

YG-DCO-003

Yorkshire Green Energy Enablement (GREEN) Project

Volume 1

Document 1.1 Application Cover Letter and Section 55 Checklist

Final Issue A

November 2022

Planning Inspectorate Reference: EN020024

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Regulation 5(2)(q)

nationalgrid

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The Secretary of State
c/o The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
Temple Quay
Bristol
BS1 6PN

15 November 2022

Our ref: **Volume 1, Document 1.1**
Your ref: **EN020024**

Dear Paige Hanlon (Case Manager),

National Grid Electricity Transmission Plc – The National Grid Yorkshire Green Energy Enablement (GREEN) Project – EN020024

National Grid Electricity Transmission plc (“National Grid”) (“the Applicant”), encloses an application under section 37 of the Planning Act 2008 (“the Act”) for an order granting development consent for the proposed Yorkshire GREEN Project.

Development consent is required because the Project is a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(b) and 16(1)(a) of the Act. The Project comprises new overhead electricity transmission connections of more than 2 kilometres (km) in length, with an operating voltage above 132 kilovolts (kV), together with associated development.

Further detail concerning the project’s qualification as a Nationally Significant Infrastructure Project can be found within the prescribed **Application Form (Volume 1, Document 1.2)**, the **Explanatory Memorandum (Volume 3, Document 3.2)** and the **Planning Statement (Volume 7, Document 7.1)**. A detailed description of the Project is provided in the **Environmental Statement Chapter 3 Description of the Project (Volume 5, Document 5.2.3)**.

The Application responds to an urgent need to reinforce the transmission system in the Yorkshire area by 2027, in accordance with National Grid’s transmission licence obligations to provide a safe and secure transmission network. This will address boundary constraints and allow new connections to be made without incurring significant constraint costs. It will also enable the connection of three contracted customers, Continental Link, Atlantic Super Connection and Hornsea Project 4. The Application also responds to the national climate emergency by ensuring future connections can be made to the transmission system to meet Net Zero as the UK transitions to produce more clean energy. Further detail relating to the need for the Project can be found in the **Planning Statement (Volume 7, Document 7.1)** and **Updated Need Case (Volume 7, Document 7.4)**.

The Application is made in the form required by section 37(3) of the Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:

- a) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- b) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- c) The Planning Act 2008: Guidance on the Pre-application process (DCLG, 2015);
- d) The Planning Inspectorate's Advice Note 6 (version 11) on the preparation and submission of application documentation (August 2022);
- e) The Infrastructure Planning (Compulsory Acquisition) Regulations 2010; and
- f) The Infrastructure Planning (Publications and Notification of Applications etc.) (Amendment) Regulations 2020.

Application Fee and Documentation Enclosed

Please find enclosed with this Cover Letter a section 55 checklist that has been completed by National Grid as part of its due diligence check of the Application prior to its submission to the Planning Inspectorate. A copy of the completed prescribed **Application Form** is provided in **Volume 1, Document 1.2** of the Application. A **Navigation Document and Application Guide (Volume 1, Document 1.4)** has also been prepared to assist with understanding the Application.

As agreed with the Planning Inspectorate, the Application is submitted electronically by electronic file transfer (through SharePoint). The documents submitted can be published on the Project Page of the Planning Inspectorate's website at the earliest opportunity.

Please note some of the application documents are confidential. National Grid requests that the Planning Inspectorate does not publish the following Environmental Statement Appendices listed below due to their sensitive content, these are clearly labelled as Confidential:

- **Volume 5, Document 5.3.8C – Appendix 8C Confidential Badger Survey Report;** and
- **Volume 5, Document 5.3.8G – Appendix 8G Confidential Schedule 1 Breeding Bird Survey Report.**

Please note that no land has been identified as Crown land or as special category land as set out in the **Book of Reference (Volume 4, Document 4.3)**. However, **A Crown and Special Category Land Plan (Volume 2, Document 2.13)** has been submitted for completeness but confirms that no Crown land or special category land is shown in any part of the Project.

A fee of £7,488.00 has been submitted by BACS transfer to the account of the Planning Inspectorate on 9 November 2022.

Other matters

National Grid would like to highlight the planned Local Government Reorganisation with respect to a number of the local authorities affected by the Project and identify what has been incorporated in the **draft Development Consent Order (DCO) (Volume 3, Document 3.1)** in anticipation of this.

The Project falls within six local authority areas of North Yorkshire District Council, Hambleton District Council, City of York Council, Leeds City Council, Harrogate Borough Council and Selby District Council. The local authorities' boundaries and titles as shown or described in plans and documents submitted as part of the Application are correct at the time of submission (November 2022). However, North Yorkshire County Council, Hambleton District Council, Selby District Council, and Harrogate Borough Council (including other district authorities), are expected to form a new single council (North Yorkshire Council) on 1 April 2023 as a result of Local Government Reorganisation.

Schedule 11, Schedule 12 and Schedule 13 of the draft DCO have been split into the relevant areas of City of York Council, Leeds City Council and North Yorkshire County Council. This is in anticipation of the new single council (North Yorkshire Council) which will be formed on 1 April 2023 as a result of Local Government Reorganisation. The newly formed North Yorkshire Council will cover the same geographical area as the current North Yorkshire County Council (and the respective districts which will be disbanded) and, therefore, the decision has been taken to pre-empt this in the drafting of these schedules of the DCO. Notwithstanding this, Schedule 1 of the draft DCO does split out the authorised development so that it is clear to each district, and members of the public, which elements of the works will affect each specific authority area.

We note the Secretary of State is required under section 55 of the Act to decide whether to accept this application by the end of the period of 28 days beginning with the day after the day on which this application is received, and accordingly look forward to hearing from you.

Yours faithfully,



Emer McDonnell

Senior Project Manager – Yorkshire GREEN

Enclosure: Appendix 1 – Section 55 Checklist

Appendix 1 –

National Grid's Schedule of Compliance with Section 55 (Acceptance of Applications)

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			National Grid comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	<p>Is the development a Nationally Significant Infrastructure Project¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes.</p> <p>The Project as described in Schedule 1 of the Draft Development Consent Order (DCO) (Volume 3, Document 3.1) is a Nationally Significant Infrastructure Project (NSIP) under section 14(1)(b) and 16 of the Planning Act 2008 (the Act). The Project satisfies s16(1)(a), 16(2) and 16(3) of the Act as it comprises new overhead electricity transmission connections in England of more than 2 kilometres in length, with an operating voltage above 132 kilovolts (kV). The application states on the face of it that it is an application under section 37 of the Act for a DCO (see Application Cover Letter and Section 55 Checklist (Volume 1, Document 1.1) and Application Form (Volume 1, Document 1.2)).</p> <p>This is consistent with the summary provided in Section 4 of the Application Form (Volume 1, Document 1.2) and the Explanatory Memorandum (Volume 3, Document 3.2), which states that the application is for an NSIP.</p>		
3	Summary: Section 55(3)(a) and s55(3)(c)			

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)

4	<p>In accordance with the EIA Regulations³, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>(a) No – the Applicant did not request a screening opinion in respect of the Project.</p> <p>(b) Yes</p> <p>The Applicant issued notification to the Secretary of State by letter dated 17 March 2021 that under Regulation 8(1)(b) of the EIA Regulations, the Applicant intended to provide an Environmental Statement with its DCO application (Appendix T, Consultation Report Appendices, Volume 6, Document 6.2).</p> <p>The notification regarding the intention to provide an Environmental Statement was given prior to the consultation carried out by the Applicant under s42 of the Act between 28 October 2021 and 9 December 2021.</p>
5	<p>Have any Adequacy of Consultation Representations⁴ been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>Upon submission of the application for development consent, the Planning Inspectorate will invite the relevant local authorities to provide an adequacy of consultation representation pursuant to s55(4)(b) of the Act, as set out in PINS Advice Note Fourteen: Compiling the Consultation Report (February 2021).</p> <p>The relevant ‘A’, ‘B’, ‘C’ and ‘D’ local authorities for the purpose of the application are:</p> <p>A:</p> <ul style="list-style-type: none"> • Craven District Council; • Richmondshire District Council; • Ryedale District Council;

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

- Scarborough Borough Council;
- Wakefield Metropolitan District Council;
- City of Bradford Metropolitan District Council;
- Doncaster Metropolitan Borough Council;
- Kirklees Council; and
- East Riding of Yorkshire Council.

B:

- Selby District Council;
- Harrogate Borough Council;
- Hambleton District Council;
- Leeds City Council; and
- City of York Council.

C:

- North Yorkshire County Council.

D:

- Yorkshire Dales National Park Authority;
- Redcar and Cleveland Borough Council;
- North York Moors National Park Authority;
- Darlington Borough Council;
- Middlesbrough Council;
- Stockton-on-Tees Borough Council;
- Durham County Council;
- Lancashire County Council; and
- Cumbria County Council.

Feedback that National Grid has received from local authorities on the draft Statement of Community Consultation is set out in **Section 5.2** of the **Consultation Report (Volume 6, Document 6.1)** and responses received during statutory consultation are set out in **Chapter 7** of the **Consultation Report (Volume 6, Document 6.1)**.

Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6

Section 42(1)(a) persons prescribed?

Yes.

Statutory consultation

The Applicant consulted s42(1)(a) persons prescribed as part of the statutory consultation held between 28 October 2021 and 9 December 2021.

A list of the persons prescribed consulted by the Applicant during the statutory consultation is provided in **Appendix D** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. A copy of the letter sent to s42(1)(a) persons prescribed is provided in **Appendix E** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

Targeted consultation

The Applicant carried out three rounds of targeted consultations in relation to elements of the Project that were altered and refined following the statutory consultation. A summary of the targeted consultations is provided in **Section 8** of the **Consultation Report (Volume 6, Document 6.1)**.

Relevant persons prescribed were consulted during Targeted Consultation 1 where this was considered necessary, taking into account the nature and location of the proposed changes. Targeted Consultation 1 ran from 14 March 2022 to 14 April 2022. A list of the bodies consulted is provided in **Appendix U1** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. A copy of the letters sent to relevant prescribed consultees in relation to Targeted Consultation 1 are provided in **Appendices U4, U7, U18 and U21** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

7	Section 42(1)(aa) the Marine Management Organisation ⁵ ?	<p>No.</p> <p>The Project does not affect any of the area specified in s42(2) and therefore it was not necessary to consult the Marine Management Organisation</p>
8	Section 42(1)(b) each local authority within s43 ⁶ ?	<p>Yes.</p> <p><u>Statutory consultation</u></p> <p>The Applicant consulted s42(1)(b) local authorities within s43 as part of the statutory consultation. A list of the local authorities consulted by the Applicant is provided in Section 6.2 of the Consultation Report (Volume 6, Document 6.1) and includes:</p> <p>The host 'B' authorities:</p> <ul style="list-style-type: none"> • Selby District Council; • Harrogate Borough Council; • Hambleton District Council; • Leeds City Council; and • City of York Council. <p>The host 'C' authority:</p> <ul style="list-style-type: none"> • North Yorkshire County Council <p>The neighbouring 'A' authorities:</p> <ul style="list-style-type: none"> • Craven District Council; • Richmondshire District Council;

⁵ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁶ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

- Ryedale District Council;
- Scarborough Borough Council;
- Wakefield Metropolitan District Council;
- City of Bradford Metropolitan District Council;
- Doncaster Metropolitan Borough Council;
- Kirklees Council; and
- East Riding of Yorkshire Council;

The neighbouring 'D' authorities:

- Yorkshire Dales National Park Authority;
- Redcar and Cleveland Borough Council;
- North York Moors National Park Authority;
- Darlington Borough Council;
- Middlesbrough Council;
- Stockton-on-Tees Borough Council;
- Durham County Council;
- Lancashire County Council; and
- Cumbria County Council.

A copy of the letter sent to s42(1)(b) local authorities is provided in **Appendix E** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

Targeted consultation

Relevant local authorities were consulted during Targeted Consultation 1 where this was considered necessary, taking into account the location of the proposed changes. Targeted Consultation 1 ran from 14 March 2022 to 14 April 2022. A list of the parties consulted is provided in **Appendix**

		U1 of the Consultation Report Appendices (Volume 6, Document 6.2) . A copy of the letters sent in relation to Targeted Consultation 1 is provided in Appendices U4, U7, U18 and U21 of the Consultation Report Appendices (Volume 6, Document 6.2) .
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	No. The Project does not affect the Greater London area and therefore it was not necessary to consult the Greater London Authority.
10	Section 42(1)(d) each person in one or more of s44 categories ⁷ ?	Yes. <u>Statutory consultation</u> Section 6.3 of the Consultation Report (Volume 6, Document 6.1) describes those s44 category persons required to be consulted under s42(1)(d). Section 6.3 of the Consultation Report (Volume 6, Document 6.1) summarises how the Applicant made diligent inquiries to seek to identify and consult persons with an interest in lands. The categories of persons identified, and the methods used to identify the persons with an interest in land (PILs), are outlined fully in the Land Referencing Diligent Enquiry Methodology which can be found in Appendix C of the Statement of Reasons (Volume 4, Document 4.1) . Section 6.3 sets out the persons consulted under s42(1)(d) at the start of the statutory consultation on 28 October 2021 and a list of these persons is provided in Appendix D of the Consultation Report Appendices (Volume 6, Document 6.2) . A copy of the letter sent to these persons is provided in Appendix G of the Consultation Report Appendices (Volume 6, Document 6.2) . <u>Additional PILs consultation</u>

⁷ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

As the Project progressed, due diligence checks were carried out by the Applicant which resulted in the identification of further PILs after the launch of the statutory consultation who needed to be consulted. Five additional PIL consultations were carried out as described in **Section 6.3** of the **Consultation Report (Volume 6, Document 6.1)**. A list of the PILs consulted as part of the additional PILs consultation are provided in **Appendix D** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. Copies of the letters issued to PILs during the additional PILs consultation are provided in **Appendix G, H and I** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

Targeted Consultation

PILs consulted during Targeted Consultation 1 are listed in **Appendix U1** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. This included previously identified PILs and new PILs. A copy of the letters sent in respect to the proposed changes are provided in **Appendix I and U** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

PILs consulted during Targeted Consultation 2 are listed in **Appendix U25** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. This included previously identified PILs and one new PIL. A copy of the letters sent in respect to the proposed changes are provided in **Appendix U** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

PILs consulted during Targeted Consultation 3 are listed in **Appendix U26** of the **Consultation Report Appendices (Volume 6, Document 6.2)**. This included previously identified PILs and new PILs. A copy of the letters sent in respect to the proposed changes are provided in **Appendix I and U** of the **Consultation Report Appendices (Volume 6, Document 6.2)**.

PILs not consulted

Section 11.1 of the **Consultation Report (Volume 6, Document 6.2)** lists additional PILs (**Table 11.1**) which were identified after the

		<p>commencement of subsequent additional PILs consultation and the final targeted consultation (since 5 August 2022). These PILs were identified following an interrogation exercise to confirm that details of the PILs were correctly recorded.</p> <p>These additional PILs are identified in the Book of Reference (Volume 4, Document 4.3). In accordance with paragraph 51 of the Planning Act 2008: Guidance on the pre-application process for major infrastructure projects (Department of Communities and Local Government, 2015), these additional PILs were issued a letter on 18 October 2022 notifying them of the Project and explaining how they can engage with the process if it is accepted for examination. A copy of this letter is provided in Appendix V of the Consultation Report Appendices (Volume 6, Document 6.2).</p>
<p>Section 45: Timetable for s42 consultation</p>		
<p>11</p>	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p><u>Statutory consultation</u></p> <p>Section 6.1 of the Consultation Report (Volume 6, Document 6.1) confirms that the statutory consultation took place between 28 October 2021 and 9 December 2021. This exceeds the statutory minimum of 28 days for consultation under the Act.</p> <p>Copies of the letters sent to persons prescribed pursuant to s42(1)(a) and local authorities (b) in relation to the statutory consultation including the deadlines are set out in Appendix E of the Consultation Report Appendices (Volume 6, Document 6.2).</p> <p>Copies of the letters sent to PILs pursuant to s42(1)(d) in relation to the statutory consultation including the deadlines are set out in Appendix G of the Consultation Report Appendices (Volume 6, Document 6.2).</p> <p><u>Additional PILs consultation</u></p>

		<p>Five additional PIL consultations were carried out as described in Section 6.3 of the Consultation Report (Volume 6, Document 6.1). Section 6.3 describes where a 28 day deadline was maintained, and provides details of the additional PILs consultation, including corrections undertaken to additional consultation mailout (additional PILs Mailout 1).</p> <p>Copies of the letters issued to PILs during the additional PILs consultation are provided in Appendix G, H and I of the Consultation Report Appendices (Volume 6, Document 6.2).</p> <p><u>Targeted Consultation</u></p> <p>The three rounds of targeted consultation described in Section 8 of the Consultation Report (Volume 6, Document 6.1) exceeded the 28 day minimum consultation period:</p> <ul style="list-style-type: none"> • Targeted Consultation 1: 14 March 2022 to 14 April 2022 • Targeted Consultation 2: 18 May 2022 to 22 June 2022 • Targeted Consultation 3: 03 August 2022 to 08 September 2022 <p>Copies of the letters issued during the Targeted Consultation are provided in Appendix I and U of the Consultation Report Appendices (Volume 6, Document 6.2).</p>
<p>Section 46: Duty to notify the Planning Inspectorate of proposed application</p>		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes.</p> <p>The Applicant gave notice to the Planning Inspectorate under s46 of the Act on 26 October 2021, which was before the s42 statutory consultation commenced on 28 October 2021.</p> <p>A copy of this s46 notification is provided in Appendix L1 of the Consultation Report Appendices (Volume 6, Document 6.2).</p> <p>In accordance with s46, this notification listed the documents made available to consultees under s42 of the Act via the Project website.</p>

		The Planning Inspectorate issued a s46 acknowledgement letter on 28 October 2021. A copy of this letter is provided in Appendix L2 of the Consultation Report Appendices (Volume 6, Document 6.2) .
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>A copy of the final SoCC prepared for the statutory consultation undertaken between 28 October 2021 and 09 December 2021 is provided at Appendix B4 of the Consultation Report Appendices (Volume 6, Document 6.2).</p> <p>Section 8.1 of the Consultation Report (Volume 6, Document 6.1) confirms that the three targeted consultations were carried out having regard to the principles set out in the agreed SoCC.</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes.</p> <p>Section 5.2 of the Consultation Report (Volume 6, Document 6.1) explains that consultation on a draft SoCC was carried out with the following relevant 'B' and 'C' authorities:</p> <ul style="list-style-type: none"> • Selby District Council (B); • City of York Council (B); • Harrogate Borough Council (B); • Hambleton District Council (B); • Leeds City Council (B); and • North Yorkshire County Council (C). <p>This consultation was carried out between 12 August 2021 and 10 September 2021 This was a period of 29 days beginning from the 13 August 2021 (the day after the draft SoCC was issued to the authorities on 12 August 2021).</p>

15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Responses to the draft SoCC were received from the following local authorities following the consultation carried out between 12 August 2021 and 10 September 2021:</p> <ul style="list-style-type: none"> • Harrogate Borough Council; • North Yorkshire County Council (joint response with Selby District Council); • Selby District Council (joint response with North Yorkshire County Council); and • Leeds City Council. <p>No responses were received from Hambleton District Council or City of York Council .</p> <p>The responses received were considered by the Applicant as part of finalising the approach to the consultation. A full schedule of the responses received on the draft SoCC and the Applicant's response is provided in Table 5.1 and Appendix B3 of the Consultation Report and Appendices (Volume 6, Document 6.1 and Document 6.2). The final SoCC incorporating the changes is provided in Appendix B4 of the Consultation Report Appendices (Volume 6, Document 6.2).</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>Section 5.2 of the Consultation Report (Volume 6, Document 6.1) confirms that the SoCC was made available for inspection at a number of public venues in the vicinity of the Project which were reasonably convenient for people living in the vicinity of the land. These venues are listed in Table 5.2 of the Consultation Report (Volume 6, Document 6.1).</p> <p>The SoCC was also uploaded onto the Project website where people could view and download it.</p> <p>A notice stating when and where the final SoCC could be inspected was published the Yorkshire Post on 20 October 2021 (Table 5.3 in the</p>

		Consultation Report (Volume 6, Document 6.1)). A copy of the newspaper notice is provided in Appendix M of the Consultation Report Appendices (Volume 6, Document 6.2) .
17	Does the SoCC set out whether the development is EIA development ⁸ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	Yes. Paragraph 3.2.4 of the final SoCC provided in Appendix B4 of the Consultation Report Appendices (Volume 6, Document 6.2) confirms that the Project is an EIA development and sets out how the Applicant intended to publicise and consult on the Preliminary Environmental Information.
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes. Table 6.1 in the Consultation Report (Volume 6, Document 6.1) includes a summary of the consultation methods set out in the SoCC and how the Applicant complied with them during the statutory consultation.
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes. Section 6.9 of the Consultation Report (Volume 6, Document 6.1) describes how the s48 notices were published in accordance with Regulation 4(2) of the APFP Regulations. The publications and the dates of the s48 notices are listed in Table 6.2 of the Consultation Report (Volume 6, Document 6.1) . A copy of the s48 notice is provided in Appendix O8 of the Consultation Report Appendices (Volume 6, Document 6.2) , and evidence of the publication of the notice is provided in Appendix N .
		Newspaper(s)
		Date

⁸ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	The proposed application was publicised in one local newspaper: Yorkshire Post Yorkshire Post	20 October 2021 (1 st week) 27 October 2021 (2 nd week)
b)	once in a national newspaper;	The Guardian	27 October 2021
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette. The Project does not involve land in Scotland and as such there was no requirement to publish a section notice in the Edinburgh Gazette.	27 October 2021
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A. The Project does not involve offshore development and as such there was no requirement to publish a section 48 notice in the Lloyds List or within an appropriate fishing journal.	N/A
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes.</p> <p>The published s48 notice provided in Appendix O8 of the Consultation Report Appendices (Volume 6, Document 6.2) contains the required information prescribed in Regulation 4(3) of the APFP Regulations as set out below.</p>	
Information		Paragraph	
Information		Paragraph	

a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	6	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2-5
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice	7-9	f)	the latest date on which those documents, plans and maps will be available for inspection	7-9
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	11	h)	details of how to respond to the publicity	13
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	16			
21	Are there any observations in respect of the s48 notice provided above?				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any	Yes.			

	person notified to the Applicant in accordance with the EIA Regulations ⁹ ?	<p>Paragraph 10.3.1 of the Consultation Report (Volume 6, Document 6.1) confirms that the letter sent included a link to the Project website which hosted the section 48 notice giving notice of the statutory consultation in accordance with the EIA Regulations.</p> <p>A copy of the s42 consultation letter is provided in Appendix E of the Consultation Report (Volume 6, Document 6.2).</p>
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Section 7 of the Consultation Report (Volume 6, Document 6.1) sets out how the Applicant has had regard to the consultation responses received during the statutory consultation, including the additional PILs consultation; clarifying whether or not responses led to changes to the application. Section 9 sets out the same information in relation to the three rounds of targeted consultations. Where a particular response did not lead to a change to the Project, it is sufficiently clear that regard was had to it.</p>
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹⁰ ?	<p>Section 3.5 of the Consultation Report (Volume 6, Document 6.1) states that the Applicant has had regard to all relevant statutory and other guidance. Table 3.4 in the Consultation Report (Volume 6, Document 6.1) sets out how the guidance has been complied with.</p>
25	Summary: Section 55(3)(e)	The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) in relation to the Application.

⁹ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

¹⁰ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes.</p> <p>Section 4 of the Application Form (Volume 1, Document 1.2) explains why the Project falls within the remit of the Planning Inspectorate. Section 5 of the Application Form (Volume 1, Document 1.2) provides a brief non-technical description of the development and Section 6 provides a description of the Project location.</p> <p>An Overall Location Plan (Volume 2, Document 2.1) and a Master Key to Section Identification Plan (Volume 2, Document 2.2) have been provided.</p>	
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Volume 6, Document 6.1) and the Consultation Report Appendices (Volume 6, Document 6.2).</p>	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹¹	<p>Yes.</p> <p>A Master Key to Section Identification Plan has been provided in Volume 2, Document 2.2. A Key Plan is provided for every plan set.</p>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:	
<p>Information Document</p>		<p>Information Document</p>	

¹¹ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹² and any scoping or screening opinions or directions	Environmental Statement Non-Technical Summary (Volume 5, Document 5.1), Environmental Statement Chapters (Volume 5, Documents 5.2.1-5.2.18), Environmental Statement Appendices (Volume 5, Documents 5.3.1A to 5.3.18A) and Environmental Statement Figures (Volume 5, Document 5.4.1 to 5.4.18). A copy of the EIA Scoping Opinion is provided in the Environmental Statement (Volume 5, Document 5.3.4A).	b)	The draft Development Consent Order (DCO)	Draft Development Consent Order (Volume 3, Document 3.1); and Development Consent Order Advice Note 15 Checklist (Volume 3, Document 3.3).
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (Volume 3, Document 3.2).	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Book of Reference (Volume 4, Document 4.3).
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.

¹² The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

e)	A copy of any Flood Risk Assessment	ES Chapter 9 Appendix 9D – Flood Risk Assessment (Volume 5, Document 5.3.9D).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Statement of Statutory Nuisance (Volume 6, Document 6.5).
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (Volume 4, Document 4.1) and Funding Statement (Volume 4, Document 4.2).	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to	(i) Land Affected Plan (Volume 2, Document 2.4.1-2.4.6); (ii) and (iii) Land Plan (Volume 2, Document 2.5.1-2.5.6); (iii) Extinguishment of Easements Servitudes and Other Private Rights Plan (Volume 2, Document 2.14); and (iv) Crown and Special Category Land Plan (Volume 2, Document 2.13).

			<p>extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation</p>	Works Plan (Volume 2, Document 2.6.1-2.6.6).	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p>Access, Rights of Way Plan and Public Rights of Navigation Plan (Volume 2, Document 2.7.1-2.7.6).</p>

	provided for in the draft DCO			
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard? The Applicant considers it is of a satisfactory standard.
I	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p>	<p>Statutory or Non-Statutory Sites Or Features of Nature Conservation (Volume 2, Document 2.8.1-2.8.6)</p> <p>Habitats of Protected Species, Important Habitats or Other Diversity Features and Water Bodies Plan (Volume 2, Document 2.9.1-2.9.6).</p> <p>The assessment of effects is presented in ES Chapter 8: Biodiversity (Volume 5, Document 5.2.8) and Chapter 9: Hydrology (Volume 5, Document 5.2.9).</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p> <p>Statutory or Non-Statutory Sites or Features of the Historic Environment Plan (Volume 2, Document 2.10.1 – 2.10.6).</p> <p>The assessment of effects on such sites, features or structures is presented in ES Chapter 7: Historic Environment (Volume 5, Document 5.2.7).</p>

	together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development			
	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Is this of a satisfactory standard? The Applicant considers it is of a satisfactory standard.
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown and Special Category Land Plan (Volume 2, Document 2.13). Whilst a plan series has been provided, no Crown Land has been identified and therefore none has been shown.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping
				<ul style="list-style-type: none"> • Overall Location Plan (Volume 2, Document 2.1); • Master Key to Section Identification Plan (Volume 2, Document 2.2); • Trees and Hedgerows Potentially Affected Plan (Volume 2, Document 2.11.1-2.11.6); • Traffic Regulation Order Plan (Volume 2, Document 2.12.1-2.12.6); • Design Drawings (Volume 2, Document 2.15); and • Construction Plans (Volume 2, Document 2.16).

	Is this of a satisfactory standard?	The Applicant considers it is of a satisfactory standard.		Are they of a satisfactory standard?	The Applicant considers they are of a satisfactory standard.
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	The Project does not fall within any of the categories of development laid out in Regulation 6 of the APFP Regulations. This is confirmed in section 22 on the Application Form (Volume 1, Document 1.2) .	q)	Any other documents considered necessary to support the application	<ul style="list-style-type: none"> • Application Cover Letter and Section 55 Checklist (Volume 1, Document 1.1) • Navigation Document and Application Guide (Volume 1, Document 1.3); • Glossary (Volume 1, Document 1.3); • Plan Guidance Document (Volume 2, Document 2.3); • Electric and Magnetic Fields Report (Volume 6, Document 6.3); • Planning Statement (Volume 7, Document 7.1); • Design and Access Statement (Volume 7, Document 7.2); • Details of Other Consents and Licences (Volume 7, Document 7.3); • Updated Need Case (Volume 7, Document 7.4); • Strategic Proposal 2019 (Volume 7, Document 7.5);

				<ul style="list-style-type: none"> • Strategic Proposal Back Check and Review 2020 (Volume 7, Document 7.6); • Strategic Proposal Addendum 2021 (Volume 7, Document 7.7); • Corridor and Preliminary Routeing and Siting Study 2021 (Volume 7, Document 7.8); • Biodiversity Net Gain Report (Volume 7, Document 7.9); and • Mineral Resource Assessment (Volume 7, Document 7.10).
	Are they of a satisfactory standard?	The Applicant considers they are of a satisfactory standard.	Are they of a satisfactory standard?	The Applicant considers they are of a satisfactory standard.
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate	Yes. A No Significant Effects Report (Habitat Regulations Assessment Screening) (Volume 6, Document 6.4) accompanies the application.		

	assessment of the implications for the site if required by Regulation 48(1)? ¹³	
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁴	No hard copies have been requested.
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes. The Application Form (Volume 1, Document 1.2) has been prepared with regard to the 'Planning Act 2008: Application form guidance'. The Applicant considers the Application to be of a satisfactory standard.
34	Summary - s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁵ ?	The fee was paid by BACS on 9 November 2022 in advance of the submission of the Application.

¹³ Regulation 5(2)(g) of the APFP Regulations

¹⁴ Regulation 5(2)(r) of the APFP Regulations

¹⁵ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

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