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The Applicant's Comments on Response to the Secretary of State's Request for Information

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Helios Renewable Energy Project

The Applicant's Comments on Response to the Secretary of State's Request for Information

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Prepared on behalf of Enso Green Holdings D Limited

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CONTENTS

1. INTRODUCTION 3

1.1. Overview..... 3

2. COMMENTS ON RESPONSES TO THE SOS REQUEST FOR INFORMATION 4

1. Introduction

1.1. Overview

- 1.1.1. This document sets out the responses from Enso Green Holdings D Limited (the Applicant) to the invitation made by the Secretary of State (SoS) on 15th October 2025 for all interested parties to comment on the information provided in response to his information request. The information request is in relation to the Development Consent Order Application (the DCO Application) for the Helios Renewable Energy Project (the Proposed Development). The DCO Application Order Limits comprise 475 hectares (ha) of land (the Site) located within the host authority area of North Yorkshire Council.
- 1.1.2. References to the DCO Application documentation, as received by the Planning Inspectorate on 2nd July 2024, and to the documents submitted during the Examination, are provided in accordance with the referencing system as set out in the Planning Inspectorate's 'Helios Renewable Energy Project Examination Library'.

2. Comments on Responses to the SoS Request for Information

2.1.1. Table 2.1 below sets out the Applicant's comments on the responses to the SoS Request for Information published on 13th October 2025.

Table 2.1: The Applicant's Comments on Responses to the SoS Request for Information

Interested Party	Topic of response	Applicant's Comments
Network Rail	Protective Provisions	<p>The Applicant maintains its position as set out previously in the Summary Statement of outstanding matters [REP9-013] and its SoS Consultation Response 1.</p> <p>The Applicant has engaged with Network Rail Limited (NR) since the close of the examination but no agreement has been entered into between the parties. If this changes before the application has been determined the Applicant will update the SoS.</p> <p>The Applicant does not consider that the ongoing discussions between NR and itself are of a nature which requires resolution before the determination of the application. Rather the discussions are focussed on the practicalities of ensuring both the rights of NR and the Applicant are appropriately managed during the construction phase. The matters under discussion do not include concerns about any impacts on the operational assets or rights required to facilitate the operation of the railway network as there is no NR property (land or physical assets) within the Order Limits of the DCO; nor that the PPs the Applicant has put forward (notwithstanding that the Applicant does not consider them necessary or justified by NR) are in any way not sufficient to protect the existing rights NR do have within the Order Limits.</p>
North Yorkshire Council	Operational Noise	<p>The Applicant has agreed the following alternative wording with North Yorkshire Council. The amended wording covers both the complaint procedure as well as securing the alternative wording proposed by the SoS regarding Tables 11.17 and 11.18 set out within the Environmental Statement and is considered to adequately address the concerns previously raised.</p> <p>Since agreeing the wording with the Council the Applicant has reformatted the requirement, decapitalised some words and amended the references to the development to be the authorised development to ensure it complies with requirements</p>

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

Interested Party	Topic of response	Applicant's Comments
		<p>for drafting legislation. The Applicant has not amended the substance of the requirement as agreed.</p> <p><u>Requirement 23 – Operational Noise</u></p> <p>23. - (1) No part of Work Nos. 1, 2 or 3 shall commence until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall -</p> <ul style="list-style-type: none"> (a) be based on the final specification and layout of plant and equipment; (b) demonstrate that the rating levels (LAr) shall not exceed the stated background sound level (LA90) adopted for each receptor, as set out in tables 11.17 and 11.18 of Chapter 11 of the Environmental Statement; (c) include a schedule mapping each noise sensitive receptor referenced in tables 11.17 and 11.18 to its corresponding postal address, which shall form part of the approved document and be used for compliance monitoring; (d) identify any mitigation measures required to achieve compliance; and (e) provide details of the complaint procedure. <p>(2) The authorised development shall be operated in accordance with the approved assessment and any mitigation measures therein, which shall be implemented prior to operation and maintained for the lifetime of the authorised development.</p> <p>(3) In the event that substantiated noise complaints are received following commencement of operation, the undertaker shall, upon request, submit a noise impact assessment to the Local Planning Authority for approval. The assessment shall:</p> <ul style="list-style-type: none"> (a) include attended measurements at or near the affected receptor(s); (b) include a comparison with predicted noise levels and BS4142 assessment; (c) identify whether the operational noise is resulting in adverse impacts; and (d) where necessary, include details of mitigation measures and a timetable for implementation. <p>(4) Any approved mitigation shall be implemented in accordance with the agreed timetable and shall remain in place for the lifetime of the authorised development.</p>

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

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	Ground Nesting Bird Monitoring	<p>The Applicant in Section 5.3.1 of the Outline Landscape and Ecological Management Plan (oLEMP) [SoS Consultation 1 Submission] is clear that there is an annual requirement to undertake a walkover of the monitoring areas to record that suitable habitat has been established.</p> <p>The Applicant wishes to reiterate that they cannot be required to demonstrate actual use of the habitats by ground nesting bird habitats because it is not possible to control where any bird species may, or may not, choose to nest. The most that can be reasonably required of the Applicant is to demonstrate that suitable habitat has been established in line with Countryside Stewardship management practices as set out in AB4: Skylark Plots and IN140 Neutral Grassland for Lapwing such that if the species are present, they could use it.</p> <p>The Applicant considers that the recording of skylark plots, and confirmation that the requisite habitats are in place, are sufficient to monitor mitigation measures specified within the Environmental Statement. This position has not been challenged by Natural England in their response to the SoS Request for Information.</p>
Natural England	Ground Nesting Bird Monitoring	The Applicant acknowledges that Natural England have no comments to make on the Applicant's approach to the mitigation on ground nesting birds and the proposed monitoring requirements by the Applicant.
Burn Gliding Club		The Applicant limits its comments here to responding to the points made by BGC in its submission to the SoS. The Applicant maintains its position as set out previously in the examination
	8a) Provide evidence that the removal of some of the solar panels in fields 3, 5 and 6 is necessary for aviation safety.	<p>The areas identified by BGC for removal of panels in fields 3 ,5 and 6 lacks clear justification and methodology in accordance with CAST Advice Note 5, which states that <i>'a designated EFATO safeguarded area could be considered for any proposed solar energy development that is to be located along the extended runway centre line'</i>. Therefore, the centreline provides the starting point to understand whether panels removal is necessary.</p> <p>The centrelines for runways 07 and 15 are clearly presented on the BGC plan provided in their Post ISH2 Submission [REP5-024] and in response to the Secretary of State's Request for Information [SoS Consultation 1 Submission] and demonstrate that the ability for pilots to land straight ahead, relative to the runway centreline, following Glider</p>

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

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		<p>Launch Failure (GLF) for runways 07 and 15, remains as per the baseline conditions, such that it is not impacted by the proposed development. This is consistent with best practice and the evidence presented by the Applicant to date in the High-level Investigative Report [REP7-017] which states:</p> <ul style="list-style-type: none"> Runway 07 - a pilot can remain flying forward as per the baseline and is unaffected by the Proposed Development due to no solar panels occupying land along the extended runway centreline. To remain flying in a forward direction (i.e. not conducting a turn) is considered best practice. There is therefore no justification for the removal of panels in Field 3. Runway 15 - the Proposed Development occupies a lateral distance between 510m and 840m along the runway centreline, and in line with the launch point. In the event of EFATO/GLF during this section, a pilot has the option of performing a right-hand turn within the defined 90-degree/2km sector as per the baseline and is unaffected by the Proposed Development, due to no solar panels occupying land between the runway centreline and 45-degrees southeast of the centreline. After 840m along the runway centreline, a pilot can remain flying forward as per the baseline and is unaffected by the Proposed Development due to no solar panels occupying land along the extended runway centreline. <p>During pre-application engagement (email dated 18th January 2024), BGC stated that <i>'suitable fields need to be some 200m long, 50m wide, flat without any obstructions such as overhead cables, livestock'</i>. Applying this to each of the fields in question, and using the CAST Advice Note 5 guidance, the Applicant concludes the following in their High-level Investigative Report [REP7-017]:</p> <ul style="list-style-type: none"> Field 3 – is outside of the centreline, no exclusion zone required. Field 5 – the south west corner is along the centreline, however when applying the suitability criteria from BGC within the recommended centreline exclusion zone presented in Advice Note 5 it would not be suitable for EFATO as both the western and southern boundaries are bounded by a mixture of mature trees and hedgerows which further reduces the suitability to land in this area. Field 6 – is outside of the centreline, no exclusion zone required. <p>The current request from BGC in their ISH2 Post-Hearing Note [REP5-024] and included in their response to the Secretary of State's Request for Information [SoS Consultation 1 Submission] is to remove panels along a 100m wide corridor from the boundaries of</p>

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

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		<p>Fields 3, 5 and 6, which is firstly wider than that previously stated by BGC, and would mean pilots turning towards the solar farm area, rather than to other suitable available areas. There is also a mixture of mature trees, hedgerows and ditches along the boundaries of Fields 3, 5 and 6, with an overhead power line and associated pylons which run in a north west/south east direction across Fields 4 and 5. All of which would need to be avoided by the pilot in the event of EFATO.</p> <p>Burn Gliding Club makes reference to two Appeal Decisions in their response to the Secretary of State's Request for Information, however they are both wholly different in their contexts. Appeal Ref. APP/C2741/W/19/3223376 (Appendix 1) is a group of permanent buildings located directly at the end of the runway spanning across the centreline recommended for EFATO. The second, Appeal Ref. APP/V3500/W/24/3354097 (Appendix 2), is located in a heavily constrained area and is the remaining undeveloped field closest to the runway for EFATO. The Proposed Development is not comparable with either of these Appeal Decisions. It is however of note that Beccles Aerodrome (the aerodrome discussed in relation to APP/V3500/W/24/3354097) has an operational solar farm located along its runway.</p> <p>Combining this with the Applicant's position outlined in their response to the Secretary of State's Request for Information [SoS Consultation 1 Submission] , it is clear that with the Proposed Development in place there would still be sufficient landing areas available for Runway 07 and 15 (53% and 42% respectively) in the event of EFATO and that aircraft would be able to land along the extended centreline as set out in CAST Advice Note 5 at section 2.2.2.</p> <p>The panel removal request from BGC is unjustified and would lead to unnecessary removal of renewable energy generation from a project which is of Critical National Priority.</p>
	8b) Information on the impact of not providing a safety zone or not removing those panels on overall operations and viability of the aerodrome and the Gliding Club.	<p>The Applicant disputes the methodology presented by BGC for the removal of panels in Fields 3, 5 and 6, on the basis that Runways 07 and 15 are able to operated safely in accordance with CAST Advice Note 5 at section 2.2.2.</p> <p>Advice Note 5 states that considerations of the size and scale of a safety zone includes:</p> <ul style="list-style-type: none"> • <i>Specific aerodrome operations</i> – The applicant has undertaken an assessment based on the specific operations undertaken at BGC

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

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		<ul style="list-style-type: none"> • <i>Availability of additional land for use in an EFATO should the solar energy development be built</i> – The Applicant has demonstrated (with inputs from BGC on suitable areas) that there would still be sufficient landing areas available for Runway 07 and 15 (53% and 42% respectively) in the event of EFATO; • <i>Size and scale of the solar energy development</i> - The Proposed Development is an NSIP and is a Critical National Priority. The Applicant has demonstrated (with inputs from BGC on suitable areas) that there would still be sufficient landing areas available for Runway 07 and 15 (53% and 42% respectively) in the event of EFATO; • <i>Distance of the solar energy development from the runway threshold</i> – the Proposed Development is over 260m from the runway threshold; • <i>History of air traffic incidents</i> – there is no evidence of incidents having occurred in Fields 3, 5 and 6; and • <i>Availability of other runways</i> – BGC have confirmed that they have use of 6 runways. <p>The areas BGC identify for panel removal lack clear justification and methodology under CAST Advice Note 5. BGC provide no credible evidence that runways 07 and 15 would be unable to operate with the Proposed Development in place. Other aerodromes, such as that cited in Appeal Ref. APP/V3500/W/24/335409, continue to operate successfully with solar farms adjacent to their runways. BGC's claims are therefore wholly unsubstantiated.</p>
	<p>8c) Set out the policy or guidance underpinning the BGC approach, including the CAA's CAST Aerodrome Safeguarding Advice Note 5.</p> <p>The salient points of relevance of the CAA's CAST Aerodrome Safeguarding Advice Note 5 are:</p>	The Applicant would draw attention to the points highlighted above.
	a. Advice Note 5 applies to all categories of aerodromes. The Combined Aerodrome Safeguarding Team (CAST) includes CAA staff and safeguarding experts from aerodromes across the UK.	The Applicant has no comments on this statement.

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

Interested Party	Topic of response	Applicant's Comments
	b. Advice Note 5 is focused on development 'in the vicinity of an aerodrome' and suggests that 5km is generally applicable. The enclosed plan shows that the Helios site is within 3km of Burn Airfield.	CAST Advice Note 5 does make reference to 5km, however this is not in relation to EFATO and relates to the assessment of glint and glare. The glint and glare assessment is agreed between both parties within the Statement of Common Ground [REP7-015] .
	c. The Advice Note confirms that solar energy generation is 'known' by the CAA to have an impact on aviation.	Advice Note 5 provides guidance on how safeguarding can be considered reasonably and pragmatically by both an aerodrome operator and a solar developer. The Advice Note does not in any part indicate that both the operator and the development could not co-exist. The guidance in fact demonstrates that the size and scale of EFATO zones are very site specific. The Applicant has undertaken a site specific assessment which concludes that no significant impacts are predicted upon aviation activity associated with Burn Airfield and Burn Gliding Club.
	d. The Advice Note states that Developers should 'consult early' – Helios did not do so. If Helios had engaged with Burn Airfield on its scheme at an early stage of project design, there is a clear possibility (based on the extensive area of land within the project boundaries) that Helios could have taken account of the proximity of its aviation activity and modified its solar panel layout so as to minimise safety risks.	Engagement with BGC is documented within the agreed Statement of Common Ground [REP7-015] . Formal engagement with BGC began in December 2023, several months prior to submission and continued throughout the examination of the application.
	e. Engine failure after take-off (EFATO) is another 'consideration'. Paragraph 2.2.2 states that following an EFATO, the need to retain airspeed and height to facilitate a safe forced landing. Helios did not take EFATO into account in defining its site layout. Burn Gliding Club undertook extensive, thorough and robust analysis to identify the most crucial areas to be left clear solar panels as to minimize the risk of harm to pilots in the event of an EFATO.	The Applicant has provided detailed assessments with regard to EFATO [REP4-045] , which have been informed by details provided by BGC. The areas identified by BGC for removal of panels lack clear justification and there is no methodology to their assessment in accordance with CAST Advice Note 5.
	f. The Advice Note fully captures the overriding safety priority: 'A pilot's ability to safely navigate the airspace around an aerodrome is paramount.' Gliding activity involves additional	The Applicant has demonstrated that gliders can remain flying in a forward direction without being significantly impacted by the Proposed Development, which is considered best practice in accordance with the guidance.

Helios Renewable Energy Project

The Applicant's Comments on Responses to the Secretary of State's Request for Information

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	and different challenges to those faced by fixed wing aircraft pilots. The need for safe navigation remains paramount.	As an alternative (noted in the High-level Investigative Report [REP7-017]), BGC have advised that where there is sufficient height to turn (above 400ft AGL), and depending on local weather conditions, a glider may also be able to turn back towards the airfield in the event of GLF.
	g. The document goes on to recommend the need for a reasonable and pragmatic approach.	With the Proposed Development in place there would still be sufficient landing areas available for Runway 07 and 15 (53% and 42% respectively) in the event of EFATO and that aircraft would be able to land along the extended centreline as set out in CAST Safeguarding Notice 2.2.2.