

Yorkshire Green Energy Enablement (GREEN) Project

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

Responses of North Yorkshire Council

		QUESTION	RESPONSE
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	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).	Submitted at deadline 2 separately
Q1.2.2	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	Cumulative effects: inter-project assessment 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. Do the local authorities agree with the plans and projects shortlisted for inclusion within the cumulative effects assessment (ES Chapter 18 [APP-090])? 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?	FROM THE LPA IN THE HARROGATE AREA Q1.2.2 (a) 19/00017/EIAMAJ Outline planning application for the construction of up to 4,000 residential dwellings (Use Class C2 and C3), employment land (Use Class B1, B2 and B8), a mixed-use local centre (Use Class A1, A3, A4, A5 and D1), two primary schools (Use Class D1), and associated infrastructure including site preparation, landscaping, open space, drainage, access roads, highways works and utilities with all matters reserved. Land Comprising Field At 444466 455810 Cattal is excluded. Undetermined. Q1.2.2.(b) There are no other plans or projects that have come to light since August 2022 that should be included in the shortlist of developments for consideration. THE SELBY PLANNING AREA can confirm that they are in agreement with the plans and projects shortlisted for inclusion within the cumulative effects assessment (ES Chapter 18 [APP-090]). The Applicant agreed this with North Yorkshire Council during the pre-application stage. It should be noted that ID40 was allowed at appeal in December 2022. North Yorkshire Council are aware of the following plans or projects that have come to light since August 2022 that should be considered for inclusion in the shortlist of developments for consideration in the inter-project assessment: <ul style="list-style-type: none"> 2022/0732/FULM - Change of use of land to fish farm, installation of security fence and gates, hardstanding, erection of buildings, CCTV cameras and 4 lakes for holding sturgeon - Land South Of Electricity Substation, Rawfield Lane, Fairburn – currently awaiting decision.
Q1.2.4	The Applicant	Cumulative effects: battery storage projects at Monk Fryston 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	Whilst directed for the applicant, the planning Authority in the Selby District area provided copies of the requested documents for the ExA's convenience submitted under separate cover

		<p>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: Provide a copy of the decision. If permission has been granted, supply a copy of the approved plans and drawings. 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.</p>	
Q1.2.5	The Applicant and North Yorkshire County Council, or any successor body.	<p>Cumulative effects on biodiversity: Lumby quarry 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. Can the Applicant and North Yorkshire County Council provide any update about the status of Lumby quarry planning application ref. NY/2022/0102/ENV? [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? 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?</p>	<p>a) The application is still outstanding and is currently out for re-consultation on further environmental statement information b) The quarry is not consented and still requires further information from the applicant due to re-consultation responses from the Highways authority and Yorkshire water. c) The NYC landscape officer requested further information in regards to cumulative impact and NYC planning are waiting for a re-consultation response on their view on the cumulative impacts which includes the new approved battery storage facility.</p> <p>NYC will commit to responded further on this matter as the Lumby application develops.</p>
Q2.0.1	Hambleton District Council, or any successor body, and the Applicant	<p>Air quality monitoring: A19 through Shipton by Beningbrough 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. 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? 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>	<p>The monitoring has shown no breaches to date. In fact, the pollution levels have been relatively low over the monitoring period and anticipation of an issue arising is low.</p> <p>The only issue would be the potential for pollution should traffic management during construction fail, resulting in significant queuing traffic on the highway.</p> <p>The Authority is continuing with the long term pollution monitoring.</p>
Q2.0.3	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 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>Q2.0.3 questions whether or not dust control measures set out within the Code of Construction Practice (CoCP), as secured by Requirement 5 of the dDCO, are sufficient to suitably control potential dust impacts on nearby residential receptors.</p> <p>It is stated that the implementation of the CoCP will be through contractors and fed into the relevant contracts for the Yorkshire GREEN construction works. The principal contractor will then be expected to prepare management plans detailing how some of</p>

		In the absence of such a Plan are the measures set out in [APP-095] likely to be sufficient?	<p>the management measures and principles provided in the CoCP will be implemented and monitored effectively. Consequently, dust control measures within the CoCP are vague, for example Table 3.9 AQ01 ‘carry out regular site inspections (on and off-site) to monitor compliance’ – how frequently and by whom? What is the threshold of acceptability and remedial action in the event of exceedance? It is suggested that ‘dust suppression and stockpile management will be provided as necessary to minimise airborne emissions’ (Table 3.6 GH02) but little detail beyond this despite dust suppression being a fundamental dust mitigation measure – where is the water supply coming from? At what point does dust suppression become necessary (proactive/reactive?).</p> <p>Overall, while the detail is vague, there is a commitment within the CoCP for contractors to prepare a dust mitigation strategy. There are no objections to this approach provided that there is a mechanism for formal consultation. I would also support a standalone Dust Management Plan as suggested.</p>
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 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>	<p>As the BMS is secured under Requirement 5 of the DCO and the BMS refers to the lighting strategy being drawn up in accordance with this guidance:</p> <p>Institution of Lighting Professionals and Bat Conservation Trust (2018). Bats and artificial lighting in the UK. Bats and the Built Environment series (Guidance Note 08/18)</p> <p>The Authority is satisfied that in reviewing Requirement 6d) we can ensure that the lighting strategy conforms with the above guidance in locations where protected species are identified.</p>
Q4.3.2	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>Reasonable alternatives and necessity of land and rights Are any of the Councils in their roles as the Local Planning Authority and the Highway Authority aware of: Any reasonable alternatives to the CA or the TP which is sought by the Applicant? Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed?</p>	<p>The Authority is not aware of any alternatives to the CA or TP sought by the applicant. The Authority reserves the right to consider this further as it discuss the Construction Traffic Management Plan with the Applicant in more detail understanding that such conversations will be complete well within the examination period, in line with the timetable for discussions set out below.</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 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>	<p>The Authority is in the process of reviewing the CTMP with the Applicant.</p>
Q5.1.6	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>Article 5: Limits of Deviation, sub-para (4)(a) and (4)(b): Parameter Plans 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>	<p>Parameter Plans-</p> <ul style="list-style-type: none"> - MONK FRYSTON -DCO_DE/PS/15_01 -DESIGN DRAWING: SUBSTATION PARAMETER PLAN -DCO_DE/PS/19_01 DESIGN DRAWING: PARAMETER PLAN FOR TADCASTER WEST 275kV CABLE SEALING END COMPOUND -DCO_DE/PS/20_01-DESIGN DRAWING: PARAMETER PLAN FOR TADCASTER EAST 275kV CABLE SEALING END COMPOUND <p>General comment- to all -the parameters plans are limited to the extent to of the substation area and intended position of main control buildings. Maximum heights are</p>

			given but it doesn't include access, landscaping areas or construction areas which would normally be on a parameters plan for an outline type of application. The Authority would like to understand why the plans do not include this detail.
Q5.1.15	North Yorkshire County Council, or any successor body City of York Council Leeds City Council Statutory Undertakers	Article 12: Application of the 1991 Act 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?	The Authority does not support the inclusion of this Article in the DCO. For the wide ranging exclusions of the 1991 Act to be included in the DCO, the Authority would need to insist upon a mirroring of that act within the CTMP rendering its exclusion from the DCO meaningless and confusing. It is not acceptable to the Authorities.
Q5.1.16	North Yorkshire County Council, or any successor body City of York Council Leeds City Council	Article 13: Power to alter layout, etc. of streets 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. a) Provide your views on this article, if not set out elsewhere, or signpost where a response can be found.	The Authority would expect to see this article or something similar within the DCO and the Authorities intend to cover the CTMP in detail with the Applicant to understand its limits. The Authority does object to the timescale proposed for the 'guillotine' clause and request the timescales are brought in line with other discharge of requirements which we have requested be put at 8 weeks.
Q5.1.19	North Yorkshire County Council, or any successor body City of York Council Leeds City Council	Article 14: Temporary stopping up of streets, cycle tracks and public rights of way Are you content with the wide nature of the powers authorising alteration and use as a temporary work site within the Order Limits? If not, propose alternative drafting in response to this question or signpost where you have provided that if included elsewhere. 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?	The Authority would expect to see this article or something similar within the DCO and the Authorities intend to cover the CTMP in detail with the Applicant to understand its limits.
Q5.1.30	Local Highway Authorities	Article 45: Traffic Regulation Article 45 and Schedule 14 of the dDCO [AS-011] relate to traffic regulation. 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?	North Yorkshire Highways is not content with the time limit proposed and would seek 8 weeks in line with other discharge of requirement timescales.
Q5.1.35	Historic England North Yorkshire County Council, City of York Council	Article 51: Removal of human remains Do you have any comments on the powers conferred under article 12? If so, set these out, including any changes to drafting that you consider necessary.	We have assumed this should read Article 51. Such an article is expected and there are no drafting concerns with the article.
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	Other associated development 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.	This lists works which can be carried out to achieve the main development at Monk Fryston but which don't need any further consent or control is extensive and not all are sufficiently precise. Comments on specific items below; a)- this could allow quite extensive works which could impact on the items listed and the LPA may receive complaints or queries if the details are not previously known or agreed. b)- as above. g)- this is too vague. It is difficult to understand what such works might encompass or who would assess whether they were for the benefit or protection of the environment i), j), k)- highways and the footpath officers are likely to have safety concerns at some specific locations to be picked up in CTMP discussions.

			<p>k) This allows vegetation removal in site preparation but it is not clear whether this still needs to comply with the landscaping scheme and the requirements to protect existing vegetation</p> <p>l) assumes soil stripping and earthworks will not impact on vegetation</p> <p>q) not clear what is meant by 'name plates'</p> <p>s) Allows the permanent installation of roads, gates and fencing- would these not be subject to Highways specific requirements (conditions)?</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>	<p>Requirement 1</p> <p>The Authorities would expect to see protection of vegetation.</p>
Q5.4.5	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 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>Is it sufficiently clear to you what a 'stage' means in this context?</p> <p>Are you content with the drafting and practical application of Requirement 4?</p> <p>Should the written scheme be subject to approval by the relevant planning authorities?</p> <p>Should any amendments to the written scheme be subject to an approval process?</p> <p>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>	<p>"stage" means a defined stage of the authorised development, as described in a scheme submitted to the relevant planning authority pursuant to requirement 4 (stages of authorised development);</p> <p>a) It's not clear how the 'Stage' relates to the Works No Areas. Will a written scheme be required for each work area?</p> <p>b) No because it doesn't require any agreement by the LPA and is simply a notification process.</p> <p>c) Yes it should be subject to approval by the LPA as some stages many require the LPA involvement such as road closures or site inspections or to make notifications. The LPA should be able to impose reasonable requirements on the stages if needed.</p> <p>d) For the same reasons yes – amendments should be subject to LPA approval</p> <p>e) Yes preferably.</p>
Q5.4.7	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 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 (AIA) [APP-102] to [APP-104] as set out in dDCO Requirement 8. The Applicant confirmed this is the case at ISH1.</p> <p>b) Do you consider the permanent landscape works, which would be based on the outline landscape mitigation strategies to be adequately secured?</p> <p>c) If not, what further information do you consider is required?</p> <p>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?</p> <p>e) What else might be useful if not?</p> <p>f) Are there any other geographic areas where you consider outline plans should be provided?</p>	<p>A) The Authorities understand the split with the areas of identified landscaping and that which will be subject to further approval. The issue with the landscaping is not of the split but with the nature of the landscaping provided at those locations which we do not consider compliment the surroundings as they should.</p> <p>B) Yes.</p> <p>C) –</p> <p>D) Yes</p> <p>E) –</p> <p>F) Not at this stage.</p> <p>G) The Authority will comment on the strategies as they come forward.</p> <p>H) The Authorities would expect to see a longer maintenance programme and would suggest a term of 30 years.</p>

		<p>g) Are there any exemplar planting types/ situations which you consider should be provided?</p> <p>h) Are you content with the proposed five years for the maintenance regime as set out in sub-para 8(2)(c)?</p>	
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 If not provided elsewhere, set out comments you may have on the wording of Requirement 9. Are you satisfied that five years is sufficient for replacement planting to be undertaken?</p>	The Authority welcomes the drafting of requirement 9 except as in answer to q5.4.7 the Authorities would expect to see a longer maintenance programme and would suggest a term of 30 years.
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 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. 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?</p>	<p>Q5.4.10 – Is the Tree and Hedgerow Protection Strategy meant to incorporate an Arboricultural Method Statement (AMS) ; how the impacts noted in the Arboricultural Impact Assessment (AIA) and nominated arboriculturist ensures the AMS is implemented to include overseeing the replacement planting. An AMS is the practical options for overcoming the risks to trees noted in the AIA. A site of this complexity would require the retention of an arboricultural specialist to ensure the AMS is implemented. The AMS would need to cover elements such as specialist ground protection within or close to the RPA's e.g. ground protection boards with the appropriate axle weight to cover the plant required on site</p> <p>The AIA itself is very comprehensive and drawings show the root protection areas and tree locations.</p> <p>•• •</p> <p>To secure the protection of the trees the following conditions are recommended</p> <p>(a) No development shall commence on site before the approved tree report detail (<i>specified document</i>) including root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.</p> <p>(b) Prior to commencement of an approved scheme an Arboricultural Method Statement (AMS) is to be submitted for approval. The AMS will provide the detail to address the divergences noted within the submitted AIA.</p> <p>(c) Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures to ensure that all tree protection measures have been installed in accordance with the approved RPA. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.</p> <p>(d) The Arboricultural Method Statement (to be submitted and approved) presented in support of the application shall be adhered to in full and evidenced with written monthly comments to LPA arboricultural officer by the applicant's arboricultural agent. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written</p>

			evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.
Q5.4.12	North Yorkshire County Council, Hambleton District Council, Harrogate Borough Council, and Selby District Council, or any successor body	Requirement 12: Contamination of land or groundwater, etc 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>It is considered that an unexpected land contamination condition should be incorporated adapted from the Yorkshire and Lincolnshire Pollution Advisory Contaminated land Group planning guidance such as to apply to areas along the development site where land contamination is not expected but clearly it is not appropriate for areas where land contamination is already suspected or identified ;</p> <p>In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.</p> <p>Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.</p>
Q5.5.5	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 Environment Agency Internal Drainage Boards	<p>Schedule 4: views of future discharging authorities</p> <p>a) Set out your views on Schedule 4, covering (but not limited to): 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> <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>	<p>North Yorkshire Council made comments on the wording of Schedule 4 of the dDCO in Section 18 of their Local Impact Report.</p> <p>North Yorkshire Council would wish to see the following changes to timescales:</p> <ul style="list-style-type: none"> • Article 1(1) – change 35 days to 8 weeks. • Article 1(3) – change 7 business days to 21 working days. • Article 1(4) – change 3 working days to 5 working days. • Article 2(2)(b) – change 35 days to 8 weeks and add in the following text – <i>“unless a longer period of time for determination has been agreed with the undertaker in accordance with (1)(1)(c)”</i>. <p>If requirements are to be discharged in parts, North Yorkshire Council are of the view that a fee should be payable as per Article (2)(1)(a) for each request to discharge part of a requirement. It is suggested that a definition of ‘application’ is added to the Article (5) to set out that a ‘application’ means an application for any consent, agreement or approval required by a requirement whether or not the application seeks to discharge a requirement in whole or in part. Whether it is appropriate to discharge a requirement in part will depend upon the nature of the requirement.</p> <p>The proposed appeal provisions set out in Article (3) are considered to be acceptable by North Yorkshire Council.</p>

			North Yorkshire Council would ask that Article 1(5) is removed as it is not clear what benefit this would have. If the relevant authority did not notify the undertaker of a request for further information within the specified period, but required further information in order to be able to positively discharge the requirement and the undertaker refused to comply with this request, the outcome would have to be for the relevant authority to refuse the request to discharge the requirement(s).
Q6.0.1	Environment Agency, Lead Local Flood Authorities, Internal Drainage Boards: Ainsty IDB, Foss IDB and Kyle and Upper Ouse IDB.	Bridge and culvert crossings 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?	Further details are required to understand the design of the bridges however the LLFA would expect the applicant to adequately secure the structures in line with the anticipated vehicle movements.
Q6.0.5	The Environment Agency, Lead Local Flood Authorities, Ainsty IDB, Foss IDB, Kyle and Upper Ouse IDB	Discharge of Water Article 19 of the dDCO [AS-011] provides for the prior approval of water discharge arrangements from the relevant owner. Are you content that these arrangements are acceptable?	The Authority would expect prior approval from the necessary authority as either LLFA or relevant IDB of any drainage or discharge arrangements and such approval should be included in the Article.
Q7.0.4	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	Level of detail of information where site-specific infrastructure is proposed 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?	The Authority will continue to consider this point and work with the applicant.
Q8.0.1	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	Green Belts, Planning Statement [APP-202] 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. 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.	A full response to this question is provided separate PDF. It should be noted that the response is provided on behalf of the Selby Planning area.
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	Green Infrastructure policies 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? If not set out what is required to meet those policies.	The Authority has no concerns with the green infrastructure policies being met.
Q9.2.3	Historic England and Selby District Council, or any successor body	Marston Moor Registered Battlefield and the Battle of Towton 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?	The Authorities would defer to Historic England on this point.

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	Effects of permanent loss of agricultural land 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. Do you agree that these effects would be of moderate significance? If not, why not?	The Council agrees that the effects on agriculture from the permanent loss of between 5-20 hectares of Agricultural Land Classification (ALC) Grades 2 to Subgrade 3b within the administrative boundary is considered to be of moderate significance, given the limited hectarage that would be permanently lost compared to the total BMV land within the authority area and the dispersed nature of the permanent loss of agricultural land. It is noted that the temporary loss of land from agricultural land production would be greater and that this could be for a substantial period of time and therefore the loss of agricultural land and effect on agriculture and land that contributes towards national food security needs to be weighed in the planning balance.
Q11.4.1	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	Ongoing work on detailed aspects of the landscape and visual mitigation 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 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: Explain what further information is required, including clarification for long-term maintenance and management. 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? Are there mechanisms set up for this to continue post-consent if the Order is consented?	a) <u>Outline Landscape Mitigation Strategy (proposed substation sites and Tadcaster CSEC)</u> We would welcome an opportunity to continue to work with the Applicant on detailed aspects of the landscape and visual mitigation, to ensure an appropriate response in keeping with local landscape character and the opportunity to integrate with existing habitats in the vicinity. We would be able to clarify the further information required at a meeting with the Applicant. More specifically, we are concerned about the lack of mitigation to the perimeter of the fencing enclosure to the Tadcaster Tee West facility particularly as it is visible from the A659 (5.4.6 ES Chapter 3: Description of the Project, Figure 3.11: Outline Mitigation Strategy (Tadcaster)). We would welcome an opportunity to continue to work with the Applicant on this detailed aspect of the landscape and visual mitigation. a) <u>Outline Landscape Mitigation Strategy</u> There is no evidence in Chapter 6 Landscape and Visual as to how the significant adverse effects on the landscape receptors will be addressed or mitigated beyond the outline landscape mitigation strategy for the proposed substation sites and the Tadcaster CSECs. We would be able to clarify the approach to address significant adverse effects and further information required at a meeting with the Applicant.
Q12.0.2	Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council and Selby District Council, or any successor body	Noise Assessment Methodology In your joint Local Authorities' RR you have commented that; "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. 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." 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	We are asked if there are any further comments regarding noise assessment methodology having regard to related documents. I would continue to express concerns that National Grid are proposing to adopt company-derived assessment methodology when there is a British Standard for rating and assessing industrial and commercial sound (BS4142:2014+A1:2019). There is uncertainty regarding the peer review consultation process relating to National Grid assessment methodology and I would recommend that this is confirmed with the applicant. The key issue is centred around the trigger for Tier 3 assessment (when operational noise exceeds 37dBA). This is of particular concern due to the uncertainty surrounding existing background sound levels at sensitive receptors and the impact such noise levels will likely have. This is acknowledged in Appendix 14G – National Grid Technical Report (Section 7, para 3): <i>Criteria set relative to background take account of the existing noise climate in the area and how likely it is that a noise will cause an adverse impact. This has the benefit of tailoring the noise criteria to each individual receptor. It has the drawback of being time-consuming to undertake the assessment, has risks of lone working, may</i>

		<p>comments to make in relation to the Applicant's noise assessment methodology?</p>	<p><i>overestimate the impact in areas with low background noise levels and does not give clear direction to the business on acceptable levels of noise from OHL's.</i></p> <p>The background assumptions of 30dB L_{A90,T} (day) and 25dB L_{A90,T} (night) are realistic in this locality however, consequently, the methodology appears to permit noise impacts of +7dB (daytime) and +12dB (night time) before progressing to Tier 3 assessment which is an indication of adverse (>5dB) and significant (>10dB) noise impacts in accordance with the standard. It is acknowledged that background levels increase with rainfall, and that operational noise increases with such, and this should be quantified in such a way that true noise impacts can be appreciated.</p>
Q13.0.2	Selby District Council	<p>Travellers' Site adjacent to the A63 near to the A1(M) junction. 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. Can the Council provide the following information about the site: The planning history and current permitted use/ status of the travellers' site. Whether there is any ongoing enforcement action to resolve any outstanding planning matters? If so, provide a copy of any relevant enforcement notices.</p>	<p>Copies of the PINS Decision for the traveller site and Enforcement Notice are submitted separately. In answer to the questions raised:</p> <ul style="list-style-type: none"> a) The use of the site as a 'traveller site' is unauthorised. The permitted use of the site is agricultural land, this is stated on the enforcement notice and was not amended at appeal. b) The enforcement notice was appealed and amended by the planning inspector. A copy of the original enforcement notice and appeal decision are attached. For clarification, the enforcement notice as amended at appeal requires that: <ul style="list-style-type: none"> Step 1 Cease the use of the Land as a residential caravan site. Step 2 Cease the use of the Land for the stationing of caravans, plant machinery, vehicles, portaloos, skips, items and other paraphernalia associated with the residential use. Step 8 Permanently remove from the Land all caravans, plant machinery, vehicles, portable toilets, skips and other items and residential paraphernalia, hardstandings, paths, roadways, fencing, and the provision of electricity and sewage for human habitation. <p>The notice took effect on the date of the appeal decision which was 15th December 2022. Time for compliance is 12 calendar months from the date this notice takes effect so by the 15th December 2023.</p> <p>No enforcement action is taking place as the time for compliance has not expired. If the enforcement notice is not complied with then the Council would consider taking formal enforcement action.</p>
Q14.0.3	The Applicant and Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City Council)	<p>Traffic Management: Abnormal Loads 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> <p>To Applicant and Local Highway Authorities:</p>	

		<p>When is it envisaged that such discussions will take place? 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> <p>To Local Highway Authorities: 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?</p>	<p>Agree if this provides the LHA with more information and especially timings an Abnormal Loads management Plan should be provided.</p>
Q14.0.4	Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City Council)	<p>Potential requirement for further off-site highway works The joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] advise that "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".</p> <p>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? 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? 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. 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?</p>	<p>The layout of East Lane and Corban lane within North Yorkshire Council are likely to restrict large vehicles travelling along the length of the road. This is why a weight restriction order is in place. The order simply restricts the size of vehicles due to the alignment of the road and is therefore an environmental order not a weight limit as such.</p> <p>East lane has a number of bends along its alignment and large vehicles will over run the verge creating a hazarded assuming they will be able to make the maneuver in the first place. It is believed that any work required will be within the DCO area as East Lane & Carbon Lane have been included in DCO. If improvements were not made on the network close to this section of the project the LHA considers highway safety may be compromised. Vehicles are likely to over run the other side of the road or leave the carriageway which is not acceptable.</p>
Q14.0.5	The Applicant and North Yorkshire County Council, or its successor body	<p>Access: design standards In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that "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".</p> <p>To the Applicant: Explain your use of a design standard that does not necessarily follow what the Local Highway Authority wishes to see?</p> <p>To North Yorkshire County Council: Has the Applicant been made aware of your preferred design standards and are these publicly available? 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.</p>	<p>The standard details are available on the new Councils web site and were on the previous web site. The highway authority is only concerned with works within highway limits. Although the Highway Authority needs to be comfortable that any works near to the highway will not affect the safety of the travelling public.</p>

Q14.0.6	The Applicant and North Yorkshire County Council, or its successor body	<p>Routeing of construction traffic north of the A63 and west of Lumby 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: 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.</p>	This route is not acceptable and unfortunately not highlighted to the Authority. The Authority would expect the developer to use the works corridor as a haul road to assess the site.
Q14.0.7	North Yorkshire County Council, or its successor body	<p>Construction Management Plans In the joint Local Authorities’ RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that the Local Highway Authority “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).” Is your reference to the “construction management plan” 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. 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>	Requirement 6 gives a list of number of plans but are not reliant as far as the LHA understands and would look to the Construction Management plan for the development to provide information relating to methods of construction, traffic management proposals and safety assessments. Each site would need review and a general method to construction would be required. The authority as it understands believes the Construction management Plan needs to be developed to include this information and method. Surface water discharge on site may also need to be managed and again would seek clarification from the developer.
Q14.0.9	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: 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: Do you consider that there is sufficient clarity in the PRoWMP regarding the expected locations, timing and frequency of condition surveys and</p>	NYC would agree that there is a lack of detail regarding the condition surveys and would encourage further discussion between the parties to understand how details will be captured and recorded. NYC would stress the importance of recording surveys in a way sensitive to the resources of the Council’s public rights of way team

		timescales for reinstatement work (if required) post-construction to adequately secure this commitment?	
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 "construction management plan and construction travel plan" 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>	<p>Further work is required to develop the construction traffic management plan with the details listed above Q14.0.7.</p> <p>The Applicant has provided the Authority with a proposed timetable to consider the requirement but unfortunately the Authority is unable to meet the timescales proposed. While the Authority thanks the Applicant for its assistance in this regard it will need to consider the work required and propose a timetable for the review of the CTMP to the applicant. We will schedule the work to complete before the end of the examination.</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>	<p>The Local authority would require TRO and the developer would need to consider timescales as we work around a 3 month timescale for order to be published and advertised. This involved a period of consultation on line or within written papers so giving residents time to objected.</p>