

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AC/2022/131328/01-L01
Your ref: EN010106
Date: 11 November 2022

Dear Sir/Madam

**APPLICATION FOR DEVELOPMENT CONSENT ORDER - SUNNICA ENERGY FARM –
EXA'S WRITTEN QUESTIONS (EXQ1)**

Thank you for the above consultation which was received on 4th October 2022. Please see below our responses to the questions addressed to us.

Yours faithfully

Alison Craggs
Sustainable Places Planning Advisor

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ExQ1	Question to:	Question:
1.1 Air Quality and Human Health		
Q1.1.41	The Internal Drainage Boards and the Environment Agency	<p>Battery energy storage system (BESS):</p> <ul style="list-style-type: none"> Are you satisfied with the current outline mitigation provisions in RMM15 in Table 12 of the outline Battery Fire Safety Management Plan [APP-267]? <p>EA response:</p> <p>We are satisfied with the provisions at this stage. The outline mitigation provisions in RMM15 appear to reduce the risk of pollution to surface and groundwaters arising from any leaks or spillages both inside and outside of the battery (BESS) enclosures, during normal operations and in the event of a fire. We would like to be included in the consultations on the detailed Battery Fire Safety Management Plan required by draft DCO Schedule 2 Requirement 7.</p>
1.5 Draft Development Consent Order (dDCO)		
Q1.5.16	The Internal Drainage Boards and the Environment Agency	<p>Art 6: Disapplication of legislation:</p> <p>Art 6 would disapply sections 23 and 32 of the Land Drainage Act 1991, byelaws made under section 66 of the Land Drainage Act 1991, byelaws made or having effect under Schedule 25 of the Water Resources Act 1991 and Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 and the legislation listed in Schedule 3.</p> <ul style="list-style-type: none"> Are you content that your interests are adequately protected? <p>EA response:</p> <p>The applicant seeks only to disapply Regulation 12 insofar as it applies to flood risk permitting and provided that protective provisions which we have now agreed with the applicant are included in the DCO we are content that these provisions are disapplied.</p>
1.11 Water Resources, Flood Risk and Drainage		
Q1.11.4	EA	Please confirm whether the five issues or omissions in the submitted FRA referenced in your RR [RR-1208] of 16 March 2022 (Issues 1.1 – 1.5 and Solution 1.1 – 1.5) have been addressed by the revised FRA

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		<p>submitted by the Applicant [AS-007 to AS-012] in response to s51 advice, and if not please explain what matters, in your view, remain to be addressed and why?</p> <p>EA response:</p> <p>The five issues with the submitted Flood Risk Assessment (FRA) referenced in our Relevant Representations have not been addressed by the revised FRA submitted by the Applicant [AS-007 to AS-012).</p> <p>We are having ongoing discussions with the Applicant and have been consulted on a draft FRA Technical Note (dated September 2022), submitted to us on 30 September 2022, which has been prepared to address the issues we have raised. We understand that an FRA Addendum will be submitted by the Applicant to address the issues we have raised.</p> <p>Based on our review of the draft FRA Technical Note, we consider that the following matters still remain to be addressed:</p> <p>Issue 1.1 – The applicant has undertaken breach modelling of Burwell Lode to address this issue but as there are some uncertainties with the model that has been used, sensitivity testing of this model needs to be undertaken before we can consider whether the outputs of this and the proposed mitigation measures are acceptable. As such, this issue remains to be addressed.</p> <p>Issue 1.2 – The FRA Technical Note demonstrates that all the solar stations will be located outside of the floodplain; we are therefore satisfied that no floodplain compensation is required. This issue should be addressed in the forthcoming FRA Addendum.</p> <p>Issue 1.3 – Although relevant modelled flood levels have been included in the FRA Technical Note, further assessment of the impact of climate change on flood risk still needs to be undertaken based on the credible maximum scenario. It still needs to be demonstrated that the solar panels within Flood Zone 3 will be raised high enough to ensure these will remain operational for the lifetime of the development, taking into account the likely effects of climate change. As such, this issue remains to be addressed.</p> <p>Issue 1.4 – Drawings have been included in the FRA Technical Note that show the proposed site layout in relation to the extent of Flood Zones 3b, 3a and 2. We understand that these drawings will also be included in the FRA Addendum. As such, this issue should be addressed in the forthcoming FRA Addendum.</p> <p>Issue 1.5 – No drawings have been included in the FRA Technical Note showing the proposed location of</p>

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		temporary site compounds and storage areas in relation to the flood zone extents. We understand that these drawings will be included in the FRA Addendum.
Q1.11.16	EA	<p>In assessing the groundwater resource including abstractors has the Applicant taken adequate account of your records of unlicensed groundwater abstractions for agriculture and domestic uses previously present in the area, referred to in ES Chapter 9 [APP-041] Table 9-4 Main Matters Raised within the Scoping Opinion and statutory consultation, and if not why not?</p> <p>EA response:</p> <p>We are satisfied that the assessments presented in Chapter 9 consider the potential for impacts to licensed and unlicensed (private) groundwater abstractions.</p> <p>Certain water supplies do not require a licence and therefore may not be known to the Environment Agency. Local authorities act as the regulators for private water supplies. The applicant indicated in their submissions (in Chapter 9, paragraph 9.4.5) that they have obtained a search of licensed and unlicensed (private) water abstractions within the vicinity of the Order limits and this information is incorporated into their assessments.</p>
Q1.11.18	EA	<p>Are you satisfied that all soakaways and other infiltration SuDS meet the criteria in your Groundwater Protection Position Statements G1 and G9 to G13 (see ES Chapter 9 [APP-041] Table 9-4) and if not why not?</p> <p>EA response:</p> <p>Based on the information previously reviewed we are satisfied that all soakaways and other infiltration SuDS are likely to meet the criteria in our Groundwater Protection Position Statements G1 and G9 to G13. Based on the previous submissions we understand that existing contamination is not anticipated to be present within the Order limits. However, in line with the requirements of Draft DCO Schedule 2 Requirement 18, further investigations are proposed and there is a protocol for unexpected contamination. We understand that shallow infiltration SuDS systems are proposed, with no proposals for construction of deep soakaways.</p>

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		Draft DCO Schedule 2 Requirement 12 includes requirement for the submission and approval of detailed surface water drainage strategy information for each phase prior to development commencing.
Q1.11.22	EA The Applicant	<p>How have records of any sewers been obtained and reviewed to inform the drainage technical note and the Flood Risk Assessment [APP-095 to APP-098] and the CEMP?</p> <p>EA response: This question is not relevant to us, however it may be relevant to Anglian Water. We have not discussed this matter with the applicant. Our engagement on flood risk has been specifically focussed on fluvial flooding.</p>
Q1.11.23	EA	<p>Is the content of the Framework CEMP [APP-123] adequate to secure best practice mitigation measures, site investigation and eventual remediation works to protect the water environment in Source Protection Zones, Secondary Aquifers and the bedrock Principal Aquifer associated with chalk strata and the Cam and Ely Ouse Chalk groundwater body? If not please explain what additional measures you consider necessary to include in the Framework CEMP that would provide the necessary protection, and why.</p> <p>EA response: We are satisfied that the Framework CEMP together with the Draft DCO Schedule 2 Requirements would provide the necessary protection of the water environment, provided the following amendment is made.</p> <p>Table 3-4 of the Framework CEMP shows that all best practice measures are proposed to be followed, with the exception of vehicle washwater. Page 16C-26 states “wash water will be prevented from passing untreated into watercourses”, however vehicle washwaters are a trade effluent and should therefore be discharged to a foul sewer or collected and disposed of to a suitably licensed facility.</p>