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Environment Agency

Planning Inspectorate (the Droves Solar Farm)

Reference: OR-0012522/01
Customer reference: EN0110013

16 October 2026

Deadline 4 submissions review for deadline 5
The Droves Solar Farm

Dear Planning Inspectorate,

Thank you for contacting us.

This letter constitutes the Environment Agency's Deadline 5 response regarding the Deadline 4 submissions. It is structured as follows:

- Appendix A:
  - Our comments regarding the issues we raised in our Relevant Representation
- Appendix B:
  - A summary of our position

If you have any questions regarding our response, please contact NIteam@environment-agency.gov.uk.

Yours sincerely,

[redacted],
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Appendix A – Our comments regarding the issues we raised in our Relevant Representation

EA01 (Source Protection Zone) – additional comments
We are satisfied and consider this issue resolved.

We were concerned that 6.3 Environmental Statement Figure 12.5 [APP-119] was 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] was updated at deadline 3, improving the clarity. However, we also recommended, for completeness, that the SPZ3 designation should also be added to the figure and represented in the key. Figure 12.5 Source Protection Zones [REP4-023] has now been updated as requested.

EA04 (Groundwater Flow Direction) – additional comments
We are satisfied and consider this issue resolved.

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.

Following our review of additional information submitted at deadline 3, we were content for this issue to the resolved, as set out in our follow-on letter dated 25 August 2026 [AS-088].

However, we noted a number of issues with the North-East Anglian Chalk (NEAC) Groundwater Model and recommended the following corrections:

- To either change the references to Figure 12.10 to the correct scenario (i.e. Wet to Dry) or add the correct figure if available;
- Change reference to the groundwater model used to create the bespoke NEAC groundwater model (i.e. TUFLOW 5 to MODFLOW 5)
- Correct the source for data used in Figure 12.9.

We have now reviewed 6.2.3 ES Chapter 12 Water Resources (Tracked) [REP4-022] and confirm that 12.6.43 corrects the reference from TUFLOW 5 to MODFLOW

5. However, updated versions of Figure 12.9 and Figure 12.10 have not been provided for review, so the recommendations relating to these figures remain.

EA06 (Avoidance of Pipelines) – additional comments

While we previously advised that we consider this issue resolved, we have reviewed 6.3.1 ES Figure 16.1 Utilities Plan [REP3-051] again and would like to take the opportunity to provide additional advisory comments.

We previously raised concerns 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. Having reviewed the most recent version of the Utilities Plan, we note the close proximity between the former pipeline and the BESS and substations, and PV infrastructure. Deep foundation or ground improvement works, such as piling associated with the construction of the BESS, Customer Substation and National Grid (NG) Substation, could create a pathway for migration of mobile contaminants associated with the redundant pipeline if present. Construction activities in the vicinity of the pipeline, such as soil compaction resulting from heavy mobile plant, or as part of ground improvement, could also impact the integrity of the pipeline even if direct contact with the feature does not occur. PV Array construction could result in damage the redundant pipeline, and mobilise contaminants if carried out above or in close proximity to the pipeline.

We acknowledge that the outline Construction Environmental Management Plan commits to a Foundation Works Risk Assessment (FWRA), informed by groundwater-level monitoring and ground investigation. Furthermore, a watching brief and other protocols should ensure any need for remediation associated with unexpected contamination is addressed. Therefore, we remain satisfied that this issue can be considered resolved.

Please note, there is a contradiction between the oCEMP and Permitted Preliminary Works Environmental Management Plan (PPWEMP) regarding the need for ground investigation which will also need to be addressed. See EA48 below.

We have set out below, our expectations for the design and management of contamination risks during the discharge of requirements and implementation phases of the project:

When the FWRA is prepared in due course, we expect it to ensure that the foundation design is based on site-specific ground-investigation and monitoring data,

including geoenvironmental considerations, and accords with the Environment Agency's Land Contamination Risk Management guidance and BS 10175:2026.

The pipelines should be located, and the Applicant should conduct intrusive investigations prior to construction, to establish whether contamination associated with the redundant MoD pipelines is present within the extents of Work Nos. 2, 3 and/or 4. The Applicant should ensure that a sufficient easement is established to avoid the construction of PV panel arrays (Work No. 1) where interaction with the pipelines could occur. The CEMP should clearly determine what construction activities cannot take place within the defined easements. Any ground improvement works proposed within potential influencing distance of the pipelines should be subject to risk assessment.

Should contamination posing a potentially significant risk to controlled waters be identified, this should be subject to risk assessment and, as required, remediation to ensure pollution of controlled waters does not occur. This should be secured under the CEMP.

Our suggested process is:

1. In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the Environment Agency. The undertaker must complete a risk assessment of the contamination in consultation with the local planning authority, and where necessary, the Environment Agency.
2. Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the local planning authority, following consultation with the Environment Agency.
3. Remediation must be carried out in accordance with the approved scheme under sub paragraph (2).

Following the implementation of the remediation strategy approved under sub-paragraph (2), a verification report, based on the data collected as part of the

remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.

We recommend the Applicant engages with the British Pipeline Agency (BPA) for advice on locating the redundant fuel pipelines, and conducting construction activities and developing infrastructure in the vicinity of the pipelines. The Applicant may also wish to refer to National Gas Transmission: Specification for safe working in the vicinity of National Gas Transmission high pressure gas pipelines and associated installations – requirements for third parties (1080_April 24_DM_A5 Safe Working Booklet - 23.04.2024). Although this guidance applies to gas pipelines rather than fuel pipelines, the controls identified in Section 6.1 of the guidance may be of use in developing avoidance and mitigation measures. These include the avoidance of mechanical excavation within 3m of the located asset and the limitation of topsoil stripping to no greater than 0.25m using light tracked vehicles equipped with a toothless bucket.

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.

Paragraph 12.4.16 of 6.4.4 ES Appendix 12.2 Flood Risk Assessment (Tracked) [REP4-025] has been updated. The additional text confirms that "should there be space following the detailed design of the Scheme, then above ground, impermeably-lined detention basins will be favoured over below ground structures to contain spent fire suppressant." This text has also been added into Table 7 and Table 16 of 7.6.4 outline Construction Environmental Management Plan (Tracked) [REP4-031].

We are concerned that if the siting of the detention basin is established following the completion of the detailed design, it is unlikely that a suitable site for an above-ground basin would be identified. The Applicant should commit to carrying out an options appraisal as part of detailed design. We recommend securing an options appraisal via a commitment within the outline Construction Environmental

Management Plan, or as part of the Drainage Strategy (6.4.4 ES Appendix 12.2 Flood Risk Assessment). Please note that if the options appraisal indicates that above-ground storage is not the preferred option, the appraisal should contain sufficient justification for this option not being progressed.

We note that paragraph 12.4.22 of 6.4.4 ES Appendix 12.2 Flood Risk Assessment (Tracked) [REP4-025] has been updated to state that "The containment area will be fully cleaned prior to any shut-off valves being re-opened." Similar commitments have also been included within the 7.8.4 outline Operational Environmental Management Plan (Tracked) [REP4-033] in paragraph 1.1.7, Table 3-7 and Table 4-7. We approve of this additional wording.

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] was updated to include suitable measures.

We note the additional text in paragraph 5.4.5 of the 7.14.2 outline Battery Safety Management Plan (Tracked) [REP4-027] and confirm that the additional text is acceptable.

EA46 (Environment Agency Protective Provisions)
We are satisfied and consider this issue resolved, provided the Examining Authority's (ExA) proposed changes in Schedule of Changes to draft Development Consent Order (see here) are included in the Applicant's draft Development Consent Order (dDCO).

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.

We support the ExA's proposed changes relating to Article 6(1)(e) to (g) and Part 15 – Protected Provisions, Part 5 – For the protection of the Environment Agency, and

agree with their reasoning for these changes. Once the dDCO has been updated in accordance with these changes, we can agree this issue.

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.

13.(1) in the Schedule 2 Requirements of the 3.1.4 draft Development Consent Order (Tracked) [REP4-004] states the permitted preliminary works must be carried out in accordance with the permitted preliminary works environmental management plan. However, it should state that these works may not proceed until the Permitted Preliminary Works Environmental Management Plan (PPWEMP) has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. This is because we have not yet agreed the contents of the PPWEMP. This wording would not be needed if the Applicant addresses our concerns stated below regarding the 8.25 Permitted Preliminary Works Environmental Management Plan [REP4-038].

Having reviewed 8.25 Permitted Preliminary Works Environmental Management Plan [REP4-038], we have the following comments:

Water Quality Monitoring

We are concerned about how the PPWEMP will be secured. Section 2.5.1 references the 7.6.4 outline Construction Environmental Management Plan (Tracked) [REP4-031] (oCEMP). However, given that section 1.1.5 states that the PPWEMP is a detailed plan, and that no approval mechanism is necessary under the Requirements, it is not clear how we can provide comments. This is relevant because the oCEMP currently contains more details about surface water monitoring, with specific locations and parameters still to be agreed with the Environment Agency post-decision. If the PPWEMP will collect the baseline water quality monitoring, then further information and consultation on this will be required.

Additionally, the timing of any pre-construction activity baseline water quality monitoring is unclear. Many of the activities listed in 2.1.2 will have a likelihood of disturbing sediment and changing surface runoff. Therefore, it is important that establishing an accurate and reliable baseline is completed prior to having plant onsite and moving soil. We recommend that a baseline is completed as part of the pre-Commencement Surveys (mentioned in section 2.4.1) before any PPW begins.

Remediation of contamination

With regard to remediation, Table 2-1 Preliminary Works and Locations within the PPWEMP states that no specific need for remediation has been identified at this time, and that mitigation needs are outlined in the oCEMP. However, it is not confirmed that mitigation measures outlined in the oCEMP will be incorporated into the PPWEMP. Remediation is explicitly listed as a Permitted Preliminary Works activity, however there is no mechanism to secure that it would be undertaken in the construction phase and subject to mitigation secured under the CEMP.

It cannot be ruled out that potential sources of contamination requiring remediation will be encountered during elements of the permitted preliminary works such as ground investigation, archaeological surveys and site clearance. In particular, there is potential for localised contamination associated with the disused former MoD pipeline as shown in 6.3.1 ES Figure 16.1 Utilities Plan [REP3-051]. This combined with the high sensitivity of the underlying strata (Principal aquifer / Groundwater Source Protection Zone 2), requires robust groundwater mitigation measures. The

PPWEMP currently lacks any defined mitigation for ground conditions, and there is no commitment to the avoidance or investigation of this feature within the Plan.

A discovery and inspection strategy should be put in place which details the requirements and procedures for encountering and managing land and / or groundwater contamination, should they be encountered during the Permitted Preliminary Works. While a discovery strategy is already included in the commitments under the oCEMP (in table 17), this would not apply to the Permitted Preliminary works, which could take place before the construction phase; the PPWEMP does not mention this or any equivalent mechanisms.

The controls currently outlined for management of risks to controlled waters from the pre-construction activities, defined in Section 2 of the PPWEMP, are not sufficient to manage the risks which may be associated with all Permitted Preliminary Works activities. Training should be provided to site personnel on:

- The sensitivity of the groundwater and surface water environment within the Proposed Development, and the procedures to follow in the event of an accidental pollution event;
- The potential for contamination to be encountered, and the procedures to follow in the event it is encountered, should be employed for all personnel carrying out activities which may encounter soil and/or groundwater contamination.

Groundwater Monitoring

According to Part 1 2(1) of the draft Development Consent Order and Section 2.1.2, 'Permitted Preliminary Works' activities include:

- environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions;
- site clearance (including vegetation removal, demolition of existing buildings and structures).

We note that intrusive ground investigation and groundwater monitoring are not explicitly included in the list of Permitted Preliminary Activities, despite statements in Table 7 of the oCEMP that groundwater monitoring will be undertaken. This was requested in EA19 of our Relevant Representations [AS-062] and the following response was provided by the Applicant in Applicant's Response to Relevant Representations [REP1-067]: *"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."

Paragraph 12.8.23 of 6.2.3 ES Chapter 12 Water Resources (Tracked) [REP4-022] also states *"Should HDD techniques be required in Fields 25 to 27, 29 and 30 then these works would be undertaken when groundwater levels elevations are not within 15m of ground level, and this would be informed by monitoring boreholes to be installed within these fields prior to the construction phase."* Details are also provided in paragraph 12.8.25 regarding foundation design at Work No. 2, 3 and 4.

The above demonstrates that intrusive ground investigations within the Order Limits will take place post-consent and prior to construction, to inform detailed design of the Proposed Development. As such, these form part of the Permitted Preliminary Works activities, and should be clearly identified as such, along with details of mitigation of associated environmental risks, including the potential for localised contamination associated with the disused former MoD pipeline.

Responding to environmental incidents

Section 2.12 Responding to Environmental Incidents and Emergencies of the PPWEMP confirms that the Emergency Response Plan will be shared with relevant Local Authority emergency planning officer, emergency services and the Environment Agency in relation to flood warnings and events, detailing procedures for responding to incidents and emergencies onsite and any reporting. While this is acceptable, the Emergency Response Plan should address pollution incidents in addition to flooding.

Managing Risks to Water Resources

Table 3-4 Water Resources within the PPWEMP outlines proposals for managing risks to water resources. There appears to be inconsistency with the mitigation measures proposed in table 3-4 and those within the 7.6.4 outline Construction Environmental Management Plan (Tracked) [REP4-031]. We have the following comments on the contents of table 3-4:

- Increased sediment in surface water runoff:
  - In this section of the table, we advise that the Local Authority and Environment Agency should also be consulted on the Pollution Prevention Plan for agreement prior to the commencement of PPW.

- It is unclear how drainage will be managed during the PPW. Unlike in the oCEMP, there is no reference to the inclusion of silt Traps, silt Matting, swales, drainage ditches, settlement lagoons or check dams. Further detail is required in this section on how surface water will be managed during the PPW.

- Chemical Pollution:
  - This section of table 3-4 states that appointed refuelling personnel trained in correct refuelling procedure and spill response procedure. This should also include reporting. The Environment Agency should be immediately informed in the event of a suspected pollution incident.
  - The table does not include mitigation measures for chemical storage or accidental spillage. The Applicant should include this to be consistent with the oCEMP or confirm that there will be no fuel, oil, chemicals or other hazardous substances onsite during PPW.
    - Fuel, oil and chemical storage should be conducted in accordance with relevant legislation and guidance including The Control of Substances Hazardous to Health Regulations 2002 and Control of Pollution (Oil Storage) (England) Regulations 2001. The Applicant should commit to the use of biodegradable hydraulic oils where practicable.
    - There are no mitigation measures regarding concrete in the table. The Applicant should either confirm there will be no concrete laying in PPW, or if there will be, ensure that measures are consistent with the oCEMP.
- Foul drainage:
  - the Applicant should confirm that the portable toilet facilities will be sealed to prevent any discharge into the water environment, and emptied regularly.

The Guidance section of Table 3-4 correctly identifies that contractors will act in accordance with Environment Agency guidance ‘Approach to GW Protection’ and ‘National Standards for Sustainable Drainage Systems’ guidance. Other key guidance should also be listed and followed, including but not limited to:

- Control of Pollution Act 1974
- BS6031:2009 Code of Practice for Earthworks
- BS10175:2016 Investigation of Potentially Contaminated Sites – Code of Practice.

- Control of water pollution from construction sites. Guidance for consultants and contractors (C532). CIRIA, 2001
- Pollution Prevention for Businesses. Defra, 2016
- Land Contamination Risk Management. Environment Agency, 2020
- Environmental Good Practice on Site Guide C811. CIRIA, 2023
- Guidance for Safe Intrusive Activities on Contaminated or Potentially Contaminated Land. British Drilling Association, 2020
- Control of Pollution (Oil Storage) (England) Regulations 2001
- Oil Storage Regulations for Businesses. Environment Agency and Defra, 2015
- Considerate Constructors Scheme. The code of considerate practice (CCS)

We also consider that if the PPWEMP is a detailed plan, it should contain more information and commitments in line with the oCEMP. We consider that the following matters should also be included within table 3-4:

- Measures to mitigate impacts to water quality from drilling lubricants, drilling mud/flush water, and arisings associated with intrusive investigations and any necessary site remediation should be incorporated into the PPWEMP and Pollution Prevention Plan. Where practicable, drilling lubricants should be biodegradable and minimal quantities should be used.
- No mitigation is identified in the event that groundwater is encountered during the Permitted Preliminary Works, for example during intrusive investigations and remedial activities or other intrusive works, such as archaeological trial trenching. The PPWEWP should address dewatering considerations, including the process should dewatering exceed the exemption thresholds to comply with the Water Resources Act 1991 and Environmental Permitting Regulations 2016.
- Mitigation measures for washing down of vehicles and equipment should be established to prevent these activities from passing untreated wash down effluent into watercourses or being discharged to ground. While section 2.9.2 of the PPWEMP states "wheel cleaning facilities will be used by vehicles", it is unclear how this will be contained and prevented from discharging. Furthermore, there is no mention of wheel washing in Table 3-4. The Applicant must add in the details already committed to in 7.6.4 outline Construction Environmental Management Plan (Tracked) [REP4-031] on wheel washing.
- Despite stating in 2.5.1 of the PPWEMP that water quality monitoring will be undertaken, no information about this is provided in Table 3-4. It currently

states "Temporary drainage will be monitored throughout any PPW." However, the monitoring methods, locations, frequency and parameters are unknown. This should be made more consistent with the 'Surface Water Monitoring' section of Table 7 in the oCEMP.

- Table 3-4 in the PPWEMP also does not secure that "Temporary Construction Compounds will be sited outside Source Protection Zone 1, where possible" which is included in the oCEMP.

Advice – Water Supply and Demand

In Appendix B of our Relevant Representation [AS-062] we provided advice in relation to water supply and demand. We were satisfied with the appraisal of water demands and potential sources of supply in Chapter 12 of the Environmental Statement [APP-061].

However, we have reviewed the updated text in the Water Usage section of Table 7 of 7.6.4 outline Construction Environmental Management Plan (Tracked) [REP4-031]. We note that while it is not anticipated that more than 20m^3 of daily water will be required from Anglian Water during the construction phase, if the need arises for an increase in daily water, a Water Resources Assessment will be undertaken prior to the construction phase. We should be listed as a consultee for any Water Resources Assessment submitted.

Appendix B – 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)	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	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