

Gen Collins
Wiltshire Council
Development Control North
Monkton Park Offices Monkton Park
Chippenham
Wiltshire
SN15 1ER

Our ref: WX/2025/139349/02-L01
Your ref: PL/2025/07349

Date: 17 February 2026

Dear Gen,

FIREWATER DRAINAGE STRATEGY DEC '25 - VARIATION OF CONDITION 3 (LAYOUT CHANGES), CONDITION 14 (CHANGES TO NOISE CONDITION) AND CONDITIONS 4, 5 AND 7 (MINOR WORDING CHANGES) RELATING TO APPLICATION PL/2021/08690

STUDLEY FARM BATH ROAD, ATWORTH, MELKSHAM, SN12 8JN.

Thank you for re-consulting the Environment Agency on the above application. We have reviewed the following document;

- Firewater Drainage Strategy, written by Antea GroupUK Ltd, dated 19th December 2025, ref: 2025-12-589486 V1.

Environment Agency Position

We have reviewed the above document and consider that it shows that our previous concerns have been considered, however we still require plans showing sealed drainage in the event of a fire across the whole BESS compound. We consider that these plans can be provided at condition stage, therefore **subject to the following 5 condition and informatives below**, we **withdraw our previous objection**.

Pollution prevention

The submitted planning application includes Battery Energy Storage. Highly polluting chemicals in batteries could enter groundwater, surface water or the Bradford Brook in firewater or rainfall should battery containers become exposed in the event of a fire. The local planning authority should ensure mitigation is in place to ensure containment of this water.

While in the event of a fire at a BESS, it is accepted best practice to let the containers on fire burn out, it is likely water will be used to cool neighbouring containers. This water could enter burning containers through surface water run off or directly from spray cooling neighbouring containers. Furthermore, during or following a fire at a BESS development, water could enter exposed containers through rainfall during the period of time it takes to remove or cover burnt out containers. We therefore request the following conditions;

Condition 1 - Surface Water Drainage

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water for the battery storage areas in the event of a fire has been submitted to, and approved in writing by, the local planning authority. The scheme should include but not necessarily be limited to the following pollution protection measures:

- The final drainage designs should demonstrate that in the event of a battery fire, the drainage system can be automatically sealed to prevent any discharge of surface water to the environment and that all firefighting effluent can be retained on site.
- The drainage system should have sufficient capacity to manage the firefighting effluent volumes expected as well as any surface water generated from an extreme rainfall event.
- The drainage system should be designed to be resilient to the potential impacts from a sustained battery fire.

The scheme shall be implemented and maintained as approved.

Reason

To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with the National Planning Policy Framework.

Informative – Volumes

We note that the information provided by the applicant has stated specific volumes required to contain contaminated surface water runoff from the BESS compound. These calculations and figures have not been verified by us. It is the responsibility of the applicant to ensure that the expected firefighting water volumes used by the fire service and potential extreme rainfall event volumes are reflected correctly in the drainage strategy. This is to ensure there is effective containment to protect the water environment.

Condition 2 – Emergency pollution control method statement

The development hereby permitted shall not be commenced until such time as a detailed remediation plan following a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

- How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a potential battery fire incident to ensure no contamination enters the environment if/when normal operation resumes.
- A verification plan providing details of the information that will be collected and provided to the local planning authority, in order to demonstrate that the works set out in the remediation strategy are complete.

The scheme shall be implemented as approved in the event of a fire incident and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason

To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

Condition 3 – Verification Report

Prior to the any areas affected by a potential pollution incident being brought back into use, a verification report demonstrating the completion of works set out in, and the effectiveness of, the remediation plan shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved emergency plan have been met, in line with paragraph 180 of the National Planning Policy Framework.

Informative - General guidance for BESS developments

In line with [planning practice guidance](#):

- Applicants are encouraged to engage with Local Fire & Rescue Services to ensure issues of siting and location of BESS are dealt with before applications are made. Ideally this should be done before submitting a planning application.
- LPAs are encouraged to engage with Local Fire & Rescue Services and to refer to [guidance produced by the National Fire Chiefs Council](#) for consideration when determining applications.
- Applicants will also need to comply with relevant Building Regulations in [Part B](#). They require applicants to provide suitable access for the fire service.

Applicants should also refer to guidance published by The Department for Energy Security and Net Zero: [Health and safety in grid scale electrical energy storage systems](#), which provides guidance on a number of topics related to health and safety including on 'Design and planning' that provides guidance on battery technology, site selection, site layout and emergency planning. It also includes a section on 'Decommissioning and end of life', including dealing with batteries that have come to the end of their use in the BESS.

Informative - Advice applicant/ LPA – Fire Rescue Service

Sealed drainage limits the amount of potential contamination (and subsequent remediation required) of the soil and gravel by firefighting runoff, as well as reduces the risk to the wider environment in the event of a fire. The developer and LPA should engage with the Fire Rescue Service to make sure there is an adequate supply of water for the maximum expected duration of a fire.

Informative – Boreholes to abstract water in the event of a fire – groundwater investigation consents

The Environment Agency regulates the abstraction of water from surface water and underground sources. An abstraction licence is not needed to install and test a borehole solely for the purpose of firefighting (including training and testing). It is recommended the operator of the site obtains a groundwater investigation consent (under section 32/3 of the Water Resources Act 1991) so they can find out whether there is adequate water available. See <https://www.gov.uk/government/publications/apply-for-consent-to-investigate-a-groundwater-source/apply-for-consent-to-investigate-a-groundwater-source> for further information.

Informative - Management of end of life industrial batteries

Battery energy storage systems (BESS) facilities are not regulated under the Environmental Permitting Regulations regime. However, 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. Batteries have the potential to cause harm to the environment if stored inappropriately e.g. subject to a fire as 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.

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. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

Condition 4 - Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP), incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The CEMP shall include as a minimum the following;

- a scheme to treat and remove suspended solids from surface water run-off during construction
- wheel washing facilities and appropriate disposal of effluent
- the use and routing of heavy plant, vehicles and machinery
- oils/chemicals and materials storage including refueling
- the location and pollution prevention for storage areas and compounds
- the control, storage and removal of spoil and waste.
- Are oil interceptors required
- What happens in the event of an environmental emergency (response to pollution (silt, oil, chemicals etc.), monitoring etc.)
- what will happen with wastewater from the construction site

Reason

To prevent pollution of the water environment in line with paragraph 187 of the National Planning Policy Framework.

Informative – Permit to discharge

A permit to discharge (Environmental Permit) will be required if the construction period is greater than 3 months and the discharge is to surface waters. Any discharge will be governed by strict limits on suspended solids, pH, and if flocculants are used, an iron or aluminium limit.

Additional pollution mitigation details can be found in the following link:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

If a potential pollution occurs please ensure to report this to the Environment Agency on 0800 80 70 60 or use this link: <https://www.gov.uk/report-environmental-problem>

For guidance on storing, treating and using wastewater containing suspended solids (excluding concrete or grouts) within a construction site before use or disposal. Please see <https://www.gov.uk/government/publications/treating-and-using-water-that-contains-concrete-and-silt-at-construction-sites-rps-235/treating-and-using-water-that-contains-concrete-and-silt-at-construction-sites-rps-235>

Additionally, any future discharge activities that take place which are not discharged to the foul sewer will also require a discharge permit (including the discharge of any polluted waters such as silt and sewage). You should engage with an appropriate environmental consultant for this. As seen in this link:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Protection of water voles

We ask that our previously requested condition on PL/2021/08690 is also included on this application. The below condition is to protect water voles and their habitat within the development site, and to avoid damaging the site's nature conservation value. This approach is supported by the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition it cannot be guaranteed that the development will not result in significant harm to water vole habitat.

Condition 5 – Water Voles

No development shall take place until a plan detailing the protection of water voles and their habitat has been submitted to, and approved in writing, by the local planning authority. This will be based on a survey undertaken at an appropriate time. The plan must consider the whole duration of the development, from the construction phase through to development completion. The scheme shall be implemented as approved. Any changes to the plan, including to operational responsibilities and management, shall be submitted to and approved in writing by the local planning authority.

Reasons

The photos in the otter and water vole survey report (particularly Photo 2 on p.21) would suggest that it is very likely there are water voles present on site. The water vole is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is a priority conservation species.

Flood Risk

The cable route is shown to be crossing a main river therefore an Environmental Permit is likely to be required.

Informative - Environmental permit – Flood risk activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work

- building or altering any permanent or temporary structure designed to contain or
- divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Note to LPA

Please consult us on the details submitted to your authority to discharge these conditions and on any subsequent amendments/alterations.

Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome. If you have any queries regarding our response please get in touch.

Yours sincerely

Ms Lindsay Ffello
Sustainable Places - Planning Advisor

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