

Planning Inspectorate (the Drovers Solar
Farm)

Reference: OR-0009338/01
Customer reference: EN0110013

24 August 2026

**Deadline 3 submissions response letter
The Drovers Solar Farm**

Dear Planning Inspectorate,

Thank you for contacting us.

This letter constitutes the Environment Agency's Deadline 4 response regarding the Deadline 3 submissions. It is structured as follows:

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

If you have any questions regarding our response, please contact
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Yours sincerely,



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

EA01 (Source Protection Zone)

We are satisfied and consider this issue resolved.

We were concerned that 6.3 Environmental Statement Figure 12.5 [\[APP-119\]](#) is unclear in regard to how the draft Order Limits, Battery Energy Storage System (BESS) sites, substation sites and SPZs intersect.

6.3.1 ES Figure 12.5 Source Protection Zones [\[REP3-046\]](#) has been updated, improving the clarity. We are therefore content to resolve this issue.

Additional advice

For completeness, we recommend the SPZ3 designation is also be added to the figure and represented in the key.

EA02 (Drinking Water Protected Area)

We are satisfied and consider this issue resolved.

We were concerned that Figure 12.12 [\[APP-126\]](#) does not show all of the drinking water protection designations, including the Drinking Water Surface Water Safeguard Zone and Drinking Water Groundwater Safeguard Zone. The reader is therefore unable to see these designations in the context of the draft Order Limits.

6.3.1 ES Figure 12.12 Drinking Water Protection Designations [\[REP3-042\]](#) has been updated sufficiently.

EA03 (3D Representation of Groundwater)

We are satisfied and consider this issue resolved.

We were concerned that 6.3 Environmental Statement Figure 12.7 3D Representation of Groundwater [\[APP-121\]](#) is difficult to interpret, which limits its value. We requested additional views of the modelled area, with a clearer indication of view orientation and contouring of the groundwater surface, if applicable.

We have reviewed the following:

- 6.3.1 ES Figure 12.7 Triangulated Baseline Groundwater Elevation [[REP3-048](#)]
- 6.3.1 ES Figure 12.8 Depth to Triangulated Baseline Groundwater Elevation [[REP3-049](#)]
- 6.3.1 ES Figure 12.9 Depth to NEAC Groundwater Wet Conditions [[REP3-050](#)]

We are content to resolve this issue.

Additional advice

The baseline groundwater elevations are subdivided into 6 ranges in the key but only 5 categories are visible in the figure - looks like the 45.001-50 category is the one not represented visually.

EA04 (Groundwater Flow Direction)

We cannot resolve this issue.

We were concerned that the groundwater flow direction shown in figures 12.7 to 12.16 may be inaccurate. We advised that the claims made in sections 12.6.37 and 12.6.38 of 6.2 Environmental Statement Chapter 12: Water Resources [[APP-061](#)] should be revised, supported by new evidence.

Our area groundwater team are currently reviewing details of the groundwater flow modelling. We will endeavour to respond on this matter as soon as possible.

EA05 (Maximum Foundation Extents)

We are satisfied and consider this issue resolved.

We were concerned that figures 12.13 [[APP-127](#)], 12.14 [[APP-128](#)], 12.15 [[APP-129](#)] and 12.16 [[APP-130](#)] do not clearly define the area represented by the drawings, including view orientation, or the elevation values.

We have reviewed the following:

- 6.3.1 ES Figure 12.13 Work No. 2 Maximum Potential Foundations and Groundwater Elevation [[REP3-043](#)]
- 6.3.1 ES Figure 12.14 Work No. 3 Maximum Potential Foundations and Groundwater Elevation [[REP3-044](#)]

- 6.3.1 ES Figure 12.15 Work No. 4 Maximum Potential Foundations and Groundwater Elevation [[REP3-045](#)]

We find the updated figures satisfactory for defining the 3D model view, and elevation the maximum extent of the foundations.

EA06 (Avoidance of Pipelines)

We are satisfied and consider this issue resolved.

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

6.3.1 ES Figure 16.1 Utilities Plan [[REP3-051](#)] shows the location of decommissioned Ministry of Defence pipelines, which extend north to south through the Order Limits to the south of South Acre. These pipelines pass through the PV Array areas, where piling may extend to a maximum depth of 4m, and sit immediately adjacent to Work Nos. 2, 3 and 4, where piling may extend to 15m. There is potential for localised contamination associated with these pipelines. Piling, foundation construction and earthworks could release or mobilise residual contaminants, with potential impacts on the underlying Principal Aquifer. The investigation and management procedures set out in the 7.6.3 outline Construction Environmental Management Plan (Tracked) [[REP3-074](#)] should ensure controlled waters are not put at risk of contamination.

EA10 (Invasive Non-Native Species)

We are satisfied and consider this issue resolved.

We were concerned that the Applicant had committed to eradicating invasive non-native species within the site, but had not consistently updated documents. Section 7.8.46 (or 7.9) of 6.2.1 Chapter 7 Ecology and Biodiversity (Tracked) [[REP1-035](#)] had not been updated.

We have reviewed 6.2.2 ES Chapter 7 Ecology and Biodiversity (Tracked) [[REP3-039](#)], and note that section 7.8.46 has been updated to state "Embedded mitigation includes measures to prevent the spread of these species as a result of works at the Site, whilst also seeking to eradicate these species from the Order limits, which would represent a beneficial impact."

EA11 (Waste Classification)

We are satisfied and consider this issue resolved.

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 following documents have been updated to refer to the Environment Agency WM3 Technical Guidance:

- 7.6.3 outline Construction Environmental Management Plan (Tracked) [[REP3-074](#)];
- 7.8.3 outline Operational Environmental Management Plan (Tracked) [[REP3-078](#)];
- 7.10.2 outline Decommissioning Strategy (Tracked) [[REP3-068](#)].

This will ensure that there is a Duty of Care to ensure waste is described, and classified, correctly by the waste producer or holder.

EA21 (Trenchless Installation Methods)

We are satisfied and consider this issue resolved.

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.

7.6.3 outline Construction Environmental Management Plan (Tracked) [[REP3-074](#)] has been updated to include Hydrogeological Impact Assessments for all trenchless works.

EA27 (Hydrogeological Impact Assessment)

We are satisfied and consider this issue resolved.

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

7.6.3 outline Construction Environmental Management Plan (Tracked) [\[REP3-074\]](#) has been updated to include Hydrogeological Impact Assessments for all trenchless works.

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.

Table 18 of the 7.10.2 outline Decommissioning Strategy (Tracked) [\[REP3-068\]](#), which relates to the National Grid Substation and Grid Connection Infrastructure, commits to an environmental risk assessment and Best Practicable Environmental Option to inform decisions on cables left in situ. Table 7, which relates to the Solar PV Site, BESS and Customer Substation, does not include the same commitment. We require the same commitment to be included in Table 7.

EA33 (BESS Mitigation Measures)

We are satisfied and consider this issue resolved.

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 7.6.3 outline Construction Environmental Management Plan (Tracked) [\[REP3-074\]](#) has been updated to state that fire risk mitigation measures will be in place, and confirmed as operational before BESS installation takes place.

EA34 (Penstock Valve)

We are satisfied and consider this issue resolved.

We were concerned that it was unclear within the 6.2 Environmental Statement Chapter 12: Water Resources [\[APP-061\]](#), 6.4 Environmental Statement Appendix 12.2: Flood Risk Assessment [\[APP-170\]](#) and the 7.14 outline Battery Safety

Management Plan [\[APP-194\]](#) whether the automated penstock valve at the BESS, Customer Substation and National Grid Substation Sustainable Drainage Systems (SuDS)/contaminated water tank would have a backup manual operation.

The 7.14.1 outline Battery Safety Management Plan (Tracked) [\[REP3-072\]](#) has been updated to state that if the automated penstock system fails, there will be an option to manually close the penstock valve, as well as a programme of regular inspection and maintenance.

EA36 (Underground Contaminated Water Tanks)

We cannot resolve this issue.

We were concerned that spent firefighting water was proposed to be contained within a dedicated underground contaminated water tank(s). This may result in the underground storage of hazardous substances within a Principal aquifer within Source Protection Zone 2, which may not be compliant with Position Statement D2 of [The Environment Agency's approach to groundwater protection](#).

Within our Comments on the Deadline 2 submissions and any other information requested by the ExA for Deadline 5 [\[REP3-101\]](#), we stated the following:

“An outstanding item from the 8.4 Applicant's Response to Relevant Representations [\[REP1-067\]](#) for this issue is the following: 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. We have not been able to locate this statement in the updated 6.4.2 Appendix 12.2 Flood Risk Assessment (Tracked) [\[REP2-019\]](#).”

We are yet to see such an update within the 6.4.3 ES Appendix 12.2 Flood Risk Assessment (Tracked) [\[REP3-066\]](#). Therefore, we cannot resolve this issue.

EA38 (Storage of Waste Batteries)

We are satisfied and consider this issue resolved.

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

The 7.14.1 outline Battery Safety Management Plan (Tracked) [\[REP3-072\]](#) has been updated to include suitable measures.

EA41 (Thermal Effects of Buried Cables)

We are satisfied and consider this issue resolved.

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

Within the 8.16 Applicant's Response to Written Representations and other Deadline 2 Submissions [\[REP3-078\]](#) the Applicant provides sufficient justification for discounting significant thermal impacts from buried HV cables.

EA42 (Missing Legislation)

We are satisfied and consider this issue resolved.

We were concerned that two key pieces of guidance were missing from the list of guidance and legislation, and that outline drainage proposals have not been designed in accordance with such.

Table 7 of the 7.6.3 outline Construction Environmental Management Plan (Tracked) [\[REP3-074\]](#) confirms that contractors will adhere to the [Environment Agency Approach to Groundwater Protection](#) and the National Standards for SuDS. The 5.8.3 Design Principles, Parameters and Commitments (Tracked) [\[REP3-027\]](#) also commits to drainage systems incorporating SuDS design principles.

EA45 (Water Quality Monitoring)

We are satisfied and consider this issue resolved.

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

We have reviewed the 8.16 Applicant's response to Written Representations and other Deadline 2 Submissions [\[REP3-087\]](#). We can confirm that the 7.6.3 outline Construction Environmental Management Plan (Tracked) [\[REP3-074\]](#) contains appropriate surface water quality monitoring measures.

EA46 (Environment Agency Protective Provisions)

We cannot resolve this issue.

The protective provisions are still included for the Environment Agency within Schedule 15 part 5 of the 3.1.3 draft Development Consent Order (Tracked) [[REP3-006](#)]. Under Part 2 Section 6 (1)(e) it is stated that regulation 12 of the Environmental Permitting (England and Wales) Regulations does not apply in respect to flood risk activities.

We have reviewed the 8.16 Applicant's response to Written Representations and other Deadline 2 Submissions [[REP3-087](#)] and 8.17 Applicant's response to ExQ2 [[REP3-088](#)]. The Applicant stated that work in work no.11, may require a Flood Risk Activity Permit (FRAP). We do not believe these works would require an environmental permit. The area in question is the floodplain of an ordinary watercourse, rather than a main river, so a FRAP will not be required. Online [guidance](#) states that "You do not need flood risk permits to work on 'ordinary watercourses'— usually small rivers, streams and ditches." Furthermore, a FRAP is only required in regards to "activities carried out on the floodplain of a main river".

We re-iterate the position raised in our previous response letters: we do not give permission for the inclusion of protective provisions for the Environment Agency. Section 150 of the Planning Act 2008 states that for certain types of consents, the relevant body must give permission for the legislation to be included in the DCO. Therefore, the protective provisions must be removed.

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 cited in Paragraph 57 of the NPPF.

We have reviewed the 8.16 Applicant's response to Written Representations and other Deadline 2 Submissions [[REP3-087](#)], and do not agree with the Applicant's response.

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 have reviewed the 8.16 Applicant’s response to Written Representations and other Deadline 2 Submissions [[REP3-087](#)], and note that a permitted preliminary works environment management plan will be submitted at deadline 4. We look forward to reviewing this in due course.

Appendix B – further comments on the draft Development Consent Order

Applications made under requirement

We have reviewed the 8.16 Applicant's Response to Written Representations and other Deadline 2 Submissions [[REP3-078](#)]. We find the Applicant's response acceptable, noting that under paragraph 2(1) of Schedule 16 of the draft Development Consent Order, the Applicant is required to submit the relevant documentation to the named consultee at the same time as submitting it to the relevant planning authority. This should ensure that the Environment Agency has sight of the documentation from the start of the discharge process.

We are also pleased to note the Applicant's confirmation that it is in the Project team's interest to engage with us early, and are willing to approach us for pre-submission consultation where appropriate. On this basis, we are content that our concern has been addressed.

Appendix C – A summary of our position

Relevant Rep Reference	Deadline 4
EA01 (Source Protection Zone)	Resolved
EA02 (Drinking Water Protected Area)	Resolved
EA03 (3D Representation of Groundwater)	Resolved
EA04 (Groundwater Flow Direction)	Not Resolved
EA05 (Maximum Foundation Extents)	Resolved
EA06 (Avoidance of Pipelines)	Resolved
EA07 (Environmental Legislation)	Resolved
EA08 (Watercourse Buffers)	Resolved
EA09 (Otter and Water Vole)	Resolved
EA10 (Invasive Non-Native Species)	Resolved
EA11 (Waste Classification)	Resolved
EA12 (Flood Risk – BESS)	Resolved
EA13 (Sensitivity Criteria for Receptors)	Resolved
EA14 (Private Water Supplies)	Resolved
EA15 (Chalk Rivers)	Resolved
EA16 (Abstraction Licence)	Resolved
EA17 (WFD Groundwater Bodies)	Resolved
EA18 (Groundwater Levels)	Resolved
EA19 (Accuracy of Hydrogeological Model)	Resolved
EA20 (Boreholes)	Resolved
EA21 (Trenchless Installation Methods)	Resolved
EA22 (Shallow Groundwater)	Resolved
EA23 (Interaction with Groundwater)	Resolved
EA24 (Foundation Work Risk Assessment)	Resolved
EA25 (Construction Mitigation Measures)	Resolved
EA26 (Drilling Fluid Breakout Plan)	Resolved
EA27 (Hydrogeological Impact Assessment)	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)	Resolved
EA34 (Penstock Valve)	Resolved
EA35 (Removal of Captured Firefighting Water)	Resolved
EA36 (Underground Contaminated Water Tanks)	Not resolved
EA37 (Spills and Leaks – BESS and Substation Drainage Systems)	Resolved
EA38 (Storage of Waste Batteries)	Resolved
EA39 (Fire Suppressant Chemicals)	Resolved
EA40 (Spacing of BESS)	Resolved
EA41 (Thermal Effects of Buried Cables)	Resolved
EA42 (Missing Legislation)	Resolved
EA43 (Use of Concrete)	Resolved
EA44 (Wheel Washing Facilities)	Resolved
EA45 (Water Quality Monitoring)	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