



North Yorkshire Council

Landscape Mitigation Proposals

**Helios Renewable Energy
Project**

EN010140

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1. Introduction

- 1.1 This document sets out responses from North Yorkshire Council to the Applicant's Response to Relevant Representations (Rep1-004), to The Applicant's Response to North Yorkshire Council's Local Impact Report (REP-010) and verbal representations made by North Yorkshire Council at the Issues Specific Hearing 2 (ISH2).

2. North Yorkshire Council's position

- 2.1 On (11 March 2025) North Yorkshire Council (NYC) forwarded a copy of a Draft Heads of Terms Community Offsite Mitigation Fund to the applicants (attached to this document as Appendix A).
- 2.2 NYC wish to maintain its concern about the significant adverse residual landscape, visual and cumulative effects as a consequence of the Proposed Development, including the significant adverse cumulative effects. Notwithstanding those significant adverse effects stated within the Applicant's submissions relating to landscape, visual effects (APP-027, APP-035, APP-036), NYC maintain that even these substantial impacts are likely to be understated as explained in NYC Local Impact Report [Rep2-034].
- 2.3 Although we would generally support the positive improvements made to the Landscape Strategy Plan and Illustrative Landscape Masterplan and outline Landscape Ecological Management Plan (oLEMP), these positive effects are not outweighed by the negative and significant cumulative impacts that will arise given the overall size and scale of the proposed development and in combination with other major developments including NSIPs in the study area, as listed in the assessment of Cumulative Effects [APP-035, Table 15.1] and topic chapter of the ES [APP-027, Table 7.8 and Table 7.9].
- 2.4 NYC maintain that it is not sufficient to simply accept significant adverse residual effects. In this case is reasonable and necessary to further mitigate, reduce and offset those adverse impacts on environment, including the long-term and cumulative adverse impacts, following the mitigation hierarchy, in-line with the requirements of NPS EN-1 Part 4.
- 2.5 Key concerns relate to the following issues:
- 1) Given the scale and nature of the development (encompassing 475ha), the amount of landscaping proposed on site will not adequately mitigate the visual harm and impact to the character and appearance of the area. Moreover, it will take at least 15 years before the solar panels and associated infrastructure will be screened from surrounding views. Furthermore, the open views across the fields that currently exists would be replaced by curtains or walls of hedgerow planting around the individual fields to shield the solar panels from the public view. This will have a harmful transformative impact on the character of the locality. During the first 15 years the visual impact will be even greater with swathes of large panels set in high concentrations, filling up fields and rotating towards the sun. The rural green locality for local communities will be transformed into a more industrial nature with high boundary fencing, CTV, substations stations and the BESS site. Both short and long

term, the loss of the open views, open fields and green rural character of the area would be lost.

2) There will be negative impacts on sensitive local receptors; due to proximity and scale of the proposed development. The development is not situated in an empty landscape and forms a substantial area of arable farmland between the villages of Camblesforth, Drax, Hirst Courtney, and Barlow. The affected study area incorporates local settlement, individual farms and residential properties, schools, nurseries, footpaths and PRow, public open green space, local roads and lanes used for recreational access.

3) There will be negative cumulative effects on local communities; of Camblesforth, Drax, Hirst Courtney, and Barlow; the transformative scale of the proposed development in combination with other proposed major developments; the significance of the Grid connections points; pace of change and ongoing erosion of the landscape and visual baseline. The Public Health Officer has raised concern about the harmful impacts on physical health and mental well-being in the NYC Local Impact Report [Rep2-034] paragraphs 17.4 – 17.7 and the impact that a high-quality landscape can have upon the population's obesity levels.

4) Mitigation and wider landscape strategy to offset the visual harm identified should be provided to those affected communities associated with local environment, landscape and green infrastructure (including mitigation associated with overlapping health and well-being concerns), to help mitigate and offset the significant adverse cumulative effects.

2.6 It is noted that the applicants do not consider the proposed fund to be landscape mitigation and do not consider it or any contribution would meet the necessary tests. They state that:

“Furthermore, in our view, what is being asked for is effectively a community benefit fund. As you will know community benefit funds are not a material planning consideration and if the Council put this to the ExA we will ask him to disregard it on this basis. In the event that the Applicant chooses to provide a community benefit fund it will be willing to discuss this with the Council post consent.”

This stance was reiterated at the issue specific hearing on 12 March 2025.

2.7 The applicant's response relies on the Judgement (on the application of Wright) v Resilient Energy Severndale Ltd and Forest of Dean District Council of November 2019. This was referred to in their response to the NYC LIR.

2.8 NYC consider there are fundamental differences. The Supreme Court case related to a community fund providing financial incentives as a benefit to local residents. Such incentives clearly did not pass any of the 5 tests for conditions on planning permissions. The financial incentives were unrelated to the development, unnecessary, not relevant to the development permitted and were unreasonable. Such forms of incentives would not be appropriate to include on this scheme.

2.9 in this case NYC consider that the proposed Community Mitigation Fund could be used specifically to provide offsite mitigation to compensate for the substantial visual harm, extensive loss of rural character, loss of quality amenity space between and adjacent to settlements, harm to local well-being and mental health to the locality and vast loss of enjoyment of open countryside for the period of a generation. Such a fund would be used for the following range of projects which would be related to the impacts of the development.

- Further offsite Landscape Mitigation on sites in the locality.
- Biodiversity and Nature Recovery initiative
- Green and Blue Infrastructure (and as defined through Natural England's Green Infrastructure Framework and Standards)
- Local Green Space Improvements
- Local Health and Wellbeing Initiatives
- Availability of high quality, safe and accessible walking, cycling routes, including recreational access between and adjacent to local villages settlements
- Other associated NYC plans and strategies (such as Public Health, Climate Change, Green Infrastructure, Nature Recovery).

2.10 Such a fund for the above type of projects would be similar to the approach on planning applications for other major developments and infrastructure projects and where impacts cannot be sufficiently resolved on the site and where impacts extend to a wider study area beyond the site (such as major road schemes, minerals and waste, major housing and industrial development, other energy infrastructure).

2.11 Where this cannot be provided on-site, it is long established that contributions can be sought to mitigate harm off-site, to be delivered in the affected locality.

2.12 Where justified, the principle of delivering offsite mitigation within North Yorkshire, to reduce on-site and off-site impacts of significant major development and NSIPs through S106 agreements and within DCO are not unusual for North Yorkshire Council, working with delivery partners such as the AONB Management Teams, charities and trusts such as Two Ridings Community Foundation, and through other delivery fund agreements. An example of this principle was given at the ISH2 (Drax Repower NSIP ref: EN010091), where funds were secured by S106 Agreement in order to deliver off-site mitigation within the surrounding area impacted.

2.13 On this site the development results transformative impact on local landscape character, loss of open countryside and a reduction in the public's enjoyment of open views and accessible open space with impacts extending well beyond the boundaries of the site. This is not adequately mitigated on site by the screen planting proposed and so it is reasonable to improve or create new off-site landscaped areas or other green infrastructure as alternatives.

2.14 NYC consider it is reasonable and necessary to further mitigate the harm identified at 1-3) above. The applicants have indicated they are not willing to increase the landscaping on site or reduce the concentration or scale of the proposals. As such, it is considered that offsite mitigation would be the way forward to provide

alternative landscape mitigation and green infrastructure locally within those community areas impacted.

- 2.15 NYC would wish to engage positively with the Applicant to discuss development and agreement of a landscape mitigation proposal to achieve this mitigation and to offset the significant adverse effects including cumulative effects.
- 2.16 To help facilitate and progress discussion for a mitigation proposal, NYC has produced a Draft Heads of Terms Community Offset Mitigation Fund (Appendix A). The Draft Heads of Terms Community Offset Mitigation Fund provides an outline for:
- The commitment as a mitigation fund
 - reasons for the undertaking
 - the requirements
 - use of the mitigation funding to be managed in the interests of the community to focus on a 5km priority area
 - a suitable delivery organisation
 - scope of the mitigation and range of projects that could be delivered.
- 2.17 It is intended that the draft proposals of a future commitment and undertaking could be agreed ahead of the Proposed Development being determined. The Heads of Terms then to form the basis for the development of a commitment and undertaking which should be developed and will form part of the DCO secured as a S106 Agreement.
- 2.18 Because of the overall timescale of the project and the long-term operational impacts of at least 40 years, it is proposed that the mitigation fund would operate as annual payments for the life of the development. This would allow flexibility and adjustment to changing circumstances over that period such as those relating to landscape, green infrastructure, local community need, climate change, health and well-being.
- 2.19 Furthermore, the effective long-term management for the on-site landscape strategy set out in the oLEMP [APP-143] will be necessary for the life of the development, to ensure that all committed on-site landscape mitigation is effective and can be secured and monitored.

3. Scale and significance of the Impacts

- 3.1 NYC wish to maintain its concern about the significant adverse residual landscape, visual and cumulative effects as a consequence of the Proposed Development, including the significant adverse cumulative effects. Notwithstanding those significant adverse effects stated within the Applicant's submissions relating to landscape, visual effects (APP-027, APP-035, APP-036), NYC maintain that even these substantial impacts are likely to be understated as explained in NYC Local Impact Report [Rep2-034].
- 3.2 Individual assessments and descriptions of impacts are not carried forward from the text descriptions to the summary tables in a clear and transparent way and there is concern that this has led to a general dilution of the impacts. This is relevant when considering cumulative impacts where individual smaller negative effects can

combine and add up to more significant impacts.

3.3 Equally concerning is: the weighting generally placed within the LVIA on the proposed development of 40 years being temporary and reversible as a key consideration in determining the site's ability to accommodate the development without transformational negative Effects; and how in several cases 'Moderate' adverse effects are not judged to be significant, and generally dismissed or not included within the summary of cumulative effects.

3.4 For the purposes of this LVIA, NYC would consider 40 years to be equivalent to very long-term / permanent and transformational.

3.5 In considering cumulative effects several major schemes have been scoped out of the assessment without good reason on the basis that cumulative scheme is located 2.5km from the main part of the Site and no significant effects were recorded in the LVIA for the site [for example, App-027 Landscape and Views – cumulative Scheme ID CS8, page 167]. Scheme CS8 is within the agreed Study Area. We would expect the cumulative assessment to consider all impacts collectively. Where significant cumulative effects are already identified relating to several schemes within the same landscape character area (LCA 15 - Camblesforth Farmland), we would expect other impacts to further add to this impact (rather than not being considered).

3.6 There is similar illogical reasoning for several other schemes scoped out and not considered within the cumulative assessment. Other landscape character areas are not included within the cumulative assessment and dismissed without no good reason.

3.7 For example, App-027 Landscape and Views, paragraph 7.8.10 states:

“With respect to landscape character, the cumulative schemes included within the scope of this assessment (CS1, CS3 and CS6) are all within LCA 15 - Camblesforth Farmland and no cumulative schemes are located within LCA 7: Aire Valley or LCA13: Haddlesey Farmland.”

However, we would argue that more than three schemes CS1, CS3, CS6 should have been considered, and LCA 7 and LCA13 are partly within the site and combined with LCA-15 will inevitably add up to more impact. However, these are simply ignored and not considered in the summary of cumulative effects (table 7, App-027).

3.8 Notwithstanding the above, Table 7.11 Table of Significance – Landscape and Views, does identify a number of Major and Moderate Residual Effects, including long-term. Furthermore, despite what is stated in Table 7.11, NYC would consider all adverse effects Moderate and above as significant unless there is clear justification otherwise.

4. Justification of the Development Amount

4.1 In 'The Applicant's Response to NYC's Local Impact Report' [Rep3-010] the Applicant has responded to NYC's concerns in relation to landscape and visual and agricultural land impacts with reference to Chapter 4 Alternatives and Design Evolution (AS-013], NPS EN-1, Section 4 of the Planning Statement [APP-228] “the UK is committed to achieving net zero by 2050 and to achieving this there are target increases of solar to

- 4.2 While the Applicant acknowledges the issues and concerns relating to negative impacts including cumulative impacts, these are justified by consideration of alternatives and design evolution, but remain outstanding and unresolved.
- 4.3 It may be in the Applicant’s interest to secure a connection point and maximise development to that connection point, but this should not be considered without limit regardless of increasing negative residual impacts including cumulative impacts, especially if it is reasonable and possible to do more to reduce, mitigate or offset those impacts.
- 4.4 Justification for the development ‘need’ and amount are set out in Chapter 4 of the Applicant’s Planning Statement (APP-228), with reference to published government guidance and legislation including the Energy White Paper: Powering our Net Zero Future (2020), Environment Act (2021), British Energy Security Strategy (2022), Energy Act (2023), Written Ministerial Statement and NPS EN-1, EN-3 and EN-5.
- 4.5 While these policies generally support renewable energy developments and acknowledge that they will be required in order for the UK to achieve net zero by 2050, and that solar power plays a crucial role in achieving energy security, they are not prescriptive on what the future energy mix should be or how that should be delivered to each part of the National Grid Network.
- 4.6 Northern PowerGrid undertake strategic planning to ensure network capacity of the Grid is available to support regional decarbonisation including the number of low carbon technologies and generation needs to achieve net zero in our region. This includes the Distribution Future Energy Scenarios (DFES) together with thematic mapping [REDACTED]
- 4.7 There is no indication in the current Application that the Applicant have discussed need with Northern PowerGrid. Nor is there explanation of scale necessary in this location to meet Northern PowerGrid’s planning for energy, to be net zero compliant by 2050 target. The on-line data would suggest that the current development is well above that capacity need in this location.
- 4.8 Notwithstanding the above, even if the proposed development capacity were demonstrated further mitigation is justified in order to reduce and offset the significant harm where reasonable and possible.
- 4.9 Planning statement (App 226) para 4.7.8 refers to the Energy White Paper and need to support UK in becoming net zero by 2050.

5. Case and Need for Further Offsite Mitigation

- 5.1 NYC maintain that it is not sufficient to simply accept significant adverse residual effects where it is reasonable and possible to mitigate those impacts. If significant adverse residual effects are simply ignored and left unresolved it will lead to further erosion of the landscape, visual, health and well-being baseline. Even if further assessment were to be undertaken as part of future planning applications, there are no realistic planning mechanisms to correct or resolve cumulative impacts and

erosion of this scale in future development planning applications, as these would start from an adjusted and eroded baseline position. Furthermore, it would be unreasonable to expect subsequent developments to correct previous failures.

5.2 NYC would wish to ensure that the proposed development gives full consideration for mitigating significant landscape, visual and cumulative negative impacts where these have potential to impact local communities, and to help address those related health and well-being concerns.

5.3 The interrelationships between landscape and visual effects and other intra-project environmental factors such as population and human health should also be considered. Local footpaths and minor roads between the settlements of Camblesforth, Barlow, Drax and Hirst Courtney provide immediate access to countryside with local amenity benefits for recreation, health and wellbeing.

5.4 We note the Applicant's previous response (Rep3-010, page 27) relating to the principle of a community benefit package with reference to R. (on the application of Wright) v Resilient Energy Severndale Ltd [2019] 1 W.L.R. 6562, which held that the promise of an annual donation to a local community fund was an immaterial consideration in planning terms because it was unconnected to the use of the land in question. It was in effect an attempt to buy planning permission. However, this is entirely different to the current situation.

5.5 NYC are seeking mitigation for those community areas impacted and is directly related to the development; necessary to make the development acceptable in planning terms; fairly and reasonably relate to the scale and kind to the proposal.

5.6 In this case the impacts of the development are substantial and transformative, for a very long duration during the construction and operational phases (at least 40 years) and will extend well beyond the boundaries of the site.

5.7 All nationally significant infrastructure should mitigate its adverse impacts on communities and the framework for doing this is set out in the National Planning Statements. It is expected that residual adverse effects will be minimised by the application of policy set out in Parts 4 and 5 of the NPS (EN-1 3.1.2).

5.8 The delivery of this important infrastructure also needs to balance cost to consumers, accelerated timelines for delivery and the minimisation of community and environmental impacts [NPS EN-1 3.3.66].

5.9 Part 2 of NPS EN-1, recognises the government's wider objectives for energy infrastructure including contributing to sustainable development and that sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of the environment, society and the economy, for both current and future generations [NPS EN-1, 2.6 Sustainable development].

5.10 In weighing impacts and benefits Part 4 of the NPS states:

“4.1.5 In considering any proposed development, in particular when weighing its

adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy”

“4.1.6 In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports, marine plans ⁹⁴, and other material considerations as outlined in Section 1.1).”

5.11 Footnote 94 states :”In Wales, the Welsh National Marine Plan sets out Welsh Ministers’ expectations that nationally significant infrastructure projects contribute to the well-being of Welsh communities and the sustainable management of natural resources and should seek to deliver lasting legacy benefits for the local community, the economy and the environment.”

5.12 In considering the Applicant’s assessment Part 4 of the NPS states:***4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.”**4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.”

5.13 NYC maintain that in this case it is reasonable, necessary and possible to further mitigate, reduce and offset those adverse impacts on environment, including the long-term and cumulative adverse impacts, following the mitigation hierarchy, in-line with the requirements of NPS EN-1 Part 4.

6. The Case for Good Design and Green Infrastructure

6.1 The National Planning Statements are intended to contribute to sustainable development, mitigating and adapting to climate change and achieving good design.

6.2 The criteria and requirements for good design for energy infrastructure are set out in Part 4 of NPS EN-1.

6.3 NYC has encouraged the applicant to consider the application of green infrastructure in relevant submissions including at Scoping [EIA Scoping, adopted by the SoS 14 July 2022], with reference to national and local policy and to the national guidance for green infrastructure set out in Natural England’s Green Infrastructure Framework, Green Infrastructure Principles and the England Green Infrastructure Mapping. The GI mapping in particular would enable wider understanding of constraints and

opportunities in the study area (such as the provision of Accessible Green Space and Accessible Greenspace Inequalities).

6.4 There is no evidence of use or reference to these Standards in the Applicant's submissions. The Applicant's Landscape Strategy [APP-088] and Illustrative Landscape Masterplan [APP-0393] focus only on landscape mitigation within the application red line boundary.

6.5 The requirements for land use, including Open Space and green infrastructure are set out in Part 5 of NPS EN-1. Paragraph 5.11.7 states:

"Green and blue infrastructure²⁵¹ can also enable developments to provide positive environmental, social, health and economic benefits. Green infrastructure includes green space such as parks and woodlands but also other environmental features such as street trees, hedgerows and green walls and roofs. It also includes blue infrastructure such as canals, rivers, streams, ponds, lakes and their borders. Well designed and managed green and blue infrastructure provides multiple benefits at a range of scales. It can contribute to biodiversity recovery, sequester carbon, absorb surface water, cleanse pollutants, absorb noise and reduce high temperatures. The Green Infrastructure Framework – Principles and Standards for England can be used to consider green infrastructure in development and plan for good quality and targeted creation or improvement."

6.6 Footnote 251 states "Green infrastructure is a network of multi-functional green spaces, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. Blue infrastructure relates to features which incorporate the water environment. For infrastructure in Wales, see <https://www.gov.wales/development-plans>

6.7 In October 2024 the Planning Inspectorate published guidance 'Nationally Significant Infrastructure Projects: Advice on Good Design' [Nationally Significant Infrastructure Projects: Advice on Good Design - GOV.UK](#) . The guidance should be read alongside the Planning Act 2008.

6.8 This guidance states that:

"Given the scale and impact of NSIP developments, achieving well-designed project outcomes addressing sustainability and climate change is essential."

"For climate these include carbon impact, environmental enhancement including nature recovery and climate resilience. Truly inclusive and accessible design that is sympathetic to the social and community context is important for people. Places should cover boosting a local sense of identity and stewarding the local landscape. For value, it is important to look beyond the site boundary, working with partners to unlock additional value.

The purpose of the design principles at a project level includes having an overarching vision with a locally contextual design narrative, being informed by affected people and groups, being inclusive and identifying opportunities for wider benefits and outcomes beyond the project itself. “

- 6.9 NYC maintain that it is not sufficient to simply accept significant adverse residual effects where it is reasonable and possible to mitigate those impacts. If significant adverse residual effects are simply ignored and left unresolved it will lead to erosion of the landscape, visual, health and well-being baseline. Even if further assessment were to be undertaken as part of future planning applications, there are no realistic planning mechanisms to correct or resolve cumulative impacts and erosion of this scale in future development planning applications, as these would start from an adjusted and eroded baseline position.
- 6.10 NYC would wish to ensure that the proposed development gives full consideration for mitigating significant cumulative negative effects where these have potential to impact local communities.
- 6.11 The interrelationships between landscape and visual effects and other intra-project environmental factors such as population and human health should also be considered. Local footpaths and minor roads between the villages of Camblesforth, Barlow, Carlton and Hirst Courtney provide immediate access to countryside with local amenity benefits for recreation, health and wellbeing.
- 6.12 We note the Applicant's previous response (Rep3-010, page 27) relating to the principle of a community benefit package with reference to R. (on the application of Wright) v Resilient Energy Severndale Ltd [2019] 1 W.L.R. 6562, which held that the promise of an annual donation to a local community fund was an immaterial consideration in planning terms because it was unconnected to the use of the land in question. It was in effect an attempt to buy planning permission. However, this is entirely different the current situation.
- 6.13 NYC are seeking mitigation for those community areas impacted and is directly related to the development; necessary to make the development acceptable in planning terms; fairly and reasonably relate to the scale and kind to the proposal.
- 6.14 Where justified, the principle of delivering offsite mitigation within North Yorkshire, to reduce impacts of development through S106 agreements and within DCO are not unusual for North Yorkshire Council, working with delivery partners such as the AONB Management Teams, charities and trusts such as Two Ridings Community Foundation, and through other delivery fund agreements.

7. Adequacy of the DCO, Parameters/Design Guidance, Securing the oLEMP

- 7.1 NYC would wish to review the Draft DCO to ensure that the oLEMP is secured for the life of the development.
- 7.2 NYC considers that the long-term management for the on-site landscape strategy set out in the oLEMP [APP-143] will be necessary for the life of the development, to

ensure that all committed on-site landscape mitigation is effective and can be secured and monitored.

- 7.3 As stated at ISH2, NYC would also wish to review the Draft DCO in relation to parameters and design guidance as set out in Table 3.2: Summary of Parameters and Indicative Design Guidance for Assessment [APP-023], to ensure that the Council has certainty that the scheme can be discharged and delivered, minimising adverse effects and demonstrating good design.

References

Rep1-004 Enso Green Holdings D Limited The Applicant's Response to Relevant Representations

Rep2-034 North Yorkshire Council Local Impact Report

Rep3-010 Enso Green Holdings D Limited 8.7 The Applicant's Response to North Yorkshire Council's Local Impact Report

App-027 Enso Green Holdings Ltd 6.1 Environmental Chapter 7 – Landscape and Views

APP-023 Enso Green Holdings Ltd 6.1 Environmental Statement Chapter 3 - Site and Development Description

APP-035 Enso Green Holdings Ltd 6.1 Environmental Chapter 15 - Cumulative Effects

APP-036 Enso Green Holdings Ltd 6.1 Environmental Chapter 16 – Summary of Residual Effects

APP-088 Enso Green Holdings Ltd ES Figures 7.19 – Landscape Strategy Plan (Overall)

APP-093 Enso Green Holdings Ltd 6.2 Environmental Statement Figure 7.24 - Illustrative Landscape Masterplan

APP-143 Enso Green Holdings Ltd 6.3 Environmental Statement Appendix 7.9 - oLEMP

Appendix A - Draft Heads of Terms Community Offsite Mitigation Fund (provided to applicant on 10.03.2025

Draft Heads of Terms Community Offsite Mitigation Fund

Helios Renewable Energy Project (NSIP)

Planning Inspectorate Reference: EN010140

March 2025

Community Off-Site Mitigation Fund – **initial draft for discussion 10/03/2025**

These draft proposals (Heads of Terms) are prepared by North Yorkshire Council in respect of the Helios Renewable Energy Project Development Consent Order (the 'Proposed Development').

The project is currently in the process of Examination and it is hoped that these draft proposals can be taken into account and considered by the Examining Authority as part of determining the Proposed Development and would form part of the DCO. North Yorkshire Council would welcome further discussion on this with the Applicant to agree a proposal.

It is intended that these draft proposals of a future commitment and undertaking are agreed ahead of the Proposed Development being determined. These Heads of Terms then form the basis for the development of a commitment and undertaking as S106 Agreement which should be developed and will form part of the DCO.

Form of the Commitment

In the case of NSIP solar energy proposals the North Yorkshire Council is the host authority and consultee and is not responsible for determination but is responsible for discharge of the DCO Requirements.

Reasons for Providing a Commitment and Undertaking

North Yorkshire Council has expressed concern through the Local Impact Report and in further recent discussion with the Applicant about the negative impacts of the Proposed Development on sensitive local receptors due to the proximity and scale.

This particularly relates to the negative landscape and cumulative effects on local community parish areas of Camblesforth, Drax, Hirst Courtney, and Barlow (the community); the transformative scale of the proposed development in combination with other proposed major developments; the significance of the Grid connections points; pace of change and ongoing erosion of the landscape and visual baseline.

Similar overlapping concerns have also been expressed for Public Health relating to the potential impacts on physical and mental health and the potential negative effects on local communities resulting from the loss of access to high quality landscape and open space.

Core requirement

The Applicant to provide a Community Off-Site Mitigation Fund of £500 per MW /year export generation as annual payments. Provision of funds will be protected against inflation. Unspent funds will not be repaid and will remain available for use by the Council in support of community and / or projects and rolled over into subsequent financial years.

Lead Role - ascribed to North Yorkshire Council. The Council may wish to nominate a suitable delivery organisation for project management, to lead and engage with the local parish councils and local community, to undertake consultation and community engagement as appropriate.

Delivery Organisation - It is anticipated that a special purpose trust or community investment company or organisation (such as Two Ridings Community Foundation) would manage and distribute the funds on North Yorkshire Council's behalf.

Use of Offsite Mitigation Funding - funds to be managed in the interest of the community. The Applicant / developer may wish to be engaged in the programme and distribution of funds. The projects will have ongoing engagement with local community.

Fund and projects delivery will focus on the local community and parish council area affected and prioritise locations as close to the Proposed Development as possible within 5km from the site boundary as a starting point. The area of search would then be extended beyond 5km if suitable measures cannot be identified and agreed with landowners and / or organisations within the priority area, or where this is linked to wider associated Council plans and strategies.

This would be for a range of schemes that deliver local infrastructure on a criteria-based system with environment, low carbon and community well-being emphasised.

Scope of the Mitigation Funds

The scope of the funds will allow for full management and delivery of the projects and would typically include:

- Staffing Costs
- Design Development
- Contract and Tender
- Community Consultation
- Project and Fund Monitoring and Management

Range of Projects

The range of projects to be delivered could typically include:

- Landscape Mitigation
- Biodiversity and Nature Recovery initiatives
- Green and Blue Infrastructure (and as defined through Natural England's GI Framework)
- Local Green Space Improvements
- Local Health and Wellbeing Initiatives
- To Support Active Travel Schemes (including travel to work, in the countryside or for recreation)
- Education and engagement with schools to embed environment and net zero.
- Provide support to relevant environment training and apprenticeships.
- Other associated NYC plans and strategies (such as Public Health, Climate Change, Green Infrastructure, Nature Recovery).

Review and Reporting Period - Annually

Means of Maintaining and Measuring Success

To be set out and agreed