

**Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Yorkshire GREEN Project**

**Agenda for Issue Specific Hearing 1 (ISH1): Scope of the Proposed Development and draft Development Consent Order**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 1 (ISH1)</b>  <b>Scope of the Proposed Development and draft Development Consent Order (dDCO)</b>	<b>Thursday</b> <b>23 March 2023</b>  <b>Virtual Room opens:</b> 9.00am  <b>Seating available at venue from:</b> 9.30am  <b>Virtual Arrangements Conference from:</b> 9.45am  <b>Hearing starts:</b> 10.00am	<b>Novotel York Centre, Fishergate, York YO10 4FD</b>  (free on-site day parking)  and  <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

**Attendees**

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- The Applicant
- City of York Council
- Hambleton District Council
- Harrogate Borough Council
- Leeds City Council
- North Yorkshire County Council
- Selby District Council
- Northern Powergrid (Yorkshire) PLC
- Northern Powergrid (Northeast) PLC
- National Gas Networks Ltd
- Canal and River Trust
- Statutory Undertakers

In addition, all Interested Parties (IP) are welcome to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing. You must confirm your attendance by **Wednesday 8 March 2023**.

## Agenda

### 1. Welcome, introductions, arrangements for the hearing

### 2. Purpose of the Issue Specific Hearing

### 3. Scope of the Proposed Development

<b>3.1</b>	<b>Overall scope of the Proposed Development as secured by the dDCO</b>
	<p>The Applicant will be invited to explain the following aspects of the Proposed Development:</p> <ul style="list-style-type: none"> <li>▪ why the works at Osbaldwick substation are necessary;</li> <li>▪ the nature of the works that would be included in existing overhead lines (OHL) to be reconducted, in OHLs to be modified, and in OHLs to be reconfigured;</li> <li>▪ the nature of works that would be included in lattice pylon modification;</li> <li>▪ reasons for Order limit variations in width (other than for access and undergrounding) along linear sections.</li> </ul>
<b>3.2</b>	<b>The scope of Work No. 6, southeast of Moor Monkton</b>
	<p>Using the Works Plans [APP-021, Sheets 4 and 5 of 5], the Applicant will be requested to explain:</p> <ul style="list-style-type: none"> <li>▪ what the works comprise in this area;</li> <li>▪ the reasons behind the project design in this area, including what alternatives have been considered;</li> <li>▪ the likely sequence of construction activities; and</li> <li>▪ the likely timescale of construction activities (chronology with other works and duration), including commentary on treatment of veteran tree T144 [APP-103, Sheet 2 of 22].</li> </ul>
<b>3.3</b>	<b>The scope of Work No. 8, southwest of Tadcaster</b>
	<p>Using the Works Plans [APP-023, Sheets 1 and 2], the Applicant will be requested to explain:</p> <ul style="list-style-type: none"> <li>▪ what the works comprise in this area;</li> <li>▪ the reasons behind the project design in this area, including what alternatives have been considered;</li> <li>▪ the likely sequence of construction activities; and</li> <li>▪ the likely timescale of construction activities (chronology with other works and duration).</li> </ul>
<b>3.4</b>	<b>The scope of Work No. 10, southwest of Lumby</b>
	<p>Using the Works plans [APP-025, Sheet 1], the Applicant will be requested to explain:</p> <ul style="list-style-type: none"> <li>▪ what the works comprise in the area between pylon XC521 and pylon XC525T;</li> <li>▪ the reasons behind the project design in this area, including what alternatives have been considered;</li> <li>▪ the likely sequence of construction activities;</li> <li>▪ the likely timescale of construction activities (chronology with other works and duration); and</li> <li>▪ what ongoing engagement and consultation with residents is taking place.</li> </ul>

<b>3.5</b>	<b>Changes to the Proposed Development</b>
	The Applicant will be asked to confirm whether or not it intends to seek to make any changes to the scope of the Proposed Development as a result of the submissions of IPs to date.

**Notes on Item 3:**

- The submitted application documents should be taken as read and need not be repeated in oral submissions, although signposting to key documents may assist.
- Whilst this item is principally directed to the Applicant, other participants may also raise any relevant matters through the ExA.
- As a guide, it is anticipated that approximately one hour will be required to deal with all matters under this item.

**4. Draft Development Consent Order**

<b>4.1</b>	<b>Updates to the draft Development Consent Order (dDCO)</b>
	The ExA will invite the Applicant to give a brief overview of the changes to the dDCO between the submitted version [APP-066] and the Rev. B version [AS-011].
<b>4.2</b>	<b>Articles of the dDCO</b>
	<p>The ExA will ask questions in respect of the Articles of the dDCO. Interested Parties will also be invited to raise any matters in relation to the draft Articles. Discussion will include (but not be limited to) the following matters.</p> <p><b>Article 2: Interpretation</b></p> <ul style="list-style-type: none"> <li>▪ To test the adequacy of definitions relating to, amongst other things, ‘Environmental Statement’, ‘maintain’ and ‘NPG’.</li> <li>▪ To explore whether additional terms should be defined in Article 2, such as ‘commence’, ‘Design and Access Statement’ and ‘remediation works’.</li> </ul> <p><b>Article 5: Limits of deviation</b></p> <ul style="list-style-type: none"> <li>▪ To explore how the limits of deviation for non-linear works described in Article 5(1)(b) are shown on plans and drawings.</li> <li>▪ For the Applicant to explain the flexibilities described in Article 5(1)(c) and (d) and the circumstances in which they may be exercised.</li> <li>▪ To explore the practical implementation of Article 5(2).</li> <li>▪ To consider the limits of deviation in the context of the assumptions in the Environmental Statement.</li> </ul> <p><b>Article 46: Felling or lopping of trees and removal of hedgerows</b></p> <ul style="list-style-type: none"> <li>▪ For the Applicant to explain the extent to which section 22 of Advice Note 15 has been followed, particularly in respect of a schedule within the dDCO.</li> <li>▪ To understand the justification for the broad scope of the Article.</li> </ul> <p><b>Article 48: Certification of Plans</b></p> <ul style="list-style-type: none"> <li>▪ To review the list of documents to be certified and consider whether any additional documents should be included, such as the Environmental Statement, Design and Access Statement and Embedded Measures Schedule.</li> </ul>

	<p><b>Article 54: Temporary closure of, and works in, the river Ouse</b></p> <ul style="list-style-type: none"> <li>▪ For the Applicant to respond to the Canal and River Trust’s (CRT) concerns regarding interruption to river traffic and maintenance operations as set out in the CRT’s Relevant Representation (RR) [RR-004].</li> </ul> <p><b>Article 55: Trees subject to preservation orders</b></p> <ul style="list-style-type: none"> <li>▪ To explore the powers under this provision and the justification for them.</li> </ul> <p><b>Other matters: Works affecting scheduled monuments</b></p> <ul style="list-style-type: none"> <li>▪ For the Applicant to explain, with reference to the Ancient Monuments and Archaeological Areas Act (1979) (as amended), whether or not it considers it necessary to include on the face of the dDCO any provisions in relation to works affecting scheduled monuments, specifically the medieval manorial complex, garden and water management features, St Mary’s Chapel, and a linear earthwork forming part of the Aberford Dyke system (NHLE 1148440).</li> </ul>
<b>4.3</b>	<p><b>Schedules of the dDCO</b></p> <p>The ExA will ask questions in respect of the Schedules of the dDCO. Interested Parties will also be invited to raise any matters in relation to the draft Schedules. Discussion will include (but not be limited to) the following Schedules.</p> <p><b>Schedule 1: Authorised Development</b></p> <p><b>Work No. 11: Monk Fryston Substation</b></p> <ul style="list-style-type: none"> <li>▪ ES Chapter 3 [APP-075, paragraph 3.6.32] refers to a requirement for diversion of an existing watermain pipeline at the proposed Monk Fryston substation. For the Applicant to confirm if this work is still proposed and, if so, where it is described in Schedule 1 and shown on the Works Plan [APP-025].</li> </ul> <p><b>Other associated development</b></p> <ul style="list-style-type: none"> <li>▪ To understand the justification for the broad scope of the other associated development listed at parts (a)-(u).</li> </ul> <p><b>Schedule 3: Requirements</b></p> <p><b>Requirement 1: Interpretation</b></p> <ul style="list-style-type: none"> <li>▪ To consider whether the definitions, such as those of ‘commence’, ‘pre-commencement works’ and ‘stage’ are appropriate.</li> </ul> <p><b>Requirement 4: Stages of authorised development</b></p> <ul style="list-style-type: none"> <li>▪ For the Applicant to clarify what is meant by a ‘stage’ of the authorised development, including whether it would be temporal or spatial, or both, and whether stages could be concurrent or consecutive.</li> <li>▪ To probe the practical implementation of the Requirement, including any examples of its use on constructed projects.</li> <li>▪ To test the precision and enforceability of the Requirement.</li> </ul> <p><b>Requirement 5: Construction management plans</b></p> <ul style="list-style-type: none"> <li>▪ To consider whether any documents should be added to the list in R5(2), specifically the Outline Soil Management Plan [APP-098].</li> </ul>

	<ul style="list-style-type: none"> <li>▪ For the Applicant to explain how the timing of the provision of the alternative NCN65 cycle route relative to the commencement of construction activities at the Overton Substation site is secured in the dDCO.</li> </ul> <p><b>Requirement 6: Outline construction management plans</b></p> <ul style="list-style-type: none"> <li>▪ To explore the adequacy of the mechanism for securing the proposed management plans and the relationship with plans submitted under R5.</li> </ul> <p><b>Requirement 7: Construction hours</b></p> <ul style="list-style-type: none"> <li>▪ For the Applicant to explain whether any changes to the draft wording are proposed to respond to RRs [RR-018, RR-019, RR-032, RR-034] from the Councils in relation to core working hours.</li> </ul> <p><b>Requirement 8: Landscaping and mitigation planting</b></p> <ul style="list-style-type: none"> <li>▪ To test with the Applicant and Councils whether R8(1)(a) is sufficiently precise and whether 8(2)(c) is adequate.</li> </ul> <p><b>Requirement 10: Retention and protection of existing trees</b></p> <ul style="list-style-type: none"> <li>▪ To test the adequacy of R10(2) in providing sufficient detail for the Councils to approve the Tree and Hedgerow Protection Strategy.</li> <li>▪ To understand how ‘unavoidable tree loss’ outside the areas covered by outline landscape mitigation strategies would be located, specified and secured (c/f AIA [APP-102, page 28]).</li> </ul> <p><b>Requirement 12: Contamination of land or groundwater, etc</b></p> <ul style="list-style-type: none"> <li>▪ To explore with the Councils whether the draft wording sufficiently addresses the points raised in their RRs [RR-018, RR-019, RR-032, RR-034].</li> </ul>
	<p><b>Schedule 4: Discharge of Requirements</b></p>
	<ul style="list-style-type: none"> <li>▪ To test the provisions of Schedule 4 with the Applicant and relevant authorities, including practical considerations in relation to fees and appeals.</li> </ul>
	<p><b>Schedule 15: Protective Provisions</b></p>
	<ul style="list-style-type: none"> <li>▪ For the Applicant to explain the absence of any specific provisions for named Statutory Undertakers, some of whom have mentioned Protective Provisions in their RRs, and to give timescales for any additions to Schedule 15 for the protection of specific named undertakers.</li> <li>▪ For the Applicant and any Statutory Undertakers present to give a brief update on negotiations with all parties with whom Protective Provisions would be sought.</li> </ul>

**5. Review of issues and actions arising**

**6. Any other business**

**7. Close**

## Purpose of the ISH

This early hearing on the scope of the Proposed Development is being held to address matters and questions identified by the ExA through its reading and site inspections to date, and during the formulation of the Initial Assessment of Principal Issues as set out in Annex C of the [Rule 6 letter](#) [PD-005]. The ExA considers that it would be expedient to examine these matters orally at the outset of the Examination in order to ensure that the nature and scope of the Proposed Development is understood as early as possible.

The main purpose of the first dDCO hearing is to undertake an examination of the dDCO articles and schedules. In particular, to consider:

- issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

Discussion at the hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made. In addition to the DCO matters requiring oral examination above, further matters pertaining to the dDCO will be the subject of written questions from the ExA.

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. The draft Examination Timetable proposes separate Compulsory Acquisition Hearing(s) on these topics and they may also be returned to in subsequent DCO ISHs.

As a general rule, the ExA will seek to issue hearing agendas at least one week prior to hearings take place. However, in order to assist parties in deciding whether to attend this early hearing, and to prepare for it, the ExA has issued this agenda with additional notice and detail. The agenda provided above is indicative and may be subject to change on the day.

Discussion at the hearing will be based on the following documents, an electronic or hard copy of which participants should have to hand:

- draft Development Consent Order (Revision B) [AS-011];
- Explanatory Memorandum (Revision B) [AS-013];
- Works Plan [APP-020 to APP-025]; and
- Embedded Measures Schedule [APP-094].

## **Attendance**

The parties requested to attend are specified on page 1 of this document. Anyone wishing to attend the hearing in person, who has not already advised the Case Team of this, should do so as soon as possible and before **Procedural Deadline A (Wednesday 8 March 2023)**.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to it using the livestream, or view and listen to the recording, after it has concluded.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually. Please ensure that you read our [Privacy Notice](#) before attending the hearing.

## **Arrangements Conference**

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

## **Procedure at Issue Specific Hearings**

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at ISH1 should be included in post-hearing submissions and submitted by **Deadline 1 (Wednesday 5 April 2023)**.