

The Planning Inspectorate
By email
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rate.gov.uk

Our ref: XA/2025/100281/01-L01

Your ref: EN010140

Registration number: 20050710

Date: 25 February 2025

Dear Sir/Madam

DEADLINE 4 - COMMENTS ON ANY ADDITIONAL INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 3.

The comments presented below have been made in response to information submitted by the Applicant at Deadline 3. An updated Principal Areas of Disagreement Summary Statement (PADSS) has been submitted separately, and is also appended to this letter for completeness.

[REP3-007] Applicant's Hearing Action Points Update

Our comments made against the Action Points of relevance to the Environment Agency are as follows:

<u>Point 5 site preparation works.</u> Resolved. We have agreed a revised list of activities defined as "site preparation works" which now excludes certain specific potentially polluting activities. We are satisfied that this addresses our concerns that the DCO defines "commence" to exclude site preparation works. We are therefore satisfied that the CEMP will now be applied to all relevant works on site. We await submission of the revised DCO to reflect thus change.

<u>Point 6 finished floor levels.</u> Resolved. We are satisfied that clarification regarding finished floor level heights above the design flood has been provided in FRA v2. We await submission of FRA v2 to the ExA.

<u>Point 7 volumetric calculation of flood risk from infrastructure.</u> Resolved. We are satisfied that the assessment has been provided in FRA v2. We await submission of FRA v2 to the ExA.

<u>Point 8 operational pollution control measures.</u> Resolved. Measures were agreed and reflected in updated oOEMP submitted at Deadline 3.

<u>Point 9 failure of the panel tracking system.</u> Resolved. We have now agreed the measures put forward in the 'Water Environment Supplementary Assessment' that have now been incorporated into FRA v2. We await submission of FRA v2 to the ExA.

Point 10 Update in respect of the drafting for flood compensation strategy, and piling and hydrogeological risk assessments. Partially resolved.

- We have now agreed draft text for requirements to address piling and hydrogeological risk assessments and we await submission of a revised DCO to include these requirements.
- 2) We continue to work with the applicant to resolve the issue of flood compensation. As an alternative to the proposed requirement we have requested that the applicant uses the existing flood model to assess the potential impact of the bund and substation on flood risk elsewhere into the next epoch. This would provide the evidence required to inform a pragmatic approach to managing long-term flood risk off site.

<u>Point 11 use of swales.</u> The Environment Agency's position remains that this is not an issue that we raised in our representations or in ISH1, and we have no comment to make. We consider that this is a matter for consideration by the Lead Local Flood Authority (LLFA).

<u>Point 12 water abstraction licensing.</u> Resolved. We are satisfied with the reference made in the Consents and Licences Position Statement [APP-008] and Outline Construction Environmental Management Plan [REP2-006].

[REP3-008] Status of Negotiations on Protective Provisions

The Applicant has requested amendments to our standard protective provisions. These proposed amendments are being considered by our legal team. We agree with the statement that agreement on PPs will be reached before the end of the Examination.

For continuity following our Written Representations [REP2-027], and our submission at Deadline 3 [REP3-011], please see the table below for a completed overview of our updated positions as at Deadline 4. Please see Appendix 1 for PADSS.

Overview of updated positions at Deadline 4

Ref.	Theme	Environment Agency comment in response to [REP1-004]	Position at Deadline 4	
EA- 01	Groundwater source	We have agreed that an additional DCO Requirement for a	Agreed Wording of requirement now	
	protection	Hydrogeological Risk Assessment will be included, and we are working with the applicant to agree the wording of that requirement.	agreed. Awaiting updated DCO	
EA- 02	Groundwater source protection	We have agreed that an additional DCO Requirement for a Piling Risk Assessment will be included, and we are working with the applicant to agree the wording of that requirement	Agreed Wording of requirement now agreed. Awaiting updated DCO	
EA- 03	Construction site management	The principle of amending Requirement 4 has been agreed to include that the CEMP is approved by the LPA in consultation with the EA. We are working with the	Agreed Wording of Requirement 4 has been agreed. The definition of site preparation works has been amended and agreed, thus	

		applicant to agree the amended wording.	addressing the EA's concerns regarding the relevance of the CEMP. Awaiting updated DCO
EA- 04	Protective provisions	We are in direct conversation with the applicant regarding the use of the Environment Agency's most upto-date standard wording. We expect this will be available by Deadline 3.	EA's updated standard wording has been provided. On-going discussion regarding applicant's proposed amendments to this.
EA- 05	BESS floodplain compensation	The applicant has issued a Technical Note 07.01.2025 to address this matter. We are reviewing this and will provide direct response to the applicant to allow their further response at Deadline 3.	EA provided a response to the technical note. This is the subject of further discussion, and a resolution is expected before the close of examination.
EA- 06	Operation of the development in times of flood	The applicant has issued a Technical Note 07.01.2025 to address this matter. We are reviewing this and will provide direct response to the applicant to allow their further response at Deadline 3.	Resolved FRA v2 updated. Awaiting submission to ExA
EA- 07	Equipment levels	The applicant has issued a Technical Note 07.01.2025 to address this matter. We are reviewing this and will provide direct response to the applicant to allow their further response at Deadline 3.	Resolved FRA v2 updated Awaiting submission to ExA
EA- 08	Flood Risk Assessment	The applicant has issued a Technical Note 07.01.2025 to address this matter. We are reviewing this and will provide direct response to the applicant to allow their further response at Deadline 3.	Resolved FRA v2 updated Awaiting submission to ExA
EA- 09	Groundwater source protection	We welcome the proposed mitigation measures. We request confirmation of the following: 1.That the filter drains and porous sub-base beneath the BESS Compound, which could receive fire water during an incident, would be sealed to prevent leakage to ground of contaminated water. 2. of the process to ensure activation of the penstock valves would be triggered to avoid accidental discharge of fire water from the attenuation basins should a fire event occur. We await submission of the revised FRA [APP-232] to close this issue.	Resolved FRA v2 updated Awaiting submission to ExA

EA-	Land	We are satisfied with the proposed	Resolved
10	contamination	measures to be included in an	OCEMP has been updated
'	Jonanniation	update to the outline CEMP (section	[REP2-006]
		3.111 Pollution Prevention) [APP-	[NEI 2-000]
		121].	
		We await submission of the revised	
		oCEMP to close this issue.	
EA-	Consents and	This issue can be closed. We are	Resolved
11	Licences	satisfied that the potential need for	Nesotrea
' '	Liconocs	a water abstraction licence for	
		consumptive uses is recognised in	
		[APP-008] Consents and Licences	
		Position Statement.	
EA-	Groundwater	As per EA-09	Resolved
12	source	7.6 501 271 00	FRA v2 updated
	protection		Awaiting submission to ExA
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EA-	Groundwater	We await additional Requirements	Resolved
13	source	as per EA-01 & EA-02;	FRA v2 updated.
	protection	and an updated definition of SPZ in	Wording of Requirement has
		the FRA [APP-232] to be able to	been agreed.
		close this issue.	Awaiting submission to ExA.
			0
EA-	Consents and	As per EA-11	Resolved
14	Licences		
EA-	Consents and	Satisfied - No further comment	Resolved
15	Licences	required	
EA-	Construction	As per EA-10	Resolved
16	site		
	management		
EA-	Groundwater	As per EA-01	Agreed
17	source		Wording of requirement now
	protection		agreed.
			Awaiting updated DCO
EA-	Groundwater	As per EA-02	Agreed
18	source		Wording of requirement now
	protection		agreed.
F.		 	Awaiting updated DCO
EA-	Construction	As per EA-03	Agreed
19	site		Wording of Requirement 4 has
	management		been agreed.
			The definition of site
			preparation works has been
			amended and agreed, thus
			addressing the EA's concerns
			regarding the relevance of the
			CEMP.
ГΛ	Comptuistiss	Λο πον ΕΛ Ο2	Awaiting updated DCO
EA-	Construction	As per EA-03	Agreed
20	site		Wording of Requirement 4 has
	management		been agreed.

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			The definition of site
			preparation works has been
			amended and agreed, thus
			addressing the EA's concerns
			regarding the relevance of the
			CEMP.
			Awaiting updated DCO
EA-	Development	We await review of revised wording	Agreed
21	Consent Order	of Article 18(7) of the dDCO [APP-	Awaiting updated DCO
		006] to be able to close this issue.	
EA-	Construction	We are satisfied with the applicant's	Resolved
22	site	response and await review of	OCEMP has been updated
	management	revised wording to oCEMP [APP-	[REP2-006]
		121] to be able to close this issue.	
EA-	Flood Risk	As per EA-08	Resolved
23	Assessment		See [REP3-007] Action Point 7
			above
EA-	Equipment	As per EA-07	Resolved
24	levels		FRA v2 updated
			Awaiting submission to ExA
			-
EA-	Flood Risk	As per EA-08	Resolved
25	Assessment		See [REP3-007] Action Point 7
			above
EA-	Flood Risk	As per EA-05	EA provided a response to the
26	Assessment		technical note. This is the
			subject of further discussion,
			and a resolution is expected
			before the close of
			examination.
EA-	Flood Risk	We are satisfied with the applicant's	Resolved
27	Assessment	response and await update to FRA	FRA v2 updated
		[APP-232, 233 & 234] to reference	Awaiting submission to ExA
		the latest version of the Hydraulic	
		Model, to be able to close this	
		issue.	
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Appendix 1

Helios Renewable Energy - Environment Agency Principal Areas of Disagreement Summary Statement Version: 02

The following terms have been used in the column headed 'Likelihood the concern will be resolved during the Examination' –

- Highly likely where agreement should be possible, or a relatively simple change is required.
- Likely where an issue is still being discussed, but we believe it can be resolved.
- Unlikely where agreement on an issue is unlikely or it is difficult to identify a solution.

Ref	Area of disagreement	Summary of concern held by Environment Agency	What needs to be changed / included / amended to overcome the disagreement?	Likelihood the concern will be resolved
	Flood Risk - Compensatory flood storage	Inadequate analysis of floodplain loss, together with the lack of commitment to undertaking a possible floodplain compensation scheme, present a risk of increased flood risk elsewhere. No evidence has been supplied to justify the stated assumption that the amount of floodplain lost by the installation of solar panel arrays is negligible. The flood risk compensation scheme proposed in the FRA as mitigation for the loss of floodplain is not secured in the draft DCO.	Use the area volume method to determine the volumetric displacement of the solar panel arrays in the design flood scenario and assess the potential impact on flood levels that this might have across the study area to confirm that the displacement of flood water is negligible and would not increase flood levels. Commit to the provision of the proposed floodplain compensation scheme for predicted flood risk in the 2080's epoch, to provide mitigation for this epoch. Or provide evidence to justify that this scheme will not be necessary for the lifetime of the development.	Resolved
	Pollution prevention	CEMP currently does not apply to site preparation works	Amend wording of Requirement 4	Resolved – awaiting update to DCO
	Pollution prevention	No details have been provided regarding operational pollution prevention measures in the routine management of potentially contaminated drainage from BESS compound. Such contamination could reach the underlying aquifer via drainage into attenuation ponds and into ditches/ watercourses.	Provide outline operational controls to monitor for, prevent, and manage spills and leaks within the BESS compound in outline OEMP, and provide detailed controls in Site Maintenance Plan.	Resolved – awaiting update to DCO
	Pollution prevention	Requirement 4(2) of the Draft DCO states that CEMP must include a protocol in the event that unexpected contaminated land is identified. This protocol is not included in the Outline CEMP.	Provision in the revised Outline CEMP for a contamination watching brief and discovery protocol, requiring consultation with the Environment Agency if unexpected land contamination is encountered during ground investigation or construction.	Resolved – awaiting update to DCO