

The Drovers Solar Farm

Statement of Common Ground (SoCG) with Environment Agency

Prepared by: Raincloud

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1 Introduction

1.1 Overview

1.1.0 This Statement of Common Ground (SoCG) has been prepared as part of the application for a Development Consent Order (DCO) (the DCO Application) for The Drovers Solar Farm (the Scheme) made by The Drovers Solar Farm Limited (the Applicant) to the Secretary of State for Energy Security and Net Zero (SoS) pursuant to the Planning Act 2008.

1.1.1 SoCGs are an established means in the DCO consenting process, of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.1.2 This SoCG has been produced to confirm to the Examining Authority (the ExA) where agreement has been reached between the parties, and where agreement has not yet been reached.

1.2 Parties to this Statement of Common Ground

1.2.0 This SoCG has been prepared by the Applicant and the Environment Agency (EA).

1.2.1 Collectively, the Applicant and EA are referred to as ‘the parties.’

1.3 Purpose of this Document

1.3.0 This SoCG is a ‘live’ document and will be amended as the examination progresses, including as more information becomes available and as a result of ongoing discussions between the Applicant and the EA, in order to enable a final version to be submitted to the ExA.

1.3.1 The SoCG is intended to provide information for the examination process, facilitate a smooth and efficient examination, and manage the amount of material that needs to be submitted.

1.4 Terminology

1.4.0 This SoCG summarises the main topics covered and the status of the matter. The colour coding system used within the table in Section 4 has been outlined below.



Cell	Status
Green	Agreed – indicates where an issue has been resolved.
Yellow	Under Discussion – indicates where points continue to be the subject of ongoing discussions wherever possible to resolve, or refine, the extent of disagreement between the parties.
Red	Not Agreed – indicates a position where both parties have reached a final position that a matter cannot be agreed between them.



2 The Scheme

2.1 Scheme Description

- 2.1.0 The Scheme is a Nationally Significant Infrastructure Project (NSIP) for the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating station and associated development comprising a Battery Energy Storage System (BESS), a Customer Substation and Grid Connection Infrastructure, including a new National Grid Substation. The Scheme would allow for the generation and export of over 50 megawatts (MW) Alternating Current (AC) of renewable energy, connecting into the National Electricity Transmission System (NETS) overhead line that passes through the Site.
- 2.1.1 The **Location Plan** [\[APP-007\]](#) shows the Order limits for the Scheme, which is approximately 840 hectares (ha) of land within Norfolk (the 'Order limits').



3 Record of Engagement

3.1 Summary of Engagement

3.1.0 The parties have been engaged in consultation since December 2024.

3.1.1 A non-statutory consultation took place between 17 September and 1 October 2024. The statutory consultation process took place between 21 May and 9 July 2025.

3.1.2 The Applicant and EA have engaged extensively throughout the pre-application and Environmental Impact Assessment stages of the Scheme. The key engagement has included discussions on protecting groundwater and chalk rivers, BESS firewater, and piling impacts.

3.1.3 Table 3.1 shows a summary of key engagement that has taken place between the Applicant and EA in relation to the Application.

Table 3.1 – Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
05/12/2024	Written responses to EIA Scoping	Key topics discussed: <ul style="list-style-type: none">• Drinking Water Protected Areas within the Core Study Area• Methodology for assessing magnitude of water quality impacts (WFD status)• Risks of pollution to the River Nar (including ephemeral / dry valleys)



		<ul style="list-style-type: none">• Sensitivity of chalk stream habitats (River Nar SSSI)• Sediment control, runoff, and pollution prevention during construction• Surface water and contaminated runoff management at BESS and substations• Firefighting water containment at BESS• Sewage management during construction and operation• Surface water abstraction constraints <p>Key outcomes:</p> <ul style="list-style-type: none">• Drinking Water Protected Areas were formally included as sensitive receptors in the Water Resources assessment.• WFD status change retained as an indicator of impact magnitude, with clarification that no WFD deterioration would be acceptable.• Additional embedded mitigation secured through:<ul style="list-style-type: none">○ outline Construction Environmental Management Plan (oCEMP) [APP/7.6.1]○ Flood Risk Assessment (FRA)• Commitment to:<ul style="list-style-type: none">○ Dedicated contaminated water containment tanks with penstocks at BESS and substations
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		<ul style="list-style-type: none"> ○ Enhanced sediment and runoff control measures ○ SuDS designed to 1% AEP + 40% climate change ● EA concerns were addressed and incorporated into ES Chapter 12: Water Resources [APP-061] and ES Appendix 12.2: Flood Risk Assessment [AS-053].
07/07 2025	Written responses to PEIR	<p>Key topics discussed:</p> <ul style="list-style-type: none"> ● Groundwater Source Protection Zones (SPZ 1 and SPZ 2) ● Vulnerability of the Chalk Principal Aquifer ● Location and design of BESS, Customer Substation and National Grid Substation ● Foundation depths and piling impacts on groundwater ● Adequacy of groundwater baseline data and monitoring ● Firewater and contaminated runoff risks at BESS ● Infiltration SuDS acceptability in SPZs ● Private water abstractions and potable supplies ● Land contamination risks (marl pits, historic land use) ● Decommissioning risks (cables left in situ) ● Adequacy of impact magnitude and significance matrices



			<p>Key outcomes:</p> <ul style="list-style-type: none">• Siting of BESS and substations revised to avoid SPZ 1, demonstrated in ES Chapter 12: Water Resources [APP-061] figures.• Confirmation that Work Nos. 2–4 are outside SPZ1 and sited preferentially where lower permeability deposits exist.• ES Appendix 12.2: Flood Risk Assessment [AS-053] updated to:<ul style="list-style-type: none">○ Include sealed drainage systems and dedicated contaminated water storage○ Provide headroom for combined fire and flood events○ Include 2D direct rainfall modelling and hydraulic reporting• Clarification and amendment of:<ul style="list-style-type: none">○ Piling depths (up to 4 m for PV, up to 12 m for BESS/substations)○ Impact assessment methodology and significance matrices• Addition of commitments to:<ul style="list-style-type: none">○ Foundation Works Risk Assessment○ Breakout fluid containment for HDD○ Unexpected contamination protocols
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		<ul style="list-style-type: none"> EA objections were addressed through design changes, strengthened mitigation and DCO-secured requirements, allowing progression of the application.
July 2025	Email request for Environmental Information	<p>The Applicant requested up to date records of licenced groundwater abstraction data.</p> <p>The EA provided records of licenced groundwater abstractions within the WSSA in August 2025.</p>
September 2025	Teams meeting	<p>Key topics discussed:</p> <ul style="list-style-type: none"> To discuss the assessment of groundwater and commitments in the oCEMP [APP/7.6.1] <p>Key outcomes:</p> <ul style="list-style-type: none"> Meeting feedback directly informed revisions to: <ul style="list-style-type: none"> Water Resources assessment oCEMP [APP/7.6.1] commitments FRA design principles
March 2026	Email request from the Applicant for Environmental Information	<p>The Applicant requested the following:</p> <ul style="list-style-type: none"> Groundwater monitoring data Abstraction and licensing records Geological and Hydrogeological information



		<ul style="list-style-type: none"> • Additional Monitoring datasets • North East Anglian Chalk (NEAC) Model outputs
23/04/2026	Teams Meeting – Applicant and Environment Agency	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • NEAC outputs including groundwater levels, flow directions <p>Key outcomes:</p> <ul style="list-style-type: none"> • NEAC groundwater levels are less conservative than Applicant’s groundwater assessment • NEAC Model outputs can be used to inform the assessment of groundwater
June 2026	Written Relevant Representation	<p>See EA issues EA01 – EA51 in tables below.</p> <p>Key Outcomes:</p> <ul style="list-style-type: none"> • Issues are primarily matters of clarity, assurance and detail, with risks considered manageable and capable of resolution through updated ES material and secured DCO controls rather than fundamental objection.

3.1.4 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Applicant and the EA in relation to the issues addressed in this SoCG.



4 Matters of Discussion

4.1 Overview

- 4.1.0 The following tables detail, by topic, the matters agreed, under discussion, or not agreed between the Applicant and the EA at the point of this document being published.
- 4.1.1 Where discussions are ongoing, the parties will include an indication of the likelihood that disagreement will remain by the end of the examination in accordance with the **Rule 6 letter** [\[PD-006\]](#).



Table 4.1 – Water, Flood Risk & Drainage

Reference	EA Issue Reference	Topic	Consultee’s Position	Applicant’s Position	Status
1-1	EA01	Source Protection Zone	<p>Figure 12.5: Source Protection Zone [APP-119]</p> <p>Issue: Figure 12.5 is not easily interpreted due to shading not being used to define Source Protection Zone (SPZ) extents.</p> <p>Impact: Unclear to the reader how the draft Order Limits, Battery Energy Storage System (BESS) sites, substation sites and SPZs intersect.</p> <p>Solution: Update Figure 12.5 to use shading to clearly define SPZ extents.</p> <p>Additional Comments:</p>	<p>ES Figure 12.5: Source Protection Zone [APP-119] was intended to show what infrastructure is located within SPZ 1 and 2; however, to aid the Environment Agency’s interpretation, this Figure will be updated at a future Deadline.</p>	Low
1-2	EA02	Drinking Water Protected Area	<p>Figure 12.12 Drinking Water Protected Area [APP-126]</p> <p>Issue: Figure 12.12 shows the extents of a designated Drinking Water Protected Area in the context of the site, but there are no figures showing other drinking water protection designations.</p> <p>Impact: The reader is unable to see how the Drinking Water Surface Water Safeguard Zone lies across the entire draft Order Limits area, and how a Drinking Water</p>	<p>It is noted that ES Figure 12.12: Drinking Water Protected Area [APP-126] does not show other drinking water protection designations and this Figure will be updated at a future Deadline.</p>	Low



			<p>Groundwater Safeguard Zone lies across the south-western part of the site.</p> <p>Solution: Provide figures showing other drinking water protection designations in the context of the draft Order Limits.</p> <p>Additional Comments:</p>		
1-3	EA03	3D Representation of Groundwater	<p>Figure 12.7 3D Representation of Groundwater [APP-121]</p> <p>Figure 12.8 Minimum Static Groundwater Level Depths within CSA [APP-122]</p> <p>Figure 12.9 Maximum Static Groundwater Level Depths within CSA [APP-123]</p> <p>Issue: Figure 12.7 is poorly executed.</p> <p>Impact: Figure 12.7 is difficult to interpret which limits its value. It is difficult to distinguish the site topography, relative elevation of groundwater, extents of the hydrogeological model, viewpoint orientation and relation to the study site. Groundwater elevation appears to be a single plane uninfluenced by surface elevation in the context of the model.</p> <p>Solution: Revise Figure 12.7 to provide additional views of the modelled area, with clearer indication of view orientation and contouring of the groundwater surface, if applicable.</p> <p>Additional Comments: It is unclear whether the 3D model output is identical to the 2D</p>	<p>To aid the Environment Agency’s interpretation of ES Figure 12.7: 3D Representation of Groundwater [APP-121], the following changes will be made at a future Deadline.</p> <ul style="list-style-type: none"> • Addition of orientation labels or description • Elevation shading to show mAOD values for the maximum groundwater elevation surface and foundation extent surface; and • Figures and text refer to groundwater elevation (mAOD) rather than groundwater level to increase clarity between absolute elevation and depth below ground. 	Low



			<p>minimum or maximum groundwater depth model data shown in</p> <p>Figure 12.8 or 12.9 respectively, or if it represents a separate dataset.</p>		
1-4	EA04	Groundwater Flow Direction	<p>Figure 12.7 3D Representation of Groundwater [APP-121]</p> <p>Figure 12.8 Minimum Static Groundwater Level Depths within CSA [APP-122]</p> <p>Figure 12.9 Maximum Static Groundwater Level Depths within CSA [APP-123]</p> <p>Figure 12.10 Groundwater Flow Patterns [APP-124]</p> <p>Figure 12.11 Private Water Supplies Locations [APP-125]</p> <p>Figure 12.12 Drinking Water Protected Area [APP-126]</p> <p>Figure 12.13 Work No.2 Piling Locations within CSA for Maximum Groundwater Level [APP-127]</p> <p>Figure 12.14 Work. No 3 Piling Locations within CSA for Maximum Groundwater Level [APP-128]</p> <p>Figure 12.15 Work No. 4 Piling Locations within CSA for Maximum Groundwater Level [APP-129]</p> <p>Figure 12.16 Maximum Foundation Extents for Minimum Groundwater Level [APP-130]</p>	<p>The Environment Agency’s comment on groundwater flow is noted.</p> <p>The Environment Agency’s NEAC model outputs and BGS 1976 hydrogeological map indicate a regional westward flow component towards the Marham abstraction. The north-northeast flow vectors shown in Figures 12.7 to 12.16 to ES Chapter 12: Water Resources [APP-061] are therefore more likely to represent localised topographic influences near the River Nar valley margin than the regional groundwater flow regime within the Chalk Principal Aquifer.</p> <p>The groundwater surfaces present in ES Figures 12.7 to 12.16 to ES Chapter 12: Water Resources [APP-061] are intended to illustrate relative groundwater depth beneath proposed infrastructure locations and identify where piling or foundations may interact with perched or shallow groundwater. This would highlight zones where interception risk across the Work Nos. 1 to 4 during construction could occur. They were not intended to be used as a regional groundwater flow model.</p> <p>Paragraphs 12.6.37 and 12.6.38 of ES Chapter 12: Water Resources [APP-</p>	Medium



			<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.6.9, 12.6.37 and 12.6.38</p> <p>Issue: Estimated groundwater flow direction across most of the draft Order Limits area is indicated to be toward the north-east, north or northwest, approximately following local topography.</p> <p>Impact: Groundwater flow direction as indicated in Figures 12.7 to 12.16 may be inaccurate.</p> <p>Solution: Claims such as that made in Sections 12.6.37 and 12.6.38 regarding potential groundwater interception should be revised and new evidence, preferably across multiple lines, sought to support them. Intrusive investigation to measures groundwater level with empirical evidence is highly recommended.</p> <p>Additional Comments: The majority of the draft Order Limits area is shown to be underlain directly by Chalk Principal aquifer, and according to Chapter 12 Section 12.6.9, trial trenching activities in the vicinity of the proposed BESS and substation sites did not encounter superficial deposits. The draft Order Limits area lies within Zone 1 and Zone 2 of a groundwater SPZ for a potable water abstraction at Marham, located to the west of the draft Order Limits area. This indicates that groundwater within the Principal aquifer in this area is anticipated to</p>	<p>[061] will be updated at a future Deadline to remove any implied statements of groundwater flow direction across the Order limits and present the Applicant's findings are local-scale interpretations. Reference to the Environment Agency's NEAC model and BGS hydrogeological mapping in regard to regional groundwater flow will be made to consolidate the conceptual groundwater model of the Scheme.</p> <p>Paragraph 12.8.23 of ES Chapter 12: Water Resources [APP-061] commits to installing boreholes within the Order limits to monitor groundwater levels prior to construction to ensure that construction activities such as HDD and foundations do not occur when groundwater levels are high enough to interact with the activity.</p> <p>The Applicant has requested the Environment Agency's NEAC model and this will be used to further refine groundwater elevations within the Order limits at a subsequent Deadline, noting that <i>"the Applicant's estimations are within a similar range of values for most of the Study Area"</i>. As such, the Applicant does not anticipate the outcome of ES Chapter 12: Water Resources [APP-061] to change.</p>	
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		<p>migrate toward the abstraction point to some degree.</p> <p>A review of the 1976 British Geological Society (BGS) Hydrogeological Map of Northern East Anglia (British Geological Survey (BGS) large image viewer IIPMooViewer 2.0) indicates that the potentiometric groundwater upper surface within the Chalk principal aquifer in the vicinity of the site is locally northward toward the River Nar valley but more generally toward the west in the direction of the Marham public water supply abstraction. This is shown in the BGS map as ranging from approximately 30m Above Ordnance Datum (AOD) in the east to approximately 15m AOD in the west.</p> <p>The model outputs produced by the Applicant can be compared to the outputs for various hydrological scenarios available from the Environment Agency's North East Anglian Chalk (NEAC) model, a bespoke groundwater model using MODFLOW 5 which covers most of East Anglia.</p> <p>The outputs for a wet month Scenario (March 2001 – corresponding to the Applicant's 'worst-case' data usage of highest recorded levels) show very different groundwater contours and resultant flow directions compared with those produced by the Applicant. Flow in the Chalk is east-to-west in the NEAC model data, rather than south-to-north using the Applicant's techniques</p>		
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			<p>derived from individual boreholes nearby. Northwards flow is present locally near the left bank of the Nar, but this reflects the topography close to the Nar intercepting the westerly flowing groundwater. If modelling will be used in the future, the Applicant is advised to consider groundwater flow on a more regional level rather than overfitting a model to a low number of interpolated datapoints. They may also choose to request model runs done on the Environment Agency's NEAC model which can run scenarios designed and paid for by the Applicant.</p> <p>Although the Applicant's estimations are within a similar range of values for most of the Study Area, the figures provided from their modelling should not be accepted as an accurate representation of subsurface groundwater elevation or flow direction.</p>		
1-5	EA12	Flood Risk - BESS	<p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170], Section 12.2.20</p> <p>Issue: Insufficient flood mitigation provided for BESS units.</p> <p>Impact: As currently proposed, BESS units may remain at risk of flooding where pluvial flood depths exceed 0.1m.</p> <p>Solution: Confirm BESS units will be appropriately raised above ground level. We</p>	<p>The Scheme has Work Nos. and does not have a detailed design at this stage. A detailed drainage plan will be provided once the detailed design of the Scheme has been progressed and finalised, following the issue of the DCO (if consented), as detailed within Section 12.4 of ES Appendix 12.2: Flood Risk Assessment [APP-170].</p> <p>If localised flood depths cannot be managed via the drainage strategy, ES Appendix 12.2: Flood Risk Assessment [APP-170] will be updated at a future deadline to confirm that BESS units will be appropriately</p>	Low



			<p>require raising to a minimum of 300mm above localised flood depths.</p> <p>Additional Comments: Section 12.2.20 states that the BESS units will be located to avoid areas where pluvial flood depths exceed 0.4m, with units raised 0.1m above ground level. This raising is insufficient as mitigation for pluvial flooding.</p>	<p>raised to 300 mm above the modelled flood level.</p> <p>It should be noted that the 2D pluvial modelling represents flow pathways and flood depths using baseline topography. Groundworks / enabling works for Work Nos. 2 to 4 are likely to level the area to remove topographical hollows, meaning the baseline flooding scenario is unlikely to be representative of the post-development scenario.</p> <p>As the Scheme does not have a detailed design at this stage, there is a commitment in ES Appendix 12.2: Flood Risk Assessment [AS-053] to have a formal drainage system for the BESS and Customer Substation designed to the 1% AEP + 40% climate change allowance, with no flooding of the drainage system built into the design, as per National Standards. As such, the current pluvial ponding would enter the drainage system, rather than flow across or pond on the surface of Work Nos. 2 to 4. The Environment Agency have agreed that this principle is acceptable in their Statement of Common Ground on the Great North Road Solar and Biodiversity Park, where the BESS area was modelled to have pluvial depths greater than for the Scheme (see EA025 of the EA's SoCG for Great North Road).</p>	
1-6	EA14	Private Water Supplies	Environmental Statement Chapter 12: Water Resources [APP-061] , Table 12.10	As outlined in paragraph 12.6.48 of ES Chapter 12: Water Resources [APP-061] , private water supplies in proximity to	Low



			<p>Issue: Insufficient investigation into how Private Water Supplies (PWS) might be impacted by the Proposed Development.</p> <p>Impact: Risk of negatively impacting PWS if risks are not sufficiently identified, assessed and mitigated.</p> <p>Solution: Carry out further investigation into PWS at risk from the Proposed Development. This could be done using a Water Features Survey, or similar.</p> <p>Additional Comments: Dipping water levels and plumbing depths of wells or boreholes will allow proper assessment of the vulnerability of these boreholes to changed in the hydrological and hydrogeological regime.</p>	<p>the Scheme abstract groundwater, as indicated by council records, and as such the levels derived from the triangulated groundwater elevation model is suitable to determine groundwater abstraction depths. As outlined in paragraph 12.8.107 of ES Chapter 12: Water Resources [APP-061], effects on the groundwater resource from the Scheme of which private water supplies draw, as a result of embedded mitigation outlined in the oCEMP [APP/7.6.1], is negligible.</p> <p>As such, it is not necessary to undertake dipping of PWS.</p>	
1-7	EA16	Abstraction Licence	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.6.54</p> <p>Issue: Section 12.6.54 states that one identified licensed abstraction (6/33/58/*G/0248) is listed as having domestic use, but that the property is not currently in a habitable state and is unlikely to be utilising abstracted water for potable consumption. Although the property is shown to be in poor condition, this does not preclude the possibility that the abstraction may still be in use.</p> <p>Impact: It should not be ruled out that during the lifetime of the Proposed Development there is the potential for the abstraction to be</p>	<p>Paragraph 12.8.123 of ES Chapter 12: Water Resources [APP-061] states that “<i>Whilst the property is derelict and uninhabited, the licence is still extant and therefore requires assessment. Triangulation/interpolation of hydrometric monitoring data available on Hydrology Data Explorer, which shows a maximal groundwater level of 25.2m BGL</i>”. As such, the Applicant considers that abstraction licence 6/33/58/*G/0248 has been assessed appropriately.</p>	Low



		<p>active or else brought back into use. Failing to consider the worst-case conditions could result in an incorrect assessment of impacts to all receptors.</p> <p>Solution: Consider the continued use of the abstraction license as representative of reasonable worst-case conditions and assess impacts to this receptor accordingly.</p> <p>Additional Comments: The location of abstraction license 6/33/58/*G/0248 is immediately outside the draft Order Limits as shown in Figure 3.2 and presumably outside the control of the Applicant. As such the potential for this property to be redeveloped and for the abstraction to be resumed for its licensed use cannot be discounted, and it should be noted that the licensed use is 'General Farming and Domestic' use, which would not require the property to be inhabited to be used.</p> <p>Abstraction 6/33/58/*G/0248 is noted to be on derelict property. However, the abstraction remains a protected right and the supply should not be derogated. The apparent lack of domestic use by the abstraction does not limit its need to be protected from disturbance or changes to groundwater. Please refer to policy statement N11 (Groundwater protection position statements - GOV.UK). Any proposal which will impact a protected right, including, but not limited to private water supply for domestic use and licensed</p>		
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			<p>abstractions, we would seek equivalent protection of the environment as if the effect of the development was caused by a licensable abstraction. Please refer to Section 39 and 39A and 39B of the Water Resources Act 1991. The default 50m SPZ1 is applied not just to domestic water supplies but all water supplies used in food production.</p>		
1-8	EA18	Groundwater Levels	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Tables 12.7 and 12.8</p> <p>Issue: No context of depth relative to ground level has been provided in Tables 12.7 and 12.8.</p> <p>Impact: Lack of clarity regarding where groundwater levels have been recorded as artesian or sub-artesian, and it is not readily apparent how the recorded borehole groundwater level and interpolated groundwater levels reported in Table 12.8 relate to ground level.</p> <p>Solution: Amend Table 12.7 to show depth to groundwater, and amend Table 12.8 to show surface elevation for each listed borehole.</p> <p>Additional Comments: Table 12.7 presents a summary of groundwater elevations at 18 groundwater monitoring stations within the local area. This does not include groundwater depths relative to groundwater level. When taking this into consideration, 9 of the 18 stations show artesian or sub-</p>	<p>Tables 12.7 and 12.8 in ES Chapter 12: Water Resources [APP-061] will be updated at a future Deadline 1 for depth relative to groundwater within boreholes to include depth to groundwater, ground elevations, and artesian indicators.</p> <p>An Environmental Information Request has been submitted to the Environment Agency to verify whether further groundwater monitoring locations exist within the wider study area to ensure the dataset reflects all reasonably available information. The conceptual model conceptual model will be updated at a future Deadline.</p> <p>Regarding the statement that the “<i>presence of multiple springs and standing water bodies within the draft Order limits area suggests that artesian and/or sub-artesian conditions could be encountered during construction works</i>”, no springs were encountered during either the Hydrology or Ecology walkovers, and this is reflected in ES Figure 7.2: Habitats and Ecological</p>	Low



		<p>artesian conditions, with maximum hydraulic head at less than 2 mbgl. This combined with the presence of multiple springs and standing water bodies within the draft Order Limits area suggests that artesian and/or sub-artesian conditions could be encountered during construction works.</p> <p>One groundwater monitoring location within the study area which is available in the Hydrology Data Explorer (Hydrology Data Explorer - Explore) but not included in Table 12.7, is Brink Hill (TF7636621253). The Applicant should note that other data may be available which is not available within the Hydrology Data Explorer.</p> <p>The Applicant is welcome to submit an Environmental Information Request to the Environment Agency to check for any other hydrology monitoring stations within the Study Area and should consider the use of the Environment Agency's North East Anglia Chalk model, both of which may help to inform and check the Applicant's hydrogeological site conceptual model. Please be aware that BGS online mapping does not have available data showing the presence of faults in much of the East Anglia chalk. The lack of mapped structural features does not indicate that these are not present.</p> <p>Comparison of the stated interpolated groundwater level and our LiDAR records for the stated coordinates in Table 12.8 indicate</p>	<p>Features [APP-110] and ES Figure 12.1: Ephemeral Ditches [APP-115].</p>	
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			that several of the interpolated values are significantly above ground level.		
1-9	EA20	Boreholes	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.6.50</p> <p>Issue: BGS borehole groundwater depths have been reported inaccurately in Section 12.6.50.</p> <p>Impact: Limits understanding of the hydrogeological conceptual model.</p> <p>Solution: Update Section 12.6.50 so that it refers to the correct borehole groundwater depths.</p> <p>Additional Comments: Section 12.6.50 states that BGS borehole records show groundwater rest levels in selected abstractions in the BC dataset at 9.7 mbgl (TF81SW12) and 18 mbgl (TF81SW26). The latter is inaccurate; the BGS record for TF81SW26 shows an intake depth of 18 mbgl and does not state a groundwater elevation.</p>	<p>It is noted that there are minor discrepancies in recording of borehole groundwater depths within Section 12.6.50 of ES Chapter 12: Water Resources [APP-061]. These will be checked and updated for a future deadline. However, the borehole records were used to verify the groundwater surface developed through groundwater monitoring station data and an update of these borehole groundwater depths will not change the groundwater elevation surface.</p>	Low
1-10	EA32	Drainage System	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.7.15, 12.7.16 and 12.8.180</p> <p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170], Section 12.4.16</p> <p>Issue: It is unclear how the surface water drainage infrastructure at the BESS, Customer Substation, National Grid</p>	<p>As detailed within paragraph 12.4.16 of ES Appendix 12.2: Flood Risk Assessment [AS-053], any infrastructure that is to remain in place after the lifetime of the Scheme will retain the drainage features which serve it.</p> <p>The Scheme has Work Nos. and does not have a detailed design at this stage. However, the Applicant notes that Requirement 11 of Schedule 2 of the draft</p>	Low



			<p>Substation and infiltration basin would be managed at decommissioning stage.</p> <p>Impact: As the drainage systems for these aspects of the development may include some shared infrastructure, the removal of part of the drainage system during decommissioning may compromise the system design mitigation.</p> <p>Solution: The Applicant should clearly define how drainage systems at the BESS, Customer Substation, National Grid Substation and infiltration basin will interact, and how the removal of components of these systems at decommissioning stage will be designed and implemented without introducing new pollution risks and enabling restoration of the Site.</p> <p>Additional Comments: Section 12.7.15 states that the BESS units and Customer Substation would be removed from the Site and recycled or disposed of in accordance with good practice, including removal of foundations and other below ground infrastructure to 1.2m below surface and removal of piles. Section 12.7.16 indicates that the National Grid Substation and Grid Connection Infrastructure would remain in-situ.</p> <p>Section 12.4.16 of the FRA states that the BESS and Substation Compounds drainage design consists of two drainage catchments which will connect to manholes via filter drains, which will in turn connect to a tank or</p>	<p>DCO [APP/3.1.1] states that “<i>no part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning authority</i>”.</p>	
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			<p>tanks to act as surface water attenuation and firewater storage.</p> <p>The information provided suggests that at least part of the drainage system and firewater storage infrastructure will be shared between infrastructure due for removal and infrastructure due to be retained.</p> <p>The report states “where infrastructure would be left in place (e.g. foundations for onsite buildings), drainage features would also remain where this is compatible with the detailed CEMP”.</p>		
1-11	Appendix B - Informatives	Water Supply and Demands	<p>Chapter 12 [APP-061] includes a good appraisal of water demands and potential sources of supply and provides reasonable confidence that a water supply can be found practically and sustainably.</p> <p><i>With regards to HDD drilling</i></p> <p>Table 12.17 in Chapter 12 [APP-061] states that the maximum total water demand for HDD drilling is given as 25.1 m³ /day. If HDD drilling uses an abstraction as a source of supply this may not be exempt from licensing as the maximum water demand is above the de minimus amount exempting an abstraction from licensing. The Applicant should ensure early engagement with the Environment Agency if there is a likely need for an abstraction licence. The Abstraction Licensing Strategy for North West Norfolk is</p>	<p>The Applicant welcomes the Environment Agency’s assessment of ES Chapter 12: Water Resources [APP-061].</p> <p>With regard to the Environment Agency’s comment in relation to licensing, the Applicant will engage with the EA to discuss the requirement for abstractions, following the granting of the DCO (if consented).</p>	



			available here: North West Norfolk Abstraction Licensing Strategy - GOV.UK.		
1-12	Appendix B - Informatives	Abstraction Licence	<p><i>With regards to the use of the landowners (existing) abstraction licence</i></p> <p>The Applicant should be familiar with the licence intended to be used and understand what changes are required to make it suitable for purposes not already listed on the licence. If as suggested in Section 12.6.54 of Chapter 12 [APP-061], the licence intended to be used is 6/33/58/*G/0248, the Applicant should note the low quantities available on the licence (7000m³ at 24m³/day) respective to the quantities specified in the appraisal of construction water demands. Particularly if this water is continued to be used for the purpose of Livestock watering stated in the previous 2023 renewal determination.</p>	<p>The Applicant confirms that it is fully aware of the scope and limitations of abstraction licence *6/33/58/G/0248, including that it is currently authorised for livestock watering only and is restricted to 7,000 m³ per annum (24 m³/day) as confirmed by the 2023 renewal determination. The Applicant understands that use of the licence for construction purposes not currently authorised would require a formal licence variation, including amendment of the authorised purpose and, if necessary, abstraction quantities, to be agreed with the Environment Agency in advance. The Applicant also acknowledges that the licensed volumes are materially lower than the peak construction water demands identified in the construction water appraisal and therefore does not rely on this licence as the primary source of construction water, particularly where abstraction for livestock watering continues. Construction water demand will be met through alternative lawful supplies and demand management, with any abstraction remaining strictly within licence limits unless and until an approved variation is secured. On this basis, the Applicant is satisfied that the licensing constraints are fully understood and that there is no risk of unauthorised abstraction or environmental harm.</p>	



Table 4.2 – Design

Reference	EA Issue Reference	Topic	Consultee’s Position	Applicant’s Position	Status
2-1	EA05	Maximum Foundation Extents	<p>Figure 12.13 Work No.2 Piling Locations within CSA for Maximum Groundwater Level [APP-127]</p> <p>Figure 12.14 Work. No 3 Piling Locations within CSA for Maximum Groundwater Level [APP-128]</p> <p>Figure 12.15 Work No. 4 Piling Locations within CSA for Maximum Groundwater Level [APP-129]</p> <p>Figure 12.16 Maximum Foundation Extents for Minimum Groundwater Level [APP-130]</p> <p>Issue: Figures 12.13 to 12.16 do not clearly show the orientation of each 3D model view, and the elevation of the maximum extent of foundations is not given.</p> <p>Impact: Difficulty in interpreting figures.</p> <p>Solution: Revise figures to more clearly define the area represented in the drawings, including view orientation, and the maximum foundations extent should be shaded to show elevation values. The model should be updated to inform detailed foundation design, based on site specific survey and monitoring data.</p> <p>Additional Comments: Use of inconsistent terminology may also result in confusion.</p>	<p>Figures 12.13 to 12.16 of ES Chapter 12: Water Resources [APP-061] were used to illustrate the maximum groundwater elevation surface across the Core Study Area and identify where proposed foundation depths could theoretically intercept shallow groundwater under worst-case conditions. The figures also demonstrate at a concept level where piling may be required depending on foundation design.</p> <p>The following changes will be made at a future Deadline to aid the EA’s interpretation:</p> <ul style="list-style-type: none"> • Addition of orientation labels or description • Elevation shading to show mAOD values for the maximum groundwater elevation surface and foundation extent surface • Highlight areas where foundations intersect or exceed groundwater elevation surfaces; and • Figures and text refer to groundwater elevation (mAOD) rather than groundwater level to increase clarity 	Medium



			<p>Figures 12.13 to 12.15 are titled to show the anticipated extent of piling in comparison with the maximum groundwater level. In the context of the data presented, the maximum groundwater level in mAOD represents the shallowest extent and therefore worst-case condition for groundwater. For clarity the report should preferably refer to groundwater 'elevation' (in mAOD) as is represented within the figures rather than 'level', which could be misinterpreted as relative to ground level rather than Ordnance Datum.</p> <p>Figure 12.16 shows the minimum (i.e. deepest) groundwater elevation (i.e. best case) in relation to anticipated piling depth. Although this is useful information, this could potentially be misinterpreted by the reader as presenting a combined overview of the information provided in Figures 12.13 to 12.15.</p>	<p>between absolute elevation and depth below ground.</p> <p>The Applicant agrees that the conceptual model present is not the final tool for foundation design, but rather to provide a screening-level assessment of groundwater conditions and to identify areas needing piled or shallow foundations and will be aligned with EA regional groundwater understanding (NEAC model). The Design Principles, Parameters Commitments [APP/5.8.1] will be updated at a future deadline to commit to foundations not directly interacting with groundwater.</p>	
2-2	EA38	Storage of Waste Batteries	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.8.139</p> <p>Outline Operational Environmental Management Plan [APP-188], Section 2.11.2</p> <p>Issue: Absence of mitigation measures relating to the storage of waste batteries.</p> <p>Impact: Potential for contaminant leakage from stored waste batteries prior to disposal which poses a risk to groundwater and surface water quality.</p>	<p>An outline Battery Safety Management Plan (oBSMP) [APP-194] has been prepared as part of the DCO Application which sets out the mitigation measures to be secured via Requirement 6 of the draft DCO [APP/3.1.1].</p> <p>End-of life or damaged BESS units are to be electrically disconnected from the system when identified as being required. When disconnecting damaged or defective units, a specific risk assessment shall be conducted prior to the removal of the defective module to ensure the safety of employees and</p>	Low



			<p>Solution: Include measures to ensure that waste and/or damaged BESS batteries are stored and managed such that they do not pose a contamination risk, within the outline BSMP, Chapter 12 and outline OEMP.</p> <p>Additional Comments: Any waste battery storage arrangements should be designed to ensure that damaged and end-of-life batteries would be protected from precipitation, any leakages would be contained and not enter the BESS drainage system, and these would not pose a fire risk to adjacent infrastructure. The battery storage area must be impermeable, covered and bunded. We strongly recommend that a fire watch is maintained for all waste batteries, stored for any reason.</p>	<p>contractors. Damaged or defective units will be inspected and placed in an approved protective container prior to being transported from Site, to ensure against any risk of contaminants entering ground- or surface water. End-of-life batteries awaiting regular replacement will be stored in situ. This is considered most appropriate due to existing contamination bunding and surface-water runoff protections associated with the BESS enclosure. Batteries that are removed from the BESS are not stored at the Site; they are returned to the battery manufacturer for repair/ refurbishment. As such a fire watch is not required at the site.</p> <p>Under current UK legislation, end-of-life BESS infrastructure is controlled under The Waste Batteries and Accumulators Regulations 2009. These require battery producers to receive, sort, and suitably handle batteries and deliver to an approved battery treatment operator for treatment and recycling. As such, any potential for contamination will be managed by transport offsite to one of these approved facilities. The outline Decommissioning Strategy (oDS) [APP/7.10.1] provides for decommissioned infrastructure to be managed in accordance with the applicable legislation relating to waste and recycling that is in force at that time, and is secured by Requirement 20 of Schedule 2 to the draft DCO [APP/3.1.1].</p>	
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				As requested by the Environment Agency in EA40 above, the oCEMP [APP/7.6.1] has been updated at Deadline 1 to commit to installing 'sentinel' monitoring systems for the drainage system serving Work Nos. 2 – 4 and therefore any leakage from damaged batteries being stored on Site will be detected and not released to the wider hydrological environment.	
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Table 4.3 – Impact on existing apparatus / infrastructure

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
3-1	EA06	Avoidance of Pipelines	<p>Figure 16.1 Utilities Plan [APP-131]</p> <p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.6.19 and 12.8.31</p> <p>Issue: Figure 16.1 does not show the approximate routes of the former Ministry of Defence (MoD) oil pipeline or Exolum pipeline which traverse the draft Order Limits.</p> <p>Impact: If damaged by construction works, both pipelines could cause groundwater contamination. There may be historic soil and/or groundwater contamination associated with these features, which could be encountered by ground works.</p> <p>Solution: The Applicant should, if able, identify the approximate routes of the</p>	<p>A figure showing the underground pipelines will be produced at Deadline 1.</p> <p>Paragraph 12.7.7 of ES Chapter 12: Water Resources [APP-061] states that pipelines will be located using techniques such as CAT scanning or hand digging, therefore limiting the potential to introduce contaminants to groundwater.</p>	Low



			<p>pipelines, and confirm the measures which will be taken at detailed design stage to locate and avoid these.</p> <p>Additional Comments: Sections 12.6.19 and 12.8.31 refer to the presence of a redundant MoD fuel pipeline traversing Work Nos. 1 to 4, and a separate Exolum pipeline traversing Work No. 1. Both are stated to be avoided during detailed design phase, i.e. not placing infrastructure within a working area of the pipelines and therefore reducing the risk of introducing contaminants to the underlying aquifer via construction activities. The MoD pipeline is described as reportedly buried at shallow depth (1.0 to 1.5 mbgl). Either pipeline could be damaged if encountered during intrusive investigations or construction works.</p>		
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Table 4.4 – Planning Policy

Reference	EA Issue Reference	Topic	Consultee’s Position	Applicant’s Position	Status
4-1	EA07	Environmental Legislation	<p>Appendix 7.1: Consultation and Legislation, Planning Policy and Guidance [APP-147], Section 7.2</p> <p>Issue: Omission of Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.</p>	<p>The Applicant notes this comment and confirms that ES Appendix 7.1: Consultation and Legislation, Planning Policy and Guidance [APP/6.4.1] has been updated at Deadline 1 to include the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and The Water Environment (Water Framework</p>	Low



			<p>Impact: Risk of not considering all relevant environmental legislation and new environmental definitions in legislation in respect of Biodiversity Net Gain (BNG), such as ‘irreplaceable habitat’, along with related offences to said habitats.</p> <p>Solution: Please include the following legislation, policy and guidance: Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 in Section 7.2, for completeness.</p> <p>Additional Comments:</p>	Directive) (England and Wales) Regulations 2017.	
4-2	EA39	Fire Suppressant Chemicals	<p>Outline Battery Safety Management Plan [APP-194], Appendix A</p> <p>Issue: Limited details provided regarding proposed fire suppressant chemicals.</p> <p>Impact: If fire suppressant systems contain polluting or hazardous chemicals, these could potentially impact groundwater quality if discharged to ground.</p> <p>Solution: Commit within the outline BSMP that details of fire suppressant chemicals will be provided in the detailed BSMP.</p> <p>Additional Comments: The Plan currently indicates that potassium carbonate is under consideration, and is “non-harmful to environment and presents no health and safety concerns to first responders”. The physico-chemical properties of the selected</p>	<p>Internal Fire Suppression System details will only be known once this infrastructure is selected. It should be noted that most commercially available Suppression media for BESS are PFAS free. The oBSMP [APP-194] will be updated once this information becomes available.</p>	Low



			suppressant should be confirmed via supporting documentation such as Material Safety Data Sheets.		
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Table 4.5 – Ecology and Biodiversity

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
5-1	EA08	Watercourse Buffers	<p>Environmental Statement Chapter 5: The Scheme [APP-054], Section 5.5.22 and Table 5-2</p> <p>Environmental Statement, Chapter 7: Ecology and Biodiversity [APP-056], Table 7-10</p> <p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.7.7 and 12.8.10</p> <p>Outline Construction Environmental Management Plan [APP-186], Table 7</p> <p>Issue: Insufficient buffer around watercourses.</p> <p>Impact: Increased opportunity for pollutant and fine sediment runoff to enter watercourses, disruption to the integrity of the natural river corridor, loss of riparian habitat and subsequently lateral connectivity, disturbance to fish species; restriction of the free movement of riparian mammals.</p> <p>Solution: The Applicant should commit to avoiding the riparian zone, which is defined</p>	<p>The Applicant takes note of this inconsistency. Table 7-10 of ES Chapter 7: Ecology and Biodiversity [APP/6.2.1] has been updated at Deadline 1 to state 10m buffer zones around ditches.</p> <p>The 10 m buffer zones for all above ground development will apply from watercourse or ditch bank tops and this will be stated within ES Chapter 7: Ecology and Biodiversity [APP/6.2.1].</p> <p>Table 5-2 of ES Chapter 5: The Scheme [APP/6.1.2] will be updated at Deadline 1 to commit to a 10 m buffer of watercourses.</p> <p>It is not anticipated that construction compounds will be located within 15m of a watercourse. The oCEMP [APP/7.6.1] has been updated to commit temporary construction compounds within 15m of watercourses could be screened with fencing on sides adjacent to the watercourse, and working lighting could be positioned to avoid light-spill onto sections of the watercourse.</p>	Low



		<p>as 10m from bank top under guidance for BNG. It should be clearly demonstrated that there is a sufficient buffer between the development, any fences and any watercourse or ditch. This will allow for the natural river corridor to be maintained and free movement of riparian mammals up and down the system.</p> <p>This is supported by paragraph 2.10.78 of National Policy Statement for Renewable Energy Infrastructure (EN-3).</p> <p>Additional Comments: There are inconsistencies in watercourse buffer distances between documents. Table 7-10 of Chapter 7 highlights a 6m buffer zone around ditches, while Table 7 within the outline Construction Environmental Management Plan (CEMP) states that a minimum of 10m will be maintained.</p> <p>It is acknowledged that Sections 5.5.22, 12.7.7 and 12.8.10 state that infrastructure would be placed at least 10m away from watercourses, however this should be updated in Table 5-2.</p> <p>During the construction phase, temporary construction compounds within 15 metres of watercourses could be screened with fencing on sides adjacent to the watercourse, and working lighting could be positioned to avoid light-spill onto sections of the watercourse. Both measures would lower the risk of</p>		
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			disturbance to riparian mammals occupying the watercourse.		
5-2	EA09	Otter & Water Vole	<p>Environmental Statement, Chapter 7: Ecology and Biodiversity [APP-056], Table 7-12</p> <p>Outline Construction Environmental Management Plan [APP-186], Table 2</p> <p>Issue: Inconsistencies in monitoring requirements for otter and water vole.</p> <p>Impact: Inconsistencies leading to confusion around monitoring requirements.</p> <p>Solution: Update Table 7-12 of Chapter 7 to reflect the monitoring requirements described in the outline CEMP for all relevant protected species.</p> <p>Additional Comments: Table 7-12 of Chapter 7 indicates that there are no monitoring requirements for any protected species including otter and water vole. However, Table 2 of the outline CEMP states that monitoring requirements including pre-construction site walkovers and further surveys for protected species including otter and water vole may be carried out if required.</p>	<p>As clearly set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2.1] (see paragraphs 7.8.54, 7.8.55, 7.8.99, 7.8.100, 7.8.157, 7.8.158), the Site does not contain any suitable watercourses or connected waterbodies that could support Otter or Water Vole and accordingly, it has been concluded that these species are absent from the Site and adjacent areas and will not be adversely affected. Accordingly, no populations are present that could be subject to monitoring and therefore Table 7-12 of ES Chapter 7: Ecology and Biodiversity [APP/6.2.1] remains accurate and appropriate in this regard.</p> <p>Measures set out within the oCEMP [APP/7.6.1] in relation to Otter and Water Vole (Table 2) refer to further update surveys that may be required in order to reflect the passage of time and confirm that any such position has not changed prior to commencement of construction activities (in regard to these species representing a precautionary measure outside of any ES requirement, likely to confirm that suitable habitat remains absent) rather than any specific monitoring requirement. Accordingly, Table 7-12 of ES Chapter 7: Ecology and Biodiversity</p>	Low



				<p>[APP/6.2.1] and the oCEMP [APP/7.6.1] are entirely consistent and it is not proposed to update Table 7-12 at this stage.</p>	
5-3			<p>ID: EA10 (Invasive Non-Native Species)</p> <p>Environmental Statement, Chapter 7: Ecology and Biodiversity [APP-056], Sections 7.7.13 and 7.8.46; Table 7-12</p> <p>Outline Construction Environmental Management Plan [APP-186]</p> <p>Outline Landscape and Ecological Management Plan [APP-191]</p> <p>Issue: Inconsistencies and lack of detail regarding the management of invasive non-native species (INNS) found on site, including Variegated Yellow Archangel and Three-cornered Garlic.</p> <p>Impact: Lack of information within the outline CEMP and Landscape and Ecological Management Plan (LEMP) could result in the uncontrolled spread of INNS listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). There is also an increased risk of legal non-compliance. The accidental spread of INNS is an offence under the Wildlife and Countryside Act 1981.</p> <p>Solution: Produce an Invasive Species Management Plan to support both the outline CEMP and outline LEMP. This should include details of measures to prevent the</p>	<p>The Applicant notes this comment and in response, the oLEMP [APP/7.11.1] and oCEMP [APP/7.6.1] have been updated at Deadline 1 to include specific reference to secure a detailed Invasive Species Management Plan (to include specific reference to Variegated Yellow Archangel and Three Cornered Garlic) within the detailed Landscape and Ecological Management Plan, as secured through Requirement 7 in Schedule 2 to the draft DCO [APP/3.1.1].</p> <p>Paragraph 7.7.13 of ES Chapter 7: Ecology and Biodiversity [APP/6.2.2] is referring to ‘additional measures’ to those mentioned in the previous paragraphs, but still measure that are included within the embedded mitigation for the Scheme, and as such, Table 7-12 is correct.</p>	Low



			<p>spread of INNS such as biosecurity measures.</p> <p>We would strongly advise that both INNS are eradicated from the site to prevent their spread. Although the locations of both species are currently limited to buffer areas, there is potential for them to grow and spread over time or through indirect disturbance through accidental encroachment into buffer areas (see Section 7.8.46 of Chapter 7).</p> <p>Additional Comments: Sections 7.7.13 and 7.8.46 of Chapter 7 state that invasive species management to prevent the spread of INNS will be delivered through embedded and additional mitigation which will be detailed in the outline CEMP and outline LEMP. However, Table 7-12 of Chapter 7 indicates that there is no additional mitigation, and details of embedded and/or additional mitigation are not included within the outline CEMP or outline LEMP.</p>		
5-4	EA15	Chalk Rivers	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Table 12.3</p> <p>Issue: Table 12.3 assigns the receiving surface waterbody (River Nar) a 'medium' sensitivity, failing to recognise that the River Nar and several of its tributary watercourses are defined as Priority Habitat Chalk Rivers.</p> <p>Impact: The sensitivity of the receiving surface waterbody has been underestimated.</p>	The Applicant refers to its response above to EA14 on this matter.	Low



		<p>Solution: Update Table 12.3 to assign the receiving surface waterbody 'high' sensitivity.</p> <p>Additional Comments: Table 12.3 justifies the assigned 'medium' sensitivity on the following basis: "the receiving waterbody (River Nar) in which the Scheme is located has a WFD Overall Water Body Class of "Moderate", Ecological classification of "Moderate" and a Chemical classification of "Good" (excluding uPBTs)".</p> <p>However, Table 12.3 does not note that the River Nar and several of its tributary watercourses are defined as Priority Habitat Chalk Rivers (Chalk Rivers (England) Natural England Open Data Geoportal). This was previously raised in our response at PEIR stage (Our ref: XA/2025/100395/01-L01) and is acknowledged in Section 12.6.88. Chalk streams are one of the rarest freshwater bodies on Earth, and approximately 85% of them are found in England (https://engageenvironmentagency.uk.engageenthq.com/chalk-streams). In accordance with the Catchment Based Approach the Environment Agency is committed to protecting and promoting the restoration of these waterbodies (CaBA CSRG IMP PLAN FINAL 25.11.22. V2).</p>		
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Table 4.6 – Waste Management

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
6-1	EA11	Waste Classification	<p>Environmental Statement Chapter 16: Other Environmental Matters [APP-065]</p> <p>Outline Decommissioning Strategy [APP-190]</p> <p>Issue: Lack of detail regarding outline measures for Duty of Care to ensure waste is described and classified correctly by the waste producer or holder, throughout all phases.</p> <p>Impact: Waste arising from the Proposed Development may be improperly classified which could lead to inappropriate process controls, recovery treatment or disposal locations. Without a waste assessment of each waste component, the risk of harm to the environment is increased, as waste may end up somewhere without the appropriate controls. Proper disposal or recycling is critical to avoid environmental contamination.</p> <p>Solution: Update Chapter 16 and the outline decommissioning strategy with further details that</p>	<p>The Applicant has provided outline measures for the provision of a detailed Site Waste Management Plan for construction of the Scheme, and subsequent Waste Management Strategies for the operation and decommissioning phases of the Scheme. These are secured respectively through the oCEMP [APP/7.6.1], oOEMP [APP/7.8.1], and oDS [APP/7.10.1], by Requirements 13, 14, and 20 respectively in Schedule 2 to the draft DCO [APP/3.1.1]. These requirements would require the relevant detailed Site Waste Management Plan or Waste Management Strategy to be provided in full detail to Norfolk County Council as the relevant waste planning authority, with consultation from the Environment Agency, to approve the details therein. These documents would set out in full the duty of care to ensure waste is described and classified correctly by the waste producer or holder, as is provisioned in outline.</p> <p>For clarity, the oCEMP [APP/7.6.1], oOEMP [APP/7.8.1], and oDS [APP/7.10.1] have been updated for Deadline 1 to make specific reference to WM3, to ensure all waste is appropriately classified before a suitable route for recovery or disposal can be identified.</p>	Low



			<p>require waste to be described and classified in accordance with relevant technical guidance at the time. Furthermore, these documents should be updated so that reference is made that responsibility will be taken to ensure all waste is appropriately classified in accordance with WM3, or other technical assessment that achieves the same standard, before a suitable route for recovery or disposal can be identified. See Waste Classification Technical Guidance on WM3.</p> <p>Additional Comments: Waste quantities may be conservative if based on the maximum 40- year indicative design life rather, than a worst case scenario.</p>		
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Table 4.7 - Approach to EIA

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
7-1	EA13	Sensitivity Criteria for Receptors	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Tables 12.2 and 12.3</p> <p>Issue: Water Framework Directive (WFD) status has been used to characterise receptor sensitivity. This is inappropriate, and as a result of this Table 12.2 assigns</p>	<p>The determination of sensitivity criteria for these receptors is well-precedented and has been developed in consultation with regulatory bodies. It should be noted that the sensitivity criteria outlined in ES Chapter 12: Water Resources [APP-061] is analogous with those used for the Mallard Pass, Cleve</p>	Low



			<p>'medium' sensitivity to Groundwater Dependent Terrestrial Ecosystems (GWDTEs), Sites of Special Scientific Interest (SSSI) and private groundwater abstractions for potable use.</p> <p>Impact: The sensitivity of the above receptors has been underestimated.</p> <p>Solution: Reassess the sensitivity of these receptors. This may result in changes to the determined impact significance to these receptors detailed in Table 12.3. See 'additional comments' for further information.</p> <p>Additional Comments: Private groundwater abstractions for potable use or food production are afforded a default 50m radius SPZ1, which is a classification stated in the same table to be High sensitivity. More information on SPZs is provided here: Groundwater source protection zones (SPZs) - GOV.UK. We consider the assignment of 'medium' sensitivity to abstractions for potable use or food production purposes to be inappropriate. However, we acknowledge that for the site in question groundwater resources are already assessed as High sensitivity due to the presence of local SPZ1 and that this has no material impact on the outcome of the assessment.</p> <p>In the absence of 'very high' and 'high' categories to differentiate between we consider that SSSI and GWDTE</p>	<p>Hill, Byers Gill and Great North Road solar DCOs.</p> <p>As the River Nar and its tributaries are defined as Priority Habitat Chalk Rivers, this waterbody should be identified as a high sensitivity receptor. The reclassification of this receptor will be undertaken at a future Deadline.</p> <p>In accordance with Table 12.3 of ES Chapter 12: Water Resources [APP-061], no change to the output of determined impact significance on watercourses will occur. Sensitivity for SSSI designations will be reassessed at a future Deadline.</p> <p>As noted by the EA, the resource being utilised by abstractions has been assigned high sensitivity and therefore private water supplies utilising groundwater, by default, have been assessed accordingly.</p>	
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			<p>receptors, where present, should be assigned High sensitivity.</p> <p>It is explicit in the characterisation that the use of 'poor' waterbody status to designate waterbodies as low sensitivity is incorrect. We consider WFD waterbodies of 'poor' status to be of high priority to prevent further deterioration, and do not consider them to be 'low sensitivity' receptors. The Applicant should consider the use of aquifer typology (Principal, Secondary etc.) as a method of designating relative sensitivity to groundwater bodies.</p>		
7-2	EA17	WFD Groundwater Bodies	<p>ID: EA17 (WFD Groundwater Bodies)</p> <p>Environmental Statement Appendix 12.3: Water Framework Directive Assessment [APP-171]</p> <p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.5.5</p> <p>Issue: Table 12.6 fails to consider all WFD Groundwater bodies within the Hydrology Study Area as defined in Figure 12.3</p> <p>Impact: Risk of impacting WFD Groundwater bodies if they are not considered within the assessment.</p> <p>Solution: Include all WFD Groundwater bodies within the Hydrology Study Area in the assessment. This includes the Cam and Ely Ouse Chalk WFD Groundwater</p>	<p>It is noted that the Cam and Ely Ouse Chalk WFD Groundwater Body has not been included within the wider study area assessment. For completeness, Table 12.6 of ES Chapter 12: Water Resources [APP-061] will be updated to ensure reference to the WFD Groundwater body underlying the Site at a future Deadline. ES Chapter 12: Water Resources [APP-061] and ES Figure 12.3: Hydrology Study Area [APP-117] will be updated to include both Groundwater bodies underlying the Site. However, as noted by the Environment Agency, the outcome of the assessment will not change.</p>	Low



			<p>Body (water body ID GB40501G400500) which is located within 2km south-east of the draft Order Limits.</p> <p>Additional Comments: The Wider Study Area for hydrology and hydrogeology is defined as 5km from the order limits in Section 12.5.5 of Chapter 12.</p> <p>We do not expect the inclusion of the Cam and Ely Ouse Chalk WFD Groundwater Body in the assessment to result in any changes to the outcome, but do expect all WFD bodies within the Study Area to be considered.</p> <p>Table 12.6 in Chapter 12 also has an error in the header of the right-hand column. It refers to a surface water WFD body, not the WFD Groundwater body underlying the site.</p>		
7-3	EA19	Accuracy of Hydrogeological Model	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.6.39 and Figures 12.6,12.8, 12.9 and 12.10</p> <p>Issue: The accuracy of the hydrogeological model is unclear.</p> <p>Impact: The anticipated depth to groundwater is significantly based on the hydrogeological model, which may result in impacts to groundwater quantity and quantity if insufficient mitigation is in place.</p> <p>Solution: The Applicant should commit to carrying out further intrusive investigations</p>	<p>It is noted that the current conceptual model relies on a limited number of groundwater monitoring locations, situated largely outside the Order limits. It is acknowledged that the current model has not yet integrated regional controls including regional interpretation shown in the NEAC groundwater model and potentiometric surfaces shown in the BGS Hydrogeological Map (1976). Following an Environmental Information Request, the conceptual model will be updated at a future Deadline. It will integrate outputs from the NEAC groundwater model, particularly for the wet-month scenario to</p>	Medium



			<p>within the draft Order Limits area including groundwater level monitoring over a range of atmospheric conditions including periods of high rainfall, and refine the hydrogeological model accordingly. The findings should be used to refine detailed foundation and trenchless installation design.</p> <p>Additional Comments: Section 12.6.39 and Figures 12.8 and 12.9 present interpolated minimum and maximum static groundwater level depths within the Core Study Area, however the discrepancies between recorded and interpolated groundwater elevations, and interpolated groundwater elevations and surface elevations, raise concerns about the level of confidence in the hydrogeological model.</p> <p>Figure 12.6 demonstrates that the groundwater monitoring borehole network used to inform the model covers a relatively small number of locations across an extensive area and notably excludes any data from within the draft Order Limits.</p> <p>The apparent resolution of the hydrogeological model focusing on the draft Order Limits are shown in Figures 12.8 and 12.9 seems inconsistent with that of the source data. The limited groundwater elevation data is acknowledged in Section 12.6.42.</p>	<p>ensure the conceptual understanding aligns with regional flow patterns. It should however be noted that the conceptual model was intended as a screening-level assessment with the purpose of identifying whether shallow groundwater poses a risk to foundations, trenchless installation or local construction processes, and was not intended to represent a definitive or high-resolution groundwater flow model.</p> <p>Paragraph 12.8.23 of ES Chapter 12: Water Resources [APP-061] and Table 4.8 of the oCEMP [APP/7.6.1] commits to installing boreholes within the Order limits to monitor groundwater levels prior to construction to ensure that construction activities, such as HDD and foundations, do not occur when groundwater levels are high enough to interact with the activity, and the data could be used to refine the hydrogeological model.</p>	
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7-4		Embedded Operation Phase Mitigation	<p>The Embedded Operation Phase Mitigation of Chapter 12 [APP-061] does not mention the outline OEMP, outline BSMP or a Drainage Strategy. These are all essential documents that contain mitigation measures which will help protect the water environment, therefore Chapter 12 should be updated to reflect this.</p>	<p>Reference will be made in ES Chapter 12: Water Resources [APP-061] to the oOEMP [APP/7.8.1] and oBSMP [APP-194] at a future Deadline.</p> <p>The Scheme has Work Nos. and does not have a detailed design at this stage. A detailed drainage strategy that will serve Work Nos. 2 – 4 will be provided once the detailed design of the Scheme has been progressed and finalised, following the issue of the DCO (if consented), as secured within Section 12.4 of ES Appendix 12.2: Flood Risk Assessment [AS-053].</p>	
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Table 4.8 - Construction

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
8-1	EA21	Trenchless Installation Methods	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.7.7. and 12.8.22</p> <p>Outline Construction Environmental Management Plan [APP-186], Tables 7 and 18</p> <p>Issue: Section 12.7.7 excludes some key mitigation measures related to the hydrological environment.</p> <p>Impact: Exclusion of key mitigation for trenchless installation methods could result in unacceptable impacts to controlled waters.</p>	<p>Table 17 of oCEMP [APP/7.6.1] states that a “Hydrogeological Risk Assessment would be undertaken in consultation with the Environment Agency” in relation to unidentified risks to groundwater. The oCEMP [APP/7.6.1] has been updated at Deadline 1 to make this specific to HDD operations.</p> <p>The principles of a drilling fluid breakout plans for all trenchless crossings is presented in Table 3.8 of the oCEMP [APP/7.6.1]. However, for completeness, the oCEMP [APP/7.6.1] has be</p>	Low



			<p>Solution: Update Section 12.7.7 to include missing mitigation measures. See Additional Comments for further details.</p> <p>Additional Comments: Measures currently absent from Section 12.7.7 which should be included:</p> <ul style="list-style-type: none"> • Hydrogeological Impact Assessment (HIA) for all trenchless crossings due to sensitivity of watercourses and Principal aquifer, including Water Features Survey for all surface water bodies • Development of drilling fluid breakout plans for all trenchless crossings • Clarify the launch/receptor pit working area distance from watercourses <p>These measures should also be reflected in Section 12.8.22 of Chapter 12 as well as the outline CEMP.</p> <p>It is acknowledged that Table 7 and 18 of the outline CEMP states that there will be a Horizontal Directional Drilling (HDD) risk assessment and contingency plan produced to identify breakout risks, but this must be a full management plan to mitigate against risk of breakout and control any spills.</p>	<p>en updated at Deadline 1 to state that a breakout plan will form part of the detailed Construction Environmental Management Plan.</p> <p>Paragraph 12.8.22 references the oCEMP [APP/7.6.1], which contains mitigation measures of trenchless installation methods / HDD crossings.</p> <p>At this stage, the location of launch pits for HDD is not defined. There are no watercourses within the Order limits which require HDD.</p>	
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8-2	EA22	Shallow Groundwater	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.8.23</p> <p>Environmental Statement Appendix 12.3: Water Framework Directive Assessment [APP-171], Table 12-4</p> <p>Issue: Section 12.8.23 states that HDD works, if required, would not take place when groundwater levels are within 15m of ground level, as informed by monitoring boreholes to be installed prior to the construction phase. The current groundwater conceptual model is based on triangulation from a series of boreholes remote from these locations.</p> <p>Impact: There is a risk that groundwater levels may be higher than anticipated, rendering this approach impossible.</p> <p>Solution: The Applicant should account for an alternative approach in the event groundwater levels are shallower than expected.</p> <p>Additional Comments: Table 12-4 states that HDD works are indicated to potentially extend to 15 mbgl and could interact with maximum groundwater level in sections of Fields 25 to 27, 29 and 30.</p> <p>The Applicant should note that all monitoring boreholes should be decommissioned in accordance with best practice guidance when no longer required, in order to prevent these from acting as a</p>	<p>Paragraph 12.8.23 of ES Chapter 12: Water Resources [APP-061] states that HDD works would not take place if groundwater levels were within 15m BGL based on pre-construction monitoring boreholes. This measure was intended as a precautionary safeguard until additional site-specific groundwater level data becomes available.</p> <p>An alternative construction methodology will be selected if groundwater conditions require it, and the Design Principles, Parameters and Commitments [APP/5.8.1] has been updated at Deadline 1 to reflect this.</p> <p>The oCEMP [APP/7.6.1] commits to groundwater borehole monitoring within the Order limits and will be decommissioned in accordance with best practice at the time.</p>	Low
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			preferential pathway into the underlying Principal aquifer.		
8-3	EA23	Interaction with Groundwater	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.8.15, 12.8.19 and 12.8.20</p> <p>Issue: Groundwater elevations within the draft Order Limits area are anticipated to be below the maximum extent of foundation structures, excluding potential minimal overlap with the maximum likely pile depth at the BESS and Substation sites.</p> <p>Impact: Potential for depth to groundwater to be underestimated, and potential for groundwater to be encountered within solar photovoltaic (PV) Array Mounting Structure pile depth and a greater than anticipated proportion of the maximum BESS and Substation sites. There is a risk of encountering artesian conditions.</p> <p>Solution: The Applicant should conduct intrusive investigations across the PV Array areas including groundwater monitoring to confirm the presence and characteristics of groundwater.</p> <p>Additional Comments: The report concludes that there is limited potential for the installation of Mounting Structures for the Solar PV Arrays to impact groundwater, as this has been modelled to have a maximal depth to between 4.0 and 40</p>	<p>It is noted that the current conceptual model relies on a limited number of groundwater monitoring location, situated largely outside the Order limits. It is acknowledged that the current model has not yet integrated regional controls including regional interpretation shown in the NEAC groundwater model and potentiometric surfaces shown in the BGS Hydrogeological Map (1976). Following an Environmental Information Request, the conceptual model will be updated at a future deadline to reflect the Environment Agency's levels, if more conservative than that of the Applicant. It will integrate outputs from the NEAC groundwater model, particularly for the wet-month scenario to ensure the conceptual understanding aligns with regional flow patterns.</p> <p>An Environmental Information Request has also been submitted to verify whether further groundwater monitoring locations exist within the wider study area to ensure the dataset reflects all reasonably available information. Following an Environmental Information Request, the conceptual model will be updated at a future Deadline.</p> <p>The oCEMP [APP/7.6.1] commits to groundwater borehole monitoring within the Order limits. This monitoring data will be used to replace or refine interpolated groundwater</p>	Medium



			<p>mbgl. This is currently supported by very limited intrusive data.</p> <p>The report concludes that the maximum depth of piled foundations at the BESS, Customer Substation and National Grid Substation sites could marginally interact with groundwater based on triangulation of regional borehole level data. This is not supported by suitable groundwater level data from the draft Order Limits area.</p> <p>We note that Section 12.8.20 confirms that the required piling depth will be considered in the context of the highest groundwater level, additional measures are to be implemented.</p> <p>Groundwater monitoring should be undertaken over a sufficient period to be representative of seasonal variation including worst-case groundwater levels and thus should include monitoring for at least six months including the winter period.</p>	<p>surfaces presented within ES Chapter 12: Water Resources [APP-061] and used to confirm whether PV arrays or foundation zones may interact with groundwater which will determine whether specific mitigation measures are needed.</p> <p>ES Chapter 12: Water Resources [APP-061] will be updated at a future Deadline to confirm that the depth of PV array piles and foundation design for the BESS and substations will be reassessed against the refined highest groundwater elevation dataset and the Design Principles, Parameters and Commitments [APP/5.8.1] has been updated at Deadline 1 to reflect this. Paragraph 12.8.20 of ES Chapter 12: Water Resources [APP-061] commits to pile depth being designed to maximum groundwater elevation. If groundwater proves shallower than currently inferred, mitigation measures will be applied. If artesian pressures are identified locally, works will be designed or sequenced to ensure no groundwater breakthrough or loss of control during piling.</p>	
8-4	EA24	Foundation Works Risk Assessment	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.8.2</p> <p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170], Sections 12.2.39 and 12.5.3</p> <p>Issue: Section 12.2.39 of the Flood Risk Assessment (FRA) states that “once the</p>	<p>The Scheme has Work Nos. and does not have a detailed design at this stage, and therefore the type and depth of foundations to serve Work Nos. 2 – 4 are not fully developed at this stage.</p> <p>All piling and foundation methods will be determined via a FWRA, following groundwater monitoring, and this has been updated within</p>	Low



			<p>detailed design is complete, and if the required piling depth exceeds the highest recorded groundwater level, then a Foundation Works Risk Assessment will likely be required”.</p> <p>Impact: Risk that piled foundations may not be supported by a FWRA, when all foundation structures on the Proposed Development could create preferential flow pathways to impact the underlying Principal aquifer.</p> <p>Solution: Due to the sensitivity of groundwater resources within the Proposed Development and presence of minimal or absent superficial cover, all piling and other foundation methods should be determined via FWRA informed by site specific data.</p> <p>Additional Comments: The FRA states that a FWRA will likely be required if the required piling depth exceeds the highest recorded groundwater level to ensure that groundwater is not displaced by piled foundations. Due to the high sensitivity and vulnerability of groundwater within the entire draft Order Limits area, we consider that all piled foundations should be supported by an FWRA.</p> <p>Separate to this, we note that sources of information used in preparation of the FRA are listed in Section 12.5.3, however the list does not include the Environment Agency’s Hydrology Data Explorer (mentioned as the</p>	<p>the oCEMP [APP/7.6.1]. Groundwater monitoring will be undertaken over a sufficient period to be representative of seasonal variation including worst-case groundwater levels and thus should include monitoring for at least six months, including the winter period, and the commitment in the oCEMP [APP/7.6.1] requires Environment Agency approval before the monitoring commences.</p> <p>The oCEMP [APP/7.6.1] has been updated to state that the final choice of foundations for Work Nos. 2 to 4 will not indirectly interact with the underlying aquifer.</p>	
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			primary source of groundwater elevation data used in hydrogeological modelling in Section 12.6.85) nor the July 2025 information on licensed abstraction records received from the Environment Agency via information request (mentioned in Section 12.6.53 and additionally in Table 12-3 of Appendix 12.1). These should be included in the reference list.		
8-5	EA25	Construction Mitigation Measures	<p>Commitments Register [APP-179], Table 1-1</p> <p>Issue: The construction mitigation measures for HDD lack detail and mitigation measures for BESS and Substation foundation are absent.</p> <p>Impact: Potential that critical mitigation measures could be missed.</p> <p>Solution: The measures should also refer to groundwater level monitoring prior to construction to ensure HDD works do not interact directly with groundwater, the production of HIAs and drilling fluid breakout plans. The measures should include the production of a FWRA based on groundwater level monitoring to support the design of piled foundations.</p> <p>Additional Comments:</p>	<p>Mitigation measures are secured within Table 7 of the oCEMP [APP/7.6.1] and has been updated at Deadline 1 to confirm that a Foundation Works Risk Assessment, HIAs and drilling fluid breakout plans will be undertaken for foundations at the Scheme based on groundwater monitoring levels of boreholes to be installed within the Order limits.</p> <p>As outlined within paragraph 12.8.23 of ES Chapter 12: Water Resources [APP-061], groundwater monitoring will occur prior to the commencement of the construction phase to ensure that HDD does not have the potential to interact directly with groundwater.</p>	Low
8-6	EA26	Drilling Fluid Breakout Plan	<p>Outline Construction Environmental Management Plan [APP-186], Tables 6, 7 and 17</p>	<p>Table 7 of the oCEMP [APP/7.6.1] states that monitoring activities will occur to reduce the risk of breakout during drilling. The oCEMP [APP/7.6.1] has been up</p>	Low



			<p>Issue: It is stated in Tables 6 and 17 that no monitoring is required for drilling fluid seepage during borehole operations.</p> <p>Impact: Surface breakout of borehole drilling fluid may go undetected and unmitigated, which could have detrimental impacts on controlled waters.</p> <p>Solution: The Applicant should ensure that a drilling fluid breakout plan is developed for trenchless installations, and that this includes observation of the drilling route during drilling operations to identify and mitigate breakout should this occur.</p> <p>Additional Comments: The above contradicts the mitigation stated in Table 7 for 'Horizontal Directional (HDD) Drilling Fluid Breakout Risk'.</p>	<p>ated at Deadline 1 to explicitly state that a Drilling Fluid Breakout Plan will be included in the detailed Construction Environmental Management Plan to be submitted prior to the construction phase.</p> <p>Tables 6 and 17 of the oCEMP [APP/7.6.1] has also been updated at Deadline 1 to state that monitoring activities, a Foundation Works Risk Assessment, HIAs and drilling fluid breakout plans will occur to reduce the risk of breakout during drilling.</p>	
8-7	EA27	Hydrogeological Impact Assessment	<p>Outline Construction Environmental Management Plan [APP-186], Tables 6, 7 and 17</p> <p>Issue: Table 6 refers to applying 'appropriate mitigation' where trenchless techniques are to be employed.</p> <p>Impact: The definition provided in the table is vague and mitigation measures may not be sufficient.</p> <p>Solution: Tables 6 and 7 should refer to the production of a HIA for trenchless works, which would set out the necessary mitigation measures. Mitigation of</p>	<p>The Applicant refers to its response to EA23 above.</p>	Low



			<p>trenchless drilling impacts should also be included in Table 17.</p> <p>Additional Comments: The mitigation measures in Table 7 should explicitly reference the production of a HIA for trenchless crossings</p>		
8-8	EA28	Spills and Leaks	<p>Environmental Statement Chapter 5: The Scheme [APP-054], Sections 5.4.36 and 5.4.50</p> <p>Environmental Statement Chapter 12: Water Resources [APP-061], Section 12.7.7</p> <p>Outline Construction Environmental Management Plan [APP-186], Tables 7 and 18</p> <p>Issue: Mitigation measures to prevent spills and leaks from construction compounds are not currently well defined. Spillages of fuel or drilling fluid are not mentioned in the outline CEMP.</p> <p>Impact: Risk of polluting controlled waters.</p> <p>Solution: The Applicant should provide details of mitigation proposals to prevent fugitive emissions from temporary construction compound(s) and decommissioning compounds from impacting controlled waters.</p> <p>The Applicant should update the list included in Section 5.4.36 and the outline CEMP to ensure all risks are managed.</p>	<p>As outlined in Table 18 of the oCEMP [APP/7.6.1], machinery will be regularly maintained to minimise the potential for fuel or oil leaks and spillages to occur. All maintenance will be conducted over drip trays or suitably absorbent spill pads to minimise the potential for groundwater and surface water pollution. All machinery will be equipped with drip pans to contain minor fuel spillage or equipment leakages.</p> <p>It is also stated that temporary construction compounds will be sited outside Source Protection Zone 1 where possible to reduce likelihood of groundwater contamination further.</p> <p>Paragraph 5.4.36 of ES Chapter 5: The Scheme [APP/6.1.2] has been updated at Deadline 1 to reference fugitive emissions from temporary Construction Compound(s). Paragraph 5.4.50 will clarify whether sheltered means fully covered (i.e. no rain access), and if any storage will utilise double-skinned tanks.</p> <p>Mitigation measures at Construction Compounds within</p>	Low



		<p>Section 5.4.50 should clarify whether sheltered means fully covered (i.e. no rain access), and if any storage will utilise double-skinned tanks.</p> <p>Additional Comments: Section 12.7.7 commits to avoiding siting construction compounds within 10m of watercourses. These should also not be positioned within groundwater SPZ1 (as stated will be the case where possible in Table 7 of the outline CEMP), or within 50m of private groundwater abstractions. Due to the high sensitivity of groundwater resources, the construction compound(s) should employ a high standard of mitigation to avoid pollutants being discharged to ground from vehicles, mobile and fixed plant, equipment and construction activities carrying an elevated risk of pollution such as refuelling and concrete mixing.</p> <p>The same principles should be applied to decommissioning compounds during the Decommissioning phase.</p> <p>Further fuel and oil storage guidance is available: Pollution prevention for businesses - GOV.UK</p> <p>In the Chemical Pollution section of Table 7 and 18, under the 'Potential Hydrocarbon Contamination' it says that refuelling will be "at least 10 m away from drains", we believe this should be amended to acknowledge watercourses too.</p>	<p>the oCEMP [APP/7.6.1] has been made reference to.</p>	
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8-9	EA40	Spacing of BESS	<p>Outline Battery Safety Management Plan [APP-194], Table 6.1 Item 7</p> <p>Issue: BESS units are proposed to be sited close together.</p> <p>Impact: There is a risk that firefighting methods may not be able to prevent propagation of fire along rows of BESS containers.</p> <p>Solution: The Applicant should demonstrate that the proposed spacing of BESS units would be sufficiently protective of groundwater quality in the event of a BESS fire.</p> <p>Additional Comments: The figure presented within Table 6.1 indicates a proposed BESS minimum unit spacing of 2.5m (Aisle, on the long edge of each container) and 0.15m on the short edge of each container.</p>	<p>The BESS separation distances are defined by the UL9540A Large Scale Burn Test, and the BESS original equipment manufacturer will determine from the results the minimum space required to avoid onward propagation via radiated heat / flames. The spacing of the BESS will be in accordance with the guidance provided by the BESS original equipment manufacturer. The spacing is therefore sufficiently protective of groundwater quality.</p>	Low
8-10	EA41	Thermal Effects of Buried Cables	<p>Environmental Statement Chapter 12: Water Resources [APP-061]</p> <p>Issue: Omission of thermal effects of buried cables from potential contaminant sources in the Operational Phase Conceptual Site Hydrogeological Model.</p> <p>Impact: Inadequate consideration of all possible contaminants.</p> <p>Solution: Include these contaminants in future revisions of the model, and any</p>	<p>The final design of the cable trenches, including whether they will be fully sealed, will be determined during the detailed design phase. This will be informed by the results of ground investigations (as committed to within oCEMP [APP/7.6.1]), together with any relevant evidence, guidance, or emerging best practice. It is anticipated that the cables will be sealed (i.e., the cables will not be exposed, as they will incorporate an insulating layer protecting the conductor). Accordingly, thermal discharge</p>	Medium



		<p>conclusions and mitigation based on this model.</p> <p>Additional Comments: Underground electrical cables generate heat that dissipates naturally to the surrounding ground during power transmission. The levels of heat loss and dissipation will be dependent on numerous factors including cable design, soil structure, transmission voltage and engineering design. Where underground cables interact with groundwater bodies this could result in local degradation of groundwater quality and negatively impact nearby abstractions via the generation of a heat plume.</p> <p>Heat as a groundwater pollutant was introduced in 2023 via the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023.</p> <p>We are mindful that work is being carried out in this area in relation to heating of groundwater from Ground Source Heating and Cooling (GSHC) systems, but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables. The EA's Chief Scientist's Group has published a report for GSHC systems (Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems). In this study, a 'thermal plume' was defined as the region around a GSHC system that experiences a 1 degree C</p>	<p>from the cables is expected to be low, and the electrical cables are therefore not considered to present a risk of contaminating surface water or groundwater.</p> <p>Furthermore, the oCEMP [APP/7.6.1] sets out a range of measures designed to safeguard surface water and groundwater from pollution during cable installation activities. The detailed Construction Environmental Management Plan, to be prepared in accordance with Requirement 13 of the draft DCO [APP/3.1.1], will secure the implementation of the mitigation measures identified in the oCEMP [APP/7.6.1] (including a Bentonite Breakout Plan) and will provide detailed construction method statements for the installation of the cable trenches.</p>	
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			<p>temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground HV cables.</p> <p>The Chief Scientist’s Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means.</p> <p>At this stage we are asking applicants to consider the potential thermal implications of buried cables, in relation to risks to groundwater, via desk-based assessment. We recognise that as this an emerging issue, this matter has not been raised previously within the pre-application stages for this project.</p>		
8-11	EA42	Missing Legislation	<p>Flood Risk Assessment [APP-170], Section 12.4.1</p> <p>Outline Construction Environmental Management Plan [APP-186], Tables 7 and 18</p> <p>Issue: Omission of include The Environment Agency’s approach to groundwater protection and National standards for sustainable drainage systems (SuDS) - GOV.UK from the list of</p>	<p>Section 12.4 of ES Appendix 12.2: Flood Risk Assessment [AS-053] will be updated at a future deadline to include the addition of the EA’s approach to groundwater protection and National standards for SuDS to the list of guidance and legislation.</p> <p>The drainage design for all electrical infrastructure compounds will ensure that hazardous or polluting liquids have limited potential to infiltrate into the ground.</p>	Low



			<p>guidance and legislation provided in Section 12.4.1 of the FRA.</p> <p>Impact: Risk of the BESS, Customer Substation and National Grid Substation drainage designs not being designed in accordance with all relevant guidance.</p> <p>Solution: Include The Environment Agency's approach to groundwater protection and National standards for sustainable drainage systems (SuDS) - GOV.UK in Section 12.4.1 and confirm the outline drainage proposals have been designed in accordance.</p> <p>Additional Comments: The Environmental Pollution Act 1995 states "<i>It is an offence to cause or knowingly permit the discharge of poisonous, noxious or polluting matter into relevant waters or into any underground strata</i>". The design of Substation and BESS drainage systems must ensure that spills and leaks from plant and equipment do not result in hazardous or polluting substances discharging to groundwater.</p> <p>Although it is suggested that the BESS Units would be mounted on concrete foundations, it is possible that compacted gravel may also be used. It is unclear if the Applicant is committing to fully sealed drainage. The Applicant should ensure that if compacted gravel is used, an impermeable lining is present underneath so that the BESS drainage is fully sealed.</p>	<p>The spent fire suppression tank will be lined and have a penstock, as is secured through the oBSMP [APP-194].</p> <p>The Scheme has Work Nos. and does not have a detailed design at this stage. A detailed drainage strategy that will serve Work Nos. 2 – 4 will be provided once the detailed design of the Scheme has been progressed and finalised, following the issue of the DCO (if consented), as secured within Section 12.4 of ES Appendix 12.2: Flood Risk Assessment [AS-053]. If concrete foundations are used, these will form the sealed surface. If compacted gravel is used as the surface, an impermeable membrane / liner will be installed so that the drainage system beneath the BESS is fully sealed and no infiltration to the ground is possible. Any spills, leaks, or firewater runoff is captured and managed through a contained drainage system and cannot reach the Principal Aquifer. This is secured through section 12.4.42 of ES Appendix 12.2: Flood Risk Assessment [AS-053].</p> <p>The detailed drainage strategy that will be provided once detailed design of the Scheme has been progressed and finalised, following the issue of the DCO (if consented), will provide further details of how the proposed SuDS will treat pollutants. Paragraph 12.4.27 of ES Appendix 12.2: Flood Risk Assessment [AS-053] states that SuDS features including semi permeable roads and infiltration basin will be sufficient to effectively mitigate any</p>	
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			<p>This should be updated in Chapter 12 and the BSMP.</p> <p>Tables 7 and 18 both state that “SuDS will treat runoff, which can reduce sediment and pollutant volumes in runoff before discharging back into natural drainage network”. Further details of how the proposed SuDS will treat pollutants should be provided.</p>	<p>suspended solids, metals and hydrocarbons. The detailed design of the SuDS network for the Scheme will be provided to the EA (for permitting) and LLFA, following granting of the DCO, as outlined in paragraph 12.4.33 of ES Appendix 12.2: Flood Risk Assessment [AS-053].</p>	
8-12	EA43	Use of Concrete	<p>Environmental Statement Chapter 5: The Scheme [APP-054], Section 5.3.53 and Table 5-1</p> <p>Outline Construction Environmental Management Plan [APP-186], Table 7</p> <p>Issue: The outline CEMP does not currently contain sufficient mitigation measures to protect water quality from the use of concrete.</p> <p>Impact: Risk of negatively impacting water quality. Concrete is a known source of hazardous substances, particularly during the curing phase.</p> <p>Solution: In addition to measures already included in Table 7 of the outline CEMP, include additional mitigation measures to ensure that risks of pollution as a result of concrete are adequately managed. Measures could include:</p> <ul style="list-style-type: none"> Identify all areas where concrete works are proposed 	<p>Table 7 of the oCEMP [APP/7.6.1] secures mitigation measures to protect the hydrological environment during the use of concrete.</p> <p>The oCEMP [APP/7.6.1] has been updated at Deadline 1 to:</p> <ul style="list-style-type: none"> Identify all areas where concrete works are proposed Specify whether any of these will be cast in-situ or pre-cast and delivered; and For in-situ concrete pours, suggest timing, weather conditions, and runoff control. These construction works should be minimised during heavy precipitation events and carried out during dry months where practicable. 	Low



			<ul style="list-style-type: none"> Specify whether any of these will be cast in-situ or pre-cast and delivered For in-situ concrete pours, suggest timing, weather conditions, and runoff control. (These construction works should be minimised during heavy precipitation events and carried out during dry months where practicable). <p>Additional Comments: Concrete will be used in the construction of numerous features of the Proposed Development including: the concrete foundation slab for Integrated Conversion Units and Standalone Conversion Units; reinforced concrete base for the BESS, and concrete pad in the joint bay.</p>		
8-13	EA44	Wheel Washing Facilities	<p>Environmental Statement Chapter 5: The Scheme [APP-054], Section 5.3.25</p> <p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.8.47 and 12.8.83</p> <p>Issue: It is unclear how any water from wheel washing facilities will be contained and disposed of.</p> <p>Impact: Risks of water containing sediment and contaminants entering watercourses and decreasing water quality, if wash water is not managed correctly.</p>	<p>Table 7 of the oCEMP [APP/7.6.1] states that the wheel wash facility will work on a closed cycle, which limits the potential for 8 contained releases of pollutants to the hydrological environment.</p> <p>The oCEMP [APP/7.6.1] has been updated at Deadline 1 to outline how water from the wheel wash will be disposed of, if dry wheel wash facilities are not used, which is likely to involve a sump and an impermeable lined designated area for such activities. The sump will act to capture sediment.</p> <p>Given the absence of watercourses within Work Nos. 1 to 4, which includes Site entrances, it is</p>	Low



			<p>Solution: Include further details relating to the containment and disposal of wheel wash water within Chapters 5 and 12, and ensure there are sufficient mitigation measures included within the outline CEMP.</p> <p>Mitigation measures associated with wheel washing facilities could include:</p> <ul style="list-style-type: none"> • Ensuring these activities will be undertaken within a designated impermeable or lined area and should not be allowed to discharge into a watercourse • Any SuDS incorporated around wheel washing facilities should provide sufficient treatment for suspended sediment, metals and hydrocarbons. <p>Additional Comments: It is acknowledged that Sections 12.8.47 and 12.8.83 state that vehicle washing will utilise dry wheel wash facilities where possible. This is welcomed, however, where water will be used it must be clarified how this will be managed to pose no risk to the water environment.</p>	highly unlikely that wheel washes will discharge to a watercourse.	
8-14	EA45	Water Quality Monitoring	<p>Outline Construction Environmental Management Plan [APP-186], Table 7 and 18</p> <p>Issue: Insufficient detail provided regarding monitoring for increased</p>	<p>Tables 7 and 18 of the oCEMP [APP/7.6.1] propose sampling frequencies to monitor surface water against baseline conditions. It is also stated that samples will be tested at</p>	Low



			<p>sediment in surface water runoff and chemical pollution.</p> <p>Impact: Risk of a monitoring plan not being able to detect relevant trends in water quality, if not suitably designed.</p> <p>Solution: Update the chemical pollution monitoring plan for surface water to provide information regarding suggested methods and quantities, such as in-situ handheld devices or samples being sent off to laboratories.</p> <p>Monitoring requirements for increased sediment in surface water runoff should be updated to be similar to the chemical pollution monitoring requirements.</p> <p>Additional Comments: It is acknowledged that surface water monitoring will be undertaken at locations on the principal watercourses downstream of the Scheme infrastructure and upstream of other non-natural influences, and the locations and parameters will be agreed with the Environment Agency prior to establishing the hydrochemical baseline.</p>	<p>laboratories as well as tested using in-situ devices.</p> <p>It should be noted that sampling locations, methodologies and sampling quantities will be confirmed with the Environment Agency before any baseline sampling or construction takes place.</p> <p>This is secured in the oCEMP [APP/7.6.1] and therefore the Environment Agency’s sign off of parameters, locations, methodology etc will be required before sampling commences. This commitment in the oCEMP [APP/7.6.1] is a standard approach and has been implemented on the Cleve Hill Solar Farm and Mallard Pass Solar Farm DCOs.</p>	
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Table 4.9 - Land contamination

Reference	EA Issue Reference	Topic	Consultee’s Position	Applicant’s Position	Status
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9-1	EA29	Unexpected Contamination	<p>Outline Construction Environmental Management Plan [APP-186v], Tables 6 and 17</p> <p>Outline Operational Environmental Management Plan [APP-188], Tables 3-6, 3-7, 4-6 and 4-7</p> <p>Outline Decommissioning Strategy [APP-190], Tables 6 and 17</p> <p>Issue: The stated mitigation measures do not include a watching brief for unexpected contamination or a Discovery Strategy.</p> <p>Impact: Potential for unexpected sources of contamination not to be identified and adequately managed where encountered.</p> <p>Solution: Tables should be updated to include the provision of a watching brief for unexpected contamination and a Discovery Strategy to be employed where contamination is encountered.</p> <p>Additional Comments: Although unlikely, maintenance and other activities during the operational phase may include limited excavation which could potentially encounter previously unidentified contamination.</p> <p>Personnel carrying out excavation and other ground disturbing activities during all phases of the Proposed Development should be briefed on maintaining observations for visual and olfactory indicators of contamination, and the requirements of the Discovery Protocol if these are encountered.</p>	<p>The oCEMP [APP/7.6.1], oOEMP [APP/7.8.1], and oDS [APP/7.10.1] have all been updated at Deadline 1 to include the provision of a watching brief for unexpected contamination and a Discovery Strategy to be employed where contamination is encountered. During this update, the oDS [APP/7.10.1] has had the page numbers updated as presented on page iv.</p>	Low
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			The table numbering in the List of Tables on page iv of the Decommissioning Strategy is incorrect and inconsistent with the content of the report.		
9-2	EA30	Contaminated Soils	<p>Outline Soil Management Plan [APP-193]</p> <p>Issue: The outline Soil Management Plan does not address management of contaminated soils if encountered.</p> <p>Impact: Risk of impacts to soil and groundwater quality if contaminated soils are inappropriately managed.</p> <p>Solution: Update the outline Soil Management Plan to direct readers to the contamination mitigation measures described in the outline CEMP.</p> <p>Additional Comments: Potentially contaminated soil should be segregated from uncontaminated soils in order to prevent cross-contamination and minimise the volume of soil requiring disposal or remediation.</p>	The Applicant notes and agrees with this comment. This matter will be addressed in the detailed Soil Management Plan that is to be produced before the commencement of the construction phase, as a requirement under the DCO.	Low

Table 4.10 – Decommissioning

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
10-1	EA31	Removal of Buried Cables	Environmental Statement Chapter 12: Water Resources [APP-061] , Sections 12.7.15, 12.8.130 and 12.8.181 to 12.8.183	The oDS [APP/7.10.1] states that at the decommissioning phase, all below-ground cabling will be left in situ, as this would allow for the cultivation of land after the Scheme	Low



		<p>Outline Operational Environmental Management Plan [APP-188], Section 12.8.137</p> <p>Outline Decommissioning Strategy [APP-190], Section 2.1.5 and Table 7</p> <p>Issue: The decommissioning proposals do not determine whether buried cabling would be removed, or detail the mitigation measures to minimise their potential to act as a contamination source if retained.</p> <p>Impact: Potential for cables left in-situ to act as a source of groundwater contamination which may impact groundwater quality.</p> <p>Solution: If cable removal is not adopted at the decommissioning phase, the Applicant should demonstrate that cables left in-situ indefinitely would not pose a potentially significant source of contamination to controlled waters.</p> <p>The Applicant should provide a suitable reference to confirm that cables retained at 0.6m depth and greater would be below ploughing depth.</p> <p>The outline Decommissioning Strategy should specify how cables retained in-situ would be cut and sealed.</p> <p>Underground cabling should have a design lifespan at least commensurate with the operational phase of the Proposed Development.</p>	<p>has been decommissioned. This approach minimises soil disturbance by avoiding unnecessary handling, plus reduces potential impacts on nearby residential and ecological receptors, and avoids unnecessary disruption to established hedgerows and biodiversity habitats created by the Scheme. This is principally in accordance with the approach taken at the recently approved Springwell DCO. Alternatively, the cables can be removed by opening up the ground at regular intervals and pulling the cable through to the extraction point, leaving the ducting and jointing bays in place, avoiding the need to open up the entire length of the cable route.</p> <p>Typical agricultural ploughing depth usually ranges between 0.15 to 0.45 m and as such, cables at a depth of 0.6 m BGL would be unaffected if left in-situ following decommissioning of the Scheme.</p> <p>The oDS [APP/7.10.1] has been updated at Deadline 1 to commit to specifying the technique to cut and seal cables prior to the decommissioning phase, based on best practice at the time.</p> <p>The oCEMP [APP/7.6.1] has been updated at to commit that bentonite used for trenchless drilling, or elsewhere in the Scheme, has not been treated with chemicals containing PFAS.</p>	
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			<p>Additional Comments: The Applicant has proposed that some or all buried cables may be left in-situ indefinitely at decommissioning. The Environment Agency does not currently have specific guidance or a regulatory position about this in the context of groundwater and land contamination. However, we recommend that cables are removed entirely at the end of the project's functional lifespan. Further, we ask the Applicant to consider the potential effects of cables being left in situ, such as deterioration of plastic and metal over extended time periods, and the release of these materials into soil and groundwater.</p> <p>The Applicant should refer to regulatory guidance and general best practice at the time of decommissioning. Whilst the current intention may be for these to be left in the ground, we strongly recommend that the applicant considers full cable removal in their designs. Allowance should be made at this stage for cable removal should it be later deemed necessary, so that the method of installation does not mean this cannot be reasonably achieved.</p> <p>It is important to consider that use of plastic ducting to facilitate easy removal of cables may have its own impacts. This ducting could degrade over time in a similar manner to plastic cable housing, with some residual risk to sensitive receptors.</p>	<p>It should be noted that PFAS chemicals are not typically used for the coating of solar PV arrays.</p>	
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			<p>Section 12.8.183 report states that foundations and other below ground infrastructure will be cut to 1.2m below the surface, and that cabling will typically be installed at a depth of between 0.6m and 1.2m. If cables are retained within ploughing depth these may damage agricultural equipment and release contaminants into the soil. If cables are proposed to be retained these should be cut and sealed in a manner to minimise the rate of degradation and potential contaminant release.</p> <p>Per- and polyfluoroalkyl substances (PFAS) should be avoided wherever possible in construction materials used for the project, including buried infrastructure such as cabling and also for use in solar PV panel coatings. PFAS are 'forever chemicals' that will negatively affect water quality. Risk from PFAS can be increased during washing to keep them clean, for maximum efficiency of energy generation.</p> <p>We would advise the Applicant to check with the panel manufacturers if the materials used have any PFAS risk, and if design is unknown consider committing to PFAS-free panels. If panels containing PFAS are used, we suggest that there is consideration of this in the outline Operational Environmental Management Plan (OEMP) and outline Decommissioning Strategy. For example, if PFAS coating is damaged there is a risk of persistent chemicals entering the natural environment during heavy rainfall, washing,</p>		
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			<p>maintenance, and removal. The OEMP should also incorporate measures to minimise the risk of panel coatings becoming damaged via ‘thermal shock’ such as if cleaned whilst at a high temperature due to prolonged exposure to sunlight.</p> <p>We note that Section 12.8.137 and the outline OEMP commit to avoiding the use of chemical cleaning products, with the plan stating that only water (preferably deionised) would be used for PV panel cleaning. Care should also be taken when wiping panels to avoid surface microabrasions.</p> <p>The Applicant should also ensure that any bentonite used for trenchless drilling, or elsewhere in the scheme, has not been treated with chemicals containing PFAS. Fuel, oils and other chemicals, such as cleaning agents and decontaminants, should be PFAS-free wherever possible.</p>		
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Table 4.11 - BESS / Fire Safety

Reference	EA Issue Reference	Topic	Consultee’s Position	Applicant’s Position	Status
11-1	EA33	BESS Mitigation Measures	<p>Outline Construction Environmental Management Plan [APP-186]</p> <p>Issue: The outline CEMP does not clearly state that the BESS units will not be installed until the mitigation measures are in place.</p>	There are site design safety elements that will be in place prior to the BESS being installed (i.e. drainage, water supply, roads etc). However, some fire management systems are embedded in the BESS; Fire Detection, Fire Suppression, on	Low



			<p>Impact: Should a BESS fire occur during construction prior to all mitigation being in place, this could result in contamination of controlled waters.</p> <p>Solution: The Applicant should clearly state in the outline CEMP and outline Battery Safety Management Plan (BSMP) that no BESS batteries will be taken onto site until the BESS drainage and fire management systems are in place and have been commissioned.</p> <p>Additional Comments:</p>	<p>board Monitoring etc., these will only be activated when the BESS is in situ and able to transmit to the Operations Control Room. The status of each BESS is accessible on the control panel of the BESS and prior to installation this will be checked to determine the serviceability) and functioning of all safety measures) of the BESS prior to removal from transportation.</p>	
11-2	EA34	Penstock Valve	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.8.144 and 12.8.147</p> <p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170], Sections 12.4.18, 12.4.41 and 12.4.42</p> <p>Outline Operational Environmental Management Plan [APP-188], Table 3-7</p> <p>Outline Battery Safety Management Plan [APP-194], Table 6.1 Item 12</p> <p>Issue: It is unclear as to whether the automated penstock valve at the BESS, Customer Substation and National Grid Substation Sustainable Drainage Systems (SuDS)/contaminated water tank would have backup manual operation.</p> <p>Impact: Risk of direct release of potentially contaminated firefighting water into the environment if the automatic penstock valve</p>	<p>As confirmed within ES Appendix 12.2: Flood Risk Assessment [AS-053], the penstock valve on the contaminated water tank will automatically shut off in the event of a fire suppression event and closed until testing of the contaminated water has taken place.</p> <p>The oOEMP [APP/7.8.1] commits to the testing of the penstocks on a regular basis and repairs undertaken promptly if required.</p> <p>In the event that the penstock automated system fails, there will be an option to manually close the penstock valve and that the valve will be subject to a programme of regular inspection and maintenance. This will be detailed within ES Appendix 12.2: Flood Risk Assessment [AS-053] as updated at a future deadline.</p>	Low



			<p>fails during an incident and there is no backup manual operation.</p> <p>Solution: The Applicant should confirm that the penstock valve will also have backup manual operation, and that the valve will be subject to a programme of regular inspection and maintenance. This should be consistently referenced across the ES submission documents.</p> <p>The Applicant should update Chapter 12, the FRA and the outline BSMP to clarify the trigger for penstock automatically closing.</p> <p>Additional Comments: We note that Table 3-7 of the outline OEMP commits to regular testing of penstocks and for repairs to be undertaken promptly if required. This is essential to ensure the penstock remains in good condition to always close promptly when required.</p>		
11-3	EA35	Removal of Captured Firefighting Water	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.8.144 and 12.8.147</p> <p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170], Sections 12.4.18, 12.4.41 and 12.4.42</p> <p>Outline Operational Environmental Management Plan [APP-188], Table 3-7</p> <p>Outline Battery Safety Management Plan [APP-194], Table 6.1 Item 12</p> <p>Issue: It is stated that captured firefighting water would either be tested and removed</p>	<p>ES Appendix 12.2: Flood Risk Assessment [AS-053] outlines that captured firewater could be tested and released to the hydrological environment should contaminants not be present. However, captured firewater will be tankered off-site. This has been confirmed within the oOEMP [APP/7.8.1] and will be confirmed in an update to ES Appendix 12.2: Flood Risk Assessment [AS-053] at a future Deadline, and this approach is in accordance with the Environment Agency’s request for</p>	Low



		<p>offsite to a licensed facility or discharged to groundwater. Permitted consent would be required to discharge firefighting water, the timescales for which are substantial.</p> <p>Impact: The timescales required to receive permitted consent carry a significant risk that further rainfall events or a second fire requiring more firefighting water to be applied could exceed the storage capacity of the drainage system. This could in turn lead to pollution of the environment.</p> <p>Solution: If the Applicant intends to retain an option of discharging firefighting water to groundwater, it must be demonstrated that they will be able to manage the risks associated with this approach. The Applicant must be able to ensure that contained firefighting water is removed and the drainage system decontaminated at the earliest opportunity following a fire event to ensure that the storage capacity of the system is not overwhelmed by subsequent rainfall or a second fire event. This is likely to be most readily achieved by tankering away the stored firewater. The Applicant should provide details of what testing is proposed in the event of a fire.</p> <p>In the absence of suitable mitigation measures, all spent firefighting water should be tankered offsite to a licensed facility.</p> <p>Additional Comments: It should be noted that the time taken to issue a Groundwater Activity Permit may be substantial, with</p>	<p>a tankered solution to spent firewater for the Great North Road Solar and Biodiverse Park DCO. As such, in the event of a battery fire, suppressant does not require testing as it will not be released to the wider hydrological environment.</p> <p>Section 2.14.3 of the oOEMP [APP/7.8.1] has been updated at Deadline 1 to make reference to the measures pertaining to the management of fire water also being detailed in the oBSMP [APP-194].</p>	
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		<p>decisions on applications usually being made within 4 months (Discharges to surface water and groundwater: environmental permits - GOV.UK).</p> <p>We note that Table 6.1 Item 12 within the outline BSMP states that after a fire, all firefighting water will be contained within a purpose-built tank, tested and, if applicable, treated prior to being released to ground. It does not mention that discharge of firewater to ground following testing would require a Groundwater Activity Permit. The Plan should be updated to make it clear that discharge of firewater to ground would be subject to gaining an environmental permit from the Environment Agency's National Permitting Service.</p> <p>It is unclear what testing is proposed. Testing is important to provide information around the quality of water that has been contained after a fire and will ascertain if it contains any contaminants and what level of risk to the water environment the contained firewater has. Firewater and other chemicals from BESS will deteriorate water quality unless it is contained and removed sufficiently.</p> <p>For advice, we expect that water samples would be taken, when safe to do so, which would then be sent to a UKAS accredited laboratory for analysis, using UKAS and MCERTS accredited methods (where applicable). The water samples should be checked against the list of hazardous</p>		
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			<p>substances in the surface water pollution risk assessment guide: Surface water pollution risk assessment for your environmental permit - GOV.UK</p> <p>The contaminated water storage tank(s) should be designed to be emptied by tanker should discharge to ground be impractical or not permissible.</p> <p>We note that Section 2.14.3 of the outline OEMP states that says that “Management of fire water is further described in ES Chapter 12: Water Resources”. For completeness, this should be updated to also reference the outline BSMP.</p>		
11-4	EA36	Underground Contaminated Water Tanks	<p>Environmental Statement Chapter 12: Water Resources [APP-061], Sections 12.8.143 and 12.8.147</p> <p>Issue: Spent firefighting water is proposed to be contained within a dedicated underground contaminated water tank(s), sized to contain 228m3 of spent fire suppressant plus a 1% Annual Exceedance Probability (AEP) event. Similar arrangements are proposed for the Customer Substation and National Grid Substation.</p> <p>Impact: This may result in the underground storage of hazardous substances within a Principal aquifer within SPZ2 which may not be compliant with Position Statement D2 of The Environment Agency’s approach to groundwater protection.</p>	<p>ES Appendix 12.2: Flood Risk Assessment [AS-053] outlines that a closed system should be utilised to contain spent firewater in the event of a battery or substation fire, in accordance with best practice, and the use of tanks is a typical approach on sites which include BESS.</p> <p>ES Appendix 12.2: Flood Risk Assessment [AS-053] will be updated at a future Deadline to confirm that, should there be space following the detailed design of the Scheme, then aboveground, impermeably lined detention basins will be favoured over belowground structures. Additionally, there will be a commitment that the containment area will be fully cleaned prior to any shut-off valves being re-opened.</p>	Low



		<p>Solution: The Applicant should justify why the storage must be underground and commit to engineering and management standards to ensure there are no leaks from this infrastructure. This equally applies to the closed drainage system for the Customer Substation and National Grid Substation.</p> <p>Additional Comments: Position Statement D2 of The Environment Agency's approach to groundwater protection states:</p> <p><i>The Environment Agency will normally object to new and increased underground* storage of hazardous substances in SPZ1. The Environment Agency will agree to such storage in principal and secondary aquifers outside SPZ1 only if there is evidence of overriding reasons why the:</i></p> <ul style="list-style-type: none"> • <i>activity cannot take place within unproductive strata</i> • <i>storage must be underground (for example public safety), in which case it is expected that the risks are appropriately mitigated</i> <p><i>For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), the Environment Agency expects operators to adopt appropriate engineering standards and have effective management systems in place. These should take into account the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs. * Underground storage</i></p>	<p>Section 12.4 (paragraphs 12.4.40) of ES Appendix 12.2: Flood Risk Assessment [AS-053] states that the SuDS structures serving the BESS compound will be sized to accommodate the 1% AEP +40% CC and an additional 228m³, and this will be sufficient for storing the full fire suppressant volume during an extreme rainfall event.</p>	
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			<p><i>constitutes storage whereby the tank is not wholly visible on a permanent basis and is not wholly accessible from ground level. Any tank that is partially set in the ground in a secondary containment and is totally accessible and wholly visible will be considered to be an above ground tank.</i></p> <p>Although under normal circumstances the proposed firewater storage tank(s) would not contain hazardous substances, the potential for these to be present in firewater following a BESS fire cannot be fully discounted. The Applicant should therefore satisfactorily demonstrate why a firewater storage solution cannot instead be implemented above ground.</p> <p>The storage tank(s) should be suitably engineered to ensure secure containment over the lifetime of the Proposed Development and should include secondary containment such as double-skinned construction.</p> <p>The Applicant should also ensure that the containment area is sized to be able to hold all firefighting water, during a storm event, and factor in climate change.</p> <p>The Applicant should confirm that the containment area will be fully cleaned prior to any shut-off valves being re-opened.</p>		
11-5	EA37	Spills and Leaks – BESS and Substation	Environmental Statement Chapter 12: Water Resources [APP-061] , Section 12.8.129	ES Appendix 12.2: Flood Risk Assessment [AS-053] and oCEMP [APP/7.6.1] will be	Low



		<p>Drainage Systems</p>	<p>Flood Risk Assessment [APP-170], Section 12.4.19</p> <p>Issue: Absence of measures to identify and manage the risk of pollution during normal operation of the BESS and Substation sites, when surface water runoff would directly infiltrate into the underlying Principal aquifer (and SPZ2) and surface watercourses.</p> <p>Impact: Groundwater and surface water quality could be impacted by spills and leaks from normal operation (as distinct from a fire event) entering BESS and/or Substation surface water drainage systems.</p> <p>Solution: Specify mitigation measures to identify and manage these risks. We would suggest installing ‘sentinel’ monitoring systems at the BESS and Substation drainage system outfalls to quickly identify if pollutants are found to be entering the drainage system and enable remedial action.</p> <p>Hazardous or polluting substances must be stored, handled and disposed of in accordance with applicable regulations, and any plant or equipment containing these should be suitably engineered to avoid loss of these substances to ground.</p> <p>Additional Comments: Section 12.4.19 of the FRA states that all surface water from the BESS and Substation developments will ultimately drain into an infiltration basin (of worst-case volume 19,845m³). Any loss of contaminants into the drainage system under</p>	<p>updated at a future Deadline to confirm that drainage system outfalls, such as installing ‘sentinel’ monitoring systems, will quickly identify if pollutants are found to be entering the drainage system and enable remedial action. Additionally, it will contain a section to confirm that hazardous or polluting substances must be stored, handled and disposed of in accordance with applicable regulations, and any plant or equipment containing these should be suitably engineered to avoid loss of these substances to ground.</p>	
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			<p>normal operational use, such as from spills and leaks) is likely to result in these migrating directly into the Principal aquifer (and SPZ2) via the infiltration basin.</p> <p>All oil-containing plant such as oil-filled transformers should be designed in accordance with appropriate standards including, as applicable, The Control of Pollution (Oil Storage) (England) Regulations 2001.</p> <p>Measures to prevent hydrocarbons from being discharged from the drainage system, such as oil-water interceptors, should be included and subject to regular cleaning and inspection.</p>		
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Table 4.12 - Draft DCO

Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
12-1		EA Response Provision	As a named consultee on the discharge of several Requirements, we request that the provision of at least 15 working days (21 calendar days) to respond to the discharge authority is reflected in the draft Development Consent Order (APP-018). Specifically, this should be addressed within Schedule 16 procedure for discharge of requirement, Further information and consultation, 3.(3). Ensuring this timeframe will give us sufficient opportunity to thoroughly review any discharge of	The requested wording will be amended at a future deadline once the Environment Agency have reissued their relevant representations for Deadline 2.	Low



			<p>requirement applications and provide considered feedback. Furthermore, this is in-keeping with the statutory 21-day response time for town and country planning applications.</p> <p>Therefore, we would request that the wording for 3.(3) is amended to:</p> <p>“If the provision governing or requiring the application specifies that consultation with a requirement consultee is required, the relevant planning authority must notify the requirement consultee within 10 working days of the receipt of the application that an application has been received. Thereafter the requirement consultee has 15 working days from the receipt of the notification in which to submit any representations relating to the application to the relevant planning authority. The relevant planning authority must notify the undertaker in writing specifying any further information the relevant planning authority considers necessary of that is has been requested by the requirement consultee within 10 working days of the receipt of such a request from the requirement consultee and or in any event within 25 working days of the receipt of the application (or such other period as is agreed in writing between the undertaker and the relevant planning authority)”</p>		
12-2	EA46	Environment Agency	Draft Development Consent Order [APP-018]	The Applicant notes that article 6(1)(e) of the draft DCO [APP/3.1.1] confirms that regulation 12 (requirement for	Low



		<p>Protective Provisions</p>	<p>Consents and Agreements Position Statement [APP-185]</p> <p>Issue: Lack of clarity regarding why Environment Agency Protective Provisions have been included in the draft DCO when disapplication of the Environmental Permitting Regulations has not been included in the application.</p> <p>Impact: If disapplication is sought, further discussions will need to take place between the Environment Agency and the Applicant.</p> <p>Solution: Provide reasoning as to why Environment Agency Protective Provisions have been included in the draft DCO. Confirm what relevant Flood Risk Activities (if any) are proposed and confirm whether disapplication of relevant legislation applicable to these is sought.</p> <p>Additional Comments: The Consents and Agreements Position Statement refer to the requirements for Flood Risk Activity Permits (FRAPs) but does not indicate where these might be required. No discussions have taken place between the Environment Agency and the Applicant to date regarding FRAPs or disapplication.</p>	<p>environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 does not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development, in respect of a flood risk activity only. Therefore, as is standard practice across numerous made solar DCOs, the Applicant has included protective provisions for the benefit of the Environment Agency in Part 5 of Schedule 15 of the draft DCO [APP/3.1.1]. The Applicant has also updated these protective provisions at Deadline 1 to reflect the Environment Agency's standard and preferred wording, an approach which the Applicant hopes can address any concerns the Environment Agency has in this regard.</p> <p>The Applicant welcomes discussions with the Environment Agency regarding this disapplication.</p> <p>In relation to the Environment Agency's request for confirmation of the relevant Flood Risk Activities, the Applicant confirms that the only FRAP required in relation to the Scheme would be in relation to dewatering – there are no such permits required for open watercourses, as there are none within the Environment Agency's remit within the Order limits.</p>	
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12-3	EA47	Requirement Wording	<p>Draft Development Consent Order [APP-018], Schedule 2 – Requirements</p> <p>Issue: Numerous Requirements state that detailed management plans “must be substantially in accordance with” the outline version of the management plan.</p> <p>Impact: Using the term “substantially” results in a Requirement being unenforceable and is not precise. This is against government policy (National Planning Policy Framework (NPPF)) and the six tests cited in Paragraph 57 of the NPPF.</p> <p>Solution: The Environment Agency requests the removal of the term “substantially” from the affected Requirements, particularly those where we are/wish to be a named consultee: Requirements 6, 11, 13, 14 and 20.</p> <p>Additional Comments:</p>	<p>This Applicant does not agree with the assertion that the word “substantially” results in a requirement being unenforceable and imprecise, nor is this wording against Government policy. This phrasing, for detailed management plans to be substantially in accordance with, is extremely well-precedented across made DCOs (i.e. statutory instruments) from all industries, including all made solar DCOs. The Applicant, therefore, does not propose to depart from standard practice in this regard.</p>	High
12-4	EA48	Permitted Preliminary Works	<p>Draft Development Consent Order [APP-018], Part 1: Preliminary. Article 2 ‘Interpretation’; Schedule 2 - Requirements</p> <p>Issue: The definition of “permitted preliminary works” includes ‘(d) remedial work in respect of any contamination or other adverse ground conditions’, while the definition of “commence” excludes activities defined as “permitted preliminary works”, i.e. it does not include ‘remedial work in respect of any contamination or adverse ground conditions’.</p>	<p>The Applicant does not agree with the Environment Agency’s proposals on this matter. The definition of “permitted preliminary works” in article 2 of the draft DCO [APP/3.1.1], including specifically subparagraph (d) covering “remedial work in respect of any contamination or other adverse ground conditions” is well-precedented across made solar DCOs, including the recent East Yorkshire Solar Farm Order 2025, the Tillbridge Solar Order 2025 and the Fenwick Solar Farm Order 2026. It is therefore common</p>	Medium



			<p>Impact: The CEMP secured via Requirement 13, only requires submission of a detailed CEMP prior to commencement. This means that remediation of the site could take place without the CEMP being approved or in place and therefore without the controls and mitigation commitments offered by the CEMP.</p> <p>Solution: We request that either '(d) remedial work in respect of any contamination or other adverse ground conditions' is removed from the "permitted preliminary works" definition, or Requirement 13 is amended to include the following clause, "for the purposes of 13(1) "commence" must include 'remedial work in respect of any contamination or adverse ground conditions'.</p> <p>Additional Comments: If the Applicant can point to an alternative satisfactory control to the CEMP then we will consider that.</p>	<p>practice for such remedial works to be permitted to be completed before the detailed Construction Environmental Management Plan is submitted for approval by the relevant planning authority under the corresponding requirement of those DCOs. The Applicant therefore proposes to follow this well-established precedent.</p>	
12-5	EA49	Requirement 13 – Construction Environmental Management Plan	<p>Draft Development Consent Order [APP-018], Schedule 2 – Requirements 13(1)</p> <p>Issue: The Environment Agency is not listed as a named consultee for the discharge of Requirement 13 (Construction Environmental Management Plan).</p> <p>Impact: Increased risk of detrimental impacts to controlled waters if the CEMP does not include sufficient mitigation.</p>	<p>The Applicant agrees with the Environment Agency's request and has updated the draft DCO [APP/3.1.1] to reflect this.</p>	Low



			<p>Solution: We request to be consulted on the CEMP to be approved under Requirement 13.</p> <p>Additional Comments:</p>		
12-6	EA50	Requirement 14 – Operational Environmental Management Plan	<p>Draft Development Consent Order [APP-018], Schedule 2 – Requirements 14(1)</p> <p>Issue: The Environment Agency is not listed as a named consultee for the discharge of Requirement 14 (Operational Environmental Management Plan).</p> <p>Impact: Increased risk of detrimental impacts to controlled waters if the OEMP does not include sufficient mitigation.</p> <p>Solution: We request to be consulted on the OEMP to be approved under Requirement 14.</p> <p>Additional Comments:</p>	<p>The Applicant agrees with the Environment Agency’s request and has updated the draft DCO [APP/3.1.1] to reflect this.</p>	Low
12-7	EA51	Dedicated Contaminated Water Tanks	<p>Draft Development Consent Order [APP-018]</p> <p>Environmental Statement Appendix 12.1: Consultation and Legislation, Planning Policy and Guidance [APP-169], Table 12-1</p> <p>Environmental Statement Appendix 12.2: Flood Risk Assessment [APP-170]</p> <p>Issue: Item 3.8.7 of Table 12-1 (Appendix 12.1) states that the FRA “commits the detailed design of the Scheme to include dedicated contaminated water tank(s) in a closed system for the BESS and substations</p>	<p>ES Appendix 12.2: Flood Risk Assessment [AS-053] states as follows: <i>“12.4.38 Based on recommendations in NFPA 855 Standard for the Installation of Stationary Energy Storage Systems and NFCC – Grid Scale Battery Energy Storage System planning – Guidance for FRS, a burn time of 2 hours and a requirement of 1,900l/min of fire suppression water has been used to calculate the volume of fire suppressant water required to be stored onsite in the event of a container fire. 12.4.39 This equates to 228m3 of storage.</i></p>	Low



			<p>sized to accommodate 228m³ plus the 1% AEP event. This is secured through a requirement of the draft DCO”. However, the draft DCO refers to impermeable drainage infrastructure only in relation to the BESS Compound and does not currently commit to a specified storage capacity.</p> <p>Impact: There is a risk that this commitment will not be fully secured by the draft DCO, which could lead to pollution of surface water and groundwater.</p> <p>Solution: Update the draft DCO to clearly secure this commitment via a secured document such as the CEMP.</p>	<p><i>12.4.40 The SuDS structures serving the BESS compound will be sized to accommodate the 1% AEP +40% CC and an additional 228m³, and this will be sufficient for storing the full fire suppressant volume during an extreme rainfall event.”</i></p> <p>The figure of 228m³ is, as stated, based on current guidance – the relevant text in the FRA will be updated at Deadline 1 to reflect the fact that this figure is subject to change based on guidance at the time of detailed design of the Scheme.</p> <p>Further, the Applicant notes that the Design Principles, Parameters and Commitments [APP/5.8.1] commit, for the Customer Substation (Table 3-3) and the National Grid Substation (Table 3-4), that the related compounds will be served by a SuDS network designed to the 1% AEP event plus 40% climate change allowance. The Applicant acknowledges that a corresponding commitment is not in place for the BESS and has therefore updated this document (specifically Table 3-2) at Deadline 1 to include a commitment to storing the 1% AEP event plus an appropriate volume for firefighting water, based on guidance at the time of the detailed design of the Scheme. As such, the Applicant considers that the relevant commitment is appropriately secured.</p>	
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Table 4.13 - Traffic and Transport



Reference	EA Issue Reference	Topic	Consultee's Position	Applicant's Position	Status
13-1	Appendix B - Informatives	Tankering Water	Given the initial estimates of volumes calculated, estimates of Heavy Goods Vehicles (HGV) numbers required should be factored into traffic management plans to ensure local authorities are satisfied with the increases this would mean to HGVs on local road networks. Given the heavy reliance on this source of supply, it is important that this does not pose a blocker pre-commencement.	<p>The total anticipated water demand over the construction phase is set out within Table 12.18 (Total water demand for construction phase) of ES Chapter 12: Water Resources [APP-061].</p> <p>Total HGV requirements for water tankering has been updated to be included within ES Chapter 9: Transport and Access [APP/6.2.1] and the outline CTMP [APP/7.7.1].</p>	



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