



Local Impact Report

Planning Act 2008 (as amended)
Infrastructure Planning (Examination Procedure) Rules 2010

Proposal: Application for a Development Consent Order relating to the Yorkshire GREEN Project.

Applicant: National Grid Electricity Transmission (NGET).

Planning Inspectorate Reference: EN20024

City of York Council – PINS Unique Reference: YOGN-AFP049

April 2023

1. Introduction

- 1.1. This Local Impact Report (LIR) has been prepared by City of York Council (CYC) and is submitted to Examining Authority in respect of an application for a Development Consent Order (DCO) by National Grid Electricity Transmission (NGET) relating to the Yorkshire GREEN project. The proposals are considered to constitute a Nationally Significant Infrastructure Project (NSIP).
- 1.2. Advice Note One: Local Impact Reports states that once an application has been accepted for examination the Examining Authority will invite relevant local authorities to submit a Local Impact Report (LIR). Guidance goes on to state that the preparation of the LIR should be prioritised irrespective of whether the local authority considers the development would have a positive or negative impact upon their area.
- 1.3. As the unitary Local Planning Authority (LPA), City of York Council (CYC) is a host local authority for the proposed development.
- 1.4. In producing this LIR CYC has not sought the views of local parish councils and other interested external stakeholders. This is because such groups have the opportunity, through the NSIP consultation process, to make any observations directly to the Examining Authority (ExA). It is noted that in developing their proposals prior to formal submission the applicant has engaged with a range of stakeholders across the project area; with feedback being used to develop and refine the submission proposals.
- 1.5. The following report is CYC's LIR. The report is intended to assist the Examining Authority in their work considering the submitted proposals. It provides background to the position in respect of local planning policies, identifies relevant local plan policies and the main issues and opportunities of the proposals.
- 1.6. The LIR relates to the potential local impact of the proposed development. It does not seek to replicate information contained within the applicant's submitted Environmental Statement. Nor does it intend to cover matters which are considered as being agreed by the applicant and CYC as outlined within the Statement of Common Ground. This LIR should be read in conjunction with the Statement of Common Ground.

2. The Development Proposal

- 2.1. It is considered that the application documents submitted by the applicant appropriately sets out a description of the proposed development with development being proposed within the CYC authority area along with the neighbouring authority areas of Selby, Harrogate, Hambleton (North Yorkshire Council as of 1st April 2023) and Leeds.
- 2.2. The scope of this LIR is limited only to those elements being proposed within the CYC authority area. Within the context of the documentation submitted by the applicant the sections relevant to CYC are regarded as being Section A (Osbalwick Substation) which is wholly within the CYC area, Section B (North West of York Area) which is partially located within the CYC area.
- 2.3. CYC note that during the construction phase there will be a requirement for temporary infrastructure to facilitate the project, including temporary overhead line diversions and temporary construction compounds. This includes the provision of a temporary compound on land North of Corban Lane situated within Section B which would in part be located within the CYC area.

Section A – Osbalwick Substation

- 2.4. Osbalwick Substation is located approximately 4km to the East of York city centre. The site is located to the North of the A1079 Hull Road and to the East of Osbalwick Link Road. Vehicular access to the site is provided from the North with access taken from Murton Way. The site is generally well screened from view by the presence of mature trees located to the South, West and Northern boundaries of the site. The Eastern boundary is generally more open by virtue of the existing route taken by the overhead lines accessing the site.
- 2.5. CYC note that the works proposed at Osbalwick Substation comprise of the installation of a new circuit breaker and isolator along with new cabling, the removal of one gantry and works to an existing pylon with all works occurring with existing operational land. These works are to build a greater degree of flexibility and resilience into the wider transmission network.

Section B – (North West of York Area)

- 2.6. Within Section B the proposed works which fall within the CYC Authority area comprise of a section of reconductoring the existing overhead line West of Plainville Lane. In the same general vicinity, there will be a new overhead line which runs south crossing Corban Lane. At this location there will also be a temporary construction compound. There will also be two new sections of 275kV overhead line which connects into Overton substation from the south (the 2.1km XC overhead line to the southwest and the 1.5km SP overhead line

from the south-east). Works are also proposed to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east. These works comprise of a mixture of decommissioning, replacement and realignment. Parts of these works fall within the CYC area.

3. Consenting Regime – Nationally Significant Infrastructure Project

- 3.1. The project is a Nationally Significant Infrastructure Project (NSIP), as defined by the Planning Act 2008 (the Act) as it involves a line more than 2km in length and a nominal voltage exceeding 132kV.
- 3.2. NGET submitted an application for a Development Consent Order to the Planning Inspectorate (PINS) on 15th November 2022. PINS confirmed acceptance of the application on 8th December 2022.
- 3.3. PINS is responsible for operating the planning process for NSIPs and as an Examining Authority (ExA), will examine the application and make a recommendation to the Secretary of State. The Secretary of State will then determine whether the application is in accordance with any relevant national policy statement unless, and among other matters, whether the adverse impact of the development would outweigh its benefits.

4. Pre-application process

- 4.1. CYC, along with the other host Local Authorities have engaged constructively with NGET throughout the development of the project. CYC have provided feedback and input at various stages of this process. This has included discussing and agreeing a draft Statement of Common Ground with the NGET to set out the areas where CYC and NGET agree. Throughout the process NGET have endeavoured to address concerns that have been raised and provided their justification for the design decisions that they have made.
- 4.2. The general content of the documentation submitted by NGET to the ExA is in accordance with the discussions CYC have had to date with the applicant through the pre-application process.

5. Policy Context

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 5.1. The NPPF sets out the Government' planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.
- 5.2. Paragraph 5 of the NPPF states that the Framework does not contain policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National Policy Statements form part of the overall framework of national planning policy and may be a material consideration in preparing plans and making decisions on planning applications.
- 5.3. The NPPG supplements the NPPF and must also be taken into consideration.

National Policy Statements

- 5.4. Part 2 of the Planning Act makes provision for National Policy Statements, which comprise of the Government's objectives for the development of NSIPs and set out national policy which NSIP applications are assessed. Within the context of the proposals contained within this application the following NPS's are considered relevant:
 - EN1 – Overarching Energy
 - EN5 – Electricity Networks

Statutory Development Plans

- 5.5. The Statutory Development Plan for the City of York comprises of the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (RSS) (2008), and any made neighbourhood plan. In the context of the development proposed within this application this includes the Upper and Nether Poppleton Neighbourhood Plan which was formally adopted by CYC on 19th October 2017.

Draft Development Control Local Plan 2005

- 5.6. The Development Control Local Plan was approved for development management purposes in April 2005. The policies contained within it carry very limited weight only where they are compliant with the NPPF.

City of York Local Plan – Publication Draft 2018.

- 5.7. The Publication Draft City of York Local Plan 2018 was submitted for Examination on 25th May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 concluded in May 2022. Phase 3 of the hearings took place in July 2022 with Phase 4 concluding in September 2022. A Main Modifications consultation took place between the 13th February and 27th March 2023. At the time of writing responses to this consultation were being reviewed and shared with the Inspectors leading the Local Plan Examination.
- 5.8. In accordance with Paragraph 48 of the NPPF the Draft Plan Policies can be afforded with according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24th January 2019 will be assessed against the 2012 NPPF).
- 5.9. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.
- 5.10. The following policies within the Draft Local Plan 2018 are considered relevant:
- DP2 – Sustainable Development
 - DP3 – Sustainable Communities
 - DP4 – Approach to Development Management
 - SS1 – Delivering Sustainable Growth for York
 - SS2 – The Role of York’s Green Belt.
 - D1 – Placemaking
 - D2 – Landscape and Setting
 - D4 – Conservation Areas
 - D5 – Listed Buildings
 - D6 – Archaeology
 - D7 – The significance of Non-Designated Heritage Assets
 - D9 – City of York Historic Environment Record
 - GI2 – Biodiversity and Access to Nature

- GI4 – Trees and Hedgerows
- GB1 – Development in the Green Belt
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV4 – Flood Risk
- T1 – Sustainable Access

Neighbourhood Plans

5.11. Across the city there are a number of Parishes and/or Neighbourhood Forums who are at varying stages of progress in devising and developing neighbourhood plans. At the time of writing a total of 5.no Neighbourhood Plans have been ‘made’ and adopted by CYC. Of those plans which have been adopted there is only the Upper and Nether Poppleton Neighbourhood Plan which covers land which would be affected by the development proposals contained within this scheme.

5.12. The following policies within the Upper and Nether Poppleton Neighbourhood Plan are considered relevant:

- PNP3 – Conservation Areas
- PNP10 – Protection of Wooded Areas and Hedgerows

North Yorkshire Minerals and Waste Joint Plan (2022) – Adopted by CYC April 2022.

5.13. CYC have responsibility for Minerals and Waste Planning within the CYC area. Policies and the overarching strategy for determining planning applications which relate to Minerals and Waste are set out within the North Yorkshire Minerals and Waste Joint Plan.

5.14. CYC consider that the applicant has appropriately identified the relevant policies contained within the Minerals and Joint Waste Local Plan.

6. Project Need

6.1. Within their submission the applicant sets out the rationale for the proposed development. A primary driver of this is the Government’s commitment, as a result of the Climate Change Act 2008 (2050 Target Amendment) Order 2019 which aims for a 100% reduction in emissions by 2050. In order to achieve this one of the methods required is to decarbonise the energy grid with a move away from fossil fuels providing energy to our homes and businesses. Also, of

note in this regard is that CYC itself declared a Climate Emergency in 2019 with the target of becoming a net-zero carbon city by 2030.

- 6.2. To achieve these targets requires a modernisation of the existing established energy generation and transmission networks. Historically much of the electricity consumed has been generated by the burning of fossil fuels such as coal and gas; with a number of notable coal fired power stations existing within areas neighbouring York, taking advantage of their proximity to coal fields. The electricity transmission network has then grown from these points of production.
- 6.3. The transition toward reducing greenhouse gas emissions from electricity production will mean an increased use of renewable and low carbon sources such as offshore and onshore wind, solar energy and new nuclear generation. This will result in the sources of energy production moving to new locations. This in turn will require a re-configuration of the energy transmission network to allow energy to be transported from where it is generated to where it is used. Decarbonisation will require significant structural changes in energy production, transmission and consumption. It will also likely increase demand for electricity as users move away from fossil fuels for things such as heating and transport and become more reliant upon electricity.
- 6.4. The applicant has outlined that the majority of power flows are North to South with high flows entering the network from the Scottish Borders and the North of England with power flow exceeding capability in times of good and high wind conditions. In addition to this there are also a number of new generation projects due to come online in the next 5 years. A number of these are based along the East coast with significant offshore generation coming from the North Sea.
- 6.5. Based on the information submitted outlining the need for the proposals; it is apparent that the shift toward offshore wind generation and interconnectors to various European countries which facilitates the import and export of electricity requires the existing electricity transmission network to be significantly reinforced. These works will contribute toward and facilitate net zero aspirations.
- 6.6. CYC therefore acknowledge the overarching need and justification for the proposed development. The works are intended to reinforce the regional energy transmission network in the interests of energy provision and the need to transport energy from where it is generated to where it is to be consumed.

The works will also assist in decarbonising the grid by building the capacity needed to accommodate increased demand and the anticipated increase in energy being generated from renewable and lower carbon sources. It is also apparent that the proposals form a constituent part of a far larger National and intercontinental network. In principle CYC support the proposed development.

7. The York Green Belt

- 7.1. One of the primary purposes of the Green Belt around York is to safeguard the historic nature, character and setting of the City. The city is characterised by its historic core with the main urban areas then extending outwards towards the York Outer Ring Road. Beyond the Outer Ring Road, the character of development then becomes centred around smaller villages, towns and more rural type settlements. The city's Stray's also extend inwards toward the main urban area. These create a series of green wedges at various points around the city. Cumulatively these features provide open approaches to the city. This also provides a number of vantage points from where views of York Minster are visible; from where its position and presence of the city can be appreciated.
- 7.2. Policy Y1 of The Yorkshire and Humber RSS (2008) defined the outer boundary of the York Green Belt as being 'about 6 miles from York City Centre' with the inner boundary needing to conform to Policy YH9C of the RSS. Whilst the RSS was revoked in 2013 the policies relating to the York Green Belt were 'saved' and thus remain. Whilst the RSS generally defined the outer boundaries of the York Green Belt it was always the role of the York Local Plan to formally define the inner boundaries of the York Green Belt for the first time.
- 7.3. The York Local Plan (2018) is now at a highly advanced stage (paragraph 5.7). Upon adoption the boundaries of the York Green Belt will be formally set for the first time. It is envisaged that adoption could occur by the end of 2023.
- 7.4. It is the position of the Local Planning Authority that until a Local Plan for the City of York is adopted, development management decisions relating to proposals falling within the general extent of the Green Belt are made on the basis that the land should be treated as Green Belt; utilising NPPF Green Belt policies for the purposes of determining development proposals.
- 7.5. Within the context of the development proposed by NGET for the Yorkshire GREEN project the proposed works at Osbaldwick Substation would be regarded as being located on land outside of the Green Belt. The Draft Local

Plan shows the Green Belt boundary as being the Northern and Eastern boundaries of the existing site and the eastern edge of the access road. The same boundary was also proposed in the 2005 Draft Local Plan. The existing overhead lines that leave the Osbaldwick site and then travel north eastwards broadly parallel to the A64 would be regarded as being within the Green Belt.

- 7.6. The sections of existing Overhead Line which would be subject to reconductoring and realignment to the North East and South of the proposed Overton Substation would be regarded as being within the Green Belt. CYC would therefore regard Green Belt policies as contained within the NPPF as being of relevance in the assessment of the development proposals.
- 7.7. Paragraph 147 of the NPPF provides the starting point for development proposals within the Green Belt by stating that, inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.8. Paragraph 148 of the NPPF requires that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.9. Paragraphs 149 and 150 of the NPPF then set out a series of exceptions which are not considered to constitute inappropriate forms of development within the Green Belt. It is noted that in this case the applicant is seeking to rely upon the exception set out within Paragraph 150 b) regarding the proposed development as constituting engineering operations. CYC concur with this position that the proposed development be regarded as being an engineering operation.
- 7.10. In the context of Paragraph 150 whilst engineering operations would be regarded as not constituting inappropriate development within the Green Belt there is a requirement for such proposals to preserve the openness of the Green Belt. The degree to which the proposals would preserve the openness of the Green Belt is a matter which CYC and the applicant are yet to agree upon.
- 7.11. The works proposed within the CYC area, on Green Belt land, primarily relate to the reconductoring of existing overhead lines. Whilst pylons allow for views through them by virtue of the design there will inevitably be a degree of harm

to the overall openness of the Green Belt. Such impacts will be particularly acute during the construction phase of the project when features such as the proposed work compounds are factored in. Additionally, there would also be the likelihood of there being a net increase in pylons initially whilst realigned and reconducted sections are commissioned and the redundant sections are decommissioned.

- 7.12. The larger component parts of the project, particularly the proposed new substation at Overton would harm the openness of the Green Belt simply by virtue of introducing development on land which is currently undeveloped.
- 7.13. It would therefore be the position of CYC that the applicants' statement that the proposals would not affect the openness of the Green Belt overly simplifies what is a more nuanced matter and set of considerations. There are elements of the proposals which would harm of the openness of the Green Belt, both temporarily and more permanently and in such circumstances, it would be necessary to consider whether Very Special Circumstances exist which would justify such harms.

8. Landscape and Visual Impact Considerations

- 8.1. Works area Section B situated to the North West of York is primarily characterised by medium and large arable agricultural land. Field boundaries are typically managed hedgerows interspersed with trees. There are also small areas of woodland and blocks of trees. The landscape is generally flat travelling back towards the main urban area of York. Other notable features in this generally locality include the A19 trunk road and the East Coast Mainline railway which run broadly parallel to one another. The River Ouse lies to the west of the East Coast Mainline railway. Within this locality there are already a network of overhead lines and pylons which run to the North of York.
- 8.2. The overall landscape and visual impacts of the proposed development are considered to be variable over the lifetime of the project. The construction phase of the project will likely see the most significant visual impact upon the surrounding area. The construction phase will see the most significant volumes of activity in and around the works area.
- 8.3. The proposed works compounds will introduce large clusters of temporary development into what generally is currently undeveloped open land. These areas along with the associated equipment and paraphernalia, such as plant and machinery will lead to a significant visual impact upon the landscape. Features such as exterior lighting will also draw further attention to their

presence within the landscape. It is however acknowledged that such impacts will, in the context of the whole lifecycle of the project be a temporary impact. Mitigation measures such as the use of landscape bunds are welcomed.

- 8.4. The construction phase will also lead to situations where there is net gain of infrastructure within the landscape. This will occur in the overlap between the new infrastructure being commissioned and the existing equipment that is to be replaced being decommissioned and removed from site. An impact of this nature is to a great extent unavoidable given the need to maintain an operational electricity transmission network. It is also acknowledged that impacts of this nature would be temporary when considered in the context of the operational lifetime of the development.
- 8.5. Post construction the lasting landscape and visual impact will be the presence of the pylons and the overhead transmission lines. Other features such as the new substation at Overton will also have a permanent visual impact upon the landscape. The general presence of the pylons and overhead lines will give rise to a degree of visual impact. The extent of this impact will be receptor dependant and will also be dependent upon the relationship the receptor has to the development for example in terms of proximity.
- 8.6. Opportunities to screen or limit the visual impact of the pylons and overhead lines are acknowledged to be limited given their design, scale, nature, and general function. The proposed spacing between pylons will assist in lessening the overall visual impact of the proposals. With regard to the larger elements of infrastructure proposed, particularly the Overton substation, the LPA would wish to see this element of the development subject to suitable screening to reduce the overall landscape visual impact as far as is practicable.

9. Heritage Considerations

- 9.1. The historic character, setting and nature of York is a defining characteristic of the city. This is particularly the case within the main urban centre of the city; however, the outlying settlements also contribute to this character. A number of them have designated Conservation Areas and contain various Listed Buildings. Another significant feature of much of land around York is its archaeological potential.
- 9.2. With reference to the works at Osbaldwick substation notable heritage assets in this general vicinity are the Conservation Areas covering the nearby villages of Osbaldwick (to the North West) and Murton (to the North East); both

villages also contain various Listed Buildings. It is not considered that this element of the proposals would give rise to significant notable changes which would harm the character and setting of these existing features. The works at Osbaldwick are within existing operational land which whilst they would result in a degree of intensification it is not considered this would be materially significant in the context of the existing situation.

- 9.3. Having regard to the proposed linear works toward the North of York and the approaches to the proposed substation at Overton. Notable heritage assets in this area include the Conservation Areas in the nearby villages of Skelton and Poppleton. There are also a number of archaeological recordings within the general vicinity and route of the River Ouse.
- 9.4. The works to the North of Poppleton include a section of dismantling the existing overhead line. The realigned section would be moved away from the village which could be regarded as being of minor benefit in the context of the character and setting of heritage assets. However cumulatively this would likely be offset by virtue of the works to link the Cable Sealing End Compound (CSEC) north of Corban Lane to the proposed substation at Overton which would lead to a net gain in equipment being installed in this locality.
- 9.5. With regard to the possible risks to archaeological features. It is acknowledged that in many cases the true extent of any risk may not be known until works have commenced on site. The LPA notes that the Draft Development Control Order (dDCO) does not explicitly limit downward vertical deviation other than 'as far as the undertaker considers necessary or convenient.' The LPA acknowledges that the undertaker may need to account for differing or unexpected land conditions at different points along the route to ensure the stability and security of apparatus they are installing. However, this does need to be adequately balanced with the need to suitably safeguard or in the worst case ensure suitable evaluation and recording of any material of archaeological interest.
- 9.6. The LPA therefore welcomes the inclusion of an archaeological written scheme of investigation within the Certified Plans section of the dDCO.

10. Ecology and Biodiversity

- 10.1. Within the CYC authority area development would be proposed in close proximity to existing landscape features including the River Ouse and Ings (the open land around the River Ouse).

- 10.2. The nature of the works within this area are primarily linear and comprise of sections of reconductoring and realignment with sections of dismantling existing overhead line. The LPA would therefore concur with the assessments made within the applicant's submission.
- 10.3. Proposals to include embedded environmental measures are welcomed and are considered necessary in the interests of mitigating the potential risks and general disturbance that could occur to ecological features during the construction phase. The LPA would wish to see any ecological disturbance kept to an absolute minimum and where disturbance is necessary these works be suitably justified, and adequate mitigation or compensatory measures be provided.
- 10.4. Design amendments to specifically avoid veteran or ancient trees are noted and welcomed. The loss of hedgerows is regrettable however the LPA notes that across the project area less than 1km of native hedgerow would be lost which represents approximately 3% across the works area.
- 10.5. Whilst not a formal requirement at the time of writing, developments will in the future be required to deliver a Biodiversity Net Gain (BNG) of at least 10%. For NSIPs this is expected to be from 2025. The applicant has committed to deliver the 10% BNG within this project, ahead of the measure becoming a legal obligation. This approach is welcomed particularly given that the 'go live' date of the project would be expected to be post BNG requirements coming into force.
- 10.6. The applicant has identified areas where they expect a permanent loss of habitat to occur. These are areas where permanent development would be set occur such as the footprint of substations and CSEC's. A number of temporary areas of loss have also been identified however these would only be during the construction phase. It is noted that those habitats which would be temporarily lost within the Order limits would be reinstated.
- 10.7. The applicant's approach to the project of avoiding the loss of irreplaceable habitats is welcomed as is their commitment to deliver 10% BNG. At the time of writing the LPA is in receipt of a Draft Section 106 agreement which would seek to secure the proposed BNG commitment. The applicant's intention for any off site BNG delivery to secure gains within the same LPA as the associated loss is the correct approach. This will ensure that any losses in a particular locality are suitably replaced rather than treating the project area as whole entity and concentrating efforts in a precise geographic area, which

could be remote from where the greatest impacts or losses occur. The LPA continues to engage with the applicant on proposing possible locations for offsite works should they be required.

11. Noise and Air Quality Considerations

- 11.1. It is acknowledged that, as with any construction project, there will be some degree of disturbance that will occur. The extent of any such disruption will be dependant upon the location of the works relative to receptors and the nature of the works taking place at any given time. The most likely phase of the project that will give rise to disruption will be the construction phase. This is the element where any works on site will be at their most intensive. Once in operation the risks of disruption will diminish; the most disruptive elements once operational will likely be around the substation sites owing to their nature of operation and that they are a focus point of a higher concentration of infrastructure.
- 11.2. The LPA acknowledges the time sensitive nature of this project and notes the 'go live' date is arrived at as a result of other projects being activated elsewhere within the wider transmission network. We therefore welcome the inclusion of defined construction hours within the dDCO. These have been subject to discussion with the Councils Public Protection Team and as covered within the Statement of Common Ground the Council have no specific objections to raise in this regard. The specific restriction in respect of Piling works is considered important as such works can be the most disruptive by virtue of their nature.
- 11.3. It is noted that within the dDCO provision is made for a series of operations to take place outside of the core working hours. Any works which are agreed within the DCO to take place outside of the core working hours should only be those which are regarded as being of least disruption to nearby receptors and/or are works which for practical reasons (such as works across highways, railway lines or watercourses) can only take place at alternative agreed times with the relevant undertaker in order to minimise disruption upon operational transport networks.
- 11.4. It is acknowledged that the inclusion of a clause within the dDCO to allow the 'completion of operations commenced during the core working hours which cannot safely be stopped' is intended to provide a degree of necessary flexibility to allow contractors to work outside of core hours to ensure that works can be either completed or be completed to a point whereby they can be safely stopped. The LPA would respectfully request that the ExA, as far as

they can, ensure that this flexibility does not become a matter which could be open to abuse by the developer. If possible, it should be incumbent upon the developer to sequence works as best as possible so as not to require working outside of the core hours.

- 11.5. With specific regard to the works proposed within the CYC area the LPA, as it has outlined previously, wish to see all works take place in a manner that minimises disruption to nearby residents as far as practicable.
- 11.6. With regard to air quality, the project is considered likely to give rise to various air quality issues during the construction phase. Areas with significant earthworks have the potential to generate dust within the immediate locality. There is also the potential for overall air quality to be impacted by virtue of the transport movements directly associated to the project which would otherwise not take place. It is however noted that in both cases, the applicant has concluded within their Environmental Statement, such impacts would not be considered to be significant.
- 11.7. It is noted that the applicant has assessed, within works Section B, that the Dust Emission Magnitude from Demolition, Earthworks, Construction and Trackout range from Medium to Large. However, the overall sensitivity of this area is considered to be low. This is largely due to the location of the works relative to high sensitivity receptors; there fewer than 5 residential properties within 50m of the order limits and fewer than 100 residential properties within 100m.
- 11.8. The measures set out within the submitted Construction Code of Practice are generally welcomed by the LPA. These measures should be capable of achieving a balance between facilitating development in a timely manner in the event of the DCO being granted; whilst also providing important and necessary mitigations and safeguards to those receptors most impacted by the development.
- 11.9. More generally the project is intended to provide additional capacity for the transmission of energy from a greater number of de-carbonised sources such as offshore wind and solar. The decarbonisation of the energy grid and a move away from energy generated from fossil fuels should also introduce air quality benefits over the operational lifespan of the infrastructure. Albeit such improvements would be most notable in locations where energy generation currently occurs rather than within this section of the transmission network.

12. Highways Considerations

- 12.1. In the context of this project significant highways and transportation impacts are not expected once the project becomes operational; once operational the scheme would not be anticipated as being a traffic generator, save for periodic schemes of maintenance or the day to day operation of operational substation sites. The proposed works at Osbaldwick would primarily utilise existing routes and means of access.
- 12.2. It is considered that the primary highways impacts would occur during the construction phase of the project. These impacts will be due to increased vehicle movements around the works areas and the need in some areas to utilise temporary access arrangements from the existing highway network to allow access to work areas.
- 12.3. It is noted from the submission documents that the applicant has not identified any permanent effects on any Public Right of Way (PROW) or Other Routes with Public Access (ORPA). They do however acknowledge that there will be instances where the proposed works do affect PROWs or ORPA's temporarily during the construction phase. Therefore, to conduct the construction phase in a safe manner the applicant proposes a suite of management measures they can utilise. These include signage schemes, temporary stopping, temporary stopping with diversions and active management. The LPA notes that there will also be a need to temporarily divert part of National Cycle Network (NCN) route 65.
- 12.4. The various NCN routes into and out of York provide important connectivity into the city centre for cyclists. The LPA would wish to see any disruption to these routes and existing PROWs and ORPAs kept to a minimum. Any diversions, temporary stopping up or closures should be well publicised in advance and where necessary or appropriate the Local Highway Authority be notified in advance.
- 12.5. During the pre-application process colleagues in the Local Highway Authority have engaged with the applicant on several matters which have informed the detail of the submission. These matters are outlined within the separate Statement of Common Ground.
- 12.6. Given the nature and extent of the proposed development when considered as a whole and the likely transport movements that would be generated during the construction phase. The LPA considers it important that adequate

measures for the management of construction traffic are secured. Therefore the inclusion of Construction Traffic Management Plan is welcomed.

13. Socio-Economic Considerations

- 13.1. Collectively the policies contained within the York Draft Local Plan aim to deliver sustainable patterns and forms of development to support the ambition of being a city whose special qualities and distinctiveness are recognised worldwide. It seeks to strike a balance between promoting growth, by delivering the level of housing and employment land the city requires but also safeguard the historic environment which is intrinsic to York and the wider environment.
- 13.2. Delivering the aspirations of the Local Plan will require a range of infrastructure to support development. This will take numerous forms and include interventions specific to a particular site or locality. However, it will also require infrastructure of the type being proposed within this project. Communities require a robust and reliable energy transmission network to allow them to prosper.
- 13.3. As has been outlined within the applicant's submission there are a number of factors which are changing the way in which energy is generated, where it is generated, and how and where it is consumed. The transmission network used to move this energy around the country needs to adapt and evolve to keep pace with these changes.

14. Requirements of the DCO

- 14.1. The LPA would take this opportunity to highlight to the ExA the concerns it has around some elements of the dDCO. Specifically, within Schedule 4 Discharge of Requirements. In respect of Schedule 4 (1) the LPA has concerns with regard to the time constraints these provisions would place upon the LPA, such as the requirement for consultation with a requirement consultee to take place within 3 business days of receipt of the application or 7 days in the case of the requirement not specifying consultation with a requirement consultee.
- 14.2. As outlined earlier in this report the LPA acknowledges the time sensitive nature of the project. However the concern with regard to these time constraints is that they may be too stringent upon the LPA and ultimately hamper the LPAs ability to deal such submissions.
- 14.3. Subsequent discussions with NGET have indicated that in practice the Discharge of Requirements process would be subject to pre-application

discussions. Such discussions will allow the LPA to have sight of the relevant information prior to its formal submission and allow discussions and input from specialist technical advisors to be secured; the LPA welcome this. This should make the formal discharge of requirements process smoother. However there appears to be no provisions made within the dDCO to formally secure this pre-application process in advance of the Discharge of Requirements Process. The risk to the LPA therefore remains with the only fallback or security to the LPA being the goodwill of the applicant in maintaining the open and constructive dialogue that has occurred to date.

- 14.4. The LPA would respectfully request that the ExA consider whether any mechanisms could be included in the DCO to require the applicant to undertake the pre-application process in advance of submitting a formal Discharge of Requirements request or whether there would be scope to utilise a greater degree of flexibility in the prescribed timings which may be more favourable to the LPA's.
- 14.5. The LPA also consider it important that a suitable application fee is paid in respect of the Discharge of Requirements process. The fee of £116 as set out in Schedule 4, 2, (1) (a) is noted as to is the provision in Schedule 4, 2, (1) (b) which would have the effect of ensuring any required fee would track any changes made within the statutory fees regime. This is considered particularly relevant given the current national consultation regarding potential planning application fee increases.

15. Conclusion

- 15.1. CYC will continue to engage positively with NGET and the Examining Authority and welcomes further engagement in the examination process.