

Planning Inspectorate

Reference: OR-0004351/01

Customer reference: EN0110013

19 June 2026

Dear sir/madam

Written representation for deadline 2

The Drovers Solar Farm


This response constitutes the Environment Agency's Deadline 2 response in regards to the 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)]. We have reviewed the Deadline 1 submissions, and other application documents that have been updated since submission. Following our review, we have responded to the outstanding issues raised within our Relevant Representation in turn below.

Since our Relevant Representation, we have an additional issue to raise in regards to the procedure for discharge of requirements with draft Development Consent Order. Please see Appendix B below for more information.

For our response, we have provided the following appendices consisting of:

- [Appendix A](#):
 - Our comments regarding the issues we raised in our Relevant Representation
- [Appendix B](#):
 - Additional comments on the draft Development Consent Order
- [Appendix C](#):
 - Advice and informatives
- [Appendix D](#):
 - A summary of our position

Yours sincerely,


Nlteam@environment-agency.gov.uk

Appendix A - Our comments regarding the issues we raised in our Relevant Representation

The Applicant has stated in the in the 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] that they will be providing updates on a number of our issues at a future deadline for the following issue IDs:

- EA01 (Source Protection Zone)
- EA02 (Drinking Water Protected Area)
- EA03 (3D Representation of Groundwater)
- EA04 (Groundwater Flow Direction)
- EA05 (Maximum Foundation Extents)
- EA13 (Sensitivity Criteria for Receptors)
- EA15 (Chalk Rivers)
- EA17 (WFD Groundwater Bodies)
- EA20 (Boreholes)
- EA23 (Interaction with Groundwater)
- EA34 (Penstock Valve)
- EA36 (Underground Contaminated Water Tanks)
- EA42 (Missing Legislation)

We will therefore not be commenting on the above issues as part of this deadline 2 response, and consider them as unresolved. We look forward to reviewing respective updates at a future deadline.

EA06 (Avoidance of Pipelines)

We cannot resolve this issue.

We were concerned that figure 16.1 [[APP-131](#)] did not show the approximate routes of the former Ministry of Defence (MoD) oil pipeline or Exolum pipeline which traverse the draft Order Limits.

The Applicant has stated in the in the 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] that a revised figure had been submitted at deadline 1. We cannot locate this revised figure on the examination library. Please clarify which document the amendment has been included within.

EA07 (Environmental Legislation)

We are satisfied and consider this issue resolved.

We were concerned over Omission of Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 in Appendix 7.1: Consultation and Legislation, Planning Policy and Guidance [[APP-147](#)], Section 7.2.

We have reviewed the 6.4.1 ES Appendix 7.1 Consultation and Legislation, Planning Policy and Guidance (Tracked) [[REP1-045](#)], and note that the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 have been included.

Further advice

We recommend that the reference to The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 also includes the following wording:

“These surface waters are assessed at a water body catchment level. The legislation protects and enhances these waters by legislating against any deterioration in the ecological status of the waters or of their associated elements, and by requiring these waters and their associated elements to reach ‘Good’ ecological status/ecological potential. These objectives are captured in the relevant River Basin Management Plan.”

EA08 (Watercourse Buffers)

We are satisfied and consider this issue resolved.

We were concerned that there were Insufficient buffer zones around watercourses.

We have reviewed the 6.2.1 Chapter 7 Ecology and Biodiversity (Tracked) [[REP1-035](#)] and 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)], and are content with the updating of the buffer size to 10m around watercourses, and 15m for temporary construction compound screening.

Further Advice

We recommend that table 2 of the outline CEMP is also updated to include the mitigation measures for temporary construction compound screening.

EA09 (Otter and Water Vole)

██████████d consider this issue resolved.

We were concerned that there were inconsistencies in monitoring requirements for otter and water vole.

We acknowledge the note in the 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] which draws attention to the lack of connected drains and watercourses within the Site. We accept that this would reasonably suggest that the species will be absent within the site. We note that table 2 in the 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)] states that a precautionary update may be undertaken prior to the commencement of construction; these would be completed as appropriate to reconfirm the status of protected species identified, to inform mitigation requirements and support protected species license applications. We are therefore content to resolve this issue.

EA10 (Invasive Non-Native Species)

We cannot resolve this issue at this time.

We note that the 7.11.1 outline Landscape and Ecological Management Plan (Tracked) [[REP1-061](#)] and 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)] have been updated 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.

We request that section 7.8.46 (or 7.9) of 6.2.1 Chapter 7 Ecology and Biodiversity (Tracked) [[REP1-035](#)] is updated to better reflect the changed ambitions of the INNS management, namely that the INNS management plan will seek to eradicate species within the Site (as mentioned in section 7.3.130 of the [landscape environment management plan](#)). Section 7.8.46 currently still reads that the species in the buffer areas will remain undisturbed.

EA11 (Waste Classification)

We cannot resolve this issue at this time.

We were concerned that there was a 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.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] that the following documents have been updated to make specific

- 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)]

- 7.8.1 outline Operational Environmental Management Plan (Tracked) [[REP1-055](#)]
- 7.10.1 outline Decommissioning Strategy (Tracked) [[REP1-059](#)]

We cannot find any reference to WM3 in the above documents. Therefore, we cannot resolve this issue.

EA12 (Flood Risk – BESS)

We are satisfied and consider this issue resolved.

We were concerned that there was insufficient flood mitigation provided for BESS units.

In the 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)], it is stated that the Flood Risk Assessment (FRA) includes a commitment to produce a drainage design based on the detailed site design, post DCO, based on the 1 in 100 year rainfall event + 40% climate change allowance. If localised flood depths cannot be managed by the drainage strategy, then BESS units will be appropriately raised to 300 mm above the modelled flood level. We find this acceptable.

EA14 (Private Water Supplies)

We are satisfied and consider this issue resolved.

The groundwater elevation records which have been provided to date appear to represent groundwater within the underlying Chalk Principal aquifer. The potential for some of the identified abstractions to draw from the Superficial Secondary A aquifers, which are locally present along the River Nar, cannot be discounted. However, we acknowledge that the elements of the Proposed Development which could pose the highest risk to water quality within the Superficial deposits – i.e. the BESS, Substation and trenchless drilling activities – are located away from areas in which Superficial deposits are recorded in BGS mapping.

Provided the Applicant ensures that post-consent groundwater investigation, and monitoring, establishes the groundwater hydraulic head and flow direction within the Chalk Principal aquifer within the Order Limits, we concur that dipping of private groundwater abstraction boreholes is not required.

[REDACTED] Licence)

We are satisfied and consider this issue resolved.

We were concerned that the possibility of identified licensed abstraction (6/33/58/*G/0248) being in use had been ruled out, and this could therefore result in an incorrect assessment of impacts to all receptors.

We note the comments in 8.4 Applicant's Response to Relevant Representations [REP1-067]. As post-consent groundwater monitoring will be followed by hydrogeological risk assessment for foundation works, we are therefore consent to resolve this issue. If conditions are found to differ substantially from the interpolated model to the extent effects to this abstraction could occur, these would be required to be duly assessed.

EA18 (Groundwater Levels)

We cannot resolve this issue.

We were concerned that there was a 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 [APP-061] relate to ground level.

The Applicant stated in the 8.4 Applicant's Response to Relevant Representations [REP1-067] that Tables 12.7 and 12.8 in ES Chapter 12: Water Resources [APP-061] would be updated deadline 1. We cannot locate a revised Water Resources chapter on the examination library.

EA19 (Accuracy of Hydrogeological Model)

We are satisfied and consider this issue resolved.

We were concerned that the accuracy of the hydrogeological model was unclear.

The Applicant has confirmed in the 8.4 Applicant's Response to Relevant Representations [REP1-067] a commitment to installing boreholes within Order Limits to monitor groundwater levels prior to construction. This ensures that construction activities such as Horizontal Directional Drilling (HDD) and foundation works do not occur when groundwater levels are high enough to interact with them. Furthermore it allows the data to be used to refine the hydrogeological conceptual model.

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We recommend that the Applicant ensures that ground investigation addresses potential for karst features to be encountered within areas proposed for HDD, piling and infiltration drainage, and suitable mitigation to be developed as required.

EA21 (Trenchless Installation Methods)

We cannot resolve this issue.

We were concerned that Section 12.7.7 [\[APP-061\]](#) excludes some key mitigation measures related to the hydrological environment. We requested inclusion of the following measures:

- Hydrogeological Impact Assessment (HIA) for all trenchless crossings due to the 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

The Applicant stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) that they updated the 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) to specify a hydrogeological risk assessment and drilling fluid breakout plans for HDD drilling activities. However, the commitment to undertake a hydrogeological risk assessment is only explicitly stated in relation to foundations and piling – it is not stated for HDD breakout risk for trenchless crossings. To resolve this issue, we require all trenchless crossings to also commit to hydrogeological risk assessments. Commitments should be provided in the outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) and the 5.8.1 Design Principles, Parameters and Commitments (Tracked) [\[REP1-017\]](#).

EA22 (Shallow Groundwater)

We are satisfied and consider this issue resolved.

We were concerned that that groundwater levels may be higher than anticipated, rendering the approach set out in section 12.8.23 [\[APP-061\]](#) impossible.

The 5.8.1 Design Principles, Parameters and Commitments (Tracked) [\[REP1-017\]](#) states that “An alternative construction methodology to HDD, such as open cut, will be selected if groundwater conditions require it.” We are therefore content to resolve this issue.

EA24 (Foundation Work Risk Assessment)

██████████ this issue.

We were concerned that the FRA [\[APP-170\]](#) stated that a Foundation Works Risk Assessment would only be required if piling goes deeper than the highest recorded groundwater level.

In the 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) it is stated that "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". We have been unable to locate this statement within the 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#).

EA25 (Construction Mitigation Measures)

We are satisfied and consider this issue resolved.

We were concerned about the lack of detail regarding the construction mitigation measures for HDD, BESS and the substation.

The 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) has been updated to confirm the mitigation measures that will be undertaken. We find this acceptable.

EA26 (Drilling Fluid Breakout Plan)

We are satisfied and consider this issue resolved.

We were concerned that Tables 6 and 17 [\[APP-186\]](#) stated that no monitoring was required for drilling fluid seepage during borehole operations.

The 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) has been updated 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 (table 7).
- 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 (tables 6 and 18).

EA27 (Hydrogeological Impact Assessment)

We cannot resolve this issue.

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We were concerned that the definition provided in table 6 [\[APP-186\]](#) was vague in regards to the trenchless crossing techniques and mitigation measures to avoid impacts to groundwater may not be sufficient.

The Applicant stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) "The Applicant refers to its response to EA23 above." However the reference number column, and our relevant representation ID does not match up in this document. It is therefore unclear what they are referring to. Regardless, we note that tables 6, 7 and 17 of the 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) have not been updated to refer to the production of a HIA for trenchless works.

EA28 (Spills and Leaks)

We are satisfied and consider this issue resolved.

We were concerned that mitigation measures to prevent spills and leaks from construction compounds were not well defined. Spillages of fuel or drilling fluid are not mentioned in the outline CEMP. We requested that the Applicant provides details of mitigation measures, to prevent fugitive emissions from temporary construction and decommissioning compounds from impacting controlled waters. Specifically section 5.4.50 [\[APP-054\]](#) should clarify whether sheltered means fully covered (i.e. no rain access), and if any storage will utilise double-skinned tanks.

The Applicant has updated the 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) and 6.1.2 ES Chapter 5 The Scheme (Tracked) [\[REP1-033\]](#) to make reference to the above requests.

EA29 (Unexpected Contamination)

We are satisfied and consider this issue resolved.

We were concerned that the stated mitigation measures do not include a watching brief for unexpected contamination or a discovery strategy.

The 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#), 7.8.1 outline Operational Environmental Management Plan (Tracked) [\[REP1-055\]](#) and 7.10.1 outline Decommissioning Strategy (Tracked) [\[REP1-059\]](#) have all been updated sufficiently to include a watching brief for unexpected contamination or a discovery strategy.

EA30 (Contaminated Soils)

██████████d consider this issue resolved.

We were concerned that the outline Soil Management Plan does not address management of contaminated soils if encountered.

We are confident that measures listed under Table 17 in the 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)] will ensure that soil management measures will address contaminated soils if encountered.

EA31 Removal of buried cables

We cannot resolve this issue.

We were concerned that decommissioning proposals did 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.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)], that "all below-ground cabling will be left in situ". We note that the table 7 in 7.10.1 outline Decommissioning Strategy (Tracked) [[REP1-059](#)] has been updated to state that:

- "methods for cutting and sealing cables during the decommissioning phase will be in accordance with industry best practices at the time."
- "where cables are buried under watercourses, ditches, roads and potentially sensitive vegetation, it is anticipated that the BPEO will be to leave the cable ducting (or the whole cables, if separate ducting is not used) in situ."

We require the environmental risk assessment and selection of Best Practicable Environmental Option (BPEO) to also consider total or partial cable removal. We encourage the Applicant to consider the practicability of future cable removal at the design stage.

EA32 (Drainage System)

We are satisfied and consider this issue resolved.

We were concerned that it was unclear how the surface water drainage infrastructure at the BESS, Customer Substation, National Grid Substation and infiltration basin would be managed at decommissioning stage.

The Applicant has confirmed in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] that the any infrastructure that is to remain in place after the lifetime of the Scheme will retain the drainage features which serve it.

EA33 (BESS Mitigation Measures)

We cannot resolve this issue.

We were concerned that the outline Construction Environmental Management Plan (CEMP) [\[APP-186\]](#) did not clearly state that the BESS units would only be installed once the mitigation measures are in place.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) that there will be site design safety elements in place prior to the BESS being installed. We request a commitment in the outline CEMP stating that the minimum components of the site fire safety systems will be identified in the CEMP. These components must be in place and confirmed as operational before installation of the BESS, including drainage infrastructure (including a penstock), firefighting water supply, and access roads to ensure these measures are secured.

EA35 (Removal of Captured Firefighting Water)

We cannot resolve this issue, however we recognize that progress has been made towards its resolution.

We were concerned that there were insufficient arrangements to ensure that the removal of captured firefighting water would not pose a risk of environmental pollution.

We acknowledge the update to section 2.14.3 of the 7.8.1 outline Operational Environmental Management Plan (Tracked) [\[REP1-055\]](#). The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) that further updates will be made at a future deadline.

EA37 (Spills and Leaks – BESS and Substation Drainage Systems)

We cannot resolve this issue, however we recognize that progress has been made towards its resolution.

We were concerned that there was an 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 groundwater and surface waterbodies.

We acknowledge the update to the 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) to confirm that drainage system outfalls, such as installing 'sentinel' monitoring systems, will quickly identify if pollutants are [REDACTED] the drainage system and enable remedial action.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) that updated to the FRA will be made at a future deadline.

EA38 (Storage of Waste Batteries)

We cannot resolve this issue.

We were concerned that there was an absence of mitigation measures relating to the storage of waste batteries.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#):

“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 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.”

The 7.14 outline Battery Safety Management Plan [\[APP-194\]](#), nor the 7.8.1 outline Operational Environmental Management Plan (Tracked) [\[REP1-055\]](#) do not refer to the above mitigation measures. The outline Battery Safety Management Plan (oBSMP) should be updated to confirm the management of damaged or end-of-life batteries.

EA39 (Fire Suppressant Chemicals)

We are satisfied and consider this issue resolved.

We were concerned that if fire suppressant systems contain polluting or hazardous chemicals, these could potentially impact groundwater quality if discharged to ground.

In consideration of the Applicant's efforts to include drainage features for containing [REDACTED] content to resolve this issue.

Additional advice

We recommend that the Applicant includes an assessment of the pollution potential of chemical fire suppressants, when carrying out options appraisal at detailed design stage.

EA40 (Spacing of BESS)

We are satisfied and consider this issue resolved.

We were concerned that there was a risk that firefighting methods may not be able to prevent propagation of fire along rows of BESS containers.

The Applicant has stated in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] that BESS separation distances are defined by the UL9540A Large Scale Burn Test. We are therefore content to resolve this issue.

EA41 (Thermal Effects of Buried Cables)

We cannot resolve this issue.

We were concerned regarding the omission of buried cables from potential contaminant sources in the Operational Phase Conceptual Site Hydrogeological Model.

We require more information to be able to concur with the Applicant's conclusion in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)], that the potential for thermal discharge from buried HV cables is low. Please view the following advice, and consider the *Desk-based risk assessment* section:

Following the 2023 amendments to the Environmental Permitting Regulations 2016 heat is now a groundwater pollutant. Discharge of heat to water should be a material consideration for developments involving emissions of heat e.g., buried electrical cables, particularly NSIPs or large-scale infrastructure developments. To date heat input to ground has been considered lower risk to groundwater, on the understanding it readily disperses in the surface layers and air and in general does not have any widespread adverse impacts on the ground and groundwater. However, in very sensitive locations, we may want to regulate higher risk activities to prevent further increase/ deterioration of the groundwater quality.

The Environment Agency is currently developing guidance about heat as a [REDACTED] groundwater and to date has published a regulatory position statement, guidance on the exemptions, and a permitting regime for open and closed loop ground source heating a cooling systems (GSHCs).

The guidance will draw upon the Environment Agency's Chief Scientist's Group published report for [Ground Source Heating and Cooling \(GSHC\) systems](#). This report examines the potential for ground source heating and cooling systems to change the temperature in the ground and identifies receptors that could be impacted.

Permitting implications

Heat is a pollutant, so discharges that might lead to an input of heat into groundwater are groundwater activities. Groundwater activities are defined in section 3.34 pp20 of DEFRA's [Environmental permitting: Core guidance](#). However, we take a proportionate and pragmatic approach in our application of the principles of the Environmental Permitting Regulations. Requiring a permit would feel disproportionate for many activities at or near the ground surface.

Accountability to comply with extant environmental legislation lies with the developer and the landowner. They should consider the thermal implications of developments which emit heat such as buried electricity cables, and the potential risks to the water environment via a desk-based assessment, as a minimum.

Desk-based risk assessment

Currently, the main driver for the prevention of heat pollution is to protect surface water ecology, protected sites and ancient woodlands. Heat should also not impact quality or quantity of water in existing groundwater or surface water abstractions. In the first instance the developer should ensure that where practicable the proposed cabling:

- is fully sealed,
- does not discharge pollutants other than transfer heat to the environment,
- does not cause pollution of surface water or groundwater,
- is not within a groundwater source protection zone 1 (SPZ1) that's used to supply water for domestic or food production purposes,
- is not within 50m of a well, spring or borehole used to supply water for domestic or food production purposes,
- installation does not mobilise any contaminants present in the subsurface to the extent that the pollution of groundwater occurs,
- is not adjacent to a septic tank or cesspit, including the infiltration system

Desk based assessments at the planning stage should scope in heat from electricity cables. The GSHC exemption criteria and resources referenced in this document could help assess the risk. For example: either by de-risking, if

all criteria are met or further assess the risk, where the criteria are not met and mitigate the risk, where required. In other words, sections of the cabling route that meet all of these criteria, and where the developer is satisfied that the cables will not cause harm via discharge of heat and heat pollution, can be scoped out from requiring further risk assessment.

You do not need to complete any further assessments or apply for a permit if your cabling route meets all the exemption conditions.

If cabling sections require further assessment following application of these exemptions, a conceptual site model (drawing) should be produced. We ask for the model to demonstrate the proposed installation depth, anticipated depth to groundwater, and specification of the cable installation, including thermal insulation measures. An understanding of the expected normal and maximum operating temperature of the cables, and the depth of any nearby abstraction boreholes will be useful in determining risk.

In those rare instances where we are concerned that there are risks which require ongoing control or management, you may require a groundwater activity under schedule 22 of the Environmental Permitting Regulations (EPR) 2016.

EA43 (Use of Concrete)

We are satisfied and consider this issue resolved.

We were concerned that the 7.6 outline Construction Environmental Management [\[APP-186\]](#) did not contain sufficient mitigation measures to protect water quality from the use of concrete.

Table 7 of the 7.6.1 outline Construction Environmental Management Plan (Tracked) [\[REP1-051\]](#) has been updated to:

- commit to identifying within the detailed CEMP all areas where concrete works are proposed, whether cast in situ or pre-cast and delivered,
- state that should in-situ concrete pouring be required, construction works would be minimised during heavy precipitation events, and carried out during dry months where practicable.

We find this acceptable.

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EA44 (Wheel Washing Facilities)

We are satisfied and consider this issue resolved.

We were concerned there was a lack of clarity for the containment and disposal of any water from wheel washing facilities.

Table 3.7 of the 7.6.1 outline Construction Environmental Management Plan (Tracked) [[REP1-051](#)] has been updated to state that water from the wheel wash is to be collected and tankered off site to a licensed waste carrier. We find this acceptable.

EA45 (Water Quality Monitoring)

We cannot resolve this issue.

We were concerned that there was insufficient detail provided regarding monitoring for increased sediment in surface water runoff and chemical pollution.

We note the Applicant's response in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)]. We require commitments stating the following:

- monitoring locations must be specified as upstream and downstream of any discharge outfalls and crossings,
- frequency should be at least monthly, starting at least 6-months before construction, occurring throughout construction and into operation.

We require these commitments to ensure that there is a pre-construction baseline to compare post-construction monitoring results with. This is the same approach adopted by Great North Road Solar and Biodiversity Park, and East Park Energy.

EA46 (Environment Agency Protective Provisions)

We cannot resolve this issue.

Protective provisions are included in the 3.1.1 draft Development Consent Order (Tracked) [[REP1-005](#)] (Part 5). In correspondence with the Applicant (dated 21 May 2026), we identified that they wish to disapply Flood Risk Activity Permits (FRAPs). As the site does not lie in the flood plain of a main river, we do not believe FRAPs would be necessary, and therefore, neither is disapplication.

We do not consent under Section 150 of the Planning Act 2008 to the removal of consent requirements. We request the removal of the protective provisions for the Environment Agency in the draft Development Consent Order.

EA47 (Requirement wording)

We cannot resolve this issue.

We were concerned over the use of the word “substantially” on numerous requirements in the 3.1 draft Development Consent Order [APP-018], as its inclusion would render those requirements imprecise and unenforceable. This is against government policy (National Planning Policy Framework (NPPF)) and the six tests sited in Paragraph 57 of the NPPF.

We do not agree with the Applicant’s response stated in 8.4 Applicant's Response to Relevant Representations [REP1-067].

EA48 (Permitted Preliminary Works)

We cannot resolve this issue.

We were concerned that 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’. Therefore, 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.

We do not agree with the Applicant’s response stated in 8.4 Applicant's Response to Relevant Representations [REP1-067]. We raised similar concerns for Frodsham Solar Project and Great North Road Solar and Biodiversity Park.

For Frodsham Solar Project, the respective Applicant was able to resolve our concerns by clarifying in their 8.17 SoCG Environment Agency P04 [REP7-029] that:

“Requirement 12(4) of Schedule 2 of the draft DCO (PD2-005) identifies that ‘commence’ includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures) and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work no. 6C. As such a CEMP for these phases of work is required prior to them being undertaken”

For Great North Road Solar and Biodiversity Park, the 3.1G Draft Development [REDACTED] (checked) - Rev 8 [REP6-006] stated for its CEMP requirement:

“All permitted preliminary works must be carried out in accordance with the outline construction environmental management plan.”

In both instances, any permitted preliminary works were covered by contamination mitigation commitments included in the respective CEMPs.

EA49 (Requirement 13 – Construction Environmental Management Plan)

We are satisfied and consider this issue resolved.

We were concerned that we were not listed to be consulted on the 13. Construction environmental management plan.

We have reviewed the 3.1.1 draft Development Consent Order (Tracked) [[REP1-005](#)], and can confirm we have been listed to be consulted on the requirement.

EA50 (Requirement 14 – Operational Environmental Management Plan)

We are satisfied and consider this issue resolved.

We were concerned that we were not listed to be consulted on the 14. Operational environmental management plan.

We have reviewed the [3.1.1 draft Development Consent Order \(Tracked\) \[REP1-005\]](#), and can confirm we have been listed to be consulted on the requirement.

EA51 (Dedicated Contaminated Water Tanks)

We are satisfied and consider this issue resolved.

We were concerned that the commitment “to include dedicated contaminated water tank(s) in a closed system for the BESS and substations sized to accommodate 228m³ plus the 1% AEP event. This is secured through a requirement of the draft DCO” wasn’t specifically mentioned in the draft DCO.

The Applicant has now updated the 5.8.1 Design Principles, Parameters and Commitments (Tracked) [[REP1-017](#)] and 7.8.1 outline Operational Environmental Management Plan (Tracked) [[REP1-055](#)] to refer to the capacity of the contaminated water tanks.

Appendix B – additional comments on the draft Development Consent Order

Development Consent Order

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 requirement applications and provide considered feedback. Furthermore, this is in-keeping with the statutory 21-day response time for town and country planning applications. We therefore request the following wording is input into the Schedule 16 3.(3):

“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)”

Appendix C – advice and informatives

Karst

We note the Applicant's statement in 8.4 Applicant's Response to Relevant Representations [[REP1-067](#)] about not encountering springs during the Hydrology or Ecology walkovers. As indicated by British Geological Survey (BGS) Karst Report Series C3: Karst in the Chalk of East Anglia ([Karst report series - BGS Groundwater](#)) there is local evidence of karst dissolution features in the form of dolines, dissolution pipes and springs. This includes a large spring, Castle Acre Spring, at National Grid Reference (NGR) 582450, 314930, approximately 1.1km NE of the Order Limits which tracer tests have demonstrated is hydraulically connected to Little Palgrave Hall observation borehole approximately 1.5km away.

The potential for karst and other solution features to be present within the Proposed Development cannot be discounted. The groundwater flow rate in these features can be significantly greater than in the surrounding bedrock. Therefore, these natural features can act as rapid pathways for any pollutants or for loss of pumped concrete. Piling, other foundations, or other penetrative works at depths (such as trenchless drilling), or the introduction of new infiltration drainage systems significantly increasing localised infiltration volumes, could disrupt groundwater flow, and may result in reactivation of previously dormant features or the creation of new solution features. Continuous Flight Auger (CFA) piling activities could result in the loss of pumped concrete into karst features if encountered, resulting in contamination of groundwater. Should the use of CFA piling be necessary, we strongly recommend that mitigation measures are put in place to continuously monitor for loss of concrete during piling activities.

We advise that any Hydrogeological Risk Assessments, Foundation Works Risk Assessments, infiltration drainage design, CEMP or other assessments and plans relating to ground conditions and subsurface water environment, include methods and mitigation to minimise risks from interaction with these features. These would be informed by an appropriate ground investigation.

Appendix D – A summary of our position

Relevant Rep Reference	Deadline 1
EA01 (Source Protection Zone)	Not Resolved
EA02 (Drinking Water Protected Area) EA002	Not Resolved
EA03 (3D Representation of Groundwater)	Not Resolved
EA04 (Groundwater Flow Direction)	Not Resolved
EA05 (Maximum Foundation Extents)	Not Resolved
EA06 (Avoidance of Pipelines)	Not Resolved
EA07 (Environmental Legislation)	Resolved
EA08 (Watercourse Buffers)	Resolved
EA09 (Otter and Water Vole)	Resolved
EA10 (Invasive Non-Native Species)	Not Resolved
EA11 (Waste Classification)	Not Resolved
EA12 (Flood Risk – BESS)	Resolved
EA13 (Sensitivity Criteria for Receptors)	Not Resolved
EA14 (Private Water Supplies)	Resolved
EA15 (Chalk Rivers)	Not Resolved
EA16 (Abstraction Licence)	Resolved
EA17 (WFD Groundwater Bodies)	Not Resolved
EA18 (Groundwater Levels)	Not Resolved
EA19 (Accuracy of Hydrogeological Model)	Resolved
EA20 (Boreholes)	Not Resolved
EA21 (Trenchless Installation Methods)	Not Resolved
EA22 (Shallow Groundwater)	Resolved
EA23 (Interaction with Groundwater)	Not Resolved
EA24 (Foundation Work Risk Assessment)	Not Resolved
EA25 (Construction Mitigation Measures)	Resolved
EA26 (Drilling Fluid Breakout Plan)	Resolved
EA27 (Hydrogeological Impact Assessment)	Not Resolved
EA28 (Spills and Leaks)	Resolved
EA29 (Unexpected Contamination)	Resolved
EA30 (Contaminated Soils)	Resolved
EA31 Removal of buried cables	Not resolved
EA32 (Drainage System)	Resolved
EA33 (BESS mitigation Measures)	Not resolved
EA34 (Penstock Valve)	Not resolved
EA35 (Removal of Captured Firefighting Water)	Not resolved

EA36 (Underground Contaminated Water Tanks)	Not resolved
EA37 (Spills and Leaks – BESS and Substation Drainage Systems)	Not resolved
EA38 (Storage of Waste Batteries)	Not resolved
EA39 (Fire Suppressant Chemicals)	Resolved
EA40 (Spacing of BESS)	Resolved
EA41 (Thermal Effects of Buried Cables)	Not resolved
EA42 (Missing Legislation)	Not resolved
EA43 (Use of Concrete)	Resolved
EA44 (Wheel Washing Facilities)	Resolved
EA45 (Water Quality Monitoring)	Not resolved
EA46 (Environment Agency Protective Provisions)	Not resolved
EA47 (Requirement wording)	Not resolved
EA48 (Permitted Preliminary Works)	Not resolved
EA49 (Requirement 13 – Construction Environmental Management Plan)	Resolved
EA50 (Requirement 14 – Operational Environmental Management Plan)	Resolved
EA51 (Dedicated Contaminated Water Tanks)	Resolved