

Until this matter is discussed with us, the Applicant should consider this as a new issue that we consider to be unresolved.

We trust this advice is useful.

Yours faithfully



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APPENDIX A – SUMMARY OF OVERALL EA POSITION

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

Subject	Work package	Scope	Method and Assumptions	Results of Assessment (i.e Impact)	Mitigation / Enhancements Agreed	Requirement	RR ID
Biodiversity	Ecological Assessment						EA06, EA07, EA08, EA09
Fisheries	Fish Impact Assessment						EA01, EA02, EA03, EA04, EA05, EA06
Water Resources	Water Supply Strategy						
Flood Risk	Flood Risk Assessment						EA45, EA46, EA47, EA48, EA49, EA50, EA51, EA52
	Hydraulic Model						EA48, EA50, EA53
Surface Water Quality	Outline Construction Environmental Management Plan						EA13, EA18, EA24, EA25
	Outline Operational Environmental Management Plan					13	EA09, EA11, EA13, EA19, EA24, EA55
	Outline Decommissioning Environmental Management Plan						EA17, EA19, EA20, EA23, EA24
	Outline Battery Safety Management Plan						EA11, EA12, EA14, EA15, EA16, EA17

	Surface and Foul Water Drainage Strategy					10	EA10, EA15, EA16, EA23, EA25, EA54
	Water Environment Regulations Compliance						EA12, EA13, EA15, EA16, EA21
Groundwater Protection	Outline Construction Environmental Management Plan						EA13, EA31, EA34, EA37, EA38, EA39, EA40
	Outline Operational Environmental Management Plan					13	EA11, EA13, EA32, EA55
	Outline Decommissioning Environmental Management Plan						EA30, EA41
	Outline Battery Safety Management Plan						EA11
	Water Environment Regulations Compliance						EA13, EA21, EA28, EA33, EA36

APPENDIX B - ENVIRONMENT AGENCY'S POSITION ON INDIVIDUAL ISSUE IDS AS RAISED IN OUR RELEVANT REPRESENTATION

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

Issue ID	RAG Status
EA01	
EA02	
EA03	
EA04	
EA05	
EA06	
EA07	
EA08	
EA09	
EA10	
EA11	
EA12	
EA13	
EA14	
EA15	
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EA47	
EA48	
EA49	
EA50	
EA51	
EA52	
EA53	
EA54	
EA55	
EA56	
EA57	
EA58	
EA59 (NEW)	
EA60 (NEW)	