

Application by Cottam Solar Project Ltd for an Order Granting Development Consent for Cottam Solar Project
The Examining Authority's first written questions and requests for information (ExQ1)
Issued on 31 October 2023 - Responses are due by Deadline 2 on Tuesday 21 November 2023

Please find below answers to the Examining Authority's written questions from the Environment Agency (EA) [ref no. 20036971]

Ref:	Question to:	Question:	
The water environment			
1.7.1	Applicant/ Environment Agency	Please provide an update on the position as regards the Flood Risk Activity Permit. Please also clarify whether an Environmental Permit will be required for flood risk and/or land drainage.	<p>The applicant has stated they wish to disapply the Environmental Permitting Regulations. Therefore, they will not need to apply for a Flood Risk Activity Permit. This will be managed by the Protective Provisions with the Environment Agency.</p> <p>We do however strongly encourage the applicant to register a flood risk activity exemption (FRA3 for any service crossing below the bed of a main river not involving an open cut technique) using the online form: Register a flood risk activity exemption - GOV.UK (register-flood-risk-exemption.service.gov.uk)</p>
1.7.2	Environment Agency	Please provide your comments on the revised Water Framework Directive Assessment [REP-043], including in relation to the matters that the EA raised in its RR [RR-026]	We are satisfied with the revised Water Framework Directive Assessment and have no further comments to make.
Other planning matters			
Waste			
1.13.1	Applicant/ Environment Agency	Please clarify whether an Environmental Permit will be required for land contamination related matters.	We are not aware of any remediation or abstraction that would require an Environmental Permit.

Ref:	Question to:	Question:
		<p>'The Environment Agency's approach to groundwater protection' provides further information and can be found here: Groundwater protection position statements - GOV.UK (www.gov.uk).</p>
Major Accidents and Disasters		
1.13.2	Applicant/ Environment Agency	<p>Will an Environmental Permit be required for any aspect of the Battery Energy Storage Systems (BESS)?</p> <p>The site will not require an Environmental Permit for the BESS.</p> <p>However, as the BESS has the potential to pollute the environment, we would recommend the applicant considers the impact to all environmental receptors during each phase of the development. We have provided some comments below for information:</p> <p><u>Environmental considerations</u></p> <p>Particular attention should be applied to the impacts on groundwater and surface water from the escape of firewater and/or foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off. The applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring.</p> <p>Further guidance on considering potential risks of BESS in planning applications is available online: Renewable and low carbon energy - GOV.UK (www.gov.uk)</p> <p><u>Regulations for batteries and waste</u></p> <p>Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's</p>

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		<p>Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of BESS facilities under the Environmental Permitting Regulations regime.</p> <p>However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:</p> <ul style="list-style-type: none"> • take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users; • ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator; • keep a record of the amount of tonnes of batteries placed on the market and taken back; • register as a producer with the Secretary of State; • report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

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		<p>Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place.</p> <p>The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.</p> <p>Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.</p>