



To: Planning Committee
Date: 5th October 2022
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Hannah Blackburn, Planning Development Manager

Helios Renewable Energy Project – Nationally Significant Infrastructure Project

This matter has been brought before planning committee for information purposes. The report recommends that the contents of this report are noted that authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Planning Committee have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in April 2021, the Yorkshire GREEN Project in February 2022 and the Humber Low Carbon Pipelines Project in July 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

Enso Green Holdings D Limited (a joint venture between Enso Energy and Cero Generation) are proposing to submit an application for a DCO for the construction of a ground mounted solar farm, together with on-site energy storage and associated development comprising grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the development on a site extending to approximately 758 hectares to the south west of the village of Camblesforth and to the north of the village of Hirst Courtney. The proposed development would have the potential to generate over 50MW of electricity and is therefore a Nationally Significant Infrastructure Project.

Two rounds of public consultation are taking place – non-statutory consultation took place in Q2/Q3 2022; statutory consultation is anticipated to take place in Q2 2023. It is anticipated that Enso Green Holdings D Limited will submit their DCO application to PINS during Q4 2023.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for

their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 Enso Green Holdings D Limited are proposing to construct a ground mounted solar farm, together with on-site energy storage and associated development comprising grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the development, on a site extending to approximately 758 hectares to the south west of the village of Camblesforth and to the north of the village of Hirst Courtney. The proposed development would have the potential to generate over 50MW of electricity.
- 2.2. The site location plan can be found in Appendix 1. The site comprises the following areas:
 - Development Area - which extends to approximately 551 hectares
 - Underground Cable Connection Area - which extends to approximately 197 hectares
 - Underground Grid Connection Cable Area – which extends to approximately 10 hectares
- 2.3 The proposed development will include the following key infrastructure:
 - Solar photovoltaic modules and module mounting structures with string combiner boxes
 - Energy storage containers (approximately 50 in total)
 - Access tracks
 - Transformers, inverters, switchgear and spare parts containers
 - On-site substation and grid connection cabling with a maximum voltage of
 - 132kv
 - Boundary fencing and closed-circuit television for security purposes

Construction Programme

- 2.4 The construction of the proposed development is anticipated to commence in 2025 and span a period of approximately 12 months. During the construction phase, temporary access tracks and construction compounds will serve the proposed development, and these will be located within the site adjacent to the site entrances.

Operation and Maintenance

- 2.5 The proposed development will have an anticipated lifespan of up to 40 years.
- 2.6 During the operational phase, the activities on-site are expected to be limited to maintenance activities, including servicing of plant and equipment and vegetation management. During the construction phase, temporary access tracks and construction compounds will be required, and these will be located within the site adjacent to the site entrances.

Decommissioning Phase

- 2.7 Following cessation of energy generation and exportation at the site, the development will be removed. The decommissioning of the development is anticipated to take approximately 12 months.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The Helios Renewable Energy Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q2/Q3 2022; statutory consultation is anticipated to take place in Q2 2023.
- 3.3 The applicants submitted a Scoping Report to PINS on 7 June 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 5 July 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 14 July 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:

- Cultural Heritage
- Landscape and Views
- Biodiversity
- Water Environment
- Transport and Access
- Noise
- Climate Change
- Socio-Economics
- Soils and Agriculture
- Cumulative Effects

- 3.4 Enso Green Holdings D Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that Enso Green Holdings D Limited will submit their DCO application to PINS during Q4 2023.
- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.
- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.

4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with Enso Green Holdings D Limited. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

5.1 Members are asked to note the contents of this report.

5.2 Members are also asked to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/helios-renewable-energy-project/>

7. Appendices

Appendix 1 – Site Location Plan

Contact Officer: Jenny Tyreman, Assistant Principal Planning Officer, Selby District Council – Email: jtyreman@selby.gov.uk.