



The Planning Inspectorate

By email

[HeliosRenewableEnergy@planninginspectorate.gov.uk](mailto:HeliosRenewableEnergy@planninginspectorate.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:

Point 5 site preparation works. 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 this change.

Point 6 finished floor levels. 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.

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

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

Point 9 failure of the panel tracking system. 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.

- 1) 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.

Point 11 use of swales. 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).

Point 12 water abstraction licensing. 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**

<b>Ref.</b>	<b>Theme</b>	<b>Environment Agency comment in response to [REP1-004]</b>	<b>Position at Deadline 4</b>
EA-01	Groundwater source protection	We have agreed that an additional DCO Requirement for a Hydrogeological Risk Assessment will be included, and we are working with the applicant to agree the wording of that requirement.	<b>Agreed</b> Wording of requirement now 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	<b>Agreed</b> 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	<b>Agreed</b> 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 up-to-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.	<b>Resolved</b> 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.	<b>Resolved</b> 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.	<b>Resolved</b> 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.	<b>Resolved</b> FRA v2 updated Awaiting submission to ExA

EA-10	Land contamination	We are satisfied with the proposed measures to be included in an update to the outline CEMP (section 3.111 Pollution Prevention) [APP-121]. We await submission of the revised oCEMP to close this issue.	<b>Resolved</b> OCEMP has been updated [REP2-006]
EA-11	Consents and Licences	This issue can be closed. We are satisfied that the potential need for a water abstraction licence for consumptive uses is recognised in [APP-008] Consents and Licences Position Statement.	<b>Resolved</b>
EA-12	Groundwater source protection	As per EA-09	<b>Resolved</b> FRA v2 updated Awaiting submission to ExA
EA-13	Groundwater source protection	We await additional Requirements as per EA-01 & EA-02; and an updated definition of SPZ in the FRA [APP-232] to be able to close this issue.	<b>Resolved</b> FRA v2 updated. Wording of Requirement has been agreed. Awaiting submission to ExA.
EA-14	Consents and Licences	As per EA-11	<b>Resolved</b>
EA-15	Consents and Licences	Satisfied - No further comment required	<b>Resolved</b>
EA-16	Construction site management	As per EA-10	<b>Resolved</b>
EA-17	Groundwater source protection	As per EA-01	<b>Agreed</b> Wording of requirement now agreed. Awaiting updated DCO
EA-18	Groundwater source protection	As per EA-02	<b>Agreed</b> Wording of requirement now agreed. Awaiting updated DCO
EA-19	Construction site management	As per EA-03	<b>Agreed</b> Wording of Requirement 4 has 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. Awaiting updated DCO
EA-20	Construction site management	As per EA-03	<b>Agreed</b> Wording of Requirement 4 has 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. Awaiting updated DCO
EA-21	Development Consent Order	We await review of revised wording of Article 18(7) of the dDCO [APP-006] to be able to close this issue.	<b>Agreed</b> Awaiting updated DCO
EA-22	Construction site management	We are satisfied with the applicant's response and await review of revised wording to oCEMP [APP-121] to be able to close this issue.	<b>Resolved</b> OCEMP has been updated [REP2-006]
EA-23	Flood Risk Assessment	As per EA-08	<b>Resolved</b> See [REP3-007] Action Point 7 above
EA-24	Equipment levels	As per EA-07	<b>Resolved</b> FRA v2 updated Awaiting submission to ExA
EA-25	Flood Risk Assessment	As per EA-08	<b>Resolved</b> See [REP3-007] Action Point 7 above
EA-26	Flood Risk Assessment	As per EA-05	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-27	Flood Risk Assessment	We are satisfied with the applicant's response and await update to FRA [APP-232, 233 & 234] to reference the latest version of the Hydraulic Model, to be able to close this issue.	<b>Resolved</b> FRA v2 updated Awaiting submission to ExA

## 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.

[illegible]