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Environment Agency

Planning Inspectorate (the Droves Solar Farm)

Reference: OR-0014769/01
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30 October 2026

Deadline 5 submissions review for Deadline 6 and our closing statement regarding matters not resolved by the end of examination

The Droves Solar Farm

Dear Planning Inspectorate,

Thank you for contacting us.

This letter constitutes the Environment Agency's Deadline 6 response regarding the Deadline 5 submissions, and our closing statement regarding matters not resolved by the end of examination. It is structured as follows:

- Appendix A:
  - Our closing statement regarding matters not resolved by the end of examination
- Appendix B:
  - Our comments regarding the issues we raised in our Relevant Representation
- Appendix C:
  - A summary of our position

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

Yours sincerely,

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Appendix A - Our closing statement regarding matters not resolved by the end of examination

Throughout the examination, we have worked with the Applicant to address our concerns, and have resolved many of the issues raised in our Relevant Representation (see Appendix C). However, three of those issues remain unresolved at the end of the examination. One additional issue, concerning rainwater harvesting, has arisen following our review of the Deadline 5 submissions.

We consider the following matters unresolved:

- Rainwater harvesting;
- EA46 (Environment Agency Protective Provisions);
- EA47 (Requirement wording);
- EA48 (Permitted Preliminary Works).

Our closing position on each matter is summarised below, with further detail provided in Appendix B.

EA52 (New issue - rainwater harvesting)
The Applicant's amendments to Environmental Statement Chapter 12: Water Resources at Deadline 5 introduced the use of harvested rainwater for PV panel cleaning. We there have raised a new issue, due to our concerns regarding potential impacts on water quality. The Applicant proposed an amendment to resolve this issue on 29 October 2026, which we deem acceptable for resolving this issue. However, the amended document will only be published in the examination library at Deadline 6, at the end of the examination. We will therefore be unable to resolve this issue before the examination closes, but remain hopeful that it can be resolved following the close of the examination.

EA46 (Environment Agency Protective Provisions)
The Applicant has not removed the Environment Agency protective provisions from the draft Development Consent Order, despite the Examining Authority's proposed changes to Article 6(1)(e) to (g) and the provisions for the protection of the Environment Agency. We have engaged extensively with the Applicant on this matter. However, the Applicant remains unwilling to remove the protective provisions, despite our request for removal under Section 150 of the Planning Act 2008 and the Examining Authority's proposed changes.

EA47 (Requirement wording)
We remain concerned about the use of “substantially in accordance with” in a number of requirements in the draft Development Consent Order. In our view, this wording makes those requirements imprecise and unenforceable, contrary to the National Planning Policy Framework and the six tests referred to in Appendix B. We have engaged extensively with the Applicant on this matter, but have been unable to reach a resolution.

EA48 (Permitted Preliminary Works)
We remain concerned that remediation and other permitted preliminary works could proceed without the controls and mitigation secured through an approved Construction Environmental Management Plan. We have not agreed the contents of the Permitted Preliminary Works Environmental Management Plan (PPWEMP), and are therefore very concerned regarding its inclusion under requirement 13 in the Development Consent Order.

The Applicant has stated in the Statement of Common Ground that it intends to submit further information at Deadline 6 to address our concerns. We look forward to reviewing those submissions and are hopeful that this matter can be resolved, following the end of examination.

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

EA52 (New issue - rainwater harvesting)
We need to raise a new issue regarding the use of harvested rainwater from Work Nos.2-4 (Work No. 2: BESS Compound, Work No. 3: Customer Substation and Work No. 4: National Grid Substation), following an amendment to the 6.2.4 ES Chapter 12 Water Resources (Tracked) (Rev 4) [REP5-049]. Paragraph 12.8.156 of this document was updated to state that PV panel cleaning will be undertaken using water either sourced from a water tanker supplier "or via rainwater harvesting within Work No's 2 – 4, with a small deionising plant within Work Nos 2 – 3, as deionised water will be used."

We are concerned that, without adequate mitigation, harvested rainwater could be contaminated by plant and infrastructure within Work Nos.2-4. If used to clean the PV panel arrays, this could subsequently enter the water environment, as the solar array areas do not benefit from the same drainage containment measures provided for work Nos.2-4. Therefore, there is a potential pathway for contaminated runoff from panel washing to discharge directly to ground and surface water, and risk deterioration in water quality.

The Applicant should confirm how they would ensure that the rainwater harvesting process did not introduce contaminants, associated with spills and leaks, and other potential pollution sources in Work Nos.2-4, into the deionised water product used for panel washing.

We engaged with the Applicant on 27 and 29 October 2026 to discuss this issue. The Applicant proposed amending the Design Principles, Parameters and Commitments document to confirm that any harvested rainwater will be managed under the same pollution prevention and control measures as the rest of work nos.2–4, with laboratory testing undertaken prior to its use. We consider this approach acceptable to resolve the issue. However, this issue will remain unresolved until the 5.8.5 Design Principles, Parameters and Commitments document has been amended accordingly and submitted to the examination.

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 be 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.

6.2.3 ES Chapter 12 Water Resources (Tracked) [REP4-022] was amended to the correct reference of the MODFLOW 5 and dry scenario. 6.3.1 ES Figure 12.9 Depth to NEAC Groundwater Wet Conditions [REP3-050] has not been updated since deadline 3, and still incorrectly references the Environment Agency NEAC model. 6.3.1 ES Figure 12.10 Groundwater Flow Directions from NEAC Groundwater Model [REP3-041] has not been amended, but the text in Chapter 12 has now been updated to correctly state the dry scenario, which we deem satisfactory.

EA36 (Underground Contaminated Water Tanks)
We are satisfied and consider this issue resolved.

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.

The Applicant has updated the 6.4.5 ES Appendix 12.2 Flood Risk Assessment (Tracked) (Rev 5) [REP5-059] and the 7.6.5 outline Construction Environmental Management Plan (Tracked) (Rev 5) [REP5-063] to commit to carrying out an options appraisal as part of the detailed drainage design to determine whether

above-ground storage should be selected. If above-ground storage is not the preferred option but is nevertheless taken forward, the appraisal will provide sufficient justification for that decision.

EA46 (Environment Agency Protective Provisions)
We cannot resolve this issue.

We have reviewed the 3.1.5 draft Development Consent Order (Tracked) [REP5-005] and the 8.30 Applicant's Response to the Examining Authority's Schedule of Changes to the draft DCO [REP5-079]. The Applicant has not removed the protective provisions for the Environment Agency, despite the examining authority's proposed changes (in Schedule of Changes to draft Development Consent Order [PD-012]) stating that they should be removed. 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.

We reiterate 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.

Once the draft Development Consent Order has been updated in accordance with these changes, we can resolve this issue.

EA47 (Requirement wording)
We cannot resolve this issue.

We were concerned about 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 Construction Environment Management Plan (CEMP) secured via Requirement 13 (in 3.1.5 draft Development Consent Order (Tracked) [REP5-005]), 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.

Within Comments on the Deadline 4 submissions and any other information requested by the ExA for Deadline 5 [5-088], we raised a number of concerns relating to the Permitted Preliminary Works Environmental Management Plan (PPWEMP). The 3.1.5 draft Development Consent Order requirement 13.(1) states the permitted preliminary works must be carried out in accordance with the permitted preliminary works environmental management plan. We are not satisfied that the 8.25 Permitted Preliminary Works Environmental Management Plan [REP4-038] contains sufficient mitigation measures to prevent deterioration in surface water and groundwater quality, and therefore cannot accept this requirement. We have reviewed the 5.13.3 Statement of Common Ground with Environment Agency (Tracked) [REP5-017], and note that the Applicant will consider our comments (see deadline 5 comments below) and will respond in full at Deadline 6.

We note that the 7.8.5 outline Operational Environmental Management Plan (Tracked) (Rev 5) [REP5-067] has been updated to state that “An emergency response plan will be developed in consultation with the relevant local authority emergency planning officer, emergency services including the local fire service, as well as the Environment Agency in relation to responding to flood warnings and events.” To be consistent with our comments raised in regards to the PPWEMP, we request that the outline Operational Environmental Management Plan is updated to make reference to pollution incidents, in addition to flooding.

Our deadline 5 comments were as follows:

> 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 PPWEMP 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.

Appendix C – A summary of our position

Relevant Rep Reference	Deadline 6
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)	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
EA52 (New issue - rainwater harvesting)	Not resolved