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The Applicant's Responses to Deadline 5 Submissions

April 2025

Helios Renewable Energy Project

The Applicant's Responses to Deadline 5 Submissions

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Prepared on behalf of Enso Green Holdings D Limited

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1. Introduction

1.1. Overview

- 1.1.1. This document sets out the responses from Enso Green Holdings D Limited (the 'Applicant') to the representations submitted by Interested Parties at Deadline 5 (the 'Deadline 5 submissions') in relation to the Development Consent Order Application (the 'DCO Application') for the Helios Renewable Energy Project (the 'Proposed Development').
- 1.1.2. The Deadline 5 submissions were published on the Planning Inspectorate website on 24th March 2025. A total of 19 Deadline 5 submissions were provided by Interested Parties, comprising both statutory consultees and local residents.

1.2. Structure of this Document

- 1.2.1. This document provides responses from the Applicant to the matters raised in the Deadline 5 submissions and is structured as follows:
- **Section 2** – List of Deadline 5 Submissions with the Applicant's Comments; and
 - **Section 3** – Applicant's Responses to Deadline 5 Submissions (North Yorkshire Council and Burn Gliding Club).
- 1.2.2. References to the DCO Application documentation, as received by the Planning Inspectorate on 2 July 2024, are provided in accordance with the referencing system as set out in the Planning Inspectorate's 'Helios Renewable Energy Project Examination Library'.

2. Deadline 5 Submissions

Table 1.1: List of Deadline 5 submissions from Statutory Consultees and other Organisations

PINS Reference	Interested Party	Document	Applicant's Comments
REP5-016	North Yorkshire Council	Cover Letter	No response required.
REP5-017	North Yorkshire Council	Landscape Mitigation Proposals	See Applicant's Response in Section 2.
REP5-018	North Yorkshire Council	Updated Principal Areas of Disagreement Summary Statement	The Applicant is updating the Statement of Common Ground based on the comments received, and will submit an updated Statement of Common Ground at Deadline 7 following discussion with NYC.
REP5-019	Environment Agency	Comments on Deadline 4 Submissions	See the updated draft Statement of Common Ground submitted at Deadline 6. The Applicant has no further comments on this submission.
REP5-020	Environment Agency	Updated Principal Areas of Disagreement Summary Statement	See the updated draft Statement of Common Ground submitted at Deadline 6. The Applicant has no further comments on this submission.
REP5-021	Natural England	Written submission in lieu of attendance at hearings	The ongoing matter referenced in this submission has been resolved through engagement under Natural England's Discretionary Advice Service. As per the Final Statement of Common Ground submitted at Deadline 5 [REP5-009] , all matters are agreed.
REP5-022	Burn Gliding Club	Comments on Draft Statement of Common Ground with Burn Gliding Club	The Applicant is updating the Statement of Common Ground based on the comments received, and will submit an updated Statement of Common ground at Deadline 7 following discussion with BGC.
REP5-023	Burn Gliding Club	Comments on Glint and Glare Study, High-Level Investigative Report and Cumulative Impacts.	See Applicant's Response in Section 2.

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PINS Reference	Interested Party	Document	Applicant's Comments
REP5-024	Burn Gliding Club	Post-hearing submission	See Applicant's Response in Section 2.
REP5-026	National Gas Transmission PLC	Written submission in lieu of attendance at hearings.	The Applicant is continuing to liaise with National Gas Transmission PLC to agree the wording of protective provisions.
REP5-015	Hirst Courtney and West Bank Parish Council	Late submission	See the updated Statement of Commonality submitted at Deadline 6. The Applicant has no further comments on this submission.

Table 1.2: List of Deadline 5 submissions from Local Residents

PINS Reference	Interested Party	Document	Applicant's Comments
REP5-025	Pamela Joy Spreckley on behalf of HALT	Post-hearing submission (ISH2)	The Applicant has responded as necessary in the Applicant's Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012] . The Applicant has no further comments on this submission.
REP5-027	David Wilkinson	Comments on D4 submissions	The Applicant has responded as necessary in Table 2.2 of the Applicant's Written Summary of the Applicant's Oral Submissions – Open Floor Hearing 2 [REP5-011] . The Applicant has no further comments on this submission.
REP5-028	David Wilkinson	Comments on D4 submissions – Additional Questions	See the Transport Assessment [AS-005] in response to 'First Question' (p1). The Applicant has no further comments on this submission.
REP5-029	David Wilkinson	Comments on D4 submissions – Temporary Scaffold.	The Applicant does not intend to erect a temporary scaffold. As set out in Appendix A of the Applicant's Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012] , a similar type of panel will be installed at Camela Lane which is currently under construction (solar panels mounted on a metal tracking

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PINS Reference	Interested Party	Document	Applicant's Comments
			system with overall height 2.54m). The Applicant has no further comments on this submission.
REP5-030	Lesley Marson	Post-hearing submission (OFH2)	See Appendix A of the Applicant's Written Summary of the Applicant's Oral Submissions – Open Floor Hearing 2 [REP5-011]. The Applicant has no further comments on this submission.
REP5-031	Lesley Marson	Post-hearing submission (ISH2)	See Appendix A of the Applicant's Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012]. The Applicant has no further comments on this submission.
REP5-032	Pamela Joy Spreckley	Post-hearing submission (ISH2)	The Applicant has responded as necessary in the Applicant's Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012]. The Applicant has no further comments on this submission.
REP5-033	Sheila Radford	Post-hearing submission (OFH2)	The Applicant has responded as necessary in the Applicant's Written Summary of the Applicant's Oral Submissions – Open Floor Hearing 2 [REP5-011]. The Applicant has no further comments on this submission.

3. The Applicant's Responses to Deadline 5 Submissions

3.1. North Yorkshire Council

Table 3.1 – Landscape Mitigation Proposals [REP5-017]

Comment number	North Yorkshire Council Comment	Applicant's Response
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).	Noted, no response required.
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).	Noted, no response required.
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].	Noted, responses provided to relevant detailed comments below.
2.3	Although we would generally support the positive improvements made to the Landscape Strategy Plan and Illustrative	Noted, responses provided to relevant detailed comments below.

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	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.	<p>It has not been possible to avoid all significant effects. The applicant has used the design process and an iterative assessment process to avoid and reduce potential landscape effects where possible. The proposed landscape strategy is considered to be effective in reducing the potential landscape and visual effects of the Proposed Development.</p> <p>.</p> <p>This Applicant considers it has complied with the mitigation hierarchy and notes the points below from relevant guidance and policy:</p> <ul style="list-style-type: none"> • GLVIA3 acknowledges that significant effects can occur, with the Clarification Note (Technical Guidance Note LITGN-2034-01, August 2024) confirming this – section 3(5) “judgement of significance are not judgements of acceptability, but part of the planning balance”. • EN-1 “Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation”.
2.5.1	Key concerns relate to the following issues:	The Applicant has developed a carefully considered Landscape Strategy for the site. There has been specific consultation on

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Comment number	North Yorkshire Council Comment	Applicant's Response
	<p>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.</p>	<p>this with NYC and the Landscape Strategy has evolved in response to comments made by NYC. Other relevant constraints have also informed the Landscape Strategy including baseline field pattern, buffer zones associated with drains, land access for farmers, relationship with the solar panels to limit shadowing and avoid affecting energy generation.</p> <p>The Proposed Development incorporates a range of different elements/habitats – woodland, woodland edge/scrub, hedgerows, ponds, scrapes, different grassland habitats. Aim has been to introduce a range of connected habitats, restore landscape features that have been lost or eroded, complement local landscape character objectives and provide habitat enhancement.</p> <p>The Landscape and Visual Impact Assessment (LVIA) in ES Chapter 7 Landscape and Views [APP-027] demonstrates the Landscape Strategy would be effective at reducing the potential effects on landscape and visual receptors. Local landscape character assessment guidance has informed the landscape strategy and seek to balance restoring landscape elements that have been lost or degraded, introducing planting that would complement landscape character, but balance that by seeking to avoid changing landscape character.</p> <p>An assessment point of 15 years was selected as a future point to demonstrate the effectiveness of the proposed landscape strategy, once any planting has established. This does not mean that the effects predicted in the early years of the operational phase will last for 15 years. It is reasonable to expect the proposed planting to become effective well before 15</p>

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		<p>years. It is expected that the proposed planting would incrementally reduce the visibility of the built elements of the Proposed development, with notable reductions in visibility of the solar panels likely between years 5 and 10 of the operational phase.</p> <p>The reference to walls or curtains of hedgerow planting is disappointing. The landscape strategy has been prepared with recognition of the baseline and the content of the local landscape character assessments. The components of the landscape strategy would replace landscape features and elements that have been lost over time and would make a notable contribution to green infrastructure within the Site. The Applicant has engaged with North Yorkshire Council during the preparation of the landscape strategy. Feedback received during this engagement and submissions by North Yorkshire Council have been taken on board and changes to the landscape strategy were made. The Applicant will continue to engage with North Yorkshire Council on the detail of the landscape proposals for the site when it seeks to discharge the DCO Requirements.</p>
2.5.2	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.	These points are acknowledged and key relevant receptors are assessed in the LVIA [APP-027] .

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2.5.3	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.	These points are acknowledged and key relevant receptors are assessed in the LVIA [APP-027] however the Applicant does not consider that the proposed development is transformative.
2.5.4	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.	The Applicant has provided sufficient and suitable mitigation which is secured in the DCO.
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.	The Applicant's position is unchanged from ISH2, as presented in paragraphs 4.1.5 and 4.1.6 of the Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012] : <i>The Applicant responded that they have not been provided with any specific additional mitigation from NYC. The long list of projects to which the mitigation fund could be applied is not providing specific mitigation of the scheme's impacts but rather, the Applicant's view is that the fund is focussed on compensation and offsetting as part of a wider community benefit fund. While the Applicant may provide a community benefit fund this is not a material consideration when determining the application and would be addressed post-consent.</i>
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	<i>The Applicant considers that they have done all that is reasonable and necessary to comply with the NPS policy requirements.</i>

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	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.	Furthermore, at paragraph 4.3.13, it is stated that: <i>In respect of the off-site mitigation fund that NYC agreed with Drax, the Applicant noted that this was for a fundamentally different type of development. The Applicant stated that it is delivering 10% biodiversity and would therefore be compliant with the statutory regime if it applied. The Applicant reiterated that it is also providing permissive paths through the site. The Applicant does not consider it appropriate to discuss the fund further as it considers this is a community benefit fund. However, the Applicant emphasised that it is happy to discuss mitigation within the site as part of the oLEMP process.</i>
2.9	<p>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.</p> <ul style="list-style-type: none"> • Further offsite Landscape Mitigation on sites in the locality. • Biodiversity and Nature Recovery initiative • Green and Blue Infrastructure (and as defined thought 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). 	<p>In response to 2.9 the Applicant disagrees with the Council's assessment of the harms arising as a result of the proposed development. The Applicant also considers that the list of proposed projects towards which the financial contribution would be used are not specific and the Council has not set out how these would mitigate or compensate the specific significant residual effects identified in the ES and regarding 2.12, the Applicant reiterates the post-hearing note at paragraph 4.3.9:</p> <p><i>Post Hearing note: The Applicant notes that the Drax scheme has not come forwards. If further examples are provided the Applicant may respond to these at a future deadline.</i></p>
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	

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	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 though 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.	

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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: <ul style="list-style-type: none"> • 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	

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	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].	The Applicant considers that the LVIA [APP-027] provides an accurate and detailed assessment of the potential effects of the Proposed Development. Significant effects are clearly identified where they are considered likely to occur. Understanding of the potential landscape and visual effects has influenced the design evolution of the Proposed Development and the associated mitigation by way of the landscape strategy for the Site.
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.	The duration of the operational phase has not been applied in a way that would reduce the potential effects of the Proposed Development. Throughout the LVIA the recognition of the long term duration of the operational phase has influenced the predicted landscape and visual effects. The fact the Proposed Development is temporary is an important consideration. The Proposed Development will be time limited and the built elements of the project can and will be removed at the end of the operational phase. The requirement to remove structure and
3.4	For the purposes of this LVIA, NYC would consider 40 years to be equivalent to very long-term / permanent and transformational.	

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		<p>restore the land at the end of the operational phase is a notable difference compared with other forms of development.</p> <p>Moderate effects can be considered to be significant or not significant. This is part of the methodology applied and this approach is addressed by the Clarification Note published by the Landscape Institute (Technical Guidance Note LITGN-2034-01, August 2024). This sets out in section 3(5) "As indicated at GLVIA paragraph 3.33, it is not necessary to establish thresholds for levels of significance, provided that it is made clear whether effects are, or are not, significant". It goes on to state that in the example quoted "moderate effects may or may not be significant and justification would be needed in the methodology or receptor assessment as to whether a moderate effect is significant or not". This is set out in the LVIA [APP-027], with a justification provided for the judgements made.</p>
3.5	<p>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).</p>	<p>Cumulative effects are set out in Section 7.8 of the LVIA [APP-027].</p> <p>The LVIA states that the operational phase of the Proposed Development would result in significant cumulative landscape effects in relation to Camblesforth Farmland (para 7.8.17 and 7.8.18). This is due to relationship between this Proposed Development and other developments, notably Solar Farm south of A645 Wade House Lane and Solar Farm on land north and South of Camela Lane, Camblesforth.</p>
3.6	<p>There is similar illogical reasoning for several other schemes scoped out and not considered within the cumulative</p>	<p>A long list of projects was considered as part of the LVIA, which are set out in Table 7.8. The LVIA focusses on developments that, with the addition of Helios Renewable Energy Project, were more likely to result in significant cumulative effects. The LVIA</p>

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	assessment. Other landscape character areas are not included within the cumulative assessment and dismissed without no good reason.	<p>also concentrates on landscape and visual receptors that are more likely to be influenced by cumulative effect, particularly likely significant effects.</p> <p>In accordance with standard and well established practice the ES only assesses those schemes which are sufficiently advanced at the point that the EIA is undertaken and the application submitted. If other schemes come forwards after the submission of a project it is for those schemes to include a cumulative assessment with the proposed development and not for the proposed development to continually update its cumulative assessment.</p>
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].	More than three cumulative schemes were considered and this is reflected in Chapter 7, Landscape and Views, of the ES [APP-027] . Seventeen proposed developments were considered in the cumulative assessment (Table 7.8 in Chapter 7) , with cumulative ZTVs (bare earth and taking surface features into account) prepared for six proposed developments (Figures 7.13 to 7.18). The analysis of these developments allowed a focus on the key projects where significant effects were more likely to occur, in conjunction with the Proposed Development. None of the key cumulative developments are located in LCA 7: Aire Valley or LCA 13: Haddlesey Farmland. In addition, the key cumulative developments comprise solar farms, with relatively limited ZTV areas in the context of this baseline landscape. Therefore, the key consideration in the LVIA is the relationship between the Proposed Development and LCA 7 and LCA 13, rather than the potential interactions with the cumulative developments.
3.8	Notwithstanding the above, Table 7.11 Table of Significance – Landscape and Views, does identify a number of Major and	The identification of potential for significant landscape effects is acknowledged. Moderate effects can be considered to be

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	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.	significant or not significant. This is part of the methodology applied and this approach is addressed by the Clarification Note published by the Landscape Institute (Technical Guidance Note LITGN-2034-01, August 2024). This sets out in section 3(5) "As indicated at GLVIA paragraph 3.33, it is not necessary to establish thresholds for levels of significance, provided that it is made clear whether effects are, or are not, significant".
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 70GW by 2035".	The Applicant's position in respect of the location and size of the project is unchanged from ISH2, as presented in paragraphs 6.1.7 to 6.1.9 of the Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012] specifically the Applicant directs the ExA to section 3 of NPS EN1 and paragraphs 3.2.3, 3.2.6 to 3.2.8.
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	

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	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		

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Comment number	North Yorkshire Council Comment	Applicant's Response
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.	<p>As per the Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012], the Applicant considers that they have done all that is reasonable and necessary to comply with the NPS policy requirements.</p> <p>As set out in paragraphs 4.3.10 to 4.3.12 of the Written Summary of the Applicant's Oral Submissions – Issue Specific Hearing 2 [REP5-012]:</p> <p><i>The Applicant said that there are four significant residual landscape and visual effects for the scheme. One is a significant residual cumulative effect on the landscape character area and three are viewpoints. The Applicant said that, if desirable, it could screen further at these viewpoints, however, such screening would have to be considered in the context of other environmental effects including landscape and visual.</i></p>
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.	<p><i>The Applicant referred to EN-1 paragraph 3.3.634 which acknowledges that there is an urgent need for critical national priority infrastructure, and it will generally outweigh any of the residual impacts that are not capable of being addressed by the application of the mitigation hierarchy. The Applicant said that it has met this and that it can't mitigate the cumulative impact on the landscape character area.</i></p>
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	<p><i>The Applicant confirmed it is willing to discuss further screening of the three viewpoints with NYC.</i></p> <p>The Applicant also refers the ExA to its response to comment number 2.6 - 2.19 of this document.</p>

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	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	

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	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	

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Comment number	North Yorkshire Council Comment	Applicant's Response
	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.	The Applicant has development a carefully considered Landscape Strategy for the site. There has been specific consultation on this with NYC and the Landscape Strategy has evolved in response to comments made by NYC. Other relevant constraints have also informed the Landscape Strategy including baseline field pattern, buffer zones associated with drains, land access for farmers, relationship with the solar panels to limit shadowing and avoid affecting energy generation. The Proposed Development incorporates a range of different elements/habitats – woodland, woodland edge/scrub, hedgerows, ponds, scrapes, different grassland habitats. Aim has been to introduce a range of connected habitats, restore landscape features that have been lost or eroded, complement local landscape character objectives and provide habitat enhancement. In addition, the Applicant has committed to the creation of a new permissive path, which contribute to connectivity between local Public Rights of Way. It is recognised that the site lies partly within a regional green infrastructure corridor, identified in the (now out of date) Selby
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.	

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Comment number	North Yorkshire Council Comment	Applicant's Response
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 infrastructure 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."	District Core Strategy, October 2013. This overlaps with the southern part of the Site and the landscape proposals would create a sequence of interconnected hedgerows and woodlands, together with a range of other habitats. Collectively, these measures would make a positive contribution to this regional green infrastructure corridor.
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 REDACTED	
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	

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	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.	See Applicant's response to Section 5 above.
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	

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Comment number	North Yorkshire Council Comment	Applicant's Response
	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 though 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.	NYC told the Applicant that they were reviewing the dDCO and would provide a further round of comments on it. The Applicant has not received any comments ahead of Deadline 6.
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.	However, the LEMP is secured in Requirement 10 and this is for the life of the proposed development together and includes ongoing monitoring and management.

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Comment number	North Yorkshire Council Comment	Applicant's Response
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.	

3.2. Burn Gliding Club

Table 3.2 – Comments on Glint and Glare Study, High-Level Investigative Report and Cumulative Impacts [REP5-023]

Comment number	Burn Gliding Club Comment	Applicant's Response
a. Solar Photovoltaic Glint and Glare Study		
A.1	Burn Gliding Club welcomes the more detailed and thorough report which acknowledges that mitigation is required in order to reduce the risk of the proposed solar panels creating glint and glare that could adversely impact on the safety of glider pilots using Burn Gliding Club's infrastructure at Burn Airfield.	Noted, no response required.
A.2	Burn Gliding Club notes that solar reflections with 'potential for temporary after-image' are predicted towards the circuits for runways 01, 19, 25 and 33 and therefore mitigation is required for all four runways.	The Draft Development Consent Order submitted at Deadline 5 [REP5-003] included an additional requirement for a Glint and Glare Mitigation Strategy which secures a glint and glare mitigation strategy at detailed design stage.
A.3	The principle of fixing the Single Access Tracker System at an appropriate angle is acceptable.	Noted, no response required.
A.4	As the operating hours of Burn Gliding Club may vary the Single Access Tracker System resting angle should take account of all and any predicted glare towards the circuit paths which Burn Gliding Club provided to Pager Power.	As set out in the Solar PV Glint and Glare Study [REP4-010], Burn Gliding Club have confirmed the hours of the airfield to be between 10am and 30 minutes after sunset, three days a week (Thursday, Saturday and Sunday). The Glint and Glare Mitigation Strategy will cover these operational hours.
A.5	It is recognised and accepted that the scope of this will be determined by final detailed design.	Noted, no response required.
A.6	This arrangement will only be acceptable if further engagement takes place with Burn Gliding Club in the preparation of the Glint and Glare Mitigation Strategy.	The Draft Development Consent Order submitted at Deadline 5 [REP5-003] included an additional requirement for a Glint and Glare Mitigation Strategy which secures a glint and glare mitigation strategy at detailed design stage. The Glint and Glare Mitigation will be submitted to and approved by North Yorkshire Council.

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Comment number	Burn Gliding Club Comment	Applicant's Response
	b. High-Level Investigative Report	
B.1	Burn Gliding Club welcomes the more thorough examination of glider launch failure (GLF) and engine failure on take-off (EFATO) and wind shear, updraft and turbulence. Burn Gliding Club wishes to correct two errors in the Pager Power report.	See responses to B.2 and B.3 below.
B.2	<p>i. Paragraph 4.3 asserts that <i>'The available areas for an emergency landing following GLF are not secured by landowner agreements. Therefore, the loss of land can be considered (in the worst case) comparable to a development other than a solar farm, such as livestock or industrial buildings which will pose a greater constraint than a solar panel.'</i></p> <p>This is incorrect. Gliders do not require permission from landowners to land in an emergency.</p> <p>In addition, any change of use of the land would require planning permission and, as Burn Gliding Club has a safeguarding arrangement with the local planning authorities it would be able to address any safety implications through the planning process.</p>	<p>Whilst in general changes of use of the land would require planning permission and therefore BGC would have an opportunity to comment through the planning process, certain changes of use of agricultural land would be covered by permitted development or would not constitute 'development'. The High-level Investigative Report has therefore not been updated.</p> <p>It is correct that permitted development rights of Class A are not permitted within 3km of an aerodrome under GPDO; however Burn Gliding Club does not meet the definition of an aerodrome under GPDO and therefore, the land surrounding BGC currently does benefit from agricultural permitted development rights (subject to the conditions and limitations contained in the GPDO).</p>
B.3	<p>ii Section 5.2.1, in the fourth paragraph states that the proposed development is '...over 600m away from runway 01/19 at its closest point...'</p> <p>This is incorrect, the distance is approximately 350m.</p>	The Applicant corrects its previous statement; at its closest point, the Proposed Development is 260m from runway 33. This does not effect any of the overall conclusions of the report. The Applicant will update the report accordingly and submit it at Deadline 7.
B.4	Aside from these corrections, the more important issue is that the proposed development impinges on Glider Launch Failure / Engine Failure on Take-Off areas for runways 07 and 15.	The High-level Investigative Report [REP4-045] concludes that there will be no significant impacts upon glider launch failure and highlights that there is 53% of the available land remaining with respect to runway 07 and 42% of the remaining land available

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Comment number	Burn Gliding Club Comment	Applicant's Response
	<p>The presence of solar panels in these areas has both direct and indirect implications for gliding activity which cumulatively create a risk to aviation safety.</p> <p>The direct risk arises from the proposed sterilisation of part of the areas of land currently available for launch or engine failures.</p>	<p>with respect to runway 15. The percentage of unavailable land considers the reduction due to the development and due to unsuitability (quantified under the guidelines provided by Burn Gliding Club during consultation). The analysis demonstrates that for runway 07 the development only accounts for a 9% reduction in the available land and a 17% reduction in the available land for runway 15.</p>
B.5	<p>The indirect risk would arise from the known but currently imprecise implications of differential heating of the solar panels and the nature and scale of thermal updrafts generated by a large complex of solar panels. The safety critical areas are at the ends of Runways 07 and 15.</p> <p>Pager Power has asserted that the panels would generate a constant heat source of 25 degrees C. This assertion is not supported by documentary evidence of the temperatures generated around solar installations nor by the first-hand experience of aviators. Burn Gliding Club accepts there is currently no specific UK guidance on thermal effects from large solar installations. However, the CAA's document 'Renewable energy developments: solar photovoltaic developments', CAST Aerodrome Safeguarding Guidance Note July 2023 states:</p> <p><i>'...developers should provide the aerodrome operator and / or ATS provider with adequate technical and safety assurance documentation which addresses the safety impacts provided in sections 3.1 to 3.6. Further consideration may be given to the following....</i></p> <ul style="list-style-type: none"> <i>• turbulence</i> <i>• thermal plume'</i> 	<p>The High-level Investigative Report [REP4-045] states that 'Solar panels are designed to absorb light from the sun and typically operate most efficiently at a temperature of approximately 25°C. The panels are therefore designed to remain cool in direct sunlight, and it is not anticipated that panels would reach temperatures significantly greater than the surrounding ground', and does not state that the panels would generate a constant heat source of 25 °C.</p>

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Comment number	Burn Gliding Club Comment	Applicant's Response
	<p>The 'precautionary principle' set out above should be applied.</p> <p>There are also accounts from the USA of turbulence generated by commercial solar generation schemes. The following relates to Wyandotte Airport in Upper Sandusky:</p> <p><i>"On a warm, sunny day with a light east or west breeze, the solar panels create heat and a thermal will flow with the breeze and it'll carry those thermals across the runway," said Mitchel Grenwalt, a pilot and manager of the Wyandotte Airport. "As an airplane is coming into land and it goes to flare, it will all of a sudden be picked up 30, 40 feet. And then about the me it gets to the end of the solar panels, that extra li is gone and it drops the plane back down."</i></p> <p>BGC appreciates that local climatic circumstances may differ, but there have been reports of solar generated turbulence in the UK (for example in the Nene Valley and at Manston) and there is little research into the implications on large solar farms.</p> <p>It is essential that Pager Power fully reviews and tests the assertion of a constant heat source of 25 degrees C. In the light of the above comments, it is clear that a constant heat source is a simplistic assertion. The absolute upper limit of the temperature of the panels should be identified or assessed and the implications of varying temperatures for thermal uplift and turbulence should be fully examined.</p> <p>Dependent upon the outcome of these assessments, Burn Gliding Club would be prepared to enter into discussions about the necessary mitigation measures.</p>	

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Comment number	Burn Gliding Club Comment	Applicant's Response
	In the absence of this information, it would be imperative that no solar panels are positioned within the GLF / EFATO areas at the end of Runways 07 and 15.	
c. Cumulative Impacts		
C.1	<p>It should be noted that, to date, only the Helios project has been addressed in this initial assessment of potential impacts on aviation safety. Pager Power has not examined the potential cumulative impacts on gliding activity arising from approved solar schemes in combination with the Helios project.</p> <p>One solar farm may have limited glare impact, but several in proximity can create overlapping periods of glare, increasing the risk of temporary visual impairment for pilots.</p> <p>The proximity of several solar energy generation sites near different parts of the airfield or along various flight paths, may generate a cumulative glare risk which could cover multiple critical phases of a flight (i.e. approach, departure, circuit patterns).</p> <p>Persistent effects: The combination of reflections from several sites may extend the duration and intensity of glare events throughout the day/year.</p> <p>While individual solar energy generation sites can introduce mitigation (for example anti-glare coating or buffer zones), multiple projects may overwhelm mitigation measures, making cumulative management impractical or less effective.</p>	<p>The Applicant does not consider that there are any cumulative impacts arising from glint and glare as there are no solar farms (or other relevant development) immediately adjacent to the Proposed Development. It is not geometrically possible for the intensity of the glare to be increased when considered alongside other proposed developments in the surrounding area as the predicted glare would not be originating from the same area. Any glare that is predicted from the proposed development will be mitigated to an acceptable level.</p>

Table 3.3 – Burn Gliding Club Post-Hearing Submission [REP5-024]

Comment number	Burn Gliding Club Comment	Applicant's Response
Introduction		
1.1	<p>In ISH2, the Burn Gliding Club (BGC) representatives, Mr Latimer, Mr Bellamy, Mr Bale and Ms Bartaby, emphasised the need to ensure that aviation safety is not compromised by the proposed solar scheme.</p> <p>Aviation safety in respect of gliding activity at Burn is very likely be compromised by:</p> <ul style="list-style-type: none"> • The loss of open areas of land currently suitable for forced landings caused by engine failure on take-off (when a glider is towed) and / or suitable for gliders returning to the airfield but unable to land within the airfield • Glint and glare created by the presence of solar panels adding to existing reflective surfaces and incidents • Erratic and unpredictable thermal updrafts created by the large solar panels. 	<p>The Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] provide analysis on the potential effects of the proposed development upon the gliding club with respect to glint and glare, available land for glider launch failure/EFATO, and thermal updrafts. The conclusions of these reports show that no significant impacts are predicted regarding available land and thermal updrafts. Significant impacts requiring mitigation have been identified with respect to glint and glare and a mitigation strategy will be produced to reduce all significant impacts to an acceptable level.</p>
1.2	<p>The British Gliding Association (BGA) is not aware of any solar schemes in the UK in such close proximity to a gliding site.</p>	<p>Noted, no response required.</p>
1.3	<p>Burn is a very well-established Gliding Club offering a wide range of training and recreation. Therefore, its concerns should be given great weight.</p>	<p>The Applicant acknowledges the recreational significance of Burn Gliding Club. As per the Glint and Glare Mitigation secured via Requirement in the dDCO [REP5-003], once the detailed design for the Proposed Development is confirmed at the post-consent stage, modelling can be undertaken to identify the appropriate mitigation solution(s) to be implemented. On the basis that the mitigation solutions(s) once implemented would reduce the glare to an acceptable intensity or reduce the glare to times/durations that can be operationally accommodated, the impact will be low at worst and therefore not significant.</p>

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Comment number	Burn Gliding Club Comment	Applicant's Response
		<p>Paragraphs 2.10.158 to 2.10.159 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) set out the requirement for the SoS to assess the potential impact of glint and glare on aviation infrastructure:</p> <p><i>"Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths). Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, <u>unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms</u>"</i> (emphasis added).</p> <p>The Applicant considers that it has addressed the potential impact of glint and glare such that issues raised by Burn Gliding Club are able to be given limited (if any) weight.</p>
Background and Context		
2.1	<p>The presence of well-established Burn Gliding Club should have been taken into account by the prospective developer at the initial stages of the planning for, and the design of, the proposed solar development. This did not happen.</p> <p>The size, nature, local and wider value of Burn Airfield has not been considered by the Applicant. This is an omission. Mr Bale's statement to the Examination, setting out the importance of the site, is at Appendix 1.</p>	<p>The Applicant notes the content of Appendix 1.</p>

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Comment number	Burn Gliding Club Comment	Applicant's Response
2.2	Consultation by the Applicant was inadequate and engagement with BGC occurred at a very late stage of project planning. When engagement did take place, BGC's comments were not properly or adequately addressed.	The engagement between Burn Gliding Club and the Applicant is set out in Tables 2.1 and 2.2 of the updated Statement of Common Ground [Deadline 6 Submission]. Burn Gliding Club's comments have been addressed during examination in the updated Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] , and through the additional requirement added to the dDCO at Deadline 5 [REP5-003] for a Glint and Glare Mitigation Strategy.
2.3	The status and importance of the Gliding Club, and the safe ongoing use of the site, were not given appropriate weight and despite late attempts to undertake more detailed assessment, it remains the case that the safe operation of BGC is under threat. Gliding is a highly skilled sport and those skills are widely recognised throughout the world. The training and skills gained are regarded as a significant enhancement for those who choose careers as fixed wing pilots or in other aeronautical enterprises. Gliding is a worldwide activity, with many competitions (in which the UK excels). The British Gliding Association (BGA) has the authority to manage most aspects of gliding in the UK. Instructors and pilots are trained to BGA standards; annual inspections of gliders are done by engineers authorised by the BGA, whose qualifications are accepted by the Civil Aviation Authority, and minor accidents are investigated by the BGA alone. The comments of the BGA on this application therefore carry great weight.	Please see the Applicant's response to 1.3 above.
2.4	The location and design of the proposed solar scheme was well advanced and designed prior to any contact being made with BGC. There has been no amendment to the scheme to take account of BGC's safety concerns.	A Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] have been produced to determine the impact of the proposed development upon Burn Gliding Club. The conclusions of the report show that a significant impact is predicted with respect to glint and glare and it has been agreed that a mitigation strategy will be produced

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		and implementing, resulting in changes to the panel configurations to ensure no significant impacts are predicted towards operations at the gliding club.
2.5	<p>Initial appraisals of the potential impact of the solar scheme on the gliding operation, undertaken on behalf of Helios, was 'High Level', superficial and limited in scope.</p> <p>In December 2024, BGC prepared and submitted to the Examination, and the Applicant, a further, detailed, document to assist the Applicant and its consultant, Pager Power. This provided full details of gliding operations and the inadequacy of the Applicant's appreciation of the safety risks to that activity that would be generated by the proposed scheme.</p> <p>At the end of 2024 and early in 2025, more detailed assessments have been carried out by the Applicant, to address issues raised by BGC. However, they do not provide adequate safeguards.</p>	As per the Applicant's response to 1.1.
2.6	The fact that the Applicant has undertaken some studies does not prove that their conclusions are robust. In addition, the Developer has tended to compartmentalise issues whereas it should have also addressed the cumulative impact of the proposed development.	The Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] were prepared by Pager Power. Pager Power are experts in aviation safeguarding concerns and have completed over 2,000 aviation related assessments, deriving methodologies and guidance in consultation with aerodromes, pilots and governing bodies. Pager Power have also worked on numerous successful NSIP advising on aviation related concerns.
2.7	In addition, the Developer has tended to compartmentalise issues whereas it should have also addressed the cumulative impact of the proposed development.	See the Applicant's Response to C.1 above.
2.8	Consideration of Safety Issues	
3.1	<p>The Applicant has:</p> <ul style="list-style-type: none"> Considered glint and glare, but not examined this in detail and has not considered existing generators or 	The Solar PV Glint and Glare Study [REP4-010] has considered the operations of Burn Gliding Club and provided detailed modelling of all circuits identified through consultation.

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	weather impacts and states that this is a matter for detailed design. This does not give adequate reassurance that aviation safety will be safeguarded.	
3.2	<ul style="list-style-type: none"> Not properly responded to EFATO / launch failures / emergency landing with the loss of areas of farm land that are currently available. In addition, it erroneously suggests that land currently available could be developed – in fact the GDPO removes agricultural planning permitted development rights within 3km of an aerodrome. The Applicant disagreed with the BGC assertion that a glider cannot safely land on a solar panel. This is an extraordinary suggestion. Flying into a large, heavy, rigid panel, on a rigid steel frame (in a light GRP glider) would be catastrophic. A likely reaction to seeing the panels rapidly approaching would be to turn which would also be catastrophic. The CAA 793 states that in this situation '...wing bank angles must be limited to 30° or less and heading changes to less than 30° either side of the aircraft's nose.' 	See the Applicant's response to B.2 and B.4 above.
3.3	<ul style="list-style-type: none"> Not carried out adequate work on thermal updraughts. The Applicant accepts that mitigation is required but has not defined this nor demonstrated any effective mitigation. 	The High-level Investigative Report [REP4-045] concludes that updraft impacts of the proposed development will be of negligible impact and mitigation is not a requirement.
Appropriate Approach		
4.1	<p>Attention is drawn to Section 5 of BGC's Relevant Representation as the technical detail provided about the gliding operations in that document has not been acknowledged or addressed by the Applicant in its assessment and judgements about the risks to aviation safety.</p> <p>The 'Precautionary Principle' must be applied where aviation safety may be compromised by new development.</p>	Section 5 of BGC's Relevant Representation [RR-043] details concerns regarding glint and glare, thermal updrafts, loss of land, and bird strike. Bird strike is considered as matter agreed and has therefore not been considered further. The remaining concerns have been considered within the Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] . The Glint and Glare Study has been updated to

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	Mr Latimer for the BGA drew attention to the Civil Aviation Authority's CAP 793, 'Safe Operating Practices for Unlicensed Airfields' chapter 1, paragraphs 1.14 and 4 which states that '...where flying training is taking place [as at Burn additional safety margins (and risk assessment) should be considered...'. He also drew attention to the provisions of CAP 764 (which whilst referring to wind turbines also addresses turbulence) paragraphs 3.49 and chapter 5, paragraph 8. In some cases, if a tow aircraft is being used for a launch, engine failure affects two aircraft simultaneously. This is a further material factor that should be taken into account.	accommodate the operations and use of runways as described within the relevant representation document and the High-level Investigative Report has been updated to provide further analysis regarding loss of land and thermal updrafts.
4.2	The Civil Aviation Authority's CAP 738 (Introduction paragraph 7) makes clear that the aerodrome operator is the expert in assessing safety due to his or hers detailed knowledge of the site and its operations. The Civil Aviation Authority's Combined Aerodrome Safeguarding Team (CAST) Guidance Note July 2023, 'Renewable energy developments: solar photovoltaic developments' states: 'In all instances, where a developer is proposing an on- or off- aerodrome solar photovoltaic (PV) development, early consultation with the aerodrome authority is recommended to understand any concerns and to collaborate as much as possible.' It goes on to state that glint and glare is a 'key safety concern'.	Extensive consultation has been undertaken with Burn Gliding Club and the information presented and outcomes of the consultation have been considered within the Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045]. The Applicant acknowledges that glint and glare is a safety concern and has agreed to implement a mitigation strategy to reduce any predicted significant effects to an acceptable level.
4.3	A recent planning appeal decision at Haddon: APP/H0520/W/24/3344095; Land north of Haddon Road and land north of the A605, east of Bullock Road, Haddon PE7 3TT, particularly paragraphs 35-51, provides an example of the weight which should be accorded to aviation safety. This importance is also reflected in the appeal decision at Rufforth:	The Haddon appeal decision found that there was "insufficient demonstration that the proposal would cause no harm to the safe functioning of aircraft ". That is not the case here where there has been detailed modelling and assessment undertaken to ensure that the potential impacts on BGC are not significant. The assessment work was undertaken. after consultation with Burn Gliding Club and has included receptors identified during

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	<p>APP/C2741/W/19/3223376 Land to the west of Bradley Lane, Rufforth, York. This decision also takes particular account of the nature of glider flights. Attention is drawn particularly to paragraphs 32, 39-40, 54 and 56.</p>	<p>consultation to accurately represent any impacts towards the operations. The conclusions have identified a requirement for a glint and glare mitigation strategy which will be produced in conjunction with the detailed design. The high-level investigative report has shown that there remains significant areas available for landing in the event of glider launch failure/EFATO and this has been analysed in line with the criteria set out by Burn Gliding Club throughout consultation.</p> <p>The Bradley Lane case involved the erection of three 7m high buildings. In this case the Inspector considered that the siting of these buildings in the location proposed would remove a land needed for use in EFATO events in such a manner that it would result in a harmful increase in risk and the gliding club presented a case that they would have to substantially amend its established operating practices which would most likely involve them ceasing to be able to use two of their runways. The facts of that case are materially different to the proposed development. In this case the solar panels are low lying and do not constitute an obstacle when returning to the runways; and the assessment work carried out by Pager Power, on information provided by BGC, has confirmed that there are still significant areas of land available for landing in the event of an EFATO/glider launch failure. Furthermore, BGC have not presented any evidence or made the case that they would have to amend (substantially or otherwise) their established operating practices.</p> <p>As appeal decisions these cases are not binding and do not set a precedent. This together with the distinguishing points above means they should be given little, if any, weight.</p>

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Comment number	Burn Gliding Club Comment	Applicant's Response
Gliding Activity		
5.1	<p>In Section 5 of Burn Gliding Club's Relevant Representation, as mentioned above, Mr Bellamy, the Chief Flying Instructor at BGC set out clearly the nature and complexity of and sophisticated nature of handling a glider. He also explained the breadth and depth of training to become a glider pilot as well as the issues of undertaking gliding activity in varying weather and topographic conditions.</p> <p>The training includes, teaching on the ground and in the air, embracing theory, thorough knowledge of the nature of the aircraft, airborne exercises (demonstrating, teaching, taking over control).</p>	Noted, no response required.
5.2	<p>The safe landing of a glider involves understanding and making a highly complex but speedy assessment of geography, geometry, speed, height, weather and climatic conditions.</p> <p>The introduction of a large area of hard, reflective structures (in very close proximity to a busy airfield), over which the glider will inevitably travel during most flights and most landings, would be a major environmental change. The precise scale and severity of the consequence of this change is impossible to quantify but qualitatively, based on the technical knowledge and experience of the BGA and the BGC is significant and adverse.</p>	<p>A Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] have been produced to determine the impact of the proposed development upon Burn Gliding Club. The conclusions of the report show that a significant impact is predicted with respect to glint and glare and it has been agreed that a mitigation strategy will be produced and implementing, resulting in changes to the panel configurations to ensure no significant impacts are predicted towards operations at the gliding club.</p>
BGC Requirements		
6.1	<p>If this application were a standard planning application, BGC would have argued very strongly that planning permission should be refused – on the grounds of aviation safety and significant adverse impact on an important recreational asset – as well as on the grounds of the cumulative impact on gliding from the large number of solar energy sites in the vicinity of Burn.</p> <p>BGC is aware of the national priorities, the purposes behind the</p>	<p>A Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] have been produced to determine the impact of the proposed development upon Burn Gliding Club. The conclusions of the report show that a significant impact is predicted with respect to glint and glare and it has been agreed that a mitigation strategy will be produced and implementing, resulting in changes to the panel</p>

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	DCO process and, in particular, the proximity of Drax and its provision of grid connections.	configurations to ensure no significant impacts are predicted towards operations at the gliding club.
6.2	<p>EN-1 paragraph 5.5.5 makes clear that:</p> <p>'UK airspace is important for both civilian and military aviation interests. It is essential that new energy infrastructure is developed collaboratively alongside aerodromes, aircraft, air systems and airspace so that safety, operations and capabilities are not adversely affected by new energy infrastructure. Likewise, it is essential that aerodromes, aircraft, air systems and airspace operators work collaboratively with energy infrastructure developers essential for net zero. Aerodromes can have important economic and social benefits, particularly at the regional and local level, but their needs must be balanced with the urgent need for new energy developments, which bring about a wide range of social, economic and environmental benefits.' (Our emphasis)</p> <p>Within this context, therefore, it expects the Applicant to be required to take full and proper consideration of the impacts of its commercially driven development on an important local sports and recreation amenity and, in particular, the obvious potential for the proposed development to create a clear negative impact on aviation safety.</p>	<p>A Solar PV Glint and Glare Study [REP4-010] and High-level Investigative Report [REP4-045] have been produced to determine the impact of the proposed development upon Burn Gliding Club. The conclusions of the report show that a significant impact is predicted with respect to glint and glare and it has been agreed that a mitigation strategy will be produced and implementing, resulting in changes to the panel configurations to ensure no significant impacts are predicted towards operations at the gliding club.</p>
6.3	<p>Taking account of the evidence to the Examination provided by the British Gliding Association and Burn Gliding Club and in response to the ExA's request that specific proposals be put forward to assist him if he is minded to allow this draft Order to proceed, BGC would require the mitigation set out below.</p> <p>These requirements are appropriate, justified and reasonable and BGC requests that the ExA impose them as binding obligations on the Applicant.</p> <p>The developer should also be required to retain a budget to</p>	

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Comment number	Burn Gliding Club Comment	Applicant's Response
	allow for any remedial work should the planned mitigation, as set out below, fail.	
Engine Failure after Take-Off (EFATO)		
7.1	<p>In February 2025 the Applicant submitted to the Examination a revised report 'Solar Voltaic Glint and Glare Study' prepared by Pager Power. This proposed measures intended to reduce the risk of harmful glint and glare.</p> <p>BGC accepted in principle it would agree with the fixing of a Single Access Tracker System, at an appropriate angle, with a resting angle to take account of any and all predicted glare towards the circuit paths associated with runways 01, 19, 25 and 33.</p> <p>This is subject to the scope of this being determined by final detailed design, with BGC's involvement in the preparation of a Glint and Glare Mitigation Strategy, and the proposed works requiring the agreement of the BGC and BGA (such agreement not to be unreasonably withheld).</p>	<p>The updated Glint and Glare Assessment [REP4-010] recommends mitigation for operations at Burn Airfield. Once the detailed design for the Proposed Development is confirmed at the post-consent stage, modelling can be undertaken to identify the appropriate mitigation solution(s) to be implemented. On the basis that the mitigation solutions(s) once implemented would reduce the glare to an acceptable intensity or reduce the glare to times/durations that can be operationally accommodated, the impact will be low at worst and therefore not significant. The identified solution(s) will be contained within a Glint and Glare Mitigation Strategy secured by a Requirement in the dDCO [REP5-003].</p>
7.2	<p>The enclosed plan (taken from the Applicant's documents and headed 'Burn Gliding Club Essential EFATO Mitigation Measures') identifies by number, all of the fields currently available should they be required for an engine failure on take off (EFATO) or an emergency landing. The field that might be chosen as the safest for landing is dependent on the state of the fields, crops and the status of the crop as well as the point at which an EFATO or emergency occurs determines which field is chosen as preferable.</p> <p>The BGC is prepared to accept that Field 4 as shown on the plan is acceptable. In fields 3, 5 and 6, it is necessary for aviation safety reasons to omit some of the proposed solar panels as follows (and as shown on the plan):</p>	<p>See Applicant's response to B.4 above.</p>

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Comment number	Burn Gliding Club Comment	Applicant's Response
	<p>Field 3 – This is the most suitable field for aircraft (fixed wing glider tow or winch launched glider) taking off from Runway 07. No solar panels should be erected within a minimum 100m wide swathe on the northern edge of the field, parallel to the C330 road as shown on the attached plan and highlighted with green dashes;</p> <p>Fields 5 and 6 - These are the most suitable fields for aircraft (fixed wing glider tow or winch launched glider) taking off from Runway 15. The presence of HV and EHV cables in this area already constitutes an aviation safety risk and the presence of the solar panels would compound to this. No solar panels should be erected within a minimum 100m wide swathe along the south-western edges of these fields as shown on the attached plan and highlighted with green dashes.</p>	
Turbulence		
8.1	<p>The Applicant has not provided any documentary support for its assertion that the solar panels would generate a constant heat source of 25 degrees C. This assertion must be tested by an Independent Assessor and reviewed, verified and approved (assuming post decision) by the Local Authority.</p> <p>The evidence required in order for this restriction to be withdrawn must include measurement and recording of the temperature arising from at least 12 panels of the exact type and orientation proposed for the Application site, to be undertaken over a period of at least one month in each quarter of one year, erected in the area between Tranmoor Cottages and Primrose Hill.</p>	See Applicant's response to B.5 above.
8.2	In addition, Pager Power should undertake a survey on at least four existing comparable solar power generating sites in the UK to measure and report on heat source temperatures. The parameters for this survey should be agreed in advance with	Risks to safety are managed pragmatically and best practice involves researching the available guidance and applying the principles accordingly. The CAA have not produced any formal guidance relating to the effects of thermal updrafts originating

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	<p>BGC. Dependent upon the outcome of these assessments, Burn Gliding Club would be prepared to enter into discussions about the necessary mitigation measures.</p> <p>In the absence of this clear evidence, and if the ExA is minded to approve the principle of this Application, no solar panels should be erected in the area between Tranmoor Cottages and Primrose Hill, nor on the area to the south of Hagg Bush.</p>	<p>from solar developments upon aircraft, nor are there any available studies detailing the potential effects of solar developments upon aircraft. The Applicant acknowledges the Combined Aerodrome Safeguarding Team guidance note that outlines thermal updraft as a safety consideration and has therefore produced a comparative study of the baseline conditions alongside the proposed development in the absence of any formal guidance.</p> <p>The analysis within the High-level Investigative Report [REP4-045] concludes a negligible impact is predicted in relation to thermal updrafts.</p>
8.3	<p>The northern area is at the most critical point for BGC operations as runway 07/25 is the most heavily used runway (due to wind directions). ES Figure 7.8 showing the ZVT also identifies this as an area with higher levels of panel visibility. In addition, this area is the most likely location where an emergency landing may be needed as set out above.</p>	<p>The High-level Investigative Report [REP4-045] concludes that there will be no significant impacts upon glider launch failure and highlights that there is 53% of the available land remaining with respect to runway 07. The percentage of unavailable land considers the reduction due to the development and due to unsuitability (quantified under the guidelines provided by Burn Gliding Club during consultation). The analysis demonstrates that for runway 07 the development only accounts for a 9% reduction in the available land.</p>
8.4	<p>The southern area is immediately at the end of runway 15 and similarly in an area with a high level of panel visibility with the added hazard of the 400kV transmission line crossing just to the south east of the airfield which eliminates possible glider landing areas</p>	<p>The High-level Investigative Report [REP4-045] concludes that there will be no significant impacts upon glider launch failure and highlights that there is 42% of the remaining land available with respect to runway 15. The percentage of unavailable land considers the reduction due to the development and due to unsuitability (quantified under the guidelines provided by Burn Gliding Club during consultation). The analysis demonstrates that for runway 15 the development only accounts for a 17% reduction in the available land.</p>

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Conclusions		
9.1	<p>Burn Gliding Club and the operations on Burn Airfield are important for the sport of gliding, the wider scope of the Club's presence and activities and the complementary activities undertaken on and around Burn Airfield.</p> <p>None of these matters were properly addressed by the Applicant – individually or cumulatively. The Developer continues to defend the scheme as originally planned with no proper account being taken of the safety issues raised by the BGC.</p> <p>The critical gliding safety issues must be fully and professionally resolved so as to ensure the gliding activity can safely continue. This is at the core of the recreation and related use of Burn Airfield and any adverse impacts of the development on the gliding operations would create indirect adverse impacts on the related social and recreational value of Burn Airfield.</p>	As per the Applicant's response to 1.1.