



Application by National Grid Electricity Transmission (NGET) Plc for the Yorkshire Green Energy Enablement (GREEN) Project

The Examining Authority's first written questions and requests for information (ExQ1)

Issued on 29 March 2023

The following table sets out the Examining Authority's (ExA's) first written questions and requests for information (ExQ1). Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as [Annex C to the Rule 6 letter](#) of 22 February 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates to which Interested Parties (IPs) and other persons each question is directed. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact YorkshireGreen@planninginspectorate.gov.uk and include 'Yorkshire GREEN – ExQ1' in the subject line of your email.

The deadline for responses to ExQ1 is Deadline 2: Wednesday 26 April 2023.

If necessary, the Examination Timetable enables the ExA to issue a further round of written questions in due course. If this is required, the further round of questions will be referred to as ExQ2.



Abbreviations frequently used:

BoR	Book of Reference	LPA	Local Planning Authority
CA	Compulsory Acquisition	NPS	National Policy Statement
dDCO	Draft DCO	NSIP	Nationally Significant Infrastructure Project
EM	Explanatory Memorandum	PA2008	The Planning Act 2008
ES	Environmental Statement	RR	Relevant Representation
ExA	Examining Authority	SI	Statutory Instrument
IDB	Internal Drainage Board	SoS	Secretary of State
LIR	Local Impact Report	TP	Temporary Possession

The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the [Examination Library](#). The Examination Library will be updated as the Examination progresses.



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ExQ1	Question to:	Question:
1. General and Cross-topic Questions		
1.0 Application Documents: Clarifications and Updates		
Q1.0.1	The Applicant	<p>Project description</p> <p>The project description in the Environmental Statement (ES) [APP-075] describes the proposed works. Whilst data are available in the text, the ExA would find it helpful to have the following numerical information set out (acknowledging that there would be variation arising from limits of deviation (LoD)):</p> <ul style="list-style-type: none"> a) length of new 400kV overhead line (OHL); b) length of new 275kV OHL; c) length of new underground connections between cable sealing end compounds (CSEC); d) length of new underground diversions of existing OHL; e) number of new pylons, giving range of height; f) length of OHL removed; g) length of OHL replaced/ realigned; h) number of pylons removed; i) number of pylons replaced, stating increase/ decrease in height relative to existing; j) length of OHL reconducted; and k) length of OHL temporary diversion.
Q1.0.2	The Applicant	<p>Embedded Measures Schedule [APP-094]</p> <p>Can the Applicant submit an amended version of the Embedded Measures Schedule [APP-094] with the following discrepancies rectified:</p> <ul style="list-style-type: none"> a) Geology and hydrogeology (no ID number) – potential contamination from leakage or incorrect handling or storage of fuels and chemicals during construction would be managed through the Code of Construction Practice (CoCP) [APP-095], and therefore Requirement 5(2)(a) of the draft Development Consent Order (dDCO) [AS-011] should

ExQ1	Question to:	Question:
		<p>be identified. Item GH04 of the CoCP references that measures to prevent leakage or incorrect handling are set out in Requirement 12 of the dDCO but this Requirement actually relates to existing ground contamination so this appears to be an error.</p> <p>b) ID11 Biodiversity – refers to a Landscape Management Plan under Requirement 5(2)(c) however no such plan appears in Requirement 5(2)(c) so this needs to be corrected.</p>
Q1.03	The Applicant	<p>Other consents and licences Details of the other consents and licences that may be necessary in addition to the dDCO to implement the Proposed Development are set out in [APP-204].</p> <p>a) Can the Applicant provide an update on progress with obtaining these consents, licences and permits, where they may be required?</p> <p>b) Emerging Statements of Common Ground (SoCGs) with relevant consenting authorities should address these matters.</p>
Q1.04	Charles Waite and Co Ltd on behalf of Mr R. Ingham	<p>Alleged inaccuracies in application documents Charles Waite and Co. Ltd [RR-013] alleges on behalf of Mr Ingham that “<i>there is inaccurate information in some of the project documents</i>”. With reference to the application documents within the Examination Library, what information do you consider to be inaccurate and why?</p>
Q1.05	The Applicant	<p>Overlay diagrams for complex areas Further to Issue Specific Hearing 1 (ISH1) you agreed to prepare an overlay diagram combining information from different plans in the Tadcaster cable sealing end compound (CSEC) area [EV-003a], action point 3. Prepare a similar plan for the following area:</p> <ul style="list-style-type: none"> ▪ The travellers’ site at the junction of the A1(M) and A63, to include works as shown on Works Plans and Project Description Plans, access arrangements and vegetation to be removed and areas for replacement planting.
Q1.06	The Applicant	<p>Update on discussions with Yorkshire Water Services Limited regarding a water supply</p> <p>a) Provide an update on the explanation given at ISH1 and in the Consultation Report regarding the required mains water connection for the proposed Monk Fryston</p>

ExQ1	Question to:	Question:
		<p>Substation [APP-195], Table 7.3, page 235. Where this is under discussion, provide a final position statement at Deadline 7.</p> <p>b) Is a mains water connection also required for the proposed Overton Substation? If so, provide information on whether a connection has been agreed. If not agreed, provide timescales for agreement. Where this is under discussion, provide a final position statement at Deadline 7.</p> <p>c) Is a mains water connection required for any other element of the Proposed Development? If so, provide information on whether a connection has been agreed. If not agreed, provide timescales for agreement. Where this is under discussion, provide a final position statement at Deadline 7.</p>
1.1 Policy Context		
Q1.1.1	The Applicant	<p>Development Plan policies The ExA notes the content of Table C.1 of [APP-202]. Can the Applicant confirm whether there have been any updates to the statutory Development Plan since the application documents were finalised?</p>
Q1.1.2	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Development Plan policies referred to in Local Impact Reports For any Development Plan policies referred to in Local Impact Reports or other submissions, the relevant local authorities are requested to submit copies of those policies in PDF format (not web links).</p>
1.2 Cumulative Effects		
Q12.1	The Applicant	<p>Cumulative effects assessment: updates The ES chapter covering cumulative effects [APP-090], para 18.1.5 states that the assessment is based on information submitted in support of other existing, approved and proposed development up to the end of August 2022 and that information about other developments will be kept under review as the DCO application is processed.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> a) Can the Applicant confirm whether it is aware of any other plans or projects that have come to light since August 2022 that should be included in the cumulative assessment? b) Can the Applicant explain the steps that it will take to keep information about other developments used in the cumulative effects assessment [APP-090] up to date, including how any changes would be addressed and reported to the Examination.
Q12.2	<p>City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body</p>	<p>Cumulative effects: inter-project assessment</p> <p>Table 18.9 of [APP-090] contains a shortlist of developments for consideration in the inter-project assessment. Locations are depicted on ES Figure 18.1 [APP-194]. Table 18.4 of [APP-090] states that the shortlisted developments were agreed with relevant local authorities.</p> <ul style="list-style-type: none"> a) Do the local authorities agree with the plans and projects shortlisted for inclusion within the cumulative effects assessment (ES Chapter 18 [APP-090])? b) Can the local authorities confirm whether they are aware of any other plans or projects that have come to light since August 2022 that should be included in the shortlist of developments for consideration in the inter-project assessment?
Q12.3	<p>The Applicant</p>	<p>Cumulative effects: Woodstock Lodge Wedding Venue</p> <p>Table 18.12 of the Cumulative Effects ES Chapter [APP-088] records significant adverse effects on Woodstock Lodge Wedding Venue in respect of both landscape and visual and socio-economic matters. This is expanded upon in para 18.7.3 of the same document. However, section 16.12 of the Socio-Economic ES Chapter [APP-088] states that an off-site planting scheme would reduce the visual effects to not significant by around Year 5 and would reduce the socio-economic effects to not significant during the construction period and beyond. Clarify the discrepancy in conclusions regarding likely significant effects upon the Woodstock Lodge Wedding Venue in ES Chapters 6 and 18 (significant), and ES Chapter 16 [APP-088] (not significant)?</p> <p>(See also questions under landscape and visual and socio-economic effects).</p>

ExQ1	Question to:	Question:
Q124	The Applicant	<p>Cumulative effects: battery storage projects at Monk Fryston</p> <p>Chapter 18 of the ES [APP-090], para 18.8.1 finds that significant visual effects could occur as a result of the Proposed Development when considered cumulatively with a planned battery storage scheme south of the proposed substation at Rawfield Lane (ID40). Para 18.6.5 [APP-090] states that an appeal in respect of planning application reference 2021/0789/FULM had been lodged but not determined at the time of writing.</p> <p>Is the outcome of the appeal now known? If so:</p> <ol style="list-style-type: none"> a) Provide a copy of the decision. b) If permission has been granted, supply a copy of the approved plans and drawings. c) Provide an update or addendum to the cumulative assessment [APP-090] to reflect the outcome of the appeal. This should cover all potential cumulative effects, including (but not limited to) landscape and visual, heritage, noise, Green Belt and biodiversity.
Q125	The Applicant and North Yorkshire County Council, or any successor body.	<p>Cumulative effects on biodiversity: Lumby quarry</p> <p>Chapter 18 of the ES [APP-090] concludes that significant cumulative effects in relation to biodiversity receptors could occur as a result of the Proposed Development taken together with proposals for the extraction and processing of magnesian limestone on land north of the A63 at Lumby. [APP-161] indicates that the Lumby quarry proposals are the subject of a current planning application to North Yorkshire County Council.</p> <ol style="list-style-type: none"> a) Can the Applicant and North Yorkshire County Council provide any update about the status of Lumby quarry planning application ref. NY/2022/0102/ENV? b) [APP-161] indicates that the Lumby quarry, if consented, would be operational '2023-2032'. Can the Applicant and North Yorkshire County Council provide the most up to date available information about the likely timescales for the construction and operation of the proposed Lumby quarry, if consented? c) Does North Yorkshire County Council agree with the Applicant's conclusions [APP-090] in relation to the cumulative effects of the Proposed Development take together with other plans and projects in the Lumby area? If not, why not?

ExQ1	Question to:	Question:
		<p>d) Para 18.6.46 of [APP-080] states that the application site for the proposed Lumby quarry falls partially within the Order limits for the Proposed Development. Can the Applicant provide a plan at an appropriate scale which demonstrates the geographical relationship between the two proposals by overlaying the Lumby quarry application site and location of proposed quarry works onto the Works Plan Section F (Sheet 1) [APP-025].</p> <p>e) Para 18.6.48 of [APP-080] describes the potential for the construction of the Proposed Development to remove areas of boundary planting along the A63, including some that had been planted 1-2 years previously as part of the screening bunds for the Lumby quarry proposal. Can the Applicant provide a more detailed explanation of the likely temporal and geographical interaction between the two proposals in this respect, using drawings where they assist in illustrating the relationship.</p> <p>f) In light of (e), can the Applicant foresee any way of avoiding the need to temporarily remove the advance planting planned for the proposed quarry?</p>
<p>2. Air Quality and Human Health</p>		
<p>Q2.0.1</p>	<p>Hambleton District Council, or any successor body, and the Applicant</p>	<p>Air quality monitoring: A19 through Shipton by Beningbrough</p> <p>ES Chapter 13 [APP-085], paragraph 13.7.9 states that Hambleton District Council (HDC) identified concerns about local air quality from current traffic flows through Shipton by Beningbrough on the A19. It put in place additional monitoring from September 2022, with data becoming available in 2023.</p> <p>a) Can Hambleton District Council provide an update as to when monitoring data will be available and whether there are any initial observations that can be reported?</p> <p>b) Can the Applicant comment on whether it considers that the additional baseline information has any implications for assessment of air quality impacts arising from construction traffic emissions?</p>

ExQ1	Question to:	Question:
Q2.02	The Applicant	<p>Embedded mitigation of effects from dust</p> <p>The embedded measures to reduce and or mitigate the effects from dust are summarised in [APP-094]. Can the Applicant clarify the quality assurance and control measures associated with the execution of the embedded measures.</p>
Q2.03	The Applicant and City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Dust control measures</p> <p>In [RR-014] and [RR-020] concerns are raised regarding the potential dust impacts on Lumby. Residential areas also lie in relatively close proximity to the location of other proposed Works. Whilst the Code of Construction Practice [APP-095] contains some control measures neither Requirement 5 nor Requirement 6 of the dDCO [AS-011] contain the specific requirement for a Dust Management Plan to be submitted.</p> <p>In the absence of such a Plan are the measures set out in [APP-095] likely to be sufficient?</p>
Q2.04	The Applicant	<p>Monitoring of compliance with dust management measures</p> <p>Air quality good practice measure reference AQ03, listed in Table 3.9 of the Code of Construction Practice (CoCP), [APP-095], commits to '<i>consider the need for dust deposition, dust flux, or real-time PM₁₀ continuous monitoring locations with the relevant Local Authority through the Pollution Incident Control Plan</i>' (PICP). The PICP is proposed to be produced at the post-consent stage.</p> <ol style="list-style-type: none"> a) Can the Applicant clarify how it would determine whether the above measures are required, for example if any thresholds are to be set? b) Should the CoCP set out more specific commitments in this regard in order to ensure that any effects from dust emissions are properly monitored and controlled?
Q2.05	The Applicant	<p>Electric Magnetic Fields (EMFs)</p> <p>The Electric and Magnetic Fields Report [APP-199] assesses the health effects of the project from EMFs. Whilst the report seeks to demonstrate the compliance of the project with national guidance and standards the ExA would wish to be reassured about the assessment in relation</p>

ExQ1	Question to:	Question:
		<p>to residential sites over which overhead lines pass, namely: the Squires Café and Caravan Park near Newthorpe and the traveller encampment south of the A63.</p> <p>Can you elaborate on the risks to people residing on these sites during the operational phase of the development in relation to:</p> <ul style="list-style-type: none"> a) Potentially harmful effects from EMFs; and, b) Microshocks.
3. Biodiversity, Ecology and Natural Environment		
3.0 Designated sites		
Q3.0.1	Natural England	<p>Sites of Special Scientific Interest</p> <p>Table 8.9 of [APP-080] lists a number of Sites of Special Scientific Interest (SSSIs), which were not subject to detailed assessment for the reasons presented in Table 8A.2 of [APP-126]. Natural England [RR-031], page 5 confirms that it is satisfied that the Proposed Development would not be likely to damage the features of a number of SSSIs which are listed in its RR. However Natural England's list does not include Madbanks and Ledsham Banks, Heslington Tillmire and River Derwent SSSIs, which were considered by the Applicant.</p> <p>For completeness, can Natural England confirm whether it is also satisfied that the Proposed Development would not be likely to damage features of interest of Madbanks and Ledsham Banks, Heslington Tillmire and River Derwent SSSIs?</p>
3.1 Protected species		
Q3.1.1	The Applicant	<p>Bat addendum report</p> <p>Para 8.1.14 of [APP-080] refers to additional tree survey work that "<i>will be provided during the DCO examination phase</i>" to confirm the suitability of the proposed embedded environmental measures and verify the assessment conclusions. Para 8.12.4 of [APP-080] states that a bat</p>

ExQ1	Question to:	Question:
		<p>addendum report will be used to inform detailed bat mitigation design and any protected species licensing.</p> <ul style="list-style-type: none"> a) This addendum report and additional survey results should be submitted at Deadline 2. b) What are the implications for the assessment of effects on bats set out in [APP-080]? c) Are any consequential updates required to the Biodiversity Mitigation Strategy [APP-097]?
Q3.1.2	Natural England and the Applicant	<p>Protected species licences: water vole and badger</p> <p>Has agreement been reached as to whether or not protected species licences would be required for water vole and badger?</p>
<p>3.2 Habitats: hedgerows</p>		
Q3.2.1	The Applicant	<p>Important hedgerow assessment</p> <p>Para 8.1.15 of [APP-080] states that a report detailing results of the important hedgerow assessment will be submitted as an addendum to the ES.</p> <ul style="list-style-type: none"> a) This report should be submitted at Deadline 2. b) Can the Applicant clarify whether hedgerows that are “potentially affected”, as shown on [APP-050] to [APP-055], are included in the scope of the survey given that works to these hedgerows could include temporary or permanent removal to accommodate design changes within the LoD (paragraph 8.8.17 of ES Chapter 8 [APP-080])? c) Do the findings of this report necessitate any changes to the assessment of effects on hedgerows contained in section 8.9 of [APP-080] or to the Biodiversity Mitigation Strategy [APP-097]? d) Will the Applicant update the Trees and Hedgerows Potentially Affected Plans [APP-050 to APP-055] to distinguish those hedgerows that are considered to be ecologically important under the Hedgerow Regulations? If not, why this is not considered to be necessary?

ExQ1	Question to:	Question:
Q3.2.2	The Applicant	<p>Hedgerows: baseline assessment</p> <p>Para 8.5.34 of [APP-080] states that approximately 85,202 metres of hedgerow has been mapped within the Order limits during the Phase 1 Habitat Survey [APP-127] and also that there is approximately 29,566m of hedgerow within the Order limits.</p> <p>a) Can the Applicant clarify the discrepancy between these figures?</p>
Q3.2.3	The Applicant	<p>Effects on hedgerows</p> <p>The Biodiversity assessment [APP-080] states that the Proposed Development is likely to result in a total permanent loss of approximately 953 metres of native hedgerows, with up to 17,036 metres of native hedgerow temporarily affected under a reasonable worst case scenario.</p> <p>The Arboricultural Impact Assessment [APP-102], Table 1.12 states that the Proposed Development is likely to require the removal of 1,162 linear metres of hedgerow, with a further 3,392 linear metres of hedgerow “<i>affected/managed</i>” and 2,152 linear metres of hedgerow “<i>potentially affected</i>”.</p> <p>a) Can the Applicant supplement the justification in para 1.9.1 of [APP-102] and at footnote 132 of [APP-080] with further explanation as to the different survey methodologies used and why it considers these to be appropriate for establishing the baseline for the ES assessments.</p> <p>b) Do the Trees and Hedgerows Potentially Affected Plans [APP-050 – APP-055] derive from the data presented in the Biodiversity assessment or the Arboricultural Impact Assessment?</p> <p>c) Provide a single set of figures for the length of hedgerow that would be permanently lost and temporarily affected as a result of the Proposed Development.</p>
Q3.2.4	The Applicant	<p>Hedgerow reinstatement</p> <p>a) Can the Applicant explain its proposed approach to reinstatement of affected hedgerows?</p>

ExQ1	Question to:	Question:
		<p>b) Confirm that all hedgerow reinstatement measures would be secured via the scheme described under Requirement 8(2), which would be in accordance with Requirements 8(1) and 9. If not, how else would it be secured?</p> <p>c) Can the Applicant explain its proposed approach to mitigation of effects to hedgerows in the scenario where up to 2,152 linear metres of hedgerow could be <i>'potentially affected'</i> (as stated in the Arboricultural Impact Assessment (AIA) [APP-102], if development is relocated within the LoD sought.</p>
3.3 Biodiversity Mitigation Strategy		
Q3.3.1	The Applicant	<p>Scope of Biodiversity Mitigation Strategy</p> <p>Para 1.4.1 of the Biodiversity Mitigation Strategy (BMS) [APP-097] states that the BMS details mitigation measures that have been designed to <i>'partly or wholly'</i> deliver the embedded measures identified in respect of biodiversity.</p> <p>Can the Applicant expand on the explanation of the term <i>'partly'</i> provided at footnote 2 of [APP-097], specifying which embedded biodiversity measures are secured partly outside of the BMS, for example in the CoCP [APP-095] or AIA [APP-102] to [APP-104], and where.</p>
Q3.3.2	The Applicant	<p>Pre-construction surveys</p> <p>Section 4.2 of the BMS [APP-097] states that pre-construction surveys would be undertaken for protected species <i>"where relevant and necessary, i.e. in locations where protected species have previously been identified or where habitat has been assessed as particularly favourable as detailed within the baseline reporting"</i>.</p> <p>In the interests of clarity and certainty, can the BMS specify which pre-construction surveys would be relevant and necessary?</p>

ExQ1	Question to:	Question:
Q3.3.3	The Applicant and Natural England, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Mitigation of lighting effects on nocturnal fauna</p> <p>Para 3.2.1 of the BMS [APP-097] specifies that a lighting design for the project would decrease the potential displacement effects of lighting on light-sensitive nocturnal fauna. Paras 4.6.2, 4.7.2 and 4.9.3 explain how this would minimise effects on bats, badgers and otters respectively. The lighting scheme secured under Requirement 6(1)(d) of the dDCO [AS-011] must accord with the BMS. The BMS outlines some headline principles such as minimising usage / light spill and using the most appropriate wavelengths.</p> <p>In the absence of a draft or outline version of the lighting scheme, does the BMS [APP-097] contain sufficient practical detail about how lighting design should minimise effects on light-sensitive nocturnal fauna?</p>
3.4 Biodiversity Net Gain		
Q3.4.1	The Applicant	<p>Biodiversity Net Gain (BNG): pre-works surveys</p> <p>Para 4.1.1 of [APP-210] recommends that a number of pre-works surveys are completed to inform the BNG calculations '<i>once the detailed construction working areas design is available</i>'. a) Does the Applicant plan to undertake any survey work in respect of BNG prior to completion of this Examination? b) How do you respond to Natural England's advice [APP-031] that pre-works surveys, calculations and assessments should be undertaken as early into the project development process as possible to inform design and management considerations, and as such ensure application of BNG Good Principle 1 (Apply the Mitigation Hierarchy)?</p>
Q3.4.2	The Applicant	<p>BNG: feasibility of achieving 10% net gain</p> <p>The Proposed Development is not required to demonstrate 10% BNG, but the Applicant has nonetheless set a voluntary target of a minimum 10% BNG in respect of the Proposed Development (para 1.1.3 of [APP-210]).</p>

ExQ1	Question to:	Question:
		<p>a) Given that the achievement of 10% BNG would be reliant on off-site measures such as habitat retention, creation and enhancement, can the Applicant supplement the BNG Report [APP-210] with further information to demonstrate the feasibility of achieving and securing a 10% net gain in all identified habitat types (hedgerow, habitat and river)?</p> <p>b) Para 4.3.1 of [APP-210] describes liaison with landowners or offset providers, ideally to provide measures within the same local planning authority area as on-site impacts occur. How would this liaison take place and do you anticipate any role for the local authorities in this process?</p>
Q3.4.3	The Applicant	<p>BNG and biodiversity mitigation</p> <p>What mechanisms are in place to ensure that there is clarity between the measures being undertaken to mitigate effects on biodiversity as a result of the Proposed Development and measures proposed to achieve biodiversity net gain?</p>
<p>3.5 Habitats Regulations Assessment</p>		
Q3.5.1	Natural England	<p>No Significant Effects Report: impact pathways</p> <p>The impact pathways considered by the Applicant are detailed in section 5.3 of the No Significant Effects Report [APP-200]. The potential for increased strike risk on bird migration routes as a result of the Proposed Development is not considered as an impact pathway. Does Natural England agree with this approach?</p>
<p>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</p>		
<p>4.0 General: Compulsory Acquisition, Temporary Possession and Statutory Undertakers' Schedules</p>		
Q4.0.1	The Applicant	<p>Schedule of Compulsory Acquisition (CA) and Temporary Possession (TP) Objections and Updates</p> <p>To facilitate regular updates during the Examination:</p> <p>a) Complete the attached CA and TP Objections Schedule (Annex A to ExQ1 below) with information about any objections to the CA and/ or TP proposals. Update this Schedule</p>

ExQ1	Question to:	Question:
		<p>at each successive Deadline shown in the Examination Timetable for 'Updating CA and TP Schedules', based on the outcomes from continuing diligent inquiry.</p> <p>b) Make any new entries, or delete any entries that you consider no longer apply, taking account of the positions expressed in Relevant Representations (RR) and Written Representations (WR) and giving reasons for any additions or deletions.</p>
Q4.02	The Applicant	<p>Schedule of Negotiations with Land Interests</p> <p>To facilitate regular updates during the Examination:</p> <p>a) Submit as a standalone Examination document at each Deadline shown in the Examination Timetable for 'Updating CA and TP Schedules', an updated Schedule of Negotiations with Land Interests as mentioned in the Statement of Reasons (SoR) [APP-069], para 5.8.6 and Appendix B with the additions to the Appendix B table of:</p> <ul style="list-style-type: none"> ▪ the Book of Reference (BoR) class; and ▪ names of Persons with Interest in Land (PIL) such that direct link to the BoR is clear. <p>b) Update the SoR with any changes to content of Appendix B at Deadline 8.</p>
Q4.03	The Applicant	<p>Status of Negotiations with Statutory Undertakers</p> <p>To facilitate regular updates during the Examination:</p> <p>a) Provide a standalone status report on progress of negotiations on Protective Provisions, with an estimate of the timescale for securing agreement with them. The ExA would find the information provided in the 'A428 Black Cat to Caxton Gibbet improvements, Statutory Undertakers – Progress Schedule' useful to be set out in a tabular format determined by the Applicant. https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010044/TR010044-001930-National%20Highways%20-%209.17%20Statutory%20Undertakers%20Progress%20Schedule%20-%20Rev%203.pdf</p> <p>b) Provide updates at each Deadline shown in the Examination Timetable for 'Updating CA and TP Schedules'.</p>

ExQ1	Question to:	Question:
Q4.04	The Applicant	<p>Details of purpose for which Compulsory Acquisition and Temporary Possession powers are sought</p> <ul style="list-style-type: none"> a) Provide a standalone update to the SoR's Appendix A 'Details of purpose for which Compulsory Acquisition and Temporary Possession powers are sought' [APP-069], Appendix A, when changes have occurred, at each Deadline shown in the Examination Timetable for 'Updating CA and TP Schedules'. b) Update the SoR with any changes to content of Appendix A at Deadline 8.
Q4.05	Affected Persons	<p>Easements/ Wayleaves</p> <p>The Applicant explains that voluntary rights in land for overhead lines and towers will be sought by way of an option for easement under the terms of a Deed of Grant, rather than via wayleaves [APP-069], para 5.8.3 to 5.8.4. The Applicant justifies its need for permanent easements rather than wayleaves.</p> <ul style="list-style-type: none"> a) Do you agree with the Applicant's approach? b) If not, explain why not with reasons. c) If not, and this affects land that you have an interest in, set out specific reasons.
<p>4.1 Clarifications</p>		
Q4.1.1	The Applicant	<p>Land Plan referencing</p> <p>The Land Plan referencing does not appear to accord with the explanation in the BoR [APP-071], para 9.1.1.</p> <ul style="list-style-type: none"> a) Explain the Land Plan plot number referencing [AS-005] to [AS-010]. b) For example why are plots, in Section F of the project, referenced starting with "E"? c) Provide an accurate explanation in the BoR.

ExQ1	Question to:	Question:
Q4.12	The Applicant	<p>Carter Jonas LLP on behalf of S Batty and Son Limited:</p> <p>The RR [RR-007] from Carter Jonas LLP on behalf of S Batty and Son Ltd states <i>“the project impacts land which is within the ownership of my client S Batty & Son Ltd.”</i> S Batty and Son Limited does not appear in the BoR.</p> <p>Provide an explanation and update the BoR as necessary.</p>
Q4.13	Carter Jonas LLP on behalf of Batty and Son Ltd	<p>Carter Jonas LLP on behalf of S Batty and Son Limited:</p> <p>Your RR [RR-007] on behalf of S Batty and Son Ltd states <i>“the project impacts land which is within the ownership of my client S Batty & Son Ltd.”</i> S Batty and Son Limited does not appear in the BoR.</p> <p>Further explanation of your client’s interest is required.</p>
Q4.14	The Applicant	<p>Northern Powergrid transformer compound at the Overton Substation site</p> <p>The Applicant identified the location of the Northern Powergrid transformer compound, described in the Design and Access Statement (DAS) [APP-203], para 2.4.2 at ISH1, using Design Drawing [APP-064], Design Drawing Overton, Substation Parameter Plan, Sheet 1 of 3.</p> <ul style="list-style-type: none"> a) Is the Northern Powergrid transformer compound with an area of brown land with Class 1 CA rights? b) If so which plot? If not, should it be? c) If so, should the BoR class of interest, and Table A in the SoR be amended to show one of the Northern Powergrid plcs as well as National Grid? d) Is this also the case for Plot B2-32 for the land marked as <i>“DNO Substation Compound”</i> on the Parameter Plan identified above? e) Are there any other changes required? <p>(See also questions under dDCO article 5)</p>

ExQ1	Question to:	Question:
4.2 The Book of Reference, Statement of Reasons, Land Plans, diligent inquiry and updates		
Q4.2.1	The Applicant	<p>Compliance with the CA Guidance, Annex D</p> <p>Confirm that the BoR [APP-071] complies with the advice contained in the <i>“Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land, September 2013, Department for Communities and Local Government”</i> (the CA Guidance), Annex D, para 8. For example, are all those identified in BoR Part 3 also recorded in Part 1?</p>
Q4.2.2	The Applicant	<p>Book of Reference Category 3 Parties</p> <p>a) Provide further detail/ justification of how you have identified Category 3 parties for the purposes of the BoR [APP-071].</p> <p>b) Are there any other persons who might be entitled to make a relevant claim if the dDCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [APP-071]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none"> ▪ noise, vibration, smell, fumes, smoke or artificial lighting; ▪ the effect of construction or operation of the proposed development on property values or rental incomes; ▪ concerns about subsidence or settlement; ▪ claims that someone would need to be temporarily or permanently relocated; ▪ impacts on a business; ▪ loss of rights, eg to a parking space or access to a private property; ▪ concerns about project financing; ▪ claims that there are viable alternatives; or ▪ blight.
Q4.2.3	The Applicant	<p>Diligent inquiry into land interests</p> <p>a) Summarise where you have not yet been able to identify any persons having an interest in the land, including any rights over unregistered land?</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> b) What further steps will you be taking to identify any unknown rights during the Examination? c) What further steps will you be taking in connection with hard to reach groups?
Q4.24	The Applicant	<p>Risks or impediments to the proposed development</p> <p>Further to the SoR [APP-069], para 6.1.7 and in the light of the CA Guidance, para 19 demonstrate:</p> <ul style="list-style-type: none"> a) how potential risks or impediments to implementation of the Proposed Development have been properly managed; b) the account taken of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents applicable to this type of development.
Q4.25	Affected Persons Interested Parties	<p>Known inaccuracies</p> <ul style="list-style-type: none"> a) Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [APP-071], SoR [APP-069] or Land Plans [AS-005] to [AS-010]? b) If so, set out what these are and provide the correct details.
<p>4.3 Alternatives</p>		
Q4.3.1	The Applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition have been explored</p> <p>The CA Guidance, para 25, states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <ul style="list-style-type: none"> a) Demonstrate compliance with this aspect of the CA Guidance. b) Have you offered full access to alternative dispute resolution techniques for those with concerns about the Compulsory Acquisition of their land or considered other means of involving those affected? If so explain these.

ExQ1	Question to:	Question:
Q4.32	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Reasonable alternatives and necessity of land and rights</p> <p>Are any of the Councils in their roles as the Local Planning Authority and the Highway Authority aware of:</p> <ul style="list-style-type: none"> a) Any reasonable alternatives to the CA or the TP which is sought by the Applicant? b) Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed?
Q4.33	The Applicant	<p>Consulting Persons with an Interest in Land (PILs) under PA2008 sections 42(1)(d) and 44</p> <p>Further to the description of the process of consulting PILs in the Consultation Report [APP-195], Section 6.3 and the responses [APP-195], Table 7.3 provide a précis table of the account that has been taken of responses in the location, routeing and design of the Proposed Development in considering CA alternatives, together with reasons where changes have not been made. The location of the requested change or response should be clearly stated eg by pylon number, road name, substation or CSEC etc.</p>
<p>4.4 Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought by the dDCO</p>		
Q4.4.1	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The SoR explains that engagement and negotiations have been ongoing throughout the consultation and design process to try to avoid the need for CA with routeing and design, to minimise the impact and number of landowners affected and to minimise the land required [APP-069], para 6.3.3.</p> <p>To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the Proposed Development to which the Order limits extend:</p> <ul style="list-style-type: none"> a) Is there a word(s) missing from the first sentence in connection with LoD in the SoR [APP-069], para 6.3.4]?

ExQ1	Question to:	Question:
		<p>b) For the avoidance of doubt, set out and justify the extent of the flexibility that the submitted scheme for the proposed development would allow in terms of LoD, and other parameters, providing dimensions where relevant.</p> <p>c) Explain how it would be ensured that powers of Compulsory Acquisition would not be exercised in respect of land not ultimately required, as a result of the detailed design process.</p>
Q4.4.2	The Applicant	<p>Compelling case Confirm the factors considered in weighing public benefit versus private loss and how that exercise has been undertaken. Bring together the cross referencing between the SoR [APP-069], the Planning Statement [APP-202] and the Updated Need Case [APP-205].</p>
Q4.4.3	The Applicant	<p>Osbalwick Substation: Plots A1-02, A1-03, A1-06, A1-07 [AS-005] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the CA powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p>
Q4.4.4	The Applicant	<p>Osbalwick Substation: Plots A1-05 and A1-07a [AS-005] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the CA powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p>
Q4.4.5	The Applicant	<p>Monk Fryston Substation: Plots F1-07, F1-08, F1-15, [AS-010] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the Compulsory Acquisition powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p>

ExQ1	Question to:	Question:
Q4.4.6	The Applicant	<p>Land required for visibility splays</p> <p>At ISH1, one example of Order limits extending from an access point along a street, such as Plot C9-33 on Garnet Lane [AS-008], Sheet 1 of 2, was queried by the ExA – as an example of many throughout the Proposed Development. The Applicant explained that this was a required visibility splay, in line with the Design Manual for Roads and Bridges (DMRB).</p> <p>Further to discussion at ISH1, regarding the land required for visibility splays explain why the powers sought are necessary.</p>
Q4.4.7	North Yorkshire County Council, City of York Council, Leeds City Council, or any successor body	<p>Land required for visibility splays</p> <p>If not covered in your SoCG with the Applicant, confirm whether you are content with the visibility splays set out in the Table Construction Traffic Management Plan (CTMP) [APP-099], Table 3.3.</p>
Q4.4.8	The Applicant	<p>Temporary construction compounds</p> <p>Justify the land take for the temporary construction compounds as described in the Project Description [APP-075], para 3.5.8.</p>
<p>4.5 Statutory Undertakers</p>		
Q4.5.1	The Applicant	<p>Statutory Undertakers</p> <p>Where a representation is made by a Statutory Undertaker under s127 of the Planning Act 2008 (PA2008) and it has not been withdrawn by the close of the Examination, the Secretary of State (SoS) would be unable to authorise powers relating to the Statutory Undertaker's land unless satisfied of specified matters set out in s127. If the representation is not withdrawn by the end of the Examination, confirmation would be needed that the s127 test would be met.</p> <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purposes of carrying out the Proposed Development to which the Order would relate in accordance with s138 of PA2008. Justification would be needed to show that extinguishment or removal would be</p>

ExQ1	Question to:	Question:
		<p>necessary. The ExA requires this information to be submitted into the Examination at Deadline 5 (Tuesday 11 July 2023).</p> <p>Confirm that this information would be submitted at the Deadline listed above.</p>
Q4.52	The Canal and River Trust	<p>Protective Provisions for The Canal and River Trust</p> <p>You have indicated in your RR [RR-004] that you are not in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15.</p> <p>Provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not agree to the wording as currently drafted.</p>
Q4.53	Cellnex UK	<p>Protective Provisions for Cellnex UK</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.54	EE Limited and Hutchison 3G UK Limited	<p>Protective Provisions for EE Limited and Hutchison 3G UK Limited</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.55	Environment Agency	<p>Protective Provisions with the Environment Agency</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p>

ExQ1	Question to:	Question:
		<p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.6	National Gas Transmission (Limited), formerly National Grid Gas plc	<p>Protective Provisions for National Gas Transmission (Limited) (NGT) You have indicated in your RR [RR-028] that you are working with the Applicant on the wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15.</p> <p>a) What do you consider necessary in the dDCO and Protective Provisions to ensure that your interests are adequately protected, to ensure compliance with relevant safety standards for works proposed within close proximity of your apparatus and for rights of access?</p> <p>b) Provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you don't want the wording as currently drafted to be used.</p> <p>c) Provide any comments on, or suggested changes to the articles and/ or Requirements in the dDCO [AS-011].</p>
Q4.5.7	National Highways Limited	<p>Protective Provisions for National Highways Limited</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.8	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited	<p>Protective Provisions for Network Rail Infrastructure Limited You have indicated in your RR [RR-001] that you are working with the Applicant on the wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15.</p> <p>a) The ExA requires further information on the way in which the rights sought might interfere with the safe and efficient operation of the Railway.</p>

ExQ1	Question to:	Question:
		<p>b) If differences remain, provide copies of your preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you don't want the wording as currently drafted to be used.</p> <p>c) Provide any comments on or suggested changes to the articles and/ or Requirements in the dDCO [AS-011].</p>
Q4.5.9	Northern Gas Networks	<p>Protective Provisions for Northern Gas Networks</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.10	Northern Powergrid (Northeast) plc	<p>Protective Provisions and interference with Northern Powergrid (Northeast) plc's assets</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p> <p>c) If not provided elsewhere, set out detail on the Northern Powergrid (Northeast) plc's existing assets which you consider are vital for your existing operations, if you consider that any would be interfered with by the Proposed Development. If provided elsewhere signpost where this information can be found.</p>
Q4.5.11	Northern Powergrid (Yorkshire) plc	<p>Interference with Northern Powergrid (Yorkshire) plc's assets</p> <p>If not provided elsewhere, set out more precise detail on the Northern Powergrid (Yorkshire) plc's existing assets including the reference to a 132kV primary substation, pylons, overhead cables, underground cables and access and servicing rights, which you consider are vital for</p>

ExQ1	Question to:	Question:
		your existing operations and which you consider would be interfered with by the Proposed Development [RR-038]. If provided elsewhere signpost where this information can be found.
Q4.5.12	Northern Powergrid (Yorkshire) plc	<p>Land acquisition and interests that would affect Northern Powergrid (Yorkshire)'s ability to use, access and maintain its substation</p> <ul style="list-style-type: none"> a) Identify the plots where you consider the land and interests, if acquired, would adversely affect your ability to use, access and maintain your substation and where you consider it should not be necessary to acquire interests in the land and where you consider that an agreement between the parties would be more appropriate [RR-038]. b) Explain how your ability to use, access and maintain the substation would be adversely affected.
Q4.5.13	Northern Powergrid (Yorkshire) plc	<p>Protective Provisions for Northern Powergrid (Yorkshire) plc</p> <p>You have indicated in your RR [RR-038] that you are not in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15.</p> <p>Provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.14	Shire Group of Internal Drainage Boards	<p>Protective Provisions with Shire Group of Internal Drainage Boards</p> <ul style="list-style-type: none"> a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15. b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.
Q4.5.15	Sustrans	<p>Protective Provisions for Sustrans</p> <ul style="list-style-type: none"> a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?

ExQ1	Question to:	Question:
		<p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.16	Vodafone Limited	<p>Protective Provisions with Vodafone Limited</p> <p>a) Are you in agreement with the Applicant’s wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.17	York Consortium of Internal Drainage Boards	<p>Protective Provisions with York Consortium of Internal Drainage Boards</p> <p>Further to points made in the RRs from Ainsty and Foss Internal Drainage Boards [RR-002] and [RR-015]:</p> <p>a) Are you in agreement with the Applicant’s wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>
Q4.5.18	Yorkshire Water Services Limited	<p>Protective Provisions for Yorkshire Water Services Limited</p> <p>a) Are you in agreement with the Applicant’s wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p>

ExQ1	Question to:	Question:
<p>4.6 Individuals' objections, issues and voluntary agreements</p> <p>Note: where objections have been withdrawn, there is no need to respond to the questions in this section (4.6) of questions, but confirmation of withdrawal of objection must be provided.</p>		
Q4.6.1	Carter Jonas LLP for Castlegate Trustees - WH Strawson (Farms) Ltd Pension Scheme	<p>Castlegate Trustees - WH Strawson (Farms) Ltd Pension Scheme interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-005] over access routes, minimising disruption to agricultural activities, restoration and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) do you consider any further measures are required?
Q4.6.2	The Applicant	<p>Mr P. Watson interest in land</p> <ul style="list-style-type: none"> a) The ExA requires a full explanation (which elaborates on that provided in the Consultation Report [APP-195], Table 7.3, pages 218 to 219) of the alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Carter Jonas LLP on behalf of Mr P. Watson [RR-006]. This should cover access, extinguishment of access, CSEC orientation, unworkable (or otherwise) remaining farmland and any other matters subject to disagreement. b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues. c) Provide an update on any further discussions since submission of the RR [RR-006]. d) Are you anticipating submitting changes to the design or access arrangements on this land? e) In responding to these points, the ExA would find it helpful if any relevant cross referencing to the issues arising from Charles Waite and Co Ltd on behalf of Mr R. Ingham [RR-013] could be set out here.

ExQ1	Question to:	Question:
Q4.6.3	The Applicant	<p>Mr R. Ingham interest in land</p> <ul style="list-style-type: none"> a) As for the requested response to [RR-006], the ExA requires a full explanation of any alternatives which have been considered in this location, and why options other than that taken forward were dismissed. b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues. c) Provide an update on any further discussions since submission of the RR [RR-013].
Q4.6.4	Carter Jonas LLP for Mr P. Watson	<p>Mr P. Watson interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RR [RR-006]. b) If not provided elsewhere, set out in full, with reference to plot numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?
Q4.6.5	Charles Waite and Co Ltd on behalf of Mr R. Ingham	<p>Mr R. Ingham interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RR [RR-013]. b) If not provided elsewhere, set out in full, with reference to plot numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?

ExQ1	Question to:	Question:
Q4.6.6	Carter Jonas LLP for The Batty Family	<p>The Batty Family interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-007] over access routes, minimising disruption to agricultural activities, restoration and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) Do you consider any further measures are required?
Q4.6.7	Carter Jonas LLP for The Aspinall Family	<p>The Aspinall Family interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-008] over access routes, minimising disruption to agricultural activities, restoration and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) Do you consider any further measures are required?
Q4.6.8	Carter Jonas LLP for The Gittus Family	<p>The Gittus Family interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-010] over access routes, minimising disruption to agricultural activities, restoration and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) Do you consider any further measures are required?

ExQ1	Question to:	Question:
Q4.6.9	Carter Jonas LLP for the University of Leeds	<p>University of Leeds interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-011] over access routes, site safety and impact on agricultural land and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Explain in more detail what would be required, in your view, to minimise disruption for agricultural and research activities on the ground; c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?
Q4.6.10	Carter Jonas LLP for Mr W. R. Strawson	<p>Mr W. R. Strawson interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-012] over access routes, minimising disruption to agricultural activities, restoration and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) Do you consider any further measures are required?
Q4.6.11	Lister Haigh on behalf of C. Lister	<p>C. Lister interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-021] over the proposed access, and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098].

ExQ1	Question to:	Question:
		<p>c) Do you consider any further measures are required?</p>
Q4.6.12	Lister Haigh on behalf of Mr J. Bell	<p>Mr J. Bell interest in land</p> <p>a) Has the Applicant's response to your RR [RR-023], submitted at Deadline 1 addressed all your concerns?</p> <p>b) If not set out continued points of disagreement, with reference to specific plot numbers as provided in your RR.</p> <p>c) If access point AP89 (as it appears from plans) is proposed from Overton Road, and not directly off the A19 would this allay your concerns regarding physical access to Plot B2-34, or were you referring to the need to access Plot B2-34 from Access Point AP92 off the A19 further south?</p> <p>d) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098].</p> <p>e) Do you consider any further measures are required?</p>
Q4.6.13	The Applicant	<p>Mr D. Blacker and Ms M. Blacker interest in land</p> <p>a) The ExA requires a full explanation of the alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Lister Haigh on behalf of Mr D. Blacker and Ms M Blacker [RR-022] and [RR-024]. This should cover:</p> <ul style="list-style-type: none"> ▪ location of Pylon SP006, whether restricting the limits of deviation (LoD) has been considered, and whether upgrading of Pylon SP007 was considered; ▪ access arrangements for New Farm and other properties accessed by AP93 (on the A19) during undergrounding Work No. U4 and during construction of Work No. 5, including likely duration of both works; and ▪ any other matters subject to disagreement. <p>b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> c) Provide an update on any further discussions since submission of the RRs [RR-022] and [RR-024]. d) Are you anticipating submitting changes to the design or access arrangements on this land/ in this area?
Q4.6.14	Northern Powergrid (Northeast) plc	<p>Work No. U4</p> <p>Explain how Work No. U4 would be implemented in light of the concerns over access raised by Mr D. Blacker and Ms M. Blacker in their RRs [RR-022] and [RR-024].</p>
Q4.6.15	Lister Haigh on behalf of Mr D. Blacker and Ms M Blacker	<p>Mr D. Blacker and Ms M. Blacker interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RRs [RR-022] and [RR-024]. b) If not provided elsewhere, set out in full, with reference to plot numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?
Q4.6.16	The Applicant	<p>Plot B2-25 and post-completion access to Plot B2-34</p> <p>Further to the RR from Lister Haigh on behalf of Mr J. Bell [RR-023]:</p> <ul style="list-style-type: none"> a) Set out in full the reasons for Compulsory Acquisition of Plot B2-25, if not already provided. If provided elsewhere, signpost where a response can be found. b) How do you propose that the landowner (and any tenants) would gain access to plot B2-34 once the temporary use is complete? Is the intention to allow access across land which would be compulsorily acquired in Plot B2-39?

ExQ1	Question to:	Question:
Q4.6.17	Lister Haigh on behalf of Mr J. Bell	<p>Mr J. Bell interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RR [RR-023]. b) If not provided elsewhere, set out in full, with reference to plot numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?
Q4.6.18	Lister Haigh on behalf of Mr S. Mills	<p>Mr S. Mills interest in land</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out in full, with reference to plot numbers your concerns raised in your RR [RR-026] over the proposed access, and any other outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. b) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. c) Do you consider any further measures are required?
Q4.6.19	The Applicant	<p>Mr R. Elliot interest in land</p> <ul style="list-style-type: none"> a) The ExA requires a full explanation of any changes arising from the information provided by Mr R. Elliott and any alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Lister Haigh on behalf of Mr R. Elliott [RR-025]. This should cover: <ul style="list-style-type: none"> ▪ locations and alignments of Work No. U7 and U8; ▪ access arrangements from AP40 through the High Moor Farm steading; and ▪ any other matters subject to disagreement.

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots and Works Nos where this helps understanding of the issues. c) Provide an update on any further discussions since submission of RR [RR-25]. d) Are you anticipating submitting changes to the design or access arrangements on this land/ in this area?
Q4.620	Lister Haigh on behalf of Mr R. Elliott	<p>Mr R. Elliot interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RR [RR-025]. b) If not provided elsewhere, set out in full, with reference to plot numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?
Q4.621	Mr P. Swales	<p>Mr P Swales interest in land</p> <ul style="list-style-type: none"> a) Provide an update on any further discussions since the submission of your RR [RR-033]. b) If not provided elsewhere, set out in full, with reference to plot numbers and pylon numbers any outstanding matters and respond to the Applicant's response to your RR, to be submitted at Deadline 1. c) Provide comments, if you have concerns or suggestions, on the measures that the Applicant has put in place in its dDCO and secured documents such as the CoCP [APP-095] and the outline soil and aftercare management plan [APP-098]. d) Do you consider any further measures are required?

ExQ1	Question to:	Question:
Q4.6.22	The Applicant	<p>Plot F1-07 at Monk Fryston Substation</p> <p>Regarding a planned battery storage scheme south of the existing Monk Fryston Substation at Rawfield Lane, lodged but not determined at the time of the application for the Proposed Development:</p> <ul style="list-style-type: none"> a) explain what the arrangements would be with Pelagic Energy Limited, listed in the BoR as having Category 2 interest in the land at Plot F1-07 should this battery storage development proceed; and b) if this development proceeded, would it affect any other plots listed in the BoR? If so which plots and how? c) provide an update to your responses regarding interaction with a proposed battery storage project provided in the Consultation Report [APP-195], Table 7.3, pages 218 to 219 in the event of this development proceeding; and d) update this Examination on any further discussions with the developer of the proposed battery storage facility.
4.7 Funding and compensation provisions		
Q4.7.1	The Applicant	<p>Final Needs Case</p> <ul style="list-style-type: none"> a) Provide an update on Ofgem’s final decision on your Final Needs Case (FNC), which you state was submitted in August 2022, and due for decision in Q4 2022, as reported in the Funding Statement [APP-070], para 3.4.3. b) What conditions if any are attached to the final decision on the FNC?
Q4.7.2	The Applicant	<p>Large Onshore Transmission Investment license process</p> <ul style="list-style-type: none"> a) Set out the next steps and time frames for securing funding via the Large Onshore Transmission Investment (LOTI) license process [APP-070], para 3.5.1. b) Explain in more detail what “<i>Ofgem will set a monetary allowance for National Grid to execute the project</i>” means [APP-070], para 2.4.3.

ExQ1	Question to:	Question:
		<p>c) Notwithstanding your expectation that the funding required to meet the estimated implementation costs would be made available [APP-070], para 4.1.6, is there any risk that Ofgem might set an allowance which is lower than the costs required?</p> <p>d) If this occurred how would the Proposed Development be funded?</p>
Q4.7.3	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>a) The CA Guidance, para 17, considers the resource implication of the proposed development. In the light of that guidance, set out the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the Proposed Development, and the basis upon which any such contributions or underwriting is to be made.</p> <p>b) Specifically, will the contracts with Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc and Northern Gas Networks (NGN) [APP-070], Sections 6 and 7 involve financial contributions from those parties?</p>
Q4.7.4	The Applicant	<p>Whether adequate funding is likely to be available in the statutory timescale</p> <p>In light of the CA Guidance, para 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?</p>
Q4.7.5	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>The Funding Statement states that an estimate of the amounts necessary to cover the payment of compensation associated with the exercise of any CA powers granted has been estimated at between £5 and £10 million and that the full cost of acquiring all necessary land and rights before access and construction commences is £2.5 million [APP-070], para 5.1.4.</p> <p>a) Explain further the nature of the expert advice taken in that respect and the basis for, and reliability of this estimate.</p> <p>b) Is the £2.5million for land and rights covered in the pre-construction funding of £23.45million project allowance set by Ofgem under the “<i>regulation = incentives + innovation + outputs</i>” (RIIO) mechanism?</p>

ExQ1	Question to:	Question:
4.8 Other consents and contractual arrangements		
Q4.8.1	The Applicant Northern Powergrid	<p>Contractual arrangements with Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc</p> <p>The ExA acknowledges the commercial sensitivity of contractual arrangements with others, as stated in the Funding Statement [APP-070], Section 6. However, some understanding of the nature of the contracts would assist the ExA.</p> <p>Provide an outline of the contents that would be contained in the contracts/ agreements between National Grid and Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc for Overton and Monk Fryston Substations.</p>
Q4.8.2	The Applicant Northern Gas Networks	<p>Contractual arrangements with Northern Gas Networks</p> <p>The ExA acknowledges the commercial sensitivity of contractual arrangements with others, as stated in the Funding Statement [APP-070], Section 7. However, some understanding of the nature of the contracts would assist the ExA.</p> <ul style="list-style-type: none"> a) Provide an outline of the contents that would be contained in the contracts/ agreements between National Grid and NGN for the cable connections between the two cable sealing end compounds (CSEC) in the Tadcaster area. b) Is the Asset Protection Agreement (APA) referred to in the Planning Statement [APP-202], Table 2.2, point 5 the same as/ one of the agreements referred to in the Funding Statement?
4.9 Human Rights and Public Sector Equality Duty		
Q4.9.1	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>

ExQ1	Question to:	Question:
Q4.92	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>In relation to the Applicant’s duties under section 149 of the Equalities Act 2010:</p> <ul style="list-style-type: none"> a) explain how you have had regard to your public sector equality duty in relation to the powers of CA sought and where this can be identified in the application; and b) have any Affected Persons been identified as having protected characteristics?
Q4.93	The Applicant	<p>The European Convention on Human rights (the Convention) applied within UK domestic law by the Human Rights Act 1998</p> <p>The SoR, states that in pursuing the dDCO, the Applicant has weighed the potential infringement of the Convention rights in consequence of the inclusion of compulsory powers within the dDCO and concluded that the significant public benefits outweigh the effects of the dDCO upon persons who own property in the Order limits such that there would not be a disproportionate interference with Article 8 and Article 1 First Protocol rights [APP-069], para 8.1.7 to 8.1.10.</p> <p>Explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant National Policy Statements (NPS) and Government Guidance), the weight attributed to those factors and how this exercise has been undertaken.</p>
Q4.94	The Applicant	<p>Plots E7-34 and E7-40</p> <ul style="list-style-type: none"> a) Provide a detailed update of your ongoing diligent inquiries and consultation since that reported in the Consultation Report [APP-195], Section 6.10 and Table 6.5. b) Keep the ExA updated in this regard at all Deadlines requiring CA updates.

ExQ1	Question to:	Question:
5.	Draft Development Consent Order (dDCO)	
5.0	Issue Specific Hearing 1	
Q5.0.1	<p>Issue Specific Hearing 1 (ISH1) on the Scope of the Proposed Development and the dDCO was held on 23 March 2023 (ISH1). The agenda for that hearing [EV-003] was published on 2 March 2023 and a list of Action Points was published following the hearing [EV-003a]. The questions set out below are asked in addition to the questions asked orally at ISH1.</p> <p>Interested Parties (IPs) who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to repeat their issues in writing, other than to summarise their oral submissions by Deadline 1 (Wednesday 5 April 2023).</p>	
5.1	Articles	
Q5.1.1	The Applicant	<p>Article 3: Development consent etc. granted by the Order</p> <p>The dDCO does not include any provisions relating to any <i>'enactment applying to land within or adjacent to the Order Limits'</i>, providing that they have effect subject to the provisions of the DCO. The purpose of including such a provision, which has been commonly used in other DCOs, would be to avoid inconsistency with other relevant statutory provision that applies in the vicinity.</p> <ul style="list-style-type: none"> a) Explain why this has not been included and/ or review its inclusion. b) Update the Explanatory memorandum (EM) accordingly either to include, or to explain the reasons for non-inclusion.
Q5.1.2	The Applicant	<p>Article 3: Development consent etc. granted by the Order</p> <p>Article 3(4)(a) states that <i>"NGN may...install the NPG works"</i>. Is this correct? Or should it state that NGN would install NGN works?</p>
Q5.1.3	The Applicant	<p>Article 3: Development consent etc. granted by the Order</p> <p>Equivalent articles in other orders set out that authorised development must be constructed and installed in the lines and situations shown on the Works Plans, in accordance with the</p>

ExQ1	Question to:	Question:
		<p>levels shown on the sections, subject to limits of deviation and to the Requirements (with cross referencing to relevant DCO Schedules).</p> <ol style="list-style-type: none"> a) Explain why this has not been included and/ or review its inclusion. b) Update the Explanatory memorandum (EM) accordingly either to include, or to explain the reasons for non-inclusion.
Q5.14	The Applicant	<p>Article 5: Limits of Deviation, sub-para (4)(a), Overton substation – controlling height</p> <p>Following the ISH, the ExA has considered the parameter plan for the proposed Overton Substation in more detail [APP-064], Design Drawing Overton, Substation Parameter Plan, Sheet 1 of 3. It appears that the Northern Powergrid (NPG) compound pointed out at the ISH is not controlled by the 15m height restriction. Nor is the larger area keyed as “DNO Substation Compound”.</p> <ol style="list-style-type: none"> a) How are the footprints for the NPG control compound and the DNO Substation compound controlled? b) Maximum heights for the NPG compound and DNO Substation compound should be fixed. c) Update the design drawing parameter plan to set the minimum heights for these areas inside and outside the Substation perimeter. d) Can these heights be limited to less than 15m? If not, why not? e) Consider whether a reference to the relevant Northern Powergrid plc rather than DNO (Distribution Network Operator) would be more consistent with other documents.
Q5.15	The Applicant	<p>Article 5: Limits of Deviation, sub-para (4)(a) non-linear works – controlling height,</p> <p>Councils would need to approve and monitor post-consent against maximum secured heights. However, the designs of the substation sites permit changes to existing ground levels to obtain finished level sites and to mitigate flood risk.</p> <ol style="list-style-type: none"> a) Do the contours on the outline landscape mitigation strategy drawings fix the finished site levels [APP-164], Figure 3.10 and Figure 3.12? b) Or is this secured elsewhere? If so, where?

ExQ1	Question to:	Question:
		<p>c) Explain how the Councils could monitor and control the heights of structures and engineering works at non-linear work sites under article 5(4)(a) where the limits of deviation are referenced to finished site levels and not existing ground levels.</p> <p>(See also questions on flood risk)</p>
Q5.1.6	<p>North Yorkshire County Council, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council and Selby District Council, or any successor body</p>	<p>Article 5: Limits of Deviation, sub-para (4)(a) and (4)(b): Parameter Plans</p> <p>Are you content that the parameter plans, contained within the Design Drawings [APP-064] provide the level of information you would require for approving future post-consent applications?</p>
Q5.1.7	<p>Northern Gas Networks Limited, Northern Powergrid (Northeast) plc, Northern Powergrid (Yorkshire) plc</p>	<p>Article 6: Benefit of the Order</p> <p>a) Do you agree with the draft wording of article 6? b) If not, where do the differences lie, give reasons why not, and set out preferred wording.</p>
Q5.1.8	<p>The Applicant</p>	<p>Article 6: Benefit of the Order</p> <p>The ExA finds the explanation in the EM [AS-013], para 4.10.2 to be wide in drafting.</p> <p>a) Provide further explanation of article 6(2) and its practical implementation. b) Expand the explanation in the EM [AS-013], para 4.10.2. Give a specific instance of where, and with whom, the example in the second sentence of this para would apply. c) Consider, in light of these comments, whether the article requires further tightening in wording to clarify its meaning.</p> <p>In terms of agreement with NGN, Northern Powergrid (Northeast) and Northern Powergrid (Yorkshire):</p> <p>d) Seek to reach agreement with NGN, Northern Powergrid (Northeast) and Northern Powergrid (Yorkshire) on any differences over wording and update the next version of the dDCO if agreed.</p>

ExQ1	Question to:	Question:
Q5.1.9	Northern Gas Networks Limited In terms of agreement with NGN, Northern Powergrid (Northeast), Northern Powergrid (Yorkshire) British Telecommunications Public Limited Company EE Limited Vodafone Limited Yorkshire Water Limited	<p>Article 7: Consent to transfer the benefit of the Order</p> <ul style="list-style-type: none"> a) Do you agree with the draft wording of this article? b) If not give reasons why you do not and set out preferred wording. c) Confirm that your correct company name is included in article 7(7)(a) to (d).
Q5.1.10	The Applicant	<p>Article 7: Consent to transfer the benefit of the Order</p> <p>The ExA notes that some of the company names listed in article 7(7)(a) to (d) do not align with those with whom you indicated you would seek SoCGs [APP-202].</p> <ul style="list-style-type: none"> a) Confirm that the company names in the dDCO are correct. b) Seek to reach agreement with the parties listed in the question above on any differences over wording and update the next version of the dDCO, if agreed.
Q5.1.11	The Applicant	<p>Article 8: Planning Permission</p> <p>The ExA requires further justification for the inclusion of these powers. The EM [AS-013] states that there is no precedent in other OHL Orders for this article but that it is based on Article 11 of the M42 Junction 6 Order (SI 2020/528).</p> <ul style="list-style-type: none"> a) Explain in more detail, citing in what situation it might apply and why this article is required for the Proposed Development. b) What are the implications of not including the provisions of this article? c) Update the EM accordingly, if required.

ExQ1	Question to:	Question:
Q5.1.12	The Applicant	<p>Article 9: Application of the 1990 Act</p> <p>The ExA is not persuaded by the justification for articles 9(4), 9(5) and 9(6) providing for extension of the time limits for starting the development and exercising CA rights in the event that there is a legal challenge as set out in the EM [AS-013], para 4.13.4. The provision is not the same as that in s91 (3A) and (3B), of the Town and County Planning Act (TCPA)1990.</p> <ol style="list-style-type: none"> a) Justify why this is needed for this project and why it warrants a different approach from previous projects. b) What would be the implications of removing this part of the article? c) If your response is to retain it in its current form, the wording in the EM needs drafting to be clear that the provision resembles, not duplicates that in TCPA1990. d) EM [AS-013], para 4.13.3 refers to “<i>Article 8(2) and (3)</i>”. Should this refer instead to Article 9(2) and (3)?
Q5.1.13	The Applicant	<p>Article 11: Street works</p> <p>This article as currently drafted provides a wide power.</p> <ol style="list-style-type: none"> a) Notwithstanding other precedents, justify why the power is appropriate and proportionate in this case, having regard to the impacts on pedestrians and other street users of authorising temporary working sites in these streets. b) Is the phrase “<i>for purposes ancillary to it</i>” in Article 11(1) sufficiently precise? c) In Article 11(2), should the reference to ‘the 1990 Act’ instead state ‘the 1991 Act’? d) Article 11(3) provides that consent would be deemed to have been given if the street authority did not notify of its decision within 28 days – does this have the agreement of the relevant street authorities? e) Is there precedent for this Article as drafted? The EM [AS-013], para 4.15.2 states that the Article was contained in the Richborough Order, but that Article appears to be significantly more limited in scope and does not contain the deemed consent provisions.

ExQ1	Question to:	Question:
Q5.1.14	The Applicant	<p>Article 12: Application of the 1991 Act</p> <p>a) Explain the extent to which the guidance in section 25 of Advice Note 15 has been followed. Good Practice Note 10 states that clear justification for the inclusion of such provisions in the “<i>particular circumstance</i>”, should be provided.</p> <p>b) The ExA considers that this article requires further justification and would expect the EM to cover:</p> <ul style="list-style-type: none"> ▪ the purpose of the legislation/ statutory provision; ▪ the persons/ body having the power being disapplied; ▪ an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and ▪ (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO. <p>c) Respond to these comments and update the EM as required.</p>
Q5.1.15	North Yorkshire County Council, or any successor body City of York Council Leeds City Council Statutory Undertakers	<p>Article 12: Application of the 1991 Act</p> <p>In your capacity as the highways authorities and utility companies which might have apparatus in streets, do you have any comments on the powers conferred under article 12 as proposed?</p>
Q5.1.16	North Yorkshire County Council, or any successor body City of York Council Leeds City Council	<p>Article 13: Power to alter layout, etc. of streets</p> <p>While this power is limited to those streets listed in the appropriate Schedules, it is potentially wide with authorisation potentially being given to any street within the Order Limits, subject to the need for consent from the street authority. This consent is subject to a ‘guillotine’ clause, with consent being deemed as given if the undertaker is not notified of the decision within 28 days.</p> <p>a) Provide your views on this article, if not set out elsewhere, or signpost where a response can be found.</p>

ExQ1	Question to:	Question:
		<p>b) If you are not content with drafting as proposed, set out your reasons why and propose alternative drafting in response to this question, or signpost where you have provided that if included elsewhere.</p>
Q5.1.17	The Applicant	<p>Article 13: Power to alter layout, etc. of streets These provisions are subject to a ‘guillotine’ clause, meaning that consent is taken as granted if a decision has not been made within 28 of an application for consent.</p> <p>a) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 13(5). b) Update the dDCO and EM accordingly, if agreed.</p>
Q5.1.18	The Applicant	<p>Article 14: Temporary stopping up of streets, cycle tracks and public rights of way</p> <p>a) Notwithstanding other precedents, justify why this power is appropriate and proportionate, having regard to the impacts of authorising temporary working sites in these streets on pedestrians and others b) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 14(8). c) See also question under Schedule 8 below and consider whether response to this would result in any changes to the wording of article 14.</p>
Q5.1.19	North Yorkshire County Council, or any successor body City of York Council Leeds City Council	<p>Article 14: Temporary stopping up of streets, cycle tracks and public rights of way</p> <p>a) Are you content with the wide nature of the powers authorising alteration and use as a temporary work site within the Order Limits? b) If not, propose alternative drafting in response to this question or signpost where you have provided that if included elsewhere. c) Are you satisfied that the information contained in Schedule 8, together with the Rights of Way Management Plan [APP-100] would provide you with sufficient information in your role as street authority?</p>

ExQ1	Question to:	Question:
Q5.1.20	The Applicant Ainsty (2008) Internal Drainage Board Foss (2008) Internal Drainage Board Kyle and Ouse Internal Drainage Board	<p>Article 19: Discharge of water</p> <p>Confirm whether agreement has been reached, or if differences what they continue to be, over:</p> <ul style="list-style-type: none"> a) the word 'belongs' in article 19(3) as raised by Ainsty Internal Drainage Board (IDB) and Foss IDB in their RRs [RR-002] and [RR-015]; b) protection of IDB maintained watercourses having the same protection as 'main rivers' as set out in article 19(5) and the additional wording requested in RRs c) any other points of detail relating to this article.
Q5.1.21	Ainsty (2008) Internal Drainage Board Foss (2008) Internal Drainage Board	<p>Article 19: Discharge of water</p> <ul style="list-style-type: none"> a) Submit into the Examination all relevant information you would wish to be considered from the "<i>Full details of the Consent process</i>", to which you refer in your RRs [RR-002] and [RR-015]. b) Do you consider that the IDBs' maintained watercourses should be shown on plan as part of the information available during construction?
Q5.1.22	The Applicant	<p>Article 20: Protective work to buildings</p> <p>As explained in the EM [AS-013], para 4.24.4, this article is more widely drawn than that included in other OHL Orders; i) by extending the powers beyond a building and the land within its curtilage to "<i>any land, building, structure, apparatus or equipment</i>" and ii) by extending the powers beyond the Order Limits. The ExA requires fuller justification for the widening of the powers under this article than currently set out in the EM; namely helping to mitigate the risk of unforeseen circumstances.</p> <ul style="list-style-type: none"> a) What sort of unforeseen circumstances could arise (or have arisen on other built projects)? b) Could "<i>may be affected by the authorised development</i>" (article 20(1)) be more precisely defined? c) The EM states that exercising the power outside the Order Limits is caveated by "<i>where reasonably necessary</i>". The word 'reasonably' does not appear in article 20(1). It refers to whether the undertaker considers it to be "<i>necessary or expedient</i>". Reconsider this wording.

ExQ1	Question to:	Question:
		<p>d) Justify the length of the notice periods being not less than 14 days' notice to exercise the right and ten days' notice for a counter-notice (articles 20(5) and (6)).</p> <p>e) How is 'part' defined for the purposes of article 20(8)(b)? Does this mean that there would be partial completions relating to different timings for first bringing into operational use?</p> <p>f) What could, or would be most likely to, constitute "<i>any other works</i>" (article 20(12)(a))?</p> <p>g) Explain how you would establish owners and occupiers of land outside the Order Limits.</p> <p>h) If not covered in SoCGs with Statutory Undertakers, establish if they agree with the powers in this article.</p> <p>i) Reconsider the title of this article to reflect properly the powers sought within it, that include land, structure, apparatus or equipment.</p>
Q5.123	Affected Persons Statutory Undertakers	<p>Article 20: Protective work to buildings</p> <p>a) Are you content with the extent of the powers sought under this article?</p> <p>b) If not set out your reasons and any suggested amendments to the wording of this article.</p> <p>c) Your views are sought on (but not limited to):</p> <ul style="list-style-type: none"> ▪ the powers sought in connection with your land, building, structure, apparatus and equipment; ▪ the powers sought outside of the Order Limits; ▪ the notice periods (article 20(5) and (6)); and ▪ the definition of "<i>protective works</i>" (article 20(12)).
Q5.124	The Applicant and affected persons	<p>Article 21: Authority to survey and investigate the land</p> <p>Article 21(1) permits the undertaker to enter on any land "within the Order limits or which may be affected by the authorised development" which appears to be a wide power.</p> <p>To the Applicant:</p> <p>a) Is the scope of article 21(1) appropriate and proportionate in the context of the powers sought?</p>

ExQ1	Question to:	Question:
		<p>b) Explain why 14 days notice (article 21(3)) is considered to be an appropriate and reasonable amount of notice prior to entering land to undertake surveys and investigations.</p> <p>To affected persons:</p> <p>c) Do affected persons consider that 14 days notice (article 21(3)) is an appropriate and reasonable amount of notice for the undertaker to give prior to entering land to undertake surveys and investigations? If not, what notice period would you consider to be proportionate and reasonable?</p>
Q5.125	The Applicant	<p>Article 25: Compulsory Acquisition of rights</p> <p>Explain the extent to which provisions in this article, and relevant plans, have been drafted in accordance with Advice Note 15, in particular sections 23 (extinguishment of rights) and 24 (restrictive covenants).</p>
Q5.126	The Applicant	<p>Articles 36, 37, 38, 39: Temporary Possession</p> <p>Given the parliamentary approval to the Temporary Possession regime under the Neighbourhood Planning Act 2017 (NPA 2017), which were subject to consultation and debate before being enacted, should any provisions relating to notices/ counter-notices which do not reflect the NPA 2017 proposed regime (not yet in force) be modified to reflect the incoming statutory regime more closely, where possible, as follows:</p> <p>a) The notice period that would be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under articles 36 to 39. Other than prior precedent, what is the justification for requiring 14 days' notice in this case?</p> <p>b) The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed Temporary Possession so that the landowner would have the option to choose whether Temporary Possession or permanent acquisition was desirable. Should this article make some such provision, whether or not in the form in the NPA 2017?</p>

ExQ1	Question to:	Question:
		<p>c) Under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case?</p>
Q5.127	Interested Parties/ Affected Persons with an interest in land subject to Temporary Possession	<p>Articles 36, 37, 38, 39: Temporary Possession</p> <p>a) Do you agree with the notice periods set out in articles 36(2), 37(2) 38(2) and 39(3)?</p> <p>b) If not set out the reasons why you do not agree and suggest timescales that you consider to be appropriate, with reasoning.</p>
Q5.128	The Applicant	<p>Article 43: Defence to proceedings in respect of statutory nuisance</p> <p>This article refers to s65 of the Control of Pollution Act 1974, which has been repealed. It should refer to extant legislation only. If the defence is extended to other forms of nuisance under section 79(1) Environmental Protection Act 1990:</p> <p>a) Amend the Order drafting; and</p> <p>b) Explain whether the controls on noise elsewhere in the dDCO are sufficient to justify the defence being provided by this article to statutory nuisance claims.</p>
Q5.129	The Applicant	<p>Article 45: Traffic regulation</p> <p>These provisions are subject to a ‘guillotine’ clause, meaning that consent is taken as granted if a decision has not been made within 28 days of an application for consent.</p> <p>a) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 45(8).</p> <p>b) Update the dDCO and EM accordingly, if agreed.</p>
Q5.130	Local Highway Authorities	<p>Article 45: Traffic Regulation</p> <p>Article 45 and Schedule 14 of the dDCO [AS-011] relate to traffic regulation.</p>

ExQ1	Question to:	Question:
		Are you content with the wording of Article 45 paragraph (8) whereby the traffic authority is deemed to have granted consent if it fails to notify the undertaker within 28 days of receiving an application for consent under paragraphs (1) and (2) of Article 45?
Q5.1.31	The Applicant	<p>Article 46: Felling or lopping of trees and removal of hedgerows</p> <p>Section 22 of Advice Note 15: Drafting Development Consent Orders (AN15) states that hedgerows affected by the Proposed Development should be identified in a DCO Schedule and on an accompanying plan. The Trees and Hedgerows Potentially Affected Plan [APP-050 to APP-055] is noted, as is the explanation in para 4.50.2 of the EM [AS-013].</p> <ul style="list-style-type: none"> a) Explain more fully the reasons why a DCO Schedule of hedgerows to be removed has not been provided. b) Notwithstanding the powers available to the undertaker to lop, fell and cut back hedgerows under the Hedgerows Regulations, in the interests of enabling the ExA and parties such as the relevant planning authority to understand the effects of hedgerow removal, could a Schedule be provided that identifies those hedgerows that may be affected that are ‘important’ hedgerows in the meaning of Regulation 4 and Schedule 1 of The Hedgerow Regulations 1997 and section 97 of the Environment Act 1995?
Q5.1.32	The Applicant	<p>Article 46: Felling or lopping of trees and removal of hedgerows</p> <p>The article is broad in scope, allowing tree works including felling, lopping of any tree, shrub hedgerow or important hedgerow <i>“under or within or overhanging or near any part of the authorised development”</i>.</p> <ul style="list-style-type: none"> a) Explain what constitutes ‘near’ in the context of article 46(1). Could this include trees and hedgerows on land outside of the Order limits? b) Should this article refer to the trees and hedgerows potentially affected plans [APP-050 to APP-055]? If not why not? c) Explain the reasons for including article 46(4).

ExQ1	Question to:	Question:
Q5.1.33	The Applicant	<p>Article 50: Procedure regarding certain approvals, etc</p> <p>Advice Note 15 provides standard drafting for articles dealing with discharge of Requirements. The dDCO has not strictly followed this and has instead taken an approach used in made Orders.</p> <p>Provide further justification for the proposed approach in the context of Advice Note 15. (See also questions under Schedule 4).</p>
Q5.1.34	The Applicant	<p>Article 51: Removal of human remains</p> <p>a) Explain the extent to which the guidance in section 25 of Advice Note 15 has been followed. Good Practice Note 10 states that clear justification for the inclusion of such provisions in the “<i>particular circumstance</i>”, should be provided.</p> <p>b) The ExA considers that this article requires further justification and would expect the EM to cover:</p> <ul style="list-style-type: none"> ▪ the purpose of the legislation/ statutory provision; ▪ the persons/ body having the power being disapplied; ▪ an explanation as to the effect of disapplication and whether any protective provisions or Requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and ▪ (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO. <p>c) Respond to these comments and update the EM as required.</p>
Q5.1.35	Historic England North Yorkshire County Council, City of York Council	<p>Article 51: Removal of human remains</p> <p>a) Do you have any comments on the powers conferred under article 12?</p> <p>b) If so, set these out, including any changes to drafting that you consider necessary.</p>

ExQ1	Question to:	Question:
5.2 Schedule 1: Authorised Development		
Q5.2.1	The Applicant	<p>Works No. 4, No. 8 and No.11: landscaping</p> <p>a) Explain why the description for the Tadcaster cable sealing end compound (CSEC), Work No. 8(f), does not include permanent landscaping works, unlike the descriptions of works for the Overton Substation (Work No. 4) and Monk Fryston Substation (Work No. 11(d)).</p> <p>b) Add to the Works description as appropriate.</p>
Q5.2.2	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Other associated development</p> <p>The list a) to u) at the bottom of page 50 and on page 51 of the dDCO [AS-011] sets out other works and activities for which consent is sought as associated development. Do you consider the breadth of these works to be proportionate and sufficiently precise so as to be understood in your role as local planning authority? If not, specify any items for which you consider that the wording should be refined, and explain why you take this view.</p>
5.3 Schedule 2: Plans and Drawings		
Q5.3.1	The Applicant	<p>Plans and drawings lists</p> <p>a) Why are landscape drawings (outline landscape mitigation strategy) from Description of the Project Figures [APP-164] not included in Schedule 2?</p> <p>b) Should Schedule 2 be updated to include these drawings?</p> <p>c) In Schedule 2 Part 5, is the Traffic Regulations Order Plan for Section A [APP-056] required?</p>
5.4 Schedule 3: Requirements		
Q5.4.1	The Applicant	<p>Requirements: use of 'tailpieces'</p> <p>A number of the Requirements are drafted to include tailpiece mechanisms which allow for flexibility in the final details to be agreed with the relevant planning authority. Section 17 of</p>

ExQ1	Question to:	Question:
		<p>Advice Note 15 (Drafting DCOs) explains when such mechanisms might and might not be appropriate and necessary.</p> <p>Notwithstanding the controls in Requirement 1(3), supplement the explanation in the EM [AS-013] to justify the use of a tailpiece for each instance that one occurs in Schedule 3.</p>
Q5.4.2	The Applicant	<p>Requirement 1: Interpretation</p> <p>In light of the flexibility being sought in a number of Requirements, does the Applicant consider it appropriate to amend Requirement 1(3) to include the additional proviso contained within the parallel Requirement within the Richborough Connection Order (2017) (with underlining added for emphasis) that such approval may only be given <i><u>“if the changes are minor and immaterial and where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement”</u></i>? If not, why not?</p>
Q5.4.3	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Requirement 1: Pre-commencement works</p> <p>Bearing in mind that Requirement 6 would not apply to pre-commencement activities, do you consider the definition of activities comprising ‘pre-commencement works’ in Requirement 1(1) to be sufficiently clear and precise? If not, specify which items in the list (a) to (n) require tighter definition and explain why you take this view.</p>
Q5.4.4	The Applicant	<p>Requirement 3: Design drawings</p> <p>Notwithstanding the explanation in the EM [AS-013] and the controls in Requirement 3(2), the ExA requires further justification for the degree of flexibility sought.</p> <ol style="list-style-type: none"> a) Provide further explanation as to why it is necessary to include the term ‘general’ in Requirement 3(1), given that the design drawings referred to are, in any event, indicative. b) As the outline landscape mitigation strategies (Figures 3.10-3.12 of [APP-064]) are not design drawings, are they outwith the provisions of Requirement 3? If so, should site

ExQ1	Question to:	Question:
		<p>levels at Overton, which are important in terms of flood mitigation and landscape and visual effects, be secured through another plan?</p> <p>c) Building on the discussion at ISH1, is Requirement 3(2) sufficiently precise and clear, if the Environmental Statement is not included in the list of documents to be certified under Article 48?</p>
Q5.4.5	<p>City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body</p>	<p>Requirement 4: Stages of authorised development</p> <p>A number of the Requirements use the commencement of ‘stages’ of the authorised development as a control mechanism.</p> <p>a) Is it sufficiently clear to you what a ‘stage’ means in this context?</p> <p>b) Are you content with the drafting and practical application of Requirement 4?</p> <p>c) Should the written scheme be subject to approval by the relevant planning authorities?</p> <p>d) Should any amendments to the written scheme be subject to an approval process?</p> <p>e) Should there be a requirement to notify the relevant planning authorities when each stage is commenced and completed, as was the case in the parallel Requirement in the Richborough Connection Order (2017)?</p>
Q5.4.6	<p>The Applicant</p>	<p>Requirement 8: Landscaping and mitigation planting</p> <p>Review the way in which the tailpiece mechanism is drafted in Requirement 8(1). As currently drafted, could a stage of the authorised development commence before the schemes prescribed in Requirements 8(1)(a) and 8(1)(b) had been approved, if agreed with the relevant planning authority?</p>
Q5.4.7	<p>City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body</p>	<p>Requirement 8: Landscaping and mitigation planting</p> <p>a) Are you satisfied with the split that the Applicant has applied to areas that have been included for outline landscape mitigation strategies (Overton Substation, Monk Fryston Substation and Tadcaster CSECs) and those other areas where reinstatement planting is not identified and would be subject to future approvals by the relevant planning authority, which would be in accordance with the Arboricultural Impact Assessment</p>

ExQ1	Question to:	Question:
		<p>(AIA) [APP-102] to [APP-104] as set out in dDCO Requirement 8. The Applicant confirmed this is the case at ISH1.</p> <ul style="list-style-type: none"> b) Do you consider the permanent landscape works, which would be based on the outline landscape mitigation strategies to be adequately secured? c) If not, what further information do you consider is required? d) Are you satisfied that the information in the AIA provides you with the information that you would need to consider and approve the mitigation planting scheme for areas outside the outline landscape mitigation strategy areas? e) What else might be useful if not? f) Are there any other geographic areas where you consider outline plans should be provided? g) Are there any exemplar planting types/ situations which you consider should be provided? h) Are you content with the proposed five years for the maintenance regime as set out in sub-para 8(2)(c)?
Q5.4.8	The Applicant	<p>Requirement 9: Implementation of landscaping and mitigation planting</p> <ul style="list-style-type: none"> a) Why are the mitigation planting scheme and landscape strategies linked to the bringing into operational use? b) Is there not potential to undertake planting earlier? If so, how could this be described and secured? c) It would be helpful if the indicative construction programme [APP-075], Table 3.2 could identify planting seasons separately from reinstatement works. d) Consider whether the advance mounding and planting proposed at Overton and Monk Fryston Substations would be better secured on the face of the dDCO rather than on drawings. (See also questions on landscape and visual effects) e) Regarding Requirement 9(2), planting plans contained in the outline landscape mitigation strategy show more than trees and shrubs. Amend the Requirement wording to include all types of plants.

ExQ1	Question to:	Question:
Q5.4.9	North Yorkshire County Council, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council and Selby District Council, or any successor body	<p>Requirement 9: Implementation of landscaping and mitigation planting</p> <ul style="list-style-type: none"> a) If not provided elsewhere, set out comments you may have on the wording of Requirement 9. b) Are you satisfied that five years is sufficient for replacement planting to be undertaken?
Q5.4.10	North Yorkshire County Council, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council and Selby District Council, or any successor body	<p>Requirement 10: Retention and protection of existing trees</p> <ul style="list-style-type: none"> a) Do the items listed in Requirement 10(2) as forming the contents of the Tree and Hedgerow Protection Strategy (THPS) provide sufficient detail for the Councils to discharge this Requirement? If not, specify what additional details you would expect to see provided as part of the THPS. b) Would links to the Arboricultural Impact Assessment (AIA) Report's [APP-102] to [APP-104] embedded environmental measures and mitigation or provision of an Outline THPS assist?
Q5.4.11	The Applicant	<p>Requirement 10: Retention and protection of existing trees</p> <ul style="list-style-type: none"> a) What are the reasons for not submitting an Outline THPS with the DCO application? b) How would 'unavoidable tree loss' outside of the areas covered by outline landscape mitigation strategies be located, specified and secured (c/f AIA [APP-102, page 28]).
Q5.4.12	North Yorkshire County Council, Hambleton District Council, Harrogate Borough Council, and Selby District Council, or any successor body	<p>Requirement 12: Contamination of land or groundwater, etc</p> <p>Can the Councils explain whether the draft wording of Requirement 12 sufficiently addresses the points raised in their joint RRs [RR-018, RR-019, RR-032, RR-034]. If not, what additional information would you wish to see included in this Requirement?</p>
Q5.4.13	The Applicant	<p>Requirement 16: Decommissioning</p> <p>Submit an outline of the matters that would be addressed within the written scheme of decommissioning required under Requirement 16.</p>

ExQ1	Question to:	Question:
5.5	Schedule 4: Discharge of Requirements	
Q5.1	The Applicant	<p>Schedule 4, Paragraph 1: Applications made under Requirements</p> <ul style="list-style-type: none"> a) Have you engaged with other parties regarding the best approach to discharging the Requirements, to agree a proportionate timescale for discharge depending on the extent or complexity of detail reserved for subsequent approval, as set out in Advice Note 15? Are matters agreed? If not set out areas of disagreement or signpost to where that information can be found. b) Justify reducing the time limit from 42 to 35 days for the relevant authority to give notice of its decision (sub-paragraph 1(1)). c) Justify reducing the time limit from ten to seven days for the right to request further information (sub-paragraph 1(3)). d) Sub-paragraph 1(2) states that the relevant authority may request further information it considers necessary. Should the Schedule require the submission of a statement with applications pursuant to sub-paragraph 1(1) to confirm whether it is likely that the subject matter of the application would give rise to any materially new or materially different environmental effects compared to those which are assessed in the environmental statement and if it would, to require that it must be accompanied by information setting out what those effects are? If not, why not? e) And if so, consider if there should also be provision to state that if undetermined and new environmental adverse effects have been identified then the applications should be deemed to have been refused.
Q5.2	The Applicant	<p>Schedule 4, Paragraph 2: Fees</p> <ul style="list-style-type: none"> a) What would happen in the scenario that a Requirement is discharged in parts? For example, Requirement 6 which comprises approval of various construction management plans per stage. Would there be one fee for the Requirement or a fee for each part and/ or stage? b) The fee paragraphs only apply to “a relevant planning authority”. Is this correct? Or is a fee payable to any other of the “relevant authorities”, e.g. highway authority/ Environment Agency/ drainage authority which are listed in paragraph 5 of Schedule 4?

ExQ1	Question to:	Question:
		<p>c) If not, why not? If so, how is this secured?</p> <p>d) Justify reducing the time limit from 42 to 35 days for the relevant authority to give notice of its decision (sub-paragraph 2(2)).</p> <p>e) Does paragraph 2 need any updating in light of the current technical consultation in relation to ‘Increasing planning fees and performance’? If you consider that any updates should await the Government’s response to the consultation exercise, ensure that the final dDCO due at D7 takes account of the latest position.</p>
Q5.53	The Applicant	<p>Schedule 4, Paragraph 3: Appeals</p> <p>The EM is silent on the question of whether this has the agreement of the relevant authorities; does it?</p>
Q5.54	The Applicant	<p>Schedule 4, Paragraph 5: Interpretation</p> <p>a) Should “<i>an application</i>” be defined in paragraph 5, for the purpose of clarity over fees? If so, the definition should address the discharge of Requirements in whole or in part.</p> <p>b) Does “<i>appointed person</i>” (para 3 and 4) in terms of appeal need definition here? If so, provide it.</p>
Q5.55	<p>North Yorkshire County Council, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council and Selby District Council, or any successor body</p> <p>Environment Agency</p> <p>Internal Drainage Boards</p>	<p>Schedule 4: views of future discharging authorities</p> <p>a) Set out your views on Schedule 4, covering (but not limited to):</p> <ul style="list-style-type: none"> ▪ the proposed timescales for decisions provided for under paras 1(1), 1(3), 1(4), 2(2) and 3 of this Schedule; ▪ whether Requirements may be discharged in parts, and if so, how fees should be payable; ▪ the acceptability of the proposed appeal provisions set out at paragraph 3; and ▪ other points raised for the Applicant to consider above. <p>b) If you do not agree with the wording in this Schedule set out your reasons and any suggested amendments to the wording of this article.</p>

ExQ1	Question to:	Question:
5.6 Schedule 5: Benefit of the Order Rules		
Q5.6.1	The Applicant	<p>Schedule 5: Benefit of the Order Rules</p> <p>a) Is the wording of this Schedule agreed with the other named parties?</p> <p>b) If not, set out the areas of disagreement or signpost to where this information can be found.</p> <p>c) How would you ensure that the NPG/ NGN works would be completed to your satisfaction, as the DCO itself does not appear to secure this?</p>
Q5.6.2	Northern Powergrid (Northeast) plc Northern Powergrid (Yorkshire) plc Northern Gas Networks Limited	<p>Schedule 5: Benefit of the Order Rules</p> <p>a) Do you consent to the terms of Schedule 5?</p> <p>b) If not, set out the reasons why you disagree and provide your preferred drafting where appropriate. If set out elsewhere, signpost where this information can be found.</p> <p>c) Do you agree that the arbitration provisions (article 53) should apply here in respect of any dispute?</p>
5.7 Schedule 8: Streets, Cycle Tracks or Public Rights of Way to be Temporarily Stopped Up		
Q5.7.1	The Applicant	<p>Schedule 8: Streets, Cycle Tracks or Public Rights of Way to be temporarily stopped up</p> <p>a) Can the EM be updated to set out how cross-referencing works between Schedule 8 and the Public Rights of Way Management Plan [APP-100].</p> <p>b) Why is the National Cycle Network (NCN) 65 diversion on Overton Road not listed? How is the alternative route secured in the dDCO?</p>
5.8 Schedule 14: Traffic Regulation		
Q5.8.1	The Applicant	<p>Schedule 14: Traffic Regulation at Osbaldwick</p> <p>Section A of the Traffic Regulation Order (TRO) Plan [APP-056] includes the plan DCO_A/TRO/PS/01. The dDCO [AS-011] refers to this plan in Schedule 2, Part 5 (Plans and Drawings) but it does not appear in the list of roads subject to traffic regulation in Schedule 14.</p>

ExQ1	Question to:	Question:
		a) Confirm whether or not there is a TRO sought in relation to the area covered by the plan ref. DCO_A/TRO/PS/01? b) If not, should Part 5 of Schedule 2 of the dDCO [AS-011] and [APP-056] to accurately reflect the powers sought?
5.9 Schedule 15: Protective Provisions		
Q5.9.1	The Applicant	Schedule 15: Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers Explain the meaning of “ <i>section</i> ” in Protective Provision (PP) PP4(2), PP5(1), PP5(2), PP5(5) – three times. Does this refer to the sections A-F of the Proposed Development as set out on the Works Drawings or is it a similar meaning to use of “ <i>section</i> ” in the definitions under PP18 (for the Protection of Railway Interests), which it is assumed means cross-sections? Provide clarity to the wording of the dDCO.
Q5.9.2	The Applicant	Schedule 15: Provisions for the Protection of The Canal and River Trust The description of Work No. 6 in PP14 (2) and (3) needs elaborating (or reducing to avoid duplication). It currently repeats XC overhead line but doesn’t differentiate in the way that the Work No. 6 descriptions do in Schedule 1, between dismantling, reconductoring and installation of new sections of OHL.
5.10 Schedule 16: Amendment of Local Legislation		
Q5.10.1	The Applicant	Schedule 16: AMENDMENT OF LOCAL LEGISLATION a) Provide copies of relevant legislation/ byelaws b) To supplement the explanation provided in the EM, submit the following for each of the local enactments and byelaws specified in Schedule 16, provide a table specifying: <ul style="list-style-type: none"> ▪ the section of the Act or byelaw; ▪ its provisions; ▪ why it is being disapplied;

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> ▪ how the equivalent protections are provided for in the dDCO. If they are not provided for, provide justification for the approach; ▪ relevant provisions of the dDCO; and ▪ any links to the Embedded Measures Schedule [APP-094]. <p>c) Review the EM listing of IDBs and clarify which IDBs should be named here. Review this in the light of those from whom RRs have been received and those with whom you indicated you would agree SoCGs.</p>
5.11 Other dDCO and Explanatory Memorandum matters		
Q5.11.1	The Applicant	<p>Explanatory Note</p> <p>Review and update the description of the geographical extent for the authorised works “<i>substation at Monk Fryston to Poppleton substation</i>”. It appears that the Proposed Development extends north and east beyond Poppleton Substation.</p>
Q5.11.2	The Applicant	<p>Explanatory Memorandum [AS-013]</p> <p>Update information on the local authorities and indicate which/ all are unitary authorities [AS-013], para 1.1.5 to 1.1.6.</p>
Q5.11.3	Affected Persons	<p>dDCO comments requested from Affected Persons</p> <p>Provide any comments on or suggested changes to the articles and/ or Requirements and other Schedules in the dDCO [AS-011].</p>
6. Flood Risk, Water Quality and Resources		
Q6.0.1	Environment Agency, Lead Local Flood Authorities, Internal Drainage Boards: Ainsty IDB, Foss IDB and Kyle and Upper Ouse IDB.	<p>Bridge and culvert crossings</p> <p>Do you consider that the proposals for the provision and design of bridges and culverts where watercourse crossings are required, as set out in [APP-084], would satisfactorily protect those watercourses?</p>

ExQ1	Question to:	Question:
Q6.02	The Applicant	<p>Drainage Management Plan (DMP) and Pollution Incident Control Plan (IPMP)</p> <p>ES Chapter 9: Hydrology [APP-081] refers to Requirement 6 of the dDCO that requires the submission of detailed plans in compliance with the Outline DMP. The ExA notes that Drainage Strategies for Overton Substation and Monk Fryston are provided in Appendices 9D.5 and 9D.6 of the Flood Risk Assessment (FRA) [APP-138].</p> <p>Table 9.18 of ES Chapter 9 [APP-081] indicates that the DMP and PICP form embedded measures considered in the assessment, to avoid a deterioration of water quality and effects to aquatic environment receptors. Drafts of these documents have not been submitted but Table 9.18 of [APP-081] does provide an outline of the principles that would be covered. Therefore, can the Applicant provide into the Examination outline versions of the DMP or IPMP or justify why you do not consider these documents need to be provided at this stage?</p>
Q6.03	Environment Agency	<p>Flood risk modelling: Overton Substation</p> <p>The flood risk modelling for the Overton Substation Site is set out in the FRA [APP-138]. Can the Environment Agency confirm that it is content with the modelling assessment upon which the flood risk mitigation is designed?</p>
Q6.04	The Applicant	<p>Flood risk mitigation: Overton Substation</p> <p>Can you clarify how the minimum development platform of 13.71m AOD for the proposed Overton substation, identified in the FRA [APP-138] as being required to mitigate future flood risk, is secured in the dDCO?</p> <p>If it is only secured via the site levels shown on the outline landscape mitigation strategy (Fig 3.10 of [APP-164]):</p> <ul style="list-style-type: none"> a) is this an appropriate mechanism for securing an important aspect of flood mitigation? b) explain how you respond to the ExA's suggestion at ISH1 that the OLMS should be a stand-alone document for reasons of clarity for future discharging authorities. <p>(See also Q5.1.5 under dDCO Article 5)</p>

ExQ1	Question to:	Question:
Q6.05	The Environment Agency, Lead Local Flood Authorities, Ainsty IDB, Foss IDB, Kyle and Upper Ouse IDB	<p>Discharge of Water</p> <p>Article 19 of the dDCO [AS-011] provides for the prior approval of water discharge arrangements from the relevant owner.</p> <p>Are you content that these arrangements are acceptable?</p>
Q6.06	The Applicant	<p>Operational drainage strategy</p> <p>Requirement 6 Outline construction management plans of the dDCO [AS-011] requires the submission and approval of a Drainage Management Plan (DMP); Requirement 6(4) states that the DMP must contain drainage details for permanent and temporary works. Requirement 6(4) does not refer to the drainage information/ strategies submitted with the DCO application, eg in ES Chapter 9 [APP-081] and ES Appendix 9D [APP-138]. Can the Applicant therefore clarify how the following matters are secured in the dDCO:</p> <ul style="list-style-type: none"> a) that the design of the permanent drainage schemes for the Overton and Monk Fyston substations will be in accordance with the submitted drainage strategies; b) the design of other permanent drainage would be of the same standard as that proposed in the submitted drainage strategies for Overton and Monk Fyston substation; and, c) ongoing maintenance of the permanent drainage schemes once constructed.
Q6.07	The Applicant	<p>Protection of groundwater</p> <p>Requirement 12 of the dDCO sets out the process and procedures for ground condition surveys prior to construction commencing and as described within Chapter 10: Geology and Hydrology of the ES [APP-082] and the Code of Construction Practice [APP-095].</p> <p>The Code of Construction Practice [APP-095] states that: <i>“GH06; Contamination of groundwater due to piling activities will be prevented through suitable piling design. This will include consideration of pile type (for example, driven versus bored) as necessary to minimise pollution risks. All piling activities will be conducted in line with a risk assessment prepared in accordance with Environment Agency guidance documents ‘Piling and penetrative ground</i></p>

ExQ1	Question to:	Question:
		<p><i>improvement methods on land affected by contamination: guidance on pollution prevention' and 'Piling into contaminated sites'.</i></p> <p>Can you comment on what consultation there would be with the Environment Agency and any other relevant bodies regarding the choice of pile type and how the measures contained in the proposed risk assessment would be controlled and monitored.</p>
Q6.0.8	The Applicant	<p>Land Contamination</p> <p>a) Can you respond to the concerns raised by North Yorkshire County Council (NYCC) [RR-032], Selby District Council (SDC) [RR-034], Hambleton District Council (HDC) [RR-018] and Harrogate Borough Council (HBC) [RR-019] (hereafter referred to as the joint Local Authorities' RR) regarding the approach to managing unexpected land contamination, including any revision to Requirement 12 of the dDCO [AS-011].</p> <p>b) Explain how your proposed approach to this matter has taken into account the views or advice of the Environment Agency?</p>
7. Good Design		
7.0 Substations at Overton and Monk Fryston		
Q7.0.1	The Applicant	<p>Overton Substation: landform design</p> <p>Explain the rationale for the landform design for the platform siting and construction, including the berms where the platform is higher than existing ground levels.</p>
Q7.0.2	The Applicant	<p>Overton Substation, Monk Fryston Substation: siting relative to existing landscape character, landform and vegetation</p> <p>The ExA is not persuaded that the mitigation bunding landforms at the Overton Substation [APP-164], Figure 3.10 and Monk Fryston Substation as drawn [APP-164], Figure 3.12 meet good design tests in Overarching National Policy Statement for Energy (NPS EN-1) in terms of existing landscape character and landform.</p>

ExQ1	Question to:	Question:
		<p>Further it is not clear how these outline landscape mitigation strategies meet Horlock Rule 9.</p> <ol style="list-style-type: none"> a) Justify 1:3 slopes being described as ‘gentle’ [APP-078], [APP-094]. b) Set out an explanation for how Horlock Rule 9 is met. c) Provide and secure: <ul style="list-style-type: none"> ▪ contour plans to show integration of proposed contours with existing landform; ▪ cross sections providing existing and proposed ground levels across the two sites in both directions, to include existing peripheral features such as roads, landform platform and bunds to receive the substations and profile of mound slopes; and ▪ design approach wording to achieve landform integration, and proposals how this could be secured in a certified document.
Q7.03	The Applicant	<p>Cut and fill balance</p> <ol style="list-style-type: none"> a) In terms of sustainability, is there a cut and fill balance at each substation site arising from platform construction and fill required to create the landscape mitigation mounds as proposed? b) If not how would surplus material or the need for importing material be secured? c) What has been assessed in the ES?
Q7.04	North Yorkshire County Council, City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council and Selby District Council, or any successor body	<p>Level of detail of information where site-specific infrastructure is proposed</p> <ol style="list-style-type: none"> a) Do you consider that the Applicant has provided sufficient detail in areas where site-specific infrastructure is proposed? (North Yorkshire County Council, you have previously mentioned detailed topographical surveys to understand and explain all the key features and characteristics of the existing site including levels and landform, buildings and structures, existing vegetation and screening, hard/ soft surfaces [APP-195], page 199 to 200). b) If not, what else do you consider is required?

ExQ1	Question to:	Question:
Q7.05	The Applicant	<p>NPG transformer compound at the Overton Substation site</p> <p>The Design and Access Statement (DAS) states that a small, NPG transformer compound would be located outside the perimeter of the Overton Substation [APP-203], para 2.4.2. This does not appear to be illustrated on the plans showing Overton Substation such as the outline landscape mitigation strategy [APP-164], Figure 3.10, although its location was explained at ISH1.</p> <ul style="list-style-type: none"> a) Indicate the Northern Powergrid transformer compound on the relevant outline landscape mitigation plan(s). b) Is it surrounded separately by fencing? c) Update any necessary plans. <p>(See also to questions relating to Compulsory Acquisition).</p>
Q7.06	The Applicant	<p>Siting, design and sensitive use of materials at substations</p> <p>The ExA considers that more detail could be provided on aspects of the substations, which would give relevant planning authorities more information on which to base future post-consent approvals and would meet the requirement of NPS EN-1 on good design, without compromising flexibility.</p> <ul style="list-style-type: none"> a) Comment on the above. b) Identify elements and areas that could be subject to design approach descriptions such as location, size, materials including reflectiveness, colour of control buildings, location of tallest elements of the substations, signage, fencing etc. c) How could this information be secured?
7.1 Good design: general		
Q7.1.1	The Applicant	<p>Fencing</p> <ul style="list-style-type: none"> a) Details of the fencing are not included in the detail design drawings [APP-064], as signposted in the Design and Access Statement [APP-203], para 6.11.14. Provide details.

ExQ1	Question to:	Question:
		<p>b) Review whether there are locations where a different design approach to fencing, more suited to rural conditions would be more appropriate, eg where the fencing would be visible to nearby visual receptors.</p>
Q7.12	The Applicant	<p>Access tracks</p> <p>a) Why do permanent access tracks need impermeable surfacing [APP-203], para 2.4.2 and 6.11.14.</p> <p>b) Is it feasible to provide temporary surfaces for AILs transporting large kit?</p> <p>c) Is a different surface more appropriate for the rural locations feasible?</p> <p>d) If not why not?</p>
<p>8. Green Belt</p>		
<p>8.0 Green Belt</p>		
Q8.0.1	<p>City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body</p>	<p>Green Belts, Planning Statement [APP-202]</p> <p>The Applicant has made the case for the proposed development in the York and Leeds Green Belts in its Planning Statement in relation to the NPS [APP-202], Sections 7.3, the National Planning Policy Framework (NPPF) [APP-202], Section 7.4 and the local planning context [APP-202], Appendix C.</p> <p>It appears from your RRs [RR-018], [RR-018], [RR-032], [RR-034] that you disagree with the Applicant’s differentiation between overhead line (OHL) work in the Green Belts and substation and CSEC work in Green Belt in terms of whether they are inappropriate development and also whether it would conflict with the purposes of land in Green Belt [APP-202], page 90 to 91. Whilst acknowledging this information is likely to be provided in your Local Impact Report(s) (LIR) and/ or SoCG(s), to assist the ExA’s Green Belt balancing exercise, you are asked to ensure your views on the following are provided in response to this question if not included elsewhere.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> a) Whether the Proposed Development (or any part of it) would, in your view, be inappropriate by reasons of effect on openness having regard to the NPPF and relevant development plan polices. b) Whether you consider that there are differences between any elements of the infrastructure proposed (substations/ CSECs/ new OHL/ modifications to existing OHL) in terms of being inappropriate or not inappropriate. c) Specifically, do you consider that the proposed raising the height of existing pylons would have an effect on openness? d) Whether any part of the Proposed Development would benefit from any of the exceptions set out in the NPPF (paras 149 to 150). e) Whether you consider that openness would be preserved or whether the Proposed Development would have a greater impact on the openness of the Green Belt than existing development. f) Identify the geographical areas where you consider openness would be harmed. g) Do you consider that there is any other non-Green Belt harm which should be considered in the balance, if so set out what this would be.
Q8.02	The Applicant	<p>Green Belts</p> <p>Ensure that any differences between yourself and the Councils are broken down as listed in the question above, either in the SoCG or in response to these questions.</p>
Q8.03	The Applicant	<p>Recent planning decisions and appeals</p> <ul style="list-style-type: none"> a) Does the Planning Statement [APP-202] require any updating as a result of any determined applications or appeals in Green Belt in the general area of the Proposed Development? b) If so, provide an updated version.

ExQ1	Question to:	Question:
8.1 Green Infrastructure		
Q8.1.1	The Applicant	<p>Design objectives of proposed landscape mitigation strategies at substations</p> <p>The design objective of the new woodland and scrub planting for the site-specific landscape proposals for Overton Substation [APP-203], para 6.11.15 and Monk Fryston Substation [APP-203], para 6.11.31 is stated solely as reducing visibility. This does not accord with statements elsewhere in the application regarding multifunctionality of the landscape mitigation such as delivering biodiversity benefits for species diversity and resilience in the AIA [APP-102], para 1.6.4, maximising green infrastructure and biodiversity value [APP-078], para 6.9.46 and in justifying the lack of unacceptable harm to the Green Belt [APP-202], para 7.4.14.</p> <ul style="list-style-type: none"> a) Review the wording of the design objectives of the proposed landscape strategies at the substations. b) Further to discussions at ISH1 concerning the certification or otherwise of the Design and Access Statement (DAS) confirm how these design objectives will be secured.
Q8.1.2	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Green Infrastructure policies</p> <ul style="list-style-type: none"> a) Are you content that the outline landscape mitigation strategies when detailed post-consent [APP-164], Figure 3.10 to 3.12 would meet relevant green infrastructure Local Plan policies? b) If not set out what is required to meet those policies.
9. Historic Environment		
9.0 Minimising effects on sites of archaeological interest		
Q9.0.1	The Applicant	<p>Effects on sites of archaeological interest and relevance to limits of deviation</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that: <i>“Whilst it would have been desirable to carry out trial trenching at Tadcaster the types of remains expected (i.e. a section of Roman Road and several field enclosures) are unlikely to represent a barrier to development providing appropriate mitigation is put in place. This is</i></p>

ExQ1	Question to:	Question:
		<p><i>highlighted in section 7.46.6 of the Historic Environment Chapter. As well as including archaeological recording this mitigation could also include limiting the physical impact of the proposal if significant deposits are found to be present. This might take the form of micro-siting or using less invasive construction techniques for aspects of the scheme such as site compounds or access tracks.”</i></p> <ul style="list-style-type: none"> a) Regarding Tadcaster Tee CSEC, what is your view about the principle of making adjustments to the precise siting of the proposed CSEC should archaeological remains be found of interest to warrant such a consideration. b) Would the limits of deviation within the dDCO provide for such flexibility? c) If further flexibility on siting is desirable at Tadcaster Tee CSEC, can this be achieved within the scope of the assessment contained in the Environmental Statement?
9.1	Scheduled monument	
Q9.1.1	Historic England	<p>Impact from proposed highway safety works at crossing XC498 on Medieval manorial complex, garden and water management features, St Mary’s chapel, and a linear earthwork forming part of the Aberford Dyke system (NHLE1020326)</p> <p>The consideration of alternative access arrangements to facilitate the execution of safety netting over the B1217 at XC498 is set out in [APP-122]. The assessment concludes that, on balance, the favoured method is to access the temporary highway safety works via land at the Scheduled Monument at Lead. Paragraph 7.36 <i>et al</i> of Chapter 7 of the Environmental Statement [APP-079] summarises the assessment.</p> <ul style="list-style-type: none"> a) Is Historic England content with the assessment of impacts on these historic assets? b) At ISH1, the Applicant explained its position that section 2 of the Ancient Monuments and Archaeological Areas Act (1979) negates the need for any Scheduled monument consent to be sought on the face of the dDCO. Are you satisfied with this approach? c) Is Historic England content with the restoration provisions contained within the Requirements of the dDCO [AS-011]?

ExQ1	Question to:	Question:
9.2	Archaeology	
Q9.2.1	The Applicant	<p>Possible Roman Road and Romano British site</p> <p>Paragraph 7.11.1 of ES Chapter 7 [APP-079] makes reference to a report on the geophysical survey at the site of a possible Roman Road and Romano British site (MYO4401) being to follow (with initial survey results presented in ES Appendix 7J [APP-125]). Furthermore, in paragraph 2.2.3 of the Archaeological Written Scheme of Investigation [APP-096] you note that the results are pending for further sites that have been investigated.</p> <p>Can you provide a status update, including a summary of any preliminary findings and implications (if any) for the assessment conclusions for this and any other sites, together with confirmation of the expected timescales for submission into Examination. What is the likelihood of this affecting the Proposed Development, eg the “<i>staged approach</i>” in regard to Pylons YN006 and YN007 that you have set out in Table 4.1 of [APP-096]?</p>
Q9.2.2	The Applicant	<p>Marston Moor Registered Battlefield and the Battle of Towton</p> <p>Can you clarify your conclusions in respect of the significance from direct effects to archaeological remains associated with the Marston Moor Registered Battlefield and the Battle of Towton. Table 7.14 of ES Chapter 7 [APP-079] records a “<i>Significant (Moderate)</i>” impact in regard to the disturbance of possible remains associated with Marston Moor Registered Battlefield with the rationale that “<i>Limited disturbance of potential archaeological remains may give rise to a significant adverse effect where mitigation is not in place</i>”. Paragraph 7.22.8 of ES Chapter 7 [APP-079] refers to the recording of any features at risk of loss or disturbance that “<i>would have the effect of partially mitigating any loss of archaeological interest.</i>”</p> <p>Is there any other form of mitigation proposed? If not, then clarify how partial mitigation can give rise to your predicted “<i>minor residual effect which would not be significant</i>” as stated in paragraph 7.22.8 of [APP-079].</p>

ExQ1	Question to:	Question:
Q9.2.3	Historic England and Selby District Council, or any successor body	<p>Marston Moor Registered Battlefield and the Battle of Towton</p> <p>Can Selby District Council and Historic England comment on the Applicant's approach to mitigation of potential direct effects to archaeological remains associated with the Marston Moor Registered Battlefield and the Battle of Towton, as described in the WSI? Do you consider that these are sufficient to reduce the effects to not significant?</p>
10. Land Use		
10.0 Agriculture		
Q10.0.1	The Applicant	<p>Extent of permanent loss of agricultural land</p> <p>ES Chapter 11 [APP-083], para 11.9.7 predicts that the Proposed Development would lead to the permanent, irreversible loss of one or more soil functions or soil volumes over an area of "between 5 and 20ha"</p> <ul style="list-style-type: none"> a) The given range is wide in scope. Is it possible to be more specific about the likely area of land that would permanently lost? If not, why not? b) Is it possible to be specific about the locations in which this permanent loss is likely to arise?
Q10.0.2	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Effects of permanent loss of agricultural land</p> <p>ES Chapter 11 [APP-083], Table 11.26 concludes that the Proposed Development would give rise to moderate adverse effects on agriculture as a result of the permanent loss of between 5 to 20 hectares of Agricultural Land Classification (ALC) Grades 2 to Subgrade 3b.</p> <p>Do you agree that these effects would be of moderate significance? If not, why not?</p>
Q10.0.3	The Applicant	<p>Minimising potential for temporary loss of agricultural land through indirect causes</p> <p>ES Chapter 11 [APP-083] states that as an embedded measure to mitigate the potential for temporary loss of agricultural land through indirect causes such as field severance and separation of livestock from water supplies, feedback from landowners will be considered when</p>

ExQ1	Question to:	Question:
		<p>managing construction works. The Code of Construction Practice [APP-095] includes this provision as good practice measure reference AS05.</p> <ul style="list-style-type: none"> a) Is the AS05 objective to '<i>reduce</i>' temporary loss of agricultural land in these circumstances sufficient, or should there be a commitment to 'avoiding as far as possible' this loss? b) Can the Applicant explain the process for and timing of '<i>landowner communications through the Project's Land Team</i>' as per AS05? c) Where matters relating to temporary loss of agricultural land through indirect causes are being raised through RRs to this Examination, can mitigation be agreed? Cross-refer to your responses to RRs where relevant.
Q10.04	The Applicant	<p>Restoration of agricultural land</p> <p>Para 1.7.56 of the Outline SMP [APP-098] states that "<i>the main objective for the restoration of agricultural land is to reinstate the land to its original (pre-development) ALC grade</i>".</p> <p>Whilst the restoration provisions of the dDCO in respect of land subject to Temporary Possession are noted, does there need to be a more general provision in the dDCO securing the post-construction restoration of any agricultural land to its pre-development ALC grade, given the prevalence of Best and Most Versatile land within the Order limits? If not, why not?</p>
<p>10.1 Soils</p>		
Q10.1.1	The Applicant	<p>Export of soils during construction phase</p> <p>ES Chapter 11 [APP-083] indicates that generally soils excavated for temporary works would be stored on-site and retained in situ, with excess removed from site to a suitable facility. Soil excavated from permanent development areas would be re-used for landscaping where practicable. Paragraph 11.9.21 states that "<i>small volumes of soil... may need to be exported from site for use elsewhere.</i>"</p> <ul style="list-style-type: none"> a) Can the Applicant provide an estimate of the likely volumes of waste, including soil (where not being retained in situ), that would be produced during the construction phase of the Proposed Development, or otherwise clarify what assumptions have been made

ExQ1	Question to:	Question:
		<p>in this respect, including in relation to the grade of landscape works and maximum depths of excavation (factoring in LoD specified within the dDCO)?</p> <p>b) Can the Applicant confirm that its estimate of construction vehicle movements has been informed by the worst case scenario in respect of volumes of waste to be transport offsite?</p>
Q10.12	The Applicant	<p>Outline Soil Management Plan</p> <p>Section 1.5 of the Outline Soil Management Plan (SMP) [APP-098] states that “<i>changes are likely to be required to the Outline SMP throughout the construction phase</i>”, for example in response to changes to construction methodology or programming or new environmental information.</p> <p>a) Is this expectation consistent with the definition of the Outline SMP in Article 2 of the dDCO and its inclusion in the list of documents to be certified under article 48 of the dDCO?</p> <p>b) What certainty can there be about the standards and controls to be set out in the Soil and Aftercare Management Plan, if the Outline SMP with which it must accord under Requirement 6(2) of the dDCO, may change in the post-consent phase?</p> <p>c) What certainty can there be about the controls in the dDCO in relation to pre-commencement works (Requirement 5(3)), if the Outline SMP is likely to change in the post-consent phase?</p>
<p>11. Landscape and Visual</p>		
<p>11.0 General information on landscape and visual assessment and mitigation</p>		
Q11.0.1	The Applicant	<p>Navigation/ signposting document for landscape and visual effects and mitigation</p> <p>To assist IPs, provide a simple, tabular navigation document, which lists all relevant parts of the application relevant to landscape and visual impact assessment (LVIA) and mitigation. This should include the arboricultural impact assessment (AIA).</p>

ExQ1	Question to:	Question:
11.1	LVIA methodology, drawings and photomontages	
Q11.1.1	Interested Parties	<p>LVIA methodology including Scoping Out</p> <p>The Councils have indicated that they are satisfied that the application includes an adequate Landscape and Visual Impact Assessment (LVIA).</p> <p>Does any other IP have any comments on the LVIA methodology as set out in [APP-078] and [APP-110]?</p>
Q11.1.2	The Applicant	<p>Photomontages</p> <p>a) Explain the way the panoramic photomontages are to be used in the field. It appears from Viewpoint 5 [APP-169] that some of the 90° panoramas contain overlap (Figures 6.30 and 6.31) whereas there is no overlap between others (Figures 6.31 and 6.32).</p> <p>b) Set out how, as stated, these accord with Landscape Institute Guidance TGN06/19.</p>
Q11.1.3	The Applicant	<p>Photomontages of substations and cable sealing end compounds</p> <p>a) Do the photomontages illustrate the maximum substation and cable sealing end compound parameters (ie worse case) from the Rochdale envelope?</p> <p>b) If not what do they represent?</p> <p>c) Submit the photomontages of Viewpoints VP9, VP15, VP23, VP25 and VP26 [APP-171], [APP-175], [APP-180], [APP-181] with the Rochdale envelope extent marked on with a coloured dashed line.</p> <p>d) What assumption has been made in the photomontages about platform levels for Overton and Monk Fryston Substations?</p>
Q11.1.4	The Applicant	<p>Photomontages and utility undergrounding</p> <p>a) Do the photomontages illustrate the removal of existing distribution overhead electrical lines as described in the dDCO as Work No. U1 to U9 and U11 to U15? For example, Work No. U3 from VP6 [APP-170], Figure 6.55b.</p> <p>b) If not, why not?</p>

ExQ1	Question to:	Question:
		<p>c) If not, it is not necessary to update the photomontages, but provide a list of which figures of which photomontages fall into this category, using Examination Library referencing.</p>
Q11.15	The Applicant	<p>Photomontages and trees and hedgerows affected/ to be removed What is included on the photomontages for the following:</p> <ul style="list-style-type: none"> a) trees and hedgerows to be removed; b) trees and hedgerows affected/ managed; and, c) trees and hedgerows potentially affected?
Q11.16	The Applicant	<p>Photomontages at Overton Substation Looking at Photomontages for VP14 and VP15 [APP-174] and [APP-175] and the outline landscape mitigation strategy for Overton substation [APP-164], Figure 3.10:</p> <ul style="list-style-type: none"> a) Submit a copy of Viewpoints VP14 and VP15 photographs with the trees and hedges to be removed and trees and hedgerows affected indicated/ circled in colour. b) Explain what is meant by 'hedge reinforcement' and how this is illustrated on VP15 photomontages. c) What size are the hedgerow trees proposed to be planted? There is a discrepancy between the drawing and the Schedule as to whether they are standard or heavy standard. d) What growth rate has been assumed for the planted hedgerow trees, the woodland edge and woodland planting in Year 15? e) How does the height they achieve compare with the height of the existing, (potentially affected) oak tree in the hedge [APP-051], Sheet 2 of 5? f) Would the planting proposals change if trees shown as affected/ managed and/ or potentially affected needed to be removed? If so, how?

ExQ1	Question to:	Question:
Q11.1.7	The Applicant	<p>Landscape and visual assessment and photomontages at Monk Fryston Substation</p> <ul style="list-style-type: none"> a) Consider whether the landscape assessment, or visual assessment and photomontage at VP23 need to be expanded to cover different scenarios as a result of any determined applications or appeals in the general area of the Proposed Development at Monk Fryston? b) If so, provide the information, clearly indicating which represents the worst-case scenario and whether different mitigation would be required under different scenarios.
Q11.1.8	The Applicant	<p>Recreational and Transport Visual Receptors and Viewpoint Locations Plans [APP-167], Figures 6.19, 6.21, 6.23.</p> <ul style="list-style-type: none"> a) Resubmit these three plans using different colours such that long-distance footpaths and locations where two long-distance footpaths overlap are clearly differentiated from indicative new OHL and indicative new underground cable. b) Review the routes shown on the plans for the long-distance footpaths, in particular that of the Jorvic Way south of Overton, and through Nether Poppleton [APP-167], Figure 6.19. c) Confirm whether there are any long-distance footpaths in the Monk Fryston area [APP-167], Figure 6.23. d) Confirm whether visual impact has been assessed for public rights of way (ProW) that would be subject to closure for any period during the construction stage.
<p>11.2 Landscape effects</p>		
Q11.2.1	The Applicant	<p>Ash dieback</p> <p>Has the potential effect of ash dieback been considered in the LVIA?</p>

ExQ1	Question to:	Question:
11.3 Visual effects		
Q11.3.1	The Applicant	<p>Woodstock Lodge Wedding Venue: additional measures</p> <p>The ES methodology explanation states that assessment of residual effects after additional measures are implemented is provided only as an indication of whether additional measures could potentially mitigate significant adverse effects [APP-076], para 4.7.45.</p> <p>ES residual effects assessment states that adverse effects would reduce from significant to not significant if additional measures of offsite planting were deployed and would further reduce after five years assuming optimum planting aftercare [APP-078], Sections 6.15 and 6.16.</p> <ol style="list-style-type: none"> a) Explain why mitigation has not been included in the Order. b) Set out what alternatives were considered to address the significant adverse visual and socio-economic effects and cumulative inter-related adverse visual and socio-economic effects and why options other than one resulting in significant adverse effects were not taken forward. c) Bearing in mind NPS EN-1, para 5.9.23, how would it be determined if these additional measures are necessary? d) What is the latest position on agreeing an approach with the receptor for both installation and management and maintenance? <p>(See also questions under socio-economic effects and cumulative effects)</p>
Q11.3.2	City of York Council	<p>Woodstock Lodge Wedding Venue: additional measures</p> <p>Do you have any views on the Applicant's approach to additional measures at this location, consisting of planting outside the Order limits, which is not secured?</p>
11.4 Landscape and visual mitigation and enhancement		
Q11.4.1	City of York Council, Hambleton District Council, Harrogate Borough Council, Leeds City Council, North	<p>Ongoing work on detailed aspects of the landscape and visual mitigation</p> <p>You said you want further information as to how the Applicant intends to address the mitigation of adverse effects on landscape and visual receptors (significant or not significant) and that you would welcome the opportunity to continue to work with the Applicant on detailed aspects</p>

ExQ1	Question to:	Question:
	Yorkshire County Council and Selby District Council, or any successor body	<p>of the landscape and visual mitigation, to ensure an appropriate response in keeping with local landscape character [RR-018], [RR-019], [RR-032], [RR-034]. If not set out elsewhere:</p> <ul style="list-style-type: none"> a) Explain what further information is required, including clarification for long-term maintenance and management. b) Is this dialogue continuing during the Examination and if so what if any additional information do you anticipate submitting/ or expect the Applicant to submit? c) Are there mechanisms set up for this to continue post-consent if the Order is consented?
Q11.4.2	The Applicant	<p>LVIA Addendum to be submitted at Deadline 1 to include the travellers' site at the junction of the A1(M) and A64</p> <p>The initial ES Addendum findings were presented at ISH1 [EV-003b]. It was explained that at construction and immediately after there would be significant adverse landscape and visual effects, but that the mitigation planting, when mature, would result in non-significant adverse effects.</p> <ul style="list-style-type: none"> a) Is there a case for this area to be subject to an outline landscape mitigation strategy drawing, rather than being based on the AIA? b) Would it be possible to implement this mitigation planting earlier than the first planting season after bringing into operational use? c) If so how could this be secured?
Q11.4.3	The Applicant	<p>Landscape and visual mitigation over time</p> <p>Review other areas where the planting would provide mitigation over time, and review whether any of these areas would also benefit from:</p> <ul style="list-style-type: none"> a) an outline landscape mitigation strategy; and b) Planting earlier than the first planting season after bringing into use.

ExQ1	Question to:	Question:
Q11.4.4	The Applicant	<p>Ongoing work on detailed aspects of the landscape and visual mitigation</p> <p>a) Do you anticipate submitting further information to address the mitigation of adverse effects on landscape and visual receptors, as suggested by the Councils, during the course of the Examination?</p> <p>b) If so what and when.</p>
Q11.4.5	The Applicant	<p>Advance mounding and planting</p> <p>The indicative construction programme [APP-075], Table 3.2 does not identify advance mound creation and advance planting. It is not clear from the programme why advance planting could not be installed during the November 2025/ March 2026 planting season, rather than a year later [APP-164], Figures 3.10 and 3.12.</p> <p>a) Explain the reason for the timing shown on the outline landscape mitigation strategies.</p> <p>b) Consider if it would be more appropriate to link the advance mounding and planting to a construction activity(s) rather than specifying a particular planting season.</p>
Q11.4.6	The Applicant	<p>Construction Compounds</p> <p>a) Having listened to the description of indicative timelines for the construction compounds at ISH1, do you consider that there is a case for pre-commencement, temporary, fast growing, planting to be used, as well as fencing, to mitigate adverse effects at some of the construction compounds which are visible to sensitive receptors?</p> <p>b) If so where and how could this be secured?</p>
<p>12. Noise and Vibration</p>		
Q120.1	The Applicant	<p>Noise and Vibration Management Plan [APP-101]</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it has been commented that your proposed construction working hours of 07:00-19:00 Mon to Fri and 08:00-17:00 Sat/Sun/Bank Holidays are not aligned to those that the joint Local Authorities consider would be needed to safeguard residential amenity during evenings and weekends (ie</p>

ExQ1	Question to:	Question:
		<p>08:00-18:00 Mon to Fri, 08:00-13:00 Sat, and not at all on Sundays and Bank Holidays). Further to discussion at ISH1:</p> <ul style="list-style-type: none"> a) Can you provide an update as to the status of discussions with all of the host local authorities in relation to core hours of construction. b) Where disagreement remains, provide further justification for the longer core construction hours sought. c) Are there any other potentially noisy activities apart from piling operations that could have reduced hours imposed? d) Explain the procedures for staff to arrive on site and set up in order for construction works to commence (be that at 07:00 or 08:00). How would this be monitored and managed?
Q12.02	Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>Noise Assessment Methodology</p> <p>In your joint Local Authorities' RR you have commented that; <i>"The intention is to assess operational noise in accordance with document ref: 29 'National Grid (2021). Policy Statement PS(T)134 - Operational Audible Noise Policy for Overhead Lines. National Grid, London'. I am not familiar with this document nor am I able to locate it, but I did raise concerns regarding the overall assessment methodology which are yet to be agreed. Notably, the trigger for Tier 3 assessment being >37dBA without a full understanding of background LA90,T values during rainfall at sensitive receptors. BS4142:2014+A1:2019 assessment methodology should be adopted in its entirety over National Grid criteria.</i></p> <p><i>In view of the above, I would advise that Noise and Vibration EIA assessment and methodology was raised as a matter for further discussion and yet to be agreed."</i></p> <p>Having regard to Table 14.5 of ES Chapter 14: Noise and Vibration [APP-086] and Appendices 14F to 14H [APP-155] to [APP-157] do you have any further comments to make in relation to the Applicant's noise assessment methodology?</p>

ExQ1	Question to:	Question:
Q12.03	The Applicant	<p>Noise Assessment Methodology</p> <p>The Non-Technical Summary [APP-072] explains that some receptors would experience greater noise levels, which would exceed the thresholds, however, this would be over a very short duration (less than 10 consecutive days) and effects are therefore assessed as not significant.</p> <p>Can you clarify how the methodology set out in ES Chapter 14 [APP-086] includes an assessment of peak noise levels arising from impact noise from construction activities such as moving and handling of metal components and other construction material, tipping of materials and doors closing.</p> <p>Can you provide an assessment of such noise impacts and explain why short durations of noise over 10 consecutive days is considered to be not significant?</p>
Q12.04	The Applicant	<p>Noise Assessment Methodology</p> <p>Paragraph 4.1.1 of Appendix 14c Construction Modelling Results Text [APP-152] refers to night-time source contributions for each receptor. It explains that although stringing is listed as an activity during the night, "<i>the night-time activity will be drawing bonds over scaffolding</i>". Can you clarify the nature of this work or activity and how it relates to the proposed working hours as set out in Requirement 7 of the dDCO [AS-011].</p>
Q12.05	The Applicant	<p>Acoustic Fencing</p> <p>Table 14.9 of ES Chapter 14 [APP-086] and the Noise and Vibration Management Plan [APP-101] include the erection of acoustic fences around the proposed construction sites as a mitigation measure and the use of acoustic enclosures for Super Grid Transformers (SGTs). Can you provide evidence for the effectiveness of such enclosures in reducing noise effects.</p>

ExQ1 13.	Question to: Socio-economic Effects	Question:
Q13.01	The Applicant	<p>Woodstock Lodge Wedding Venue</p> <p>ES Chapter 16:Socio-economics [APP-088] concludes that, with additional measures, socio-economic effects would be not significant. Paragraph 6.15.1 of ES Chapter 6 [APP-078] states that the additional measures would likely comprise landscape planting outside of the Order limits, and therefore would not be secured under the dDCO.</p> <p>Assuming that the additional measures remain outside of the Order limits, can you explain your conclusions regarding likely significant socio-economic effects to the Woodstock Lodge Wedding Venue?</p> <p>(See also questions on landscape and visual and cumulative effects)</p>
Q13.02	Selby District Council	<p>Travellers' Site adjacent to the A63 near to the A1(M) junction.</p> <p>In paragraph 16.6.11 of ES Chapter 16: Socio-economics [APP-088] it is understood that an application for a Lawful Development Certificate was refused by Selby District Council in April 2022.</p> <p>Can the Council provide the following information about the site:</p> <ul style="list-style-type: none"> a) The planning history and current permitted use/ status of the travellers' site. b) Whether there is any ongoing enforcement action to resolve any outstanding planning matters? If so, provide a copy of any relevant enforcement notices.
Q13.03	Carter Jonas LLP and Lister Haigh	<p>Field Accesses</p> <p>Can the agents acting on behalf of members of the farming community and for which RRs have been submitted on their behalf [RR-006] to [RR-012], [RR021] to [RR-026] identify which specific access points they consider to be prejudicial to their clients' agricultural activities?</p>

ExQ1 14.	Question to: Transportation and Traffic	Question:
Q14.01	The Applicant	<p>Definitions of vehicle movements</p> <p>For the sake of clarity please confirm the meanings you have applied to the following terms that you have used at various times in ES Chapter 12: Traffic and Transport [APP-084] and Appendix 12A [APP-148]: “<i>total vehicles</i>”, “<i>two-way traffic generation</i>”, “<i>two-way HGV movements</i>”, “<i>two-way HGVs</i>”, “<i>two-way HGV trips</i>”, “<i>HGVs per day</i>”, “<i>HGVs per hour</i>”, “<i>LV movements</i>” and “<i>Estimated Daily Vehicle Movements</i>”. For example, in Table 12.30 of ES Chapter 12 [APP-084] you refer to “... <i>two additional HGVs per hour (four total vehicles per hour)</i>”. How does this relate to the two-way HGV figures that are provided elsewhere? In addition, confirm that these terms have been applied consistently throughout the various submitted documents.</p> <p>Also, explain the TEMPro growth rates that are set out in paragraph 12.5.62 of [APP-084], and is it correct that the growth rate given for York contains an erroneous decimal point?</p>
Q14.02	The Applicant	<p>Activity/Duration Figures in Table 12A.2 of Appendix 12A [APP-148]</p> <p>In Table 12A.2 of Appendix 12A: Traffic Modelling Tables [APP-148] you have provided figures in relation to the various activities and durations for elements of the Proposed Development. For example, in relation to Monk Fryston under the first row “<i>Construct bellmouth</i>”, the final columns read as follows: Total Weeks 6, HGV 19 and LGV 10. Whilst these represent averaged figures over the entire duration of the predicted operations, in reality activities are likely to fluctuate significantly over the entire period rather than being equally spread out. Consequently, how has the worst-case scenario been assessed in terms of predicted vehicle movements associated with these various activities?</p>
Q14.03	The Applicant and Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City Council)	<p>Traffic Management: Abnormal Loads</p> <p>In the joint Local Authorities’ RR [RR-018], [RR-019], [RR-032] and [RR-034] reference is made to the likely requirement that some large items delivered to the site will be classed as abnormal loads and discussion with the Local Highway Authority will be required. The ExA also notes that an Abnormal Indivisible Load Assessment has been provided in Annex 3F.1 of the Construction Traffic Management Plan (CTMP) [APP-099]. Having regard to this:</p>

ExQ1	Question to:	Question:
		<p>To Applicant and Local Highway Authorities:</p> <ul style="list-style-type: none"> a) When is it envisaged that such discussions will take place? b) What mechanism will there be for public consultation and notification regarding the timing and routing of abnormal loads beyond that set out in Section 3.6 of [APP-099]? <p>To Local Highway Authorities:</p> <ul style="list-style-type: none"> c) Are you content with the measures set out in the CTMP or should an Outline Abnormal Loads Management Plan be submitted into this Examination in order to provide more detailed information on this matter?
Q14.04	Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City Council)	<p>Potential requirement for further off-site highway works</p> <p>The joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] advise that "<i>other site locations near Shipton may require further investigation with junction widening expected on East Lane and Corban Lane. Corban Lane at present has a 7.5 tonnes weight limit</i>".</p> <ul style="list-style-type: none"> a) Can you clarify more precisely the locations where additional highway improvement works might be required and in so doing whether these locations are within or outside the Order limits of the Proposed Development? If they are outside the Order limits then how can the ExA be confident that there would be an appropriate mechanism in place to ensure that the additional improvement works are undertaken? b) Can the Local Highway Authorities clarify whether it is their view that without such improvements, the development would result in unacceptable highway safety or would significantly affect the performance of the highway network? c) If you consider that these additional highway works are essential to avoid significant harmful effects, can you explain your assessment of the likely effects if they were not done. d) Can you explain the reasons why there is a weight restriction limit on Corban Lane and how this might impact on the Applicant's routeing strategy for construction and operational traffic?

ExQ1	Question to:	Question:
Q14.05	The Applicant and North Yorkshire County Council, or its successor body	<p>Access: design standards</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that <i>"The application has included some design details illustrating how the developer will access each location showing roads either within the site or accesses onto the highway network. The LHA has its own design standards and the one's (sic) presented do not necessary follow what the authority wishes to see installed either as a temporary measure or as a permanent solution"</i>.</p> <p>To the Applicant:</p> <ul style="list-style-type: none"> a) Explain your use of a design standard that does not necessarily follow what the Local Highway Authority wishes to see? <p>To North Yorkshire County Council:</p> <ul style="list-style-type: none"> b) Has the Applicant been made aware of your preferred design standards and are these publicly available? c) For the sake of clarity, confirm whether your concerns are only in regard to accesses on to the public highway or whether you also have concerns regarding the design of internal construction access roads.
Q14.06	The Applicant and North Yorkshire County Council, or its successor body	<p>Routeing of construction traffic north of the A63 and west of Lumby</p> <p>Figure 3F.4 Sheet 11 of 11 (e-page 64) of the Construction Traffic Management Plan [APP-099] indicates the routeing strategy to access overhead line works north of the A63 and west of Lumby. Access is shown to be gained via Lumby Village and then via a long access track running west towards the A1(M).</p> <p>To the Applicant:</p> <ul style="list-style-type: none"> a) Comment on the suitability of this route having regard to the nature of Lumby village and the configuration and design of the highway from the A63 to the proposed construction access path.

ExQ1	Question to:	Question:
		<p>b) Comment upon the consideration of alternative access options for the construction of Works Nos. 9 and 10.</p> <p>c) Provide the predicted vehicle movements associated with the construction of this part of the Proposed Development, and explain the engineering works to be carried out to the access track to ensure it is fit for purpose to facilitate the Proposed Development.</p> <p>To North Yorkshire County Council:</p> <p>d) What are your views on the suitability of this route having regard to the nature of Lumby village and the configuration and design of the highway from the A63 to the proposed construction access path?</p>
Q14.07	North Yorkshire County Council, or its successor body	<p>Construction Management Plans</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that the Local Highway Authority “<i>sees the importance of further discussions with the developer to formulate the production of the construction management plan and construction travel plan as well as the Development Consent Order (DCO).</i>”</p> <p>a) Is your reference to the “<i>construction management plan</i>” a generic term to cover all the construction and traffic plans (ie the same as the heading used in Requirement 5 of the dDCO [AS-011])? Or did you instead mean to refer specifically to the Construction Traffic Management Plan [APP-099]?</p> <p>The ‘Construction Management Plans’ are in effect a combination of the proposed Requirements 5 and 6 in the dDCO [AS-011]. Requirement 5 refers to specific plans and strategies, whilst Requirement 6 relates to the submission of further details for approval by the relevant authorities prior to the commencement of each stage of the Proposed Development relevant to the topic headings that are set out.</p> <p>b) Do you consider the submitted ‘Construction Management Plans’ and the submission of further details in Requirement 6 of the dDCO to be sufficient to satisfactorily control and manage the transportation and highway aspects of the development and if not, can you clarify what you consider to be inadequate or unclear?</p>

ExQ1	Question to:	Question:
		<p>c) If you believe improvements and amendments are needed to either the suite of management plans or the dDCO can you submit to the ExA your proposed changes for consideration.</p>
Q14.08	The Applicant	<p>Enforcement of the Construction Traffic Management Plan Paragraph 8.2.3 of the CTMP [APP-099] states that “<i>National Grid will ensure that appropriate measures are taken to ensure contractor behaviours and performance is monitored...</i>”</p> <p>Provide further explanation as to how the monitoring and corrective measures would work in practice and how this is to be secured in the dDCO.</p>
Q14.09	The Applicant and Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City Council)	<p>Public Rights of Way Management Plan Table 12.12 of ES Chapter 12 [APP-084] states that the Public Rights of Way Management Plan (PRoWMP) would include a commitment to condition surveys of PRoWs on affected sections before, during and after construction to support reinstatement of the PRoW post-construction to the same condition or better.</p> <p>To the Applicant:</p> <p>a) Can the PRoWMP can be revised to provide clarity of the commitment to reinstate PRoWs, including confirmation of the expected location, timing/ frequency of condition surveys, who the results would be reported to, and the timescales for reinstatement (if required) post-construction and the ongoing monitoring and, if required, maintenance of restored PRoWs?</p> <p>To Local Highway Authorities:</p> <p>b) Do you consider that there is sufficient clarity in the PRoWMP regarding the expected locations, timing and frequency of condition surveys and timescales for reinstatement work (if required) post-construction to adequately secure this commitment?</p>

ExQ1	Question to:	Question:
Q14.0.10	The Applicant and North Yorkshire County Council, or its successor body	<p>Construction Management Plan discussions</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034], reference has been made to the need to establish an approach with regard to the various access points and site compounds that are proposed and to the importance of further discussions with the developer to formulate the production of the "<i>construction management plan and construction travel plan</i>" as well as the dDCO.</p> <p>Provide a timetable for these further discussions and your views as to whether or not an approach will be agreed before the close of this Examination.</p>
Q14.0.11	National Highways	<p>Impact on strategic road network</p> <p>Can you provide an update on your assessment of potential impacts on the safe and efficient operation of the Strategic Road Network?</p>
Q14.0.12	The Applicant	<p>Notification of road closures</p> <p>Further to the comments made by BNP Paribas Real Estate on behalf of Royal Mail Group in [RR-003], and noting the Applicant's view in [APP-099] that it is not proposed that any road closures and associated diversions would be required, in the event that any road closures were to be needed what would be the process for informing local businesses and residents in advance?</p>
Q14.0.13	The Applicant	<p>National Cycle Network</p> <p>An alternative NCN65 cycle route is to be created to mitigate safety concerns from construction activities at the Overton substation site.</p> <p>Can you explain how the provision of this alternative route would be phased in relation to the works to create the construction compounds to ensure the safety of cyclists?</p>

ANNEX A: Yorkshire GREEN – Compulsory Acquisition / Temporary Possession Objections Schedule

List of all objections to the grant of Compulsory Acquisition or Temporary Possession

In the event of a new interest in the land (or Category 3 person) being identified, the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each Relevant Representation (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

vii This column indicates whether the applicant is seeking Compulsory Acquisition or Temporary Possession of land/ rights

viii CA = Compulsory Acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking Compulsory Acquisition of land/ rights.