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The Applicant's Responses to the Examining Authority's written questions and requests for information (ExQ2)

April 2025

Helios Renewable Energy Project

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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 Examining Authority's ('ExA') written questions and requests for information ('ExQ2') published on 27th March 2025 in relation to the Development Consent Order Application (the 'DCO Application') for the Helios Renewable Energy Project (the 'Proposed Development').
- 1.1.2. The Applicant's responses are set out within Section 2 of this document, presented in a tabulated format. The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 7. Questions to Interested Parties are included for completeness, but 'greyed' out in the table below.
- 1.1.3. 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. The Applicant's Responses to ExQ2

2.1. Climate change and energy generation, storage and export

Table 2.1: Climate change and energy generation, storage and export

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q1.0.1	The applicant	With regard to the Connection Statement [APP-230]: <ul style="list-style-type: none"> The applicant explains the distinction between National Grid Electricity Transmission (NGET) and National Grid Electricity System Operator (NGESO) at 1.1.6, please could this be clear throughout the document, for example should 'National Grid Drax...' more correctly be referred to as 'NGET Drax...'? 	The Grid Connection Statement has been updated to amend 'National Grid Drax' to 'NGET Drax' and will be submitted at Deadline 6.
		<ul style="list-style-type: none"> The applicant states that it has a bilateral agreement with NGESO at 2.1.1, and that agreement places responsibilities on NGESO and NGET at 2.2.1. Which items are the responsibility of NGET and how are they bound by the agreement referred to if it is a bilateral agreement with NGESO? 	<p>The Applicant entered into a Bilateral Connection Agreement with National Grid Energy System Operator (NGESO) on 2 December 2020, reference A/NGET/ENSO/DRAX/20/-EN(0). On 1 October 2024, the Electricity System Operator (ESO) separated from National Grid plc (NG) and was acquired by Government which established the National Energy System Operator (NESO).</p> <p>The Energy Act 2023 (Schedule 9) sets out the mechanism of how 100% of the share capital of NGESO transfers over to NESO under a transfer scheme. In practice, NGESO has become NESO.</p> <p>Although NESO directly manage customer contracts and applications, NGET (National Grid Electricity Transmission)</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			and NESO work together in the electricity transmission system, with NESO contracting with NGET to build the connection infrastructure and related works. Section 2 of the Grid Connection Statement has been updated to include this clarification.
		<ul style="list-style-type: none"> Please could the applicant clarify the wording in 2.3 for example 'HREP On Site'? 	Paragraph 2.3 should read 'Construction of the Helios Renewable Energy Project (HREP) On Site 132kV substation and associated on site cabling works'. The Grid Connection Statement has been updated and is submitted at D6.
		<ul style="list-style-type: none"> In the conclusions 5.1.2 would it be clearer to use the term 'National Electricity Grid' used in the Overarching National Policy Statement for Energy (NPS-EN1) rather than the 'National Grid'? 	Paragraph 5.1.2 has been updated to replace 'National Grid' with 'National Electricity Grid' to align with the terminology in NPS-EN1.
		<ul style="list-style-type: none"> Given the urgency as mentioned several times in EN1 when would the proposed development be connected for the purposes of exporting electricity to the National Electricity Grid? 	<p>The Applicant entered into a Bilateral Connection Agreement with National Grid Energy System Operator (NGESO)¹ on 2 December 2020, reference A/NGET/ENSO/DRAX/20/-EN(0). The agreement allows for a 190 MW connection in October 2029.</p> <p>¹ On 1 October 2024, the Electricity System Operator (ESO) separated from National Grid plc (NG) and was acquired by Government which established the National Energy System Operator (NESO).</p>
		<ul style="list-style-type: none"> Please could the applicant provide evidence of the agreement? 	Evidence of the Applicant's grid connection agreement is available on the NESO Transmission Entry Capacity (TEC) Register ² . The database is published by NESO and includes existing and future connection projects and projects that can be directly connected to the National Electricity Transmission System (NETS), or make use of it.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			² https://www.neso.energy/data-portal/transmission-entry-capacity-tec-register
		<ul style="list-style-type: none"> Please would the applicant agree to update the Connection Statement consistent with the provisions of the Energy Act 2023 by Deadline 8? 	The Grid Connection Statement has been updated and is submitted at D6.

2.2. Design, parameters and other details of the proposed development

Table 2.2: Design, parameters and other details of the proposed development

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q2.0.1	North Yorkshire Council (NYC)	Would the council consider it helpful if the applicant provided an outline design principles document, including design parameters, in a certified document which would be secured by a requirement? (also see sub-section 7.7 on the draft Development Consent Order (dDCO))	
Q2.0.2	NYC	If the answer to Q2.0.1 is yes then please could the council comment in general terms on the adequacy of the outline design principles document provided for the Heckington Fen Solar Park, order made 24 January 2025, recognising that it would have to be made specific to the proposed development? EN010123-000953-7.1 - Outline Design Principles - Rev 4.pdf	
Q2.0.3	The applicant	In response to the submission from Ofgem [REP4-054] please could the applicant confirm that it has engaged with the cyber security team within the Department for Energy Security and Net Zero (DESNZ) to answer the question around project ownership? Please could the applicant provide details to evidence their response?	The Applicant outlined its correspondence with Ofgem and DESNZ in its Deadline 5 submission 'Update on Ofgem and DESNZ Correspondence' [REP5-014] . As set out in the Deadline 5 Update, the Applicant confirms that it has engaged with DESNZ and answered the question around project ownership. DESNZ has acknowledged receipt of this information, and no further questions have been asked.

2.3. Site Selection and Alternatives

Table 2.3: Site Selection and Alternatives

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q3.0.1	All interested parties (IPs)	With regard to Alternative Site Assessment [APP-227]: <ul style="list-style-type: none"> Is the applicant or any other IP aware of any guidance on the siting of solar farms in relation to dwellings in England, if there is what does it say, please provide a reference? 	Paragraphs 2.12. and 2.1.3 of the 'Written Summary of the Applicant's Oral Submission – Issue Specific Hearing 2' [REP5-012] confirm that the Applicant is not aware of any guidance on the siting of solar farms in relation to dwellings in England.
		<ul style="list-style-type: none"> Is the applicant or any other IP aware of any guidance on the siting of solar farms more generally in relation to dwellings, for example the World Health Organisation or internationally, if there is what does it say, please provide a reference? 	The Applicant is not aware of any such published guidance.
		<ul style="list-style-type: none"> Is there any research available or emerging research on the impact of living near a solar farm? If so, what does it indicate? 	The Applicant is not aware of any peer-reviewed research available.

2.4. Biodiversity, ecology and natural environment

Table 2.4: Biodiversity, ecology and natural environment

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q4.0.1	Commentary	The ExA has considered Natural England's (NE) relevant representation (RR) [RR-268] which identified a number of areas where further information was required. The ExA has also considered the draft statement of common ground (SoCG) [REP4-040] submitted by the applicant, which shows a smaller number of areas still under discussion. The ExA has also considered the principal areas of disagreement (PADs) [REP4-055] submitted by NE where NE considers resolution of these remaining concerns to be likely. The ExA has considered NYC's local impact report (LIR) [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant, which shows all matters agreed with the exception of monitoring in relation to biodiversity net gain and other matters. The ExA has also considered the PADs [REP4-051] submitted by NYC which shows all matters resolved with the exception of matters under biodiversity.	
Q4.0.2	North Yorkshire Council	With regard to unresolved matters, what is NYC seeking, for example a new/ modified requirement, a new/ modified certified outline plan secured by a requirement, or a development consent obligation agreed with the Applicant? Could the council provide details and evidence of policy, guidance, research or comparable precedent that would support its case?	

2.5. Habitats Regulations Assessment (HRA)

Table 2.5: Habitats Regulations Assessment (HRA)

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q5.0.1	The applicant	Section 4.6 of the Habitats Regulations Assessment (HRA) Report [REP4-021] does not include the geographical extent of impacts. Can the applicant set out the potential geographical extent of the impacts identified in the HRA Report paragraph 4.6.2?	Paragraph 4.6.1 of Section 4.6 of the HRA Report has been updated to clarify that potential impacts and impact pathways have been considered for all designated sites within 10km of the Site. The updated HRA will be submitted at Deadline 6.
Q5.0.2	The applicant	No list of sites and qualifying features and what impact pathways might affect them is provided and it is unclear what impacts and features of each site has been screened out and why. Can the applicant provide a list of the qualifying features of the identified European sites and what impacts have been assessed for those features during which phases of the development. This should be presented in a tabular format and make it clear what impact pathways for which features are screened in and screened out and the reasoning for it?	Annex 3 European Designated Sites, Potential Impacts and Potential Pathways has been added to the HRA, the table provides a summary of the identified European sites, qualifying features, potential impacts and impact pathways considered in the HRA.
Q5.0.3	The applicant	The HRA Report [REP4-021] does not explain the approach to assessing in-combination effects. Can the applicant update the HRA Report to include the methodology used for assessing in-combination effects at the screening stage?	Paragraph 6.1.1 of Section 6 In-Combination Assessment has been updated to clarify the methodology for selecting and screening the cumulative developments considered.

2.6. Compulsory acquisition, temporary possession and other land or rights considerations

Table 2.6: Compulsory acquisition, temporary possession and other land or rights considerations

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q6.0.1	The applicant	<p>Diligent enquiry and monitoring of land rights objections</p> <p>Whilst the ExA has not received any requests for a compulsory acquisition (CA) hearing the applicant is requested to complete the attached Objections Schedule at Annex A with information about any objections to its CA and temporary possession (TP) requests. The applicant is requested to update this schedule, with reasons, if there are any changes. If there are no objections when the first schedule is submitted, an empty schedule should be provided.</p>	<p>Except for statutory undertakers the Applicant has not received any objections to its proposed CA powers. The Applicant has populated Annex A attached with the representations by statutory undertakers and the EA. Progress updates on the protective provisions and any related agreements is hoped to be concluded by deadline 8.</p>
Q6.0.2	The applicant	<p>Crown land and consent monitoring</p> <p>The ExA understands that there is no Crown land/ interest affected by the proposed development and that there is no Crown body from which consent under the Planning Act (PA2008) s135(1)(b) and/ or s135(2) is required. If this changes, for example land passing to the Crown the applicant is asked to provide a schedule identifying the land and the Crown interest and explaining what action is proposed to be taken in relation to it?</p>	<p>The Applicant confirms that there is no Crown land/ interest affected by the proposed development and that there is no Crown authority from which consent under the Planning Act (PA2008) s135(1)(b) and/ or s135(2) is required.</p> <p>The Applicant is not aware of any reason why this should change but in the unlikely event that it does the Applicant will inform the ExA and secure any necessary consents.</p>
Q6.0.3	The applicant	<p>CA Powers: Permanent acquisition of land</p>	<p>The Applicant set out its position in respect of compulsory acquisition in its Statement of Reasons [AS-011], at CAH1</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
		<p>With reference to dDCO [REP4-004] article 21, the applicant is requested to confirm that:</p> <ul style="list-style-type: none"> it does not need or seek the permanent acquisition of any land (as distinct from the permanent acquisition of rights) in order to deliver and operate the proposed development including any of dDCO Schedule 1 Work Nos. 1 to 9 inclusive? that all installation, operation and maintenance of the proposed development can occur pursuant to acquisition of rights alone and that no permanent acquisition of land is required for any of these purposes? <p>If the position set out in the applicant's response to this question changes prior to any subsequent deadline, the applicant is requested to advise the latest position and the reason for the change at that deadline, up to Deadline 8?</p>	<p>and the subsequent written summary of the Applicant's Oral submissions [REP1-006].</p> <p>The Applicant confirms that it does not need to compulsorily acquire the freehold acquisition of any land within the redline boundary within the Order Limits in order to construct, operate, maintain or decommission the proposed development.</p> <p>The Applicant is not aware of any reason why this position should change but if it does the Applicant will advise the ExA accordingly.</p>
Q6.0.4	The applicant	<p>CA Powers: Permanent acquisition of rights and TP of land</p> <p>At paragraph 1.4.1, the Statement of Reasons [AS-011] identifies the scope of CA and TP as being:</p> <ol style="list-style-type: none"> permanent acquisition of new rights (including restrictive covenants) (article 23 of the dDCO) – shown edged red and shaded blue on the Land Plan; acquisition of subsoil (article 26 of the DCO) – shown edged red and shaded blue on the Land Plan as it is presented together with new rights on the top section of the relevant plots; 	<p>As matters stand, all plots have the potential to have all 3 classes of acquisition.</p> <p>The current working assumption is that all plots have the ability to work temporarily on the land, that allows temporary possession notices to be served ahead of later notices exercising the formal rights which may also mean that the Applicant does not need to take a right over a large area but can restrict it to the land required, for example the cable corridors</p> <p>With Article 26, all plots also have the ability to only acquire subsoil where it is all that is required. Again, it may be that</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
		<p>c. temporary use of land to permit construction and maintenance where the Applicant has not yet exercised powers of compulsory acquisition (articles 30 and 31 of the DCO) – shown blue where for a specific plot both temporary possession and new rights are sought.</p> <p>The applicant is asked to confirm that all land shown edged red and shaded blue on the Land Plan [REP4-003] is subject to all three of these classes of acquisition? If that is not the case and there are plots where one or two, but not all three classes of acquisition are sought, the applicant is asked to provide a separate annotated (coloured) plan for each of the proposed classes of acquisition in a), b) and c) above? An accompanying table should explain the specific basis for the classes of acquisition sought on each plot.</p>	<p>this is all that is required for a specific phase of work, but that subsequent requirements follow at a later stage.</p>
Q6.0.5	The applicant	<p>Confirmation of permanent acquisition of rights</p> <p>With reference to paragraph 1.4.1 of the Statement of Reasons [AS-011] categories a) and b) rights, notwithstanding that the ES [APP-023] has assessed a project lifespan of 40 years, the powers of acquisition are permanent. With reference to existing law and practice, the ExA understands that there is no well-established or secure legal mechanism for the compulsory acquisition of a term of years (a lease). Nevertheless, the applicant is asked to explain:</p> <ul style="list-style-type: none"> • why permanent rights are sought? 	<p>The Applicant agrees that there is no legal mechanism that allows for compulsory acquisition powers to permit acquisition of rights or land for a limited term only. There is also no mechanism by which a lease may be granted through compulsory acquisition.</p> <p>The Applicant has outlined why permanent rights are sought in its response to Q6.0.3 above.</p> <p>In relation to alternative mechanisms the Applicant outlined its position at 7.5 of the Statement of Reasons ("the SoR") [AS-011] and at CAH1, as per paragraphs 2.1.14-2.1.16 of the Written Summary of the Applicant's Oral Submissions – Compulsory Acquisition Hearing 1 [REP1-006].</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
		<ul style="list-style-type: none"> what (if any) other mechanisms or measures it has investigated with a view to avoiding the permanent taking of rights? <p>why are such mechanisms or measures deemed not to be fit for purpose?</p>	<p>In summary the Applicant will rely on the voluntary agreements it has entered into with landowners where possible. However, due to the existence of unregistered plots within the order limits, the Applicant has not been able to reach agreement over all parcels of land required for the proposed development. In relation to the unregistered plots compulsory acquisition rights are required to ensure that the project which is Critical National Priority under EN-1 and therefore demonstrates a compelling case in the public interest, is deliverable. Such compulsory acquisition powers would also safeguard the project in the event that any landowner becomes unable to comply with the voluntary agreements they had entered into – e.g. death, and to protect against any unknown interests.</p>
Q6.0.6	The applicant	<p>Options for Lease: Effects on the need for CA</p> <p>The Statement of Reasons Table (up to [REP4-008/009]) records progress to a point of options for lease being concluded with a number of landowners. The applicant is asked to clarify whether the CA powers in the dDCO (articles 21 with 23 and/ or 26) are still required and justified in relation to plots once an option for lease is signed?</p>	<p>Whilst the Applicant has made good progress with the voluntary agreements for options for lease with landowners, as per Table 1 [REP4-008] of the Statement of Reasons [AS-011] the Applicant confirms that the compulsory acquisition powers in the dDCO [REP5-003] (articles 21 with 23 and/ or 26) are still required and justified in relation to plots even though an option for lease is signed as is explained in 5.1.2 of the Statement of Reasons . This is consistent with paragraph 26 of <i>Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013)</i> which states that Applicant's should plan for compulsory acquisition in parallel to negotiations as a "contingency measure". Securing the CA powers sought will ensure the</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			delivery of the Proposed Development as set out at Question 6.0.5 above.
Q6.0.7	The applicant	<p>Confirmation of 'No Works Without Rights'</p> <p>The applicant is requested to confirm that there are no proposed works in locations at which the applicant does not hold or propose to acquire relevant temporary and/ or permanent rights?</p> <p>For example, the applicant might confirm that it does not seek to conduct any cabling works in a highway purporting to rely on electricity distribution network operator permitted development and in relation to which it has not sought specific temporary or permanent rights?</p>	<p>The Applicant confirms that no works will commence outside of the plots within the Order Limits where compulsory acquisition rights are granted (articles 21 with 23 and/ or 26) and temporary possession rights (articles 30 and 31) of the dDCO [REP5-003].</p> <p>As this is an EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Applicant has no permitted development rights available to it as per Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015/596.</p> <p>The Applicant also has the option to use Article 6 to transfer the benefit of the dDCO to a transferee or a lessee subject to the parameters and approvals required in that article as drafted, should works be required to completed by another party.</p>

2.7. The draft Development Consent Order (dDCO) [REP4-004]

Table 2.7.0: General

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.0.1	Commentary	Government guidance Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects - GOV.UK was published on 30 April 2024 (2024 guidance). The applicant has referred to a selection of made orders in its explanatory memorandum (EM) [APP-007]. The 2024 guidance for example points out that the 2009 model provisions have lapsed and that it is not sufficient to rely upon precedent.	<p>As per paragraph 3.1 of the Explanatory Memorandum [APP-007] the Applicant notes that the Model Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (the Model Provisions), have been repealed (further to the Localism Act 2011). The 2024 Guidance states at paragraph 2 that whilst applicants may continue to refer the lapsed model provisions, there is no need to include Model Provisions that are no longer relevant. The 2024 Guidance goes on to say further to government guidance drafting is supplemented by precedents from made DCOs in recent years.</p> <p>Further the recent updated Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders (24 March 2025) (Advice Note Fifteen), at paragraph 1.4 note that for each provision of the Explanatory Memorandum the ExA would want to be satisfied,</p> <ul style="list-style-type: none"> the source of the provision and whether it has been made in a previous DCO), the section/Schedule of the PA 2008 under which it is made and why the Applicant considers it important/essential to delivery of the Proposed Development.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			<p>Paragraph 1.5 goes on to explain that if wording has come from other made DCO's, the Applicant should explain why they are relevant to dDCO.</p> <p>The Applicant has complied both with the 2024 Guidance and Advice Note Fifteen, by clearly explaining the need for each provision, its source and why it is relevant.</p> <p>The Model Provisions are still relevant as they inform the source of the drafting of this dDCO and other recently made DCO's and the Applicant has outlined why they are relevant to this dDCO or where they are departing from these provisions in order to assist the ExA in compliance with the guidance referred to above. The reference to the model provisions is also consistent with the Explanatory Memorandums of recently made DCO such as Mallard Pass and Heckington Fen.</p>
Q7.0.2	The applicant	For example: the EM [APP-007] 4.2.20 onwards explains that Paragraph/Article 9 (Defence to proceedings in respect of statutory nuisance) is a model provision and there is widespread precedent. In the dDCO [REP4-004] whilst its scope is limited to noise, which in plain language says it is a defence for the undertaker to prove that it is doing what it has been told to do by the local authority or that it is doing all that it reasonably can do to avoid the nuisance. This seems to duplicate the provisions of the Environmental Protection Act 1990 s80 (7) and (9) so would appear unnecessary?	<p>This a widespread precedent model provision which has appeared in a number of recent made DCOs such as Heckington Fen, West Burton, and Gate Burton, which all use similar drafting.</p> <p>The Applicant submits that the Article does not simply duplicate the Environmental Protection Act 1990 and should remain in its entirety in recognition that such noise will arise and therefore there should be a clear provision to define its consequences in an appropriate and balanced manner.</p>

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Table 2.7.1: Part 1 Preliminary

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Interpretation paragraph 2.			
Q7.1.1	The applicant	"the 1974 Act" is defined but its use is very limited. s60 and s61 of the 1974 Act provide a pollution control regime with regard to construction noise. The policy (EN-1 4.12.10) position is that other pollution control regimes are assumed to be effective, and that the planning regime should complement rather than duplicate them, hence should references to the 1974 Act within the dDCO be removed?	The definition has been removed but it is still required to be referred to as the Applicant considers that it remains appropriate and necessary for the procedures relating to the control of noise to be set out in the DCO.
Q7.1.2	The applicant	"the 2004 Act" is defined but not used hence should this be deleted?	This is agreed. The dDCO has been amended accordingly and submitted at D6.
Q7.1.3	The applicant	"address" hardly seems worthy of consideration as one of the "key terms in the DCO" (2024 guidance) so could this be deleted?	The Applicant considers that this is required to ensure that the service of notices article is clear regarding electronic transmission.
Q7.1.4	The applicant	"apparatus" using s105 of the 1991 Act to define apparatus is so limiting that it usually needs extending, see the Heckington Fen Solar Park Order 2025 (HFSP0 2025). There are multiple definitions and uses of 'apparatus' specific to each part or schedule of the dDCO so could this be deleted?	<p>The Applicant is using the definition of apparatus as set out in Part of the of New Roads and Street Works Act 1991. Therefore, the Applicant considers that Article 10(3) can be deleted as this is the same definition.</p> <p>The Applicant considers it appropriate to use alternative definitions of apparatus in the protective provisions as these relate to the infrastructure of other statutory undertakers specifically.</p>
Q7.1.5	The applicant	"building", "CCTV", "electronic transmission" same suggestion as Q7.1.3, could these be deleted?	The Applicant considers it necessary to retain the definitions for building and electronic transmission as these are terms used in multiple places in the DCO. While the term building may be well understood by planning professionals it would not necessarily be taken to mean any structure or part of a

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			structure in the ordinary use of the word. Electronic transmission is broader than just email and therefore the definition is warranted. However, the applicant has deleted the definition of CCTV as this was only used once in Work No.7 and therefore it has been set out in full there.
Q7.1.6	The applicant	"construction compound" is used in schedule 1 where it is explained sufficiently hence could this be deleted?	This is agreed. The dDCO has been amended accordingly and submitted at D6.
Q7.1.7	The applicant	"DEMP" should this definition be extended to include restoration, and the title of the outline plan amended accordingly?	The Applicant does not consider this necessary. The oDEMP makes it clear that the land needs to be returned to the landowner in a manner which is equivalent to restoration but if the landowner decides to retain planting that should be permissible.
Q7.1.8	The applicant	"substation" the term is in general use and the dDCO does not modify its meaning so could this be deleted?	The Applicant considers that the definition of substation within the dDCO is useful as it provides clarity as to what is to be constructed as part of the proposed development. However, the Applicant notes that there are two definitions, one in Article 2 and one in Schedule 1 which are slightly different. The Applicant has therefore deleted the definition in Article 2 and amended the definition in Schedule 1.
Q7.1.9	The applicant	'watercourse' is very similar to the definition in schedule 9 part 4, would a single definition be appropriate?	The definition in Schedule 9 Part 4 is in respect of watercourses for which the EA is responsible and so it is correct that this is tailored to the specific circumstances of the EA. The definition in Article 2 is to capture all watercourses so the Applicant does not propose to amend this definition.

Table 2.7.2: Part 2 Principal Powers

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.2.1	The applicant	Paragraph 3. The 2024 guidance refers to "the parameters of the authorised development and permitted limits of deviation" could the applicant provide this information for the various numbered works as relevant, including limits of deviation on heights and other dimensions? (see also sub section 7.6)	<p>Due to the nature of the development not requiring any "cut and fill" or significant ground realignment, it considered that the vertical limits of deviation are restricted by the Environmental Statement ("the ES"), in particular Table 3.2 of Chapter 3 Site and Development Description [REF-023]. No additional vertical limits of deviation are therefore anticipated by the Applicant beyond those set out in the ES.</p> <p>The horizontal limits of deviation are set out in each Works Plan as per Article 3(2) of the dDCO (Development consent etc. granted by the Order) which provides that that each numbered work must be situated within the corresponding numbered area shown on the Works Plans and within the limits of deviation shown thereon.</p>
Q7.2.2	The applicant	Paragraph 4. 'Maintenance of the authorised development' should this be restricted to 'within Order limits'? based on precedent (HFSP0 2025) and be within the environmental statement envelope - see the 2024 guidance? HFSP0 2025 may offer suitable wording?	<p>The Applicant has added two paragraphs to Article 4 to address these concerns. The wording has been used in the recently made HFSP0 2025 and is as follows:</p> <p>(2) <i>This article only authorises the carrying out of maintenance works within the Order limits.</i></p> <p>(3) <i>This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement</i></p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.2.3	The applicant	Paragraph 5. 'Operation of generating station' shouldn't this be broadened to 'authorised development' and the text modified accordingly, as the photovoltaic generating station is one component of the authorised development?	Whilst the Applicant notes the generating station is part of the authorised development the drafting of this article would be unclear is generating station was not explicitly referenced. The Applicant has followed the same drafting as Heckington Fen, West Burton and Cottam.
Q7.2.4	The applicant	Paragraph 9. Defence to proceedings in respect of statutory nuisance, for the reasons set out in Q7.0.2, could this paragraph be removed entirely?	See Q7.0.2

Table 2.7.3: Schedule 1 Authorised Development

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.3.1	Commentary	It is clear from the submissions that there are options regarding the configuration of the elements comprising Works no.1 hence the use of the defined term "balance of solar plant". In other regards the applicant may find it helpful to rely upon to definitions at s64 of the 1989 Act to simplify these, with reference to the 2024 guidance.	<p>The Applicant has reviewed s64 of the Electricity Act 1989 and does not consider that there are any defined terms which would easily simplify the the understanding of the dDCO. Many of the defined terms in Schedule 1 are not included in s64.</p> <p>The Applicant notes the recent guidance which suggests that defined terms in the Interpretation Act 1978 or the Planning Act 2008 do not need to be defined in the DCO but there is no requirement to utilise other definition in other legislation. In addition the Applicant considers that it is important for the local planning authority and others to be able to understand what the authorised works in the dDCO are without needed to refer to other legislation.</p>

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.3.2	The applicant	Paragraph 1. "battery energy storage" and "energy storage": only the former term is used hence could the latter and its definition be deleted?	The Applicant has considered the wording within the dDCO and agrees that the clarity of the drafting could be improved by the deletion of "energy storage". The dDCO Revision D has been updated accordingly.
Q7.3.3	The applicant	Paragraph 1. "inverters", "transformers", "switchgear", "substation", "solar panel": these are all terms that are in general use and would not appear to need definition for the purposes of the dDCO as the dDCO does not modify their meaning. Could they be deleted?	<p>The Applicant has reviewed the March 2024 advice note and it states:</p> <p><i>they should define, either in the relevant Article or paragraph (if only used once) or in a general definitions Article (if used more frequently), all terms not defined in the PA2008 or the Interpretation Act 1978, or where the term uses its ordinary meaning [our emphasis].</i></p> <p>Therefore the Applicant proposes to leave these definitions in the dDCO.</p>
Q7.3.4	The applicant	Paragraph 1. defining electric cables as an 'electric line' see s64 of the 1989 Act would appear to cover all conductors of electricity and the equipment used to support and protect them. The other items, for example optical fibre cables, trench lighting and other construction related items could simply be omitted for the same reasons as Q7.3.3, would that not be simpler?	The Applicant notes the definition of electric line in s64 of the 1989 Act but does not consider it appropriate in this case. The definition in the 1989 Act envisages overhead lines and the authorised development in this case is not proposing any overhead lines. All cabling will be underground. The applicant's definition includes all elements required for the undergrounding of the electricity cables.
Q7.3.5	The applicant	Paragraph 3. Work No. 6 and elsewhere include references to 'National Grid'. To avoid any ambiguity should all such references be to NGET, with suitable supporting definition?	Agreed. The dDCO has been amended accordingly and submitted at D6.

Table 2.7.4: Schedule 2 Requirements

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Part 1 Requirements			
Q7.4.1	The applicant	Paragraph 1. Expiry: Could the applicant explain why five has changed to 5, for example compare with HFSP0 2025?	As explained in the Schedule of Changes to the dDCO the Applicant amended all numerical references from words to numbers for consistency. There is no set rule that the Applicant is aware of in relation to this as long as a consistent approach is maintained.
Q7.4.2	The applicant and North Yorkshire Council	Paragraph 7. Operational Environmental Management Plan (OEMP): Do the applicant and the council agree that operational noise is sufficiently covered within the outline Operational Environmental Management Plan (oOEMP) and that there is no need for a separate requirement on noise?	The Applicant considers noise is suitably covered in the oOEMP because the Environmental Statement Chapter 11 Noise and Vibration [APP-031] demonstrates that negligible (not significant) effects will occur during the operational phase
Q7.4.3	The applicant	Paragraph 9. Battery fire safety management plan, sub paragraph (3): Please could the applicant check the latest Health and Safety Executive (HSE) position on this. It is the ExA's understanding that the council only needs to consult with North Yorkshire Fire and Rescue Service (NYFRS) on a plan that diverges from the outline plan. Please could the Applicant amend appropriately if this is confirmed to be the case?	The Applicant is not aware of any legal requirement to consult with the HSE on a final BSMP that deviates from the oBSMP. In the event that the Council considers it should consult the HSE the dDCO does not preclude this from occurring. However, on the understanding the Council are content to rely on consultation with the NYFRS the Applicant has amended the dDCO to remove the requirement to consult with the HSE.
Q7.4.4	The applicant and North Yorkshire Council	Paragraph 13. Construction working hours: in addition to audibility not satisfying the test of precision, to form part of a requirement, would it not be better for the detail on this issue to be within the Construction Environmental Management Plan (CEMP)/outline Construction Environmental Management Plan (oCEMP) rather than on the face of the dDCO?	Whilst the Applicant does not object to the ExA's suggestion it did however agree to include construction working hours as a requirement to be secured by the dDCO at the Council's request.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.4.5	The applicant and North Yorkshire Council	Paragraph 13. Construction working hours: Whilst this matter appears to be agreed, in order to reduce the need for on-site lighting/ temporary power generation described in the oCEMP and the adverse local effects that can cause, could construction be limited to daylight hours Monday to Friday only, potentially subject to 0700-1900 limit, or leave the matter to be agreed with the council via the CEMP/ oCEMP? (see also Q7.6.8)	<p>The Applicant would prefer to leave the matter to be agreed with the Council via the oCEMP and CEMP. While night working is not envisaged it is not possible to commit to no lighting as in winter months daylight hours can be very short and work may not be able to be undertaken safely during the permitted working hours of 0700 – 1900 thereby extending the construction period, unnecessarily. It may also be necessary to use some lighting to complete a task at the end of a day which would otherwise be unsafe to leave overnight, such as completing a trenching across a road/right of way. While the Applicant will endeavour to programme works to avoid the need for lighting it cannot commit to no lighting and it is not considered necessary as no significant adverse effects were identified in the Environmental Statement [APP-020 – APP-036] which used the construction hours of 0700 – 1900.</p> <p>The hours set out in the oCEMP represent standard practice and are in line with the standard working hours set out by North Yorkshire Council under Noise from construction and demolition sites¹.</p>

1Noise from construction and demolition sites | North Yorkshire Council

Table 2.7.5: Schedule 9 Protective provisions (PPs)

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.5.1	The applicant, statutory undertakers	The ExA considers that given the interfaces between the proposed development and statutory undertakers' assets, for example National Gas Transmission and NGET, the statutory undertakers standard PPs are more likely to be appropriate, subject only to necessarily bespoke detailing, and would ask for agreement to be reached by Deadline 8?	Good progress has been and continues to be made between the legal representatives of the statutory undertakers and EA and those of the Applicant. The Applicant will provide a further update at Deadline 8.

Table 2.7.6: Schedule 11 Documents to be certified

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Outline Construction Environmental Management Plan (oCEMP) [REP4-016]:			
Q7.6.1	The applicant	General: isn't it likely that any CEMPs submitted for approval will be a 'contract specific' CEMP written by the Principal Contractor. Perhaps the use of contract specific would be clearer?	It is acknowledged that the appointed contractor(s) will be responsible for working in accordance with the environmental controls documented in the oCEMP [REP4-015] , pursuant to the DCO. The overall responsibility for implementation of the CEMP(s) will lie with the Principal Contractor as a contractual responsibility to the Applicant, however, the Applicant will remain responsible for compliance with the Requirements of the DCO as the undertaker in the DCO. As the ultimate responsibility lies with the Applicant and these documents will be produced following grant of the DCO when the detailed design of the Scheme is known, it remains accurate to refer to the future CEMP(s) as detailed.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.6.2	The applicant	General: wouldn't it be helpful within this document to include a generic indicative programme by calendar month, (there is not one included [APP-025]), given that some activities (including vegetation management as part of site preparation) will necessarily be seasonal?	It is not considered appropriate to provide an indicative programme by calendar month given the construction works could start at any time of the year. Mitigation and management measures that would mitigate impacts of the Proposed Development throughout the year are outlined in the relevant management plans (i.e. the Outline Landscape and Ecological Management Plan [REP4-019] and Outline Soil Resource Management Plan [REP2-011]), and a detailed programme identifying the sequencing of the construction works which are the subject of the CEMP will be provided with the detailed CEMP(s).
Q7.6.3	The applicant	Paragraph 1.2.1 could this be clearer, perhaps just omit 'on Site'? or is 'the Site' defined somewhere else?	The Site is defined in Paragraph 1.1.1 of the oCEMP [REP4-015] , and comprises the land falling within the Order Limits as shown in Figure 1.1 Order Limits Location Plan [APP-037] . Further detail regarding the Site is provided in Section 1.4 of the oCEMP.
Q7.6.4	The applicant	Paragraph 1.5. wouldn't this section be more appropriate within a design principles document as it appears to be more about the what than the how?	Section 1.5 (comprising Paragraphs 1.5.1-1.5.5) was included in the oCEMP [REP4-015] , to provide context for the reader and an overview of the key components and scheme. The Applicant has specified the maximum parameters in Table 3.2 of Chapter 3: Site and Development Description [APP-023] .
Q7.6.5	The applicant	Paragraph 2.1.1 refers to "the Code of Construction Practice (CoCP)" – where is this or is the oCEMP intended to be 'self-sufficient' hence it can be removed as the oCEMP is, in effect, the code? Please could this be clarified?	Agreed - the CoCP would be a duplication of measures outlined in the oCEMP [REP4-015] , and the oCEMP will be self-sufficient. The reference has been removed from the oCEMP and the updated oCEMP submitted at Deadline 6.
Q7.6.6	The applicant	Paragraph 2.6 working hours it may be better to have this in here than on the face of the order. Would longer hours during the week avoid the need for weekend working?	See response above in relation to Q7.4.4, the Applicant would be comfortable to move working hours from the face of the dDCO [REP5-003] into the oCEMP [REP4-015] , depending on NYC preference. The hours outlined in the

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			oCEMP and on the face of the dDCO are those required for the construction of the Proposed Development and form the basis of the assessment in the Environment Statement. They are in line with the standard working hours set out by North Yorkshire Council under Noise from construction and demolition sites. Until the detailed design is known, and a detailed programme can be developed the impact on the construction programme of shorter working hours cannot be quantified and the Applicant would need to retain the ability to undertake works outside the hours subject to prior agreement with NYC .
Q7.6.7	The applicant	Paragraph 4.2.5 says: "The use of diesel or petrol powered generators will be avoided where practicable and mains electricity or battery powered equipment will be used instead where practicable". Would it not be appropriate for the undertaker to set up small solar/ battery installations within the construction compounds to minimise or avoid altogether the use of diesel/ petrol fuelled generators?	As stated in Paragraph 4.2.5 the use of diesel or petrol powered generators would be avoided where possible, and the Applicant acknowledges that the use of solar / battery installations would be beneficial if possible but the use of solar powered construction vehicles and plant is in its infancy and is not widely adopted. Furthermore, it should be noted that diesel or petrol powered generators are often used on construction sites to provide a backup power supply in the case of supply failure. Therefore, the Applicant cannot commit to the avoidance of petrol / diesel generators, but it is anticipated that mains electricity or battery powered equipment will be utilised where practicable.
Q7.6.8	The applicant	Paragraph 4.3.3 says: "Furthermore, where possible, construction works will be restricted to daylight hours". In the context of the proposed development would this be a reasonable default position, with planned exceptions authorised by NYC and unplanned exceptions allowed, for example, emergencies?	Please see the answer to Q7.4.5 in respect of a restriction on lighting/working only in daylight hours.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Outline Decommissioning Environmental Management Plan (oDEMP) [APP-123]:			
Q7.6.9	The applicant	General: please could the applicant review this in light of the above queries on the oCEMP as there are likely to be similar issues?	The oDEMP [APP-123] has been reviewed in light of Q7.6.1 to 7.6.8 and has been amended for consistency with the oCEMP [REP4-015] , in response to Q7.6.5 to remove reference of the Code of Construction Practice. The updated oDEMP has been submitted at Deadline 6.
Q7.6.10	The applicant	General: would it not be appropriate to extend its scope to restoration?	Whilst restoration has not been specifically mentioned in the oDEMP [APP-123] , Paragraph 1.1.2 states that decommissioning activities include the return of the Site to its existing condition (agricultural land), this would constitute restoration.
Outline Operational Environmental Management Plan (oOEMP) [REP2-008]:			
Q7.6.11	The applicant	Paragraph 1.4 would this be better in an outline design principles document?	As set out in response to Q7.6.4 Section 1.4 was included to provide context for the reader and an overview of the key components of the scheme. The Applicant has specified the maximum parameters in Table 3.2 of Chapter 3: Site and Development Description [APP-023] .
Q7.6.12	The applicant	Paragraph 2.5.1 please clarify the second sentence, looks like a couple of words have been left out?	Paragraph 2.5.1 has been amended, the updated oOEMP has been submitted at Deadline 6.
Q7.6.13	The applicant	Various paragraphs: There are design commitments elsewhere in the document, (for example aspects of the Battery Energy Storage System, lighting, fencing) so a separate document may be preferable (see Design section 2.)?	The Applicant acknowledges that the text related to the Battery Energy Storage System (Paragraph 3.6.3 and 3.6.4) relate to design measures but were added to the oOEMP at Deadline 2 in line with points raised in the Environment Agency's Principal Areas of Disagreement Summary Statement [PDA-022] and Summaries of all RR exceeding 1500 words [REP1-021] . The items relating to lighting (paragraphs 2.6.1-2.6.2) and fencing (paragraphs 2.8.1 - 2.8.5) have been provided to provide clarity on the operational means of the Proposed Development during its lifetime.

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q7.6.14	The applicant	General: This document should outline the management of operations and maintenance from an environmental perspective (similar to the oCEMP for construction) so possibly should include more for example on roles and responsibilities, risk assessment and methods. Please could appropriate amendments be made?	Section 2.9 Roles and Responsibilities has been added to the oOEMP to set out the relevant responsibilities of all parties engaged in the operation of the Proposed Development including reference to risk assessment and methods as relevant. The updated oOEMP has been submitted at Deadline 6.

2.8. Health, safety, accidents, and incidents

Table 2.8.0: Public Health

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q8.0.1	Commentary	Public Health <ul style="list-style-type: none"> The ExA has considered United Kingdom Health Security Agency's RR [RR-345]. The ExA has also considered NYC's LIR [REP2-034] the applicant's response to it [REP3-010] the draft SoCG [REP4-042] submitted by the applicant and the PADs [REP4-051] submitted by NYC. Whilst NYC considers resolution of its concern to be unlikely, the ExA has no questions at this time. 	

Table 2.8.1: Site Fire Safety

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q8.1.1	North Yorkshire Fire and Rescue Service	The ExA has considered the draft SoCG [PDA-006] with North Yorkshire Fire and Rescue Service (NYFRS) submitted by the applicant and the statement of commonality [REP4-044] submitted by the applicant. The ExA would be grateful if NYFRS could confirm its position through the finalisation of the SoCG with the applicant?	
Q8.1.2	The applicant	The dDCO [REP4-004] refers to an 'outline battery fire safety management plan' but the corresponding outline management plan [REP4-013] is entitled 'Outline Battery Safety Management Plan' please could this be aligned	The dDCO has been amended to remove the word fire from the title of the document. This is reflected in the updated dDCO submitted at D6

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
		on the basis that it would appear to be the same document?	

Table 2.8.2: Aviation Safety – Burn Gliding Club

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q8.2.1	Commentary	Relevant representations were made by Burn Gliding Club [RR-043], the British Gliding Club Association [RR-039] and the Civil Aviation Authority [RR-072] concerned with the effect of the proposed development on the safety of Burn Gliding Club's flying operations. A draft SoCG [REP2-017] and a PADs [REP3-014] have been submitted respectively by the applicant and the gliding club with a number of flight safety matters unresolved.	
Q8.2.2	The applicant	The club would not appear to be listed as a category 3 person in the Book of Reference and based on the Applicant's submissions is it reasonable to conclude that the Applicant considers that whilst there may be some increase in risk that they would not regard this as likely to cause a material effect on the operation of the club?	Based on the current understanding of any potential impacts on the Club following the diligent land referencing process, the applicant does not believe there is a Part 1 or Section 10 claim to be made by the Club and as such they are not listed in Part 2a or 2b in the Book of Reference [AS-010] . The inclusion or otherwise as a category 3 person in the Book of Reference does not affect Burn Gliding Club from making such a claim.
Q8.2.3	The applicant	If the club in due course considers they have suffered a loss as a result of the operation of the proposed development, would they be able to make a claim, and if so how?	If in due course the club considers the value of their land has depreciated as a result of the operation of the proposed development and such depreciation is attributable to physical

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ExA Question Number	Question Addressed to:	Question	Applicant's Response
			<p>factors they have the option to make a claim under Part 1 of the Land Compensation Act 1973.</p> <p>The “physical factors” include noise, vibration, smell, fumes, smoke and artificial lighting and the discharge onto the land of any solid or liquid substance.</p> <p>Should there be a dispute regarding compensation both parties may make a reference to the Upper Tribunal (Lands Chamber) to determine compensation payable.</p> <p>There are a number of guidance notes on the government website which would assist the club with making a claim, including plain English guides which have been produced by the government for claimants. Link here: https://www.gov.uk/government/collections/compulsory-purchase-system-guidance</p>

2.9. Heritage

Table 2.9: Heritage

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q9.0.1	Commentary	The ExA has considered Historic England's RR [RR-143], Written Representation [REP2-028] and the draft SoCG [REP4-043] submitted by the applicant, which shows all matters agreed. The ExA has also considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant, which shows all matters agreed, with regard to both built heritage and archaeology. The ExA therefore has no questions at this time.	

2.10. Landscape

Table 2.10: Landscape

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q10.0.1	Commentary	<p>The ExA has considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant which shows a number of areas still under discussion. The ExA has also considered the PADs [REP4-051] submitted by NYC where NYC lists its areas of concern as:</p> <ul style="list-style-type: none"> • Cumulative effects • Green Infrastructure Strategy • Local Landscape and visual effects • Long term maintenance and management 	
Q10.0.2	North Yorkshire Council	<p>With regard to unresolved matters what is NYC seeking, for example a new/ modified requirement, a new/ modified certified outline plan secured by a requirement or a development consent obligation agreed the Applicant? Could the council provide details and evidence of policy, guidance, research or comparable precedent that would support its case?</p>	

2.11. Noise and Vibration

Table 2.11: Noise and Vibration

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q11.0.1	Commentary	The ExA has considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant, which shows all noise and vibration matters agreed. The ExA therefore has no questions at this time.	

2.12. Socio-economic (including agriculture)

Table 2.11: Socio-economic (including agriculture)

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q12.0.1	Commentary	The ExA has considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant which show that NYC's concerns over the use of Best and Most Versatile agricultural land had not been resolved. The ExA has also considered the PADs [REP4-051] submitted by NYC where NYC considers resolution of its concern to be likely.	
Q12.0.2	North Yorkshire Council	Would the council consider it helpful if the applicant provided an outline supply chain, employment and skills plan as a certified document which would be secured by a requirement?	
Q12.0.3	North Yorkshire Council	If the answer to Q12.02 is yes then please could the council comment in general terms on the adequacy of the outline supply chain, employment and skills plan provided for the Heckington Fen solar park? EN010123-001015-7.12 - Outline Supply Chain, Skills and Employment Plan - Rev 4.pdf	

2.13. Transport and Access

Table 2.13: Transport and Access

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q13.0.1	Commentary	The ExA has considered National Highways' RR [RR-267] and the final SoCG [REP2-016] submitted by the applicant, which shows all matters agreed. The ExA has also considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the applicant, which shows all traffic and transport matters agreed. The ExA therefore has no questions at this time.	

2.14. Water Environment

Table 2.14: Water Environment

ExA Question Number	Question Addressed to:	Question	Applicant's Response
Q14.0.1	Commentary	The ExA has considered Environment Agency's (EA) RR [RR-117] and the draft SoCG [REP4-039] submitted by the applicant, which shows all matters agreed with the exception of battery energy storage system floodplain compensation. The ExA has also considered the PADs [REP4-053] submitted by the EA which shows all matters resolved with the exception of 2080's flood risk where the EA considers resolution of its concern to be likely. The ExA has also considered NYC's LIR [REP2-034] and the draft SoCG [REP4-042] submitted by the Applicant, which shows all water environment matters agreed. The ExA therefore has no questions at this time.	

Helios Renewable Energy Project:

List of all objections to the grant of compulsory acquisition and/ or temporary possession powers ExQ2: Question 6.0.1

In the event of a new interest in the land, or category 3 person, being identified the applicant should inform those persons of their right to apply to become an interested party under s102A of the PA2008.

1. Obj no	2. Name/ Organisation	3. IP/ AP ref no	4. RR ref no	5. WR ref no	6. Other doc ref no	7. Interest	8. Permanent/ Temporary	9. Plot(s)	10. CA?	11. Status of objection
1.	Network Rail (“NR”)		RR-272	REP2-033	N/A	Part 1 and 2	N/A	55,56,57, 59 and 61.	Yes but the rights can coexist, the concern of NR is that the dDCO contains the powers to extinguish their rights if they are incompatible with those sought by the Applicant.	Good progress has been and continues to be made between the legal representatives of NR those of the Applicant in relation to a side agreement to protect NR’s rights. Further details of the parties interactions can be found in <i>8.6 Status of Negotiations on Protective Provisions [REP5-013]</i> . The parties are working towards reaching agreement by D8.
2.	Northern Powergrid (“NPG”)		RR-280	N/A	N/A	Part 1, 2 and 3	Permanent and temporary.	1,2, 6, 11, 13, 14, 16, 19, 22, 24, 32, 39, 40, 41, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69	Yes	Good progress has been and continues to be made between the legal representatives of NPG those of the Applicant in relation to protective provisions. Further details of the parties interactions can be found in <i>8.6 Status of Negotiations on Protective Provisions [REP5-013]</i> . The parties are working towards reaching agreement by D8.
3.	National Gas Transmission (“NGT”)		RR-123	REP2-029	REP5-026	Part 1, 2 and 3	Permanent and temporary.	19, 32, 39, 40, 45, 46, and 49	Yes	Good progress has been and continues to be made between the legal representatives of NGT those of the Applicant in

1. Obj no	2. Name/ Organisation	3. IP/ AP ref no	4. RR ref no	5. WR ref no	6. Other doc ref no	7. Interest	8. Permanent/ Temporary	9. Plot(s)	10. CA?	11. Status of objection
										relation to protective provisions. Further details of the parties interactions can be found in <i>8.6 Status of Negotiations on Protective Provisions</i> [REP5-013] . The parties are working towards reaching agreement by D8.
4.	National Grid Electricity Transmission (“NGET”)		RR-266	REP2-030	N/A	Part 1, 2 and 3	Permanent and temporary.	11, 12, 14, 19, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62,65, 66, 67, 68 and 69	Yes	Good progress has been and continues to be made between the legal representatives of NGET those of the Applicant in relation to protective provisions. Further details of the parties interactions can be found in <i>8.6 Status of Negotiations on Protective Provisions</i> [REP5-013] . The parties are working towards reaching agreement by D8.
5.	Environment Agency (“EA”)	20050710	RR-117	REP2-027	PDA-021 PDA-022 REP1-021 REP3-011 REP4-052 REP4-053 REP5-019 REP5-020	N/A	N/A	The majority of the Site falls within Flood Zone 3a. The River Ouse to the north and River Aire to the south converge to the east of the Site. There are areas of elevated risk (‘high’ –‘medium’) associated with the combined risk of flooding from watercourse and tidal sources due to the proximity of the Site to the River Aire and River Ouse.	No (the EA’s concern relates to the disapplication of legislation).	Good progress has been and continues to be made between the legal representatives of the EA those of the Applicant in relation to protective provisions. Further details of the parties interactions can be found in <i>8.6 Status of Negotiations on Protective Provisions</i> [REP5-013] . The parties are working towards reaching agreement by D8.

Column explanations:

1. ‘Obj no’ is short for objection number. All objections listed in this table should be given a unique number in sequence
2. The name of the person or organisation which has made the objection
3. Reference number assigned to each interested party (IP) and affected person (AP)
4. Reference number assigned to each relevant representation (RR) in the Examination Library
5. Reference number assigned to each written representation (WR) in the Examination Library
6. Reference number assigned to any other document in the Examination Library
7. This refers to parts 1 to 3 of the Book of Reference:
 - Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of order land
 - Part 2, containing the names and addresses of any persons whose land is not directly affected under the order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the order being implemented, or part 1 of the Land Compensation Act 1973, as a result of the use of the land once the order has been implemented
 - Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the order land that may be extinguished, suspended or interfered with under the order
8. This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights
9. The plot(s) in the Land Plan provided by the applicant to which the interest and objection relates
10. ‘CA’ is short for compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and the applicant is seeking compulsory acquisition of land/ rights
11. A summary of the status of negotiations with the AP