



HELIOS RENEWABLE
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Written Summary of the Applicant's Oral Submissions – Preliminary Meeting and Open Floor Hearing 1

December 2024



Helios Renewable Energy Project

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– Preliminary Meeting and Open Floor Hearing 1

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Prepared on behalf of Enso Green Holdings D Limited

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Stantec
7 Soho Square
London
W1D 3QB

Tel: 020 7446 6888



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1. Introduction

1.1. Overview

- 1.1.1. This Post Hearing Note summarises the submissions made by Enso Green Holdings D Limited (the “**Applicant**”) at the Preliminary Meeting and Open Floor Hearing (“**OFH1**”) on 3 December 2024. This document does not purport to summarise the oral submission of parties other than the Applicant. Summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant's submissions.

2. Preliminary Meeting

2.1. Remarks about the Examination process

2.1.1. The Examining Authority (“**ExA**”) confirmed that they are under a duty to complete the Examination by the 2 of June 2025, so there is limited scope for rearranging the timetable at Annex A of the Rule 6 letter dated 1 November 2024, but that they will try to accommodate changes proposed by the Applicant at Procedural Deadline A where possible.

2.2. Initial Assessment of Principal Issues

2.2.1. The ExA confirmed that the issues would be grouped together and discussed logically.

2.2.2. The ExA confirmed that Burn Gliding Club (“**BGC**”) have comments but that they believe the initial assessment of principal issues is appropriate. BGC requested that they have a specific hearing at some point in the process to discuss their issues. BGC highlighted that the current hearing structure and topics were not appropriate for BGC’s topics (such as safety, glint and glare, socio-economic issues, and cumulative impacts some of which are interrelated) and they wanted to avoid duplication and parties attending one or more hearings where possible.

2.2.3. The ExA confirmed they would try and group BGC topics together, and that ISH1 did not include most of BGC’s issues, and would use First Written Questions (“**ExQ1**”) to narrow these issues down before accommodating a further issue specific hearing as needed.

2.3. Draft Examination Timetable

2.3.1. The Applicant was asked by the ExA whether the Applicant intended to provide written responses to the Relevant Representations received so far, and if it would continue to do so throughout the Examination. The ExA confirmed that late submissions from Interested Parties would only be accepted at the ExA’s discretion. The Applicant confirmed that it intended to respond to submissions made by interested parties.

Site inspections

2.3.2. The Applicant confirmed that it would be in a position to submit suggested sites at

Deadline 1. The Applicant has asked to bring the site inspections forward, however the ExA confirmed that they would see how Issue Specific Hearing (“**ISH1**”) and Compulsory Acquisition Hearing (“**CAH1**”) go first and then this will be confirmed in the Rule 8 letter.

2.3.3. **Action: The Applicant was asked to liaise with BGC in respect of a site visit.**

2.3.4. The ExA also noted that it would be helpful to outline what requirements are necessary to enter private land as well as specific things any party wanted him to see, as they had only been on an unaccompanied inspection so far and specifically wanted to see BGC. The Applicant noted that certain land such as that belonging Drax and other landowners would be need to be accompanied.

2.3.5. The ExA noted it was likely the Applicant's request to submit the site inspection at Deadline 1 would be granted but they wanted see how the remaining hearings go before confirming in the Rule 8 letter.

Deadline 2

2.3.6. In relation to Deadline 2 the ExA confirmed they was likely to ask for further Principal Areas of Disagreement (“**PADs**”) from interested parties (having only received those from the Environment Agency and North Yorkshire Council (“**NYC**”) through the Rule 8 letter and then any additional information as necessary through a Rule 17 letter for the next deadline accordingly.

2.3.7. By Deadline 2, the ExA confirmed that the following documents should be submitted:

- a. Local Impact Reports (“**LIR**”) from relevant local planning authorities;
- b. Written Representations (“**WR**”) and Summaries of WRs exceeding 1500 words;
- c. Applicant's suggested locations for site inspections *[subject to change given comments above regarding submission at Deadline 1]*;
- d. Statements of Common Ground (“**SoCGs**”) requested by the ExA and updated SoCGs submitted at Procedural Deadline A where any substantive updates have been made;
- e. PADs requested by the ExA which were not submitted at Procedural Deadline A or any updated PADs;

- f. The Applicant's updated documents; and
- g. Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010

First Written Questions ("ExQ1")

- 2.3.8. The Applicant confirmed that it would like further time for item 10 on the Draft Examination Timetable at Annex D of the Rule 6 letter ("**Draft Examination Timetable**") – the ExA's publication of the ExQ1 as per its submission at Procedural Deadline A. The ExA confirmed that a deadline of the 5th or the 6th of February could be accommodated, which would also move Deadline 4 back to 26th from the 21st February 2025. The Applicant confirmed that they were content with this and thanked the ExA for his flexibility.

Second Written Questions ("ExQ2")

- 2.3.9. In relation to item 14 on the Draft Examination – publication by the ExA of ExQ2 - the Applicant requested that the publication be moved forward from 28th March to 26th March 2025. The ExA confirmed that they could accommodate the 27th March 2025 instead, and then move the date for responses from the 7th April to the 9th April 2025. The Applicant confirmed that the 9th of April 2025 would be appreciated and thanked the ExA.

Further Deadlines

- 2.3.10. The ExA noted that the hearings provisionally listed for the week commencing 14 April 2025 (Item 16 of the Draft Examination Timetable) were reserved only if required and if progress is made they will not be needed at all, and should they be required they will only focus on key issues and could possibly even be virtual.
- 2.3.11. The Applicant agreed with the ExA that Deadlines 6, 7, 8 and 9 would follow the usual pattern, with Deadline 10 being a backstop for if anything further is need from Deadline 9.
- 2.3.12. The ExA confirmed that the deadline is always one minute before midnight on the date of the deadline, unless it states otherwise.
- 2.3.13. The Applicant confirmed that instead of submitting updated documents at each deadline, they would submit a schedule of changes detailing changes, unless there

had been a material change. The Applicant confirmed that if there was a material change, then updated documents would be submitted. The Applicant agreed that a covering letter would be submitted at each deadline detailing the changes made.

BGC Further Comments

- 2.3.14. BGC confirmed that that they have listened carefully and that they note the issues raised by the public but they wanted to reiterate the BGC is a special case in that the area of land is large with activities going outside the application site boundaries. In the Applicant's original documentation there is very little mention of the BGC. They have had preliminary discussions regarding Statements of Common Ground, but they have not seen any further material addressing the issues raised in their relevant representation. BGC note the desirability of avoiding further hearings but wanted to flag the full range of issues of BGC.
- 2.3.15. The ExA confirmed they could not discuss the merits of the application in the preliminary meeting but would encourage BGC to submit a PAD to assist the ExA and continue to negotiate a SoCG before the ExA would consider the need for a hearing.

2.4. Any other matters

- 2.4.1. The Applicant confirmed that the first six Statements of Common Ground ("**SoCG**") were submitted at Procedural Deadline A. The Applicant also confirmed that they are happy to engage with BGC, however it is less likely that the British Gliding Association ("**BGA**") and the Civil Aviation Authority ("**CAA**") will be forthcoming to agreeing on a SoCG but the Applicant would make an attempt.
- 2.4.2. The Applicant confirmed that they are happy to engage with Parish Councils in relation to SoCGs.
- 2.4.3. *Post hearing note: the relevant Parish Council is Carlton Parish Council rather than Charlton as per the Rule 6 letter.*
- 2.4.4. In terms of Statutory Undertakers, discussions were ongoing with National Gas Transmission, National Grid Electricity Transmission, National Powergrid, and Network Rail however it is more likely that Protective Provisions will be agreed to enable these parties to withdraw their objections, rather than a SoCG.
- 2.4.5. The Applicant confirmed that it was unlikely to be able to reach an SoCG with Ofgem

and a Position Statement would be more likely.

- 2.4.6. The ExA confirmed they understood that voluntary participation was needed by both sides however they needed to understand how things were progressing during the examination.
- 2.4.7. The ExA addressed the PADs and stated that those submitted were really helpful in narrowing focus on specific issues and noted that there was material for questions and topics for further hearings and that requests for further PAD submissions would be invited in the Rule 8 letter or a Rule 17 letter as appropriate to get more parties to engage in this process.
- 2.4.8. In regards to the Land Rights Tracker (citing examples of those used for Gatwick Airport Northern Runway and Rampion Offshore Windfarm DCOs) requested by the ExA, the Applicant confirmed that they have no objection in principle to providing a Land Rights Tracker, however the nature of the rights being sought being slightly different to other Development Consent Orders (“**DCOs**”), meaning that the affected parties may be limited, so this will be kept under review. The Applicant asked to pick this up again at CAH1 and the ExA agreed with this as that this was a more straightforward case than the other DCOs examples previously cited.
- 2.4.9. There were no further items raised of a procedural nature.
- 2.4.10. The ExA confirmed that on the basis of what they had heard at this hearing that they intend to proceed with the examination.
- 2.4.11. The Applicant confirmed that they are not anticipating any change requests, but if this changes, they will let the ExA know as soon as possible.

3. Open Floor Hearing

3.1. Agenda Items

1. Welcome and logistics
2. Purpose of the Open Floor Hearing
3. Representations by Interested Parties
4. Responses by the Applicant
5. Next Steps
6. Closing

3.2. Summary

- 3.2.1. Following oral submissions from interested parties, the Applicant confirmed it would respond in writing at Deadline 1. The Applicant notes that a number of issues have been raised, which would be kept under review.
- 3.2.2. The Applicant noted that a number of issues had been raised by Councillor Mike Jordan of North Yorkshire Council, the Burn Gliding Club (“**BGC**”) [**RR-043**], Mrs Pam Spreckley [**RR-284**], a concerned resident, and Lesley Marson [**RR-201**], representing the HALT group [**RR-136**]. The ExA confirmed that some of the matters raised by the parties will be addressed in the ISH1 and some will be answered in the written questions. The Applicant confirmed that they had no further comments and that they would respond to any issues in writing.
- 3.2.3. BGC was asked to outline the main elements of the club, as well as which runways were in use and to explain nature of the launches carried out. Accordingly the ExA asked BGC for a plan to accompany BGC’s written summary to clearly outline the above elements as well as a copy of their recreational use report. The Applicant reserves the right to comment on these submissions.
- 3.2.4. *Post Hearing Note:*
- 3.2.5. *Cllr Jordan stated that public rights of way will be lost as a result of the Proposed Development. This is not the case. The dDCO does not permit the permanent closure of any existing public rights of way. However, it does permit the temporary closure of these during construction at Schedule 5.*
- 3.2.6. *Mrs Spreckley suggested that many local residents were unaware of the Proposed Development and/or the scale of it. The Applicant has complied with all statutory*

consultation requirements as is set out in the Pre-Application Consultation Report.

- 3.2.7. *The Applicant considers that other matters raised during OFH1 will be addressed as part of the Issue Specific Hearings and/or written questions/responses so does not consider it necessary to respond at this stage.*
- 3.2.8. The Applicant confirms that they will continue to engage with interested parties throughout Examination.