



The Planning Inspectorate  
By email

**Our ref:** XA/2025/100255/01-L01  
**Your ref:** EN010140

**Date:** 27 January 2025

Dear Sir/Madam

**DEADLINE 3 - COMMENTS ON ANY ADDITIONAL INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 2.**

The comments presented below have been made in response to information submitted by the Applicant at Deadline 2.

**[REP2-006] Outline Construction Environmental Management Plan**

Para 2.3.6 We are satisfied with the additional text regarding water abstraction.

3.11.1 We are satisfied with the additional text regarding Unexpected Contamination

Appendix 1 Legislative Framework: We are satisfied with the inclusion of the Environmental Permitting Regulations

**[REP2-008] Outline Operational Environmental Management Plan**

3.4.2 We are satisfied with the additional text regarding post-flooding maintenance and repair.

3.6.3 – We are satisfied with the additional text regarding embedded design mitigation to reduce the risk of pollution affecting surface or ground waters.

**[REP2-022] 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. We have received subsequent consultation from the applicant on this matter and are working with the applicant to resolve this issue.

Point 6 finished floor levels. We have made an initial response to the document 'Water Environment Supplementary Assessment' and continue to work with the applicant to resolve this issue.

Point 7 volumetric calculation of flood risk from infrastructure. We are satisfied with the assessment as provided in the document 'Water Environment Supplementary Assessment' and have provided a response to the Applicant. The FRA should now be updated.

Point 8 operational pollution control measures. We are satisfied with these measures - See comments regarding [REP2-008] made above.

Point 9 failure of the panel tracking system. We are satisfied with the assessment as provided in the document ‘Water Environment Supplementary Assessment’ and have provided a response to the Applicant. The FRA should now be updated to include this assessment.

Point 10 Update in respect of the drafting for flood compensation strategy, and piling and hydrogeological risk assessments. The Applicant has shared with the EA draft text for requirements to address these issues and we continue to work with the applicant to resolve this issue.

Point 11 use of swales. The Environment Agency have responded to the Applicant that we consider that this is a matter for consideration by the Lead Local Flood Authority (LLFA). We have no further comment to make on this matter.

Point 12 water abstraction licensing. We are satisfied with the reference made in the Consents and Licences Position Statement [APP-008] and Outline Construction Environmental Management Plan [REP2-006] referred to above.

### **[REP2-023] Status of negotiations on Protective Provisions**

Table 1.1: We have now provided the Applicant with the Environment Agency’s new standard wording for protective provisions. 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] please see the table below for a summary of our updated positions as at Deadline 3.

### **Summary of updated positions at Deadline 3**

<b>Ref.</b>	<b>Theme</b>	<b>Environment Agency comment in response to [REP1-004]</b>	<b>Position at Deadline 3</b>
EA-01	Groundwater source protection	We have agreed that an additional DCO Requirement will be included and we are working with the applicant to agree the wording of that requirement.	No change
EA-02	Groundwater source protection	We have agreed that an additional DCO Requirement will be included and we are working with the applicant to agree the wording of that requirement	No change
EA-03	Construction site management	The principle of amending Requirement 4 has been agreed. We are working with the applicant to agree the amended wording.	No change
EA-04	Protective provisions	We are in direct conversation with the applicant regarding the use of the Environment Agency’s most	This has been provided to Applicant

		up-to-date standard wording. We expect this will be available by Deadline 3.	
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.	On-going discussion
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.	Responded and resolved. See [REP2-022] Action Point 9 above
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.	On-going discussion
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> See [REP2-022] Action Point 7 above
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> OOEMP has been updated [REP2-008]
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>
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.	On-going
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	No change
EA-18	Groundwater source protection	As per EA-02	No change
EA-19	Construction site management	As per EA-03	No change
EA-20	Construction site management	As per EA-03	No change
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.	On-going
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>
EA-23	Flood Risk Assessment	As per EA-08	<b>Resolved</b> See [REP2-022] Action Point 7 above
EA-24	Equipment levels	As per EA-07	On-going discussion
EA-25	Flood Risk Assessment	As per EA-08	<b>Resolved</b> See [REP2-022] Action Point 7 above
EA-26	Flood Risk Assessment	As per EA-05	On-going discussion
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.	No change