

YG-DCO-100

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

**Document 8.9.1 Applicant's Response to Examining Authority's First
Written Questions (ExQ1)**

**Final Issue A
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Version History

Document	Version	Status	Description / Changes
26/04/2023	A	Final	First Issue

1. About this document

1.1. Introduction

- 1.1.1. This document provides National Grid Electricity Transmission plc's (National Grid) (the Applicant) response to the Examining Authority's (ExA) First Written Questions (ExQ1) on the Yorkshire Green Energy Enablement Project (Yorkshire GREEN or the Project).
- 1.1.2. Responses to questions are provided only where a response was requested by the Applicant, unless specifically stated otherwise.
- 1.1.3. A number of appendices have been prepared to respond to specific questions, these appendices are set out **Applicant's Response to Examining Authority's First Written Questions (ExQ1) Appendices (Document 8.9.2)**. Where an appendix is referred to in responding to a question in this document, the appendix reference alone is provided (for example, "Appendix A"). A full schedule of appendices is provided in Document 8.9.2 against the questions to which they relate.

2. Applicant’s Response to Examining Authority’s First Written Questions (ExQ1)

2.1 General and Cross-topic Questions

Table 2.1 – General and Cross-topic Questions: Application Documents: Clarifications and Updates

Ref No.	Respondent:	Question:
1.0	1.0 Application Documents: Clarifications and Updates	
Q1.0.1	The Applicant	<p>Project description</p> <p>The project description in the Environmental Statement (ES) [APP-075] describes the proposed works. Whilst data are available in the text, the ExA would find it helpful to have the following numerical information set out (acknowledging that there would be variation arising from limits of deviation (LoD)):</p> <ul style="list-style-type: none"> a) length of new 400kV overhead line (OHL); b) length of new 275kV OHL; c) length of new underground connections between cable sealing end compounds (CSEC); d) length of new underground diversions of existing OHL; e) number of new pylons, giving range of height; f) length of OHL removed; g) length of OHL replaced/ realigned; h) number of pylons removed; i) number of pylons replaced, stating increase/ decrease in height relative to existing; j) length of OHL reconducted; and k) length of OHL temporary diversion
		Applicant’s Response:

Ref No.	Respondent:	Question:
		<p>National Grid have set out the numerical information requested in Table 1, which provides a summary of the lengths and quantities for points a to k above. The figures are indicative and reflect the figures provided in the ES, however, are subject to the Limits of Deviation (LoD).</p> <p>The following notes (provided for each point a – k) have been produced alongside Table 1, and are there to provide additional clarity on what the lengths and quantities in Table 1 are based on and represent:</p> <ul style="list-style-type: none"> a) Lengths of proposed new 400kV overhead line for the YN route and 4YS route. b) Lengths of proposed new 275kV overhead line for the XC route, covering the section from proposed new Overton Substation into proposed new pylon XC422 and the SP route, from existing pylon SP007 to Overton Substation. c) Lengths of new underground connections between Cable Sealing End Compounds (CSEC), covering the 400kV underground cable (UGC) between Shipton North and Shipton South CSECs, and 275kV UGC between Tadcaster Tee East and Tadcaster Tee West CSECs. d) The lengths of new underground diversions of existing overhead line have been interpreted as the existing Northern Power Grid (NPG) (both North-East and Yorkshire) overhead assets that are to be undergrounded (diverted) to facilitate the Proposed Development. These are represented by Work Numbers U1 to U9 and U11 to U15 on the Works Plans Sections B to F (Documents 2.6.2 to 2.6.6 [APP-021 to APP-025]). An overall length has been provided for the existing NPG overhead assets to be diverted, and an overall value for the length of the underground diversions has also been provided. e) The quantities of new pylons have been provided for each proposed route, and a range in height for 400kV and 275kV pylons has been provided: <ul style="list-style-type: none"> i. YN 400kV overhead line from pylons YN001 to YN008. Pylons YN009 and YN010 are excluded as these are gantry structures within proposed new Overton Substation. ii. SP 275kV overhead line from pylons SP003 to SP006. Pylons SP001 and SP002 are excluded as these are proposed new gantry structures within proposed new Overton Substation. iii. XC 275kV overhead line from pylons XC416 to XC421. Proposed new pylon XC422 is classed as a 'replacement pylons' as it forms part of the XC overhead line reconfiguration/ realignment and replaces existing pylon XCP007. Pylons XC415 and XC414 are excluded as these are gantry structures within proposed new Overton Substation.

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> iv. XC 275kV overhead line comprising pylon XC526. Proposed pylons XC522 to XC525 are classed as 'replacement pylons' as these form part of the XC overhead line reconfiguration/realignment into the new Monk Fryston Substation. f) Lengths of existing overhead line to be removed, covering the existing XCP conductor from pylons XC428T to SP007, XC428T to XC429T, XC521 to XC525T and 4YS029 to 4ZZ001A. Pylons to be removed are detailed in response h. g) Lengths of overhead line to be replaced/realigned are also referred to throughout the Environmental Statement as 'Reconfiguration'. The lengths cover: <ul style="list-style-type: none"> i. Replacement of existing overhead line from pylon XC429T to pylon XCP007, with new overhead line from pylon XC429 to pylon XC422. ii. Replacement of existing overhead line from pylon XC521 to pylon XC52T, with new overhead line from pylon XC521 to pylon XC525. Note existing pylon XC525 is not being replaced, but forms part of the realignment. h) The quantities of existing pylons to be removed include: <ul style="list-style-type: none"> i. Pylons XCP008 to XCP013. Pylons XCP001 through to XCP007 as covered in pylons to be replaced. ii. Pylon XC428T. Pylon XC429T is covered in pylons to be replaced. i) The quantities of existing pylons to be replaced have been provided for each route. Increases in pylons heights has been depicted by blue text and decreases by green text in Table 1. <ul style="list-style-type: none"> i. Existing pylons XCP008 to XCP013 are covered in pylons to be removed above, therefore only pylon XCP001 to XCP007 are to be replaced with new pylons. j) Lengths of overhead line to be reconducted cover: <ul style="list-style-type: none"> i. The existing YR route between pylons YR036 and 2T169. ii. The existing XC route between pylons XC429 through to XC521. Pylons XC428 through to the proposed new Overton Substation, and pylons XC522 through to the proposed new Monk Fryston Substation are classed as both 'Overhead line to be realigned/replaced' and new build overhead line.

k) Lengths of temporary overhead line cover the temporary YR route, XC/XCP route, XC route and XD route.

Table 1			
a	Length of new 400kV overhead line = 3.0km		
	YN	2.8km	YN001 - Overton Substation
	4YS	0.20km	4YS029 - Monk Fryston Substation
<hr/>			
b	Length of new 275kV overhead line = 3.45km		
	XC	1.95km	XC422 - Overton Substation
	SP	1.50km	SP007 - Overton Substation
<hr/>			
c	Length of underground cables 275kV & 400kV = 0.58km		
	Shipton	0.23km	Shipton North - Shipton South (400kV)
	Tadcaster	0.35km	Tadcaster East - Tadcaster West (275kV)
<hr/>			
d	Length of Third Party Diversions = 4.03km (U1-U9, U11-U15)		
	OHL	3.64km	Length of existing NPG OHL assets
	UGC	4.03km	Length of underground diversions
<hr/>			
e	Number of New Pylons = 19		
	YN OHL	8	YN001 - YN008 (400kV)
	SP OHL	4	SP003 - SP006 (275kV)
	XC OHL	6	XC416 - XC421 (275kV)

Ref No. Respondent: Question:

			XC OHL	1	XC526
			Range in height (400kV) = 46m to 55m		
			Range in height (275kV) = 43m to 60m		
			Length of overhead line removed = 7.08km		
		f	XCP	5.00km	XC428T - SP007
			XC	0.26km	XC428T - XC429T
			XC	1.45km	XC521 - XC525T
			4YS	0.37km	4YS029 - 4ZZ001A
			Length of overhead line replaced/realigned = 4.35km		
		g	XC	2.75km	XC429T - XCP007 (XC429 - XC422)
			XC	1.60km	XC521 - XC525T (XC521 - XC526)
			Number of Pylons Removed = 7		
		h	XCP	6	XCP008 - XCP013
			XC	1	XC428T
			Number of Pylons Replaced = 14		
		i	YR	1	YR040T (YR040)
			XCP	7	XCP001 - XCP007 (XC428 - XC423, XC422)
			XC	1	XC429T (XC429)
			XC	4	XC522T - XC525T (XC522 - XC525)

Ref No. Respondent: Question:

			XD	1	XD001T (XD001)	
			(Brackets) = new pylons replacing existing pylons Blue = proposed replacement is greater in height Green = proposed replacement pylon lesser in height			
		j	Length of overhead line Reconductored = 29.6km			
			YR	1.75km	YR036 - 2TW169	
			XC	15.75km	XC429 - XC481	
			XC	12.10km	XC481 - XC521	
		k	Length of Temporary overhead line Diversions = 5.67km			
			YR	1.10km	2TW169 - YR039T - YR038T - YR038	
			XC/XCP	1.90km	XC422 - XCP006BT - XCP004T - XCP003	
			XC	0.57km	XC428T - XC430T - XC430	
			XC	1.10km	XC522T - XC550 - XC551 - XC525T	
			XD	1.00km	XC481 - XC481T - XD002T - XD003	

Q1.0.2	The Applicant	<p>Embedded Measures Schedule [APP-094] Can the Applicant submit an amended version of the Embedded Measures Schedule [APP094] with the following discrepancies rectified:</p> <p>a) Geology and hydrogeology (no ID number) – potential contamination from leakage or incorrect handling or storage of fuels and chemicals during construction would be managed through the Code of Construction Practice (CoCP) [APP-095], and therefore Requirement 5(2)(a) of the draft Development Consent Order (dDCO) [AS-011] should be identified. Item GH04 of the CoCP references that</p>
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Ref No.	Respondent:	Question:
		<p>measures to prevent leakage or incorrect handling are set out in Requirement 12 of the dDCO but this Requirement actually relates to existing ground contamination so this appears to be an error.</p> <p>b) ID11 Biodiversity – refers to a Landscape Management Plan under Requirement 5(2)(c) however no such plan appears in Requirement 5(2)(c) so this needs to be corrected.</p> <p>Applicant's Response:</p> <p>The Embedded Measures Schedule (Document 5.3.3A, [APP-094]) has been reviewed in line with the discrepancies identified. This has been updated and reissued as Document 5.3.3A(B) at Deadline 2 to correct the following references:</p> <p>a) Reference to the DCO requirement on page 20 has been changed to refer to DCO Requirement 5(2)(a) in relation to Geology and hydrogeology. In addition, Table 3.6 of the Code of Construction Practice (CoCP) (Document 5.3.3B), [APP-095] has been updated and is re-issued at Deadline 2 as Document 5.3.3B(B) to correct measure GH04 to remove reference to Requirement 12.</p> <p>b) Reference to the Landscape Management Plan as the delivery mechanism for Biodiversity measure ID11 on page 57 of the Embedded Measures Schedule (Document 5.3.3A, [APP-094]) has been corrected. The correct delivery mechanism is through the Biodiversity Mitigation Strategy secured by DCO Requirement 5(2)(c) (Document 3.1(B)) [AS-011]).</p>
Q1.0.3	The Applicant	<p>Other consents and licences</p> <p>Details of the other consents and licences that may be necessary in addition to the dDCO to implement the Proposed Development are set out in [APP-204].</p> <p>a) Can the Applicant provide an update on progress with obtaining these consents, licences and permits, where they may be required?</p> <p>b) Emerging Statements of Common Ground (SoCGs) with relevant consenting authorities should address these matters.</p> <p>Applicant's Response:</p> <p>a) Please find below a summary of the latest position (topic by topic):</p> <p><u>Biodiversity:</u></p>

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> • Bats – Statement in Details of Other Consents and Licences (Document 7.3) [APP-204] remains correct as things stand and the Deadline 1 SoCG (Document 8.5.5) [REP1-025] includes the same statement as for otter/water vole/badger i.e. insufficient evidence for a licence based on pre-DCO submission surveys. However, a bat roost has recently been found in post-submission surveys. A single pipistrelle (<i>Pipistrellus</i> sp) was recorded roosting inside a rot hole within a branch during an aerial climbing inspection. The timing of the survey indicates that it was being used as a hibernation roost. In view of the size and location of the roost feature it is likely that the tree may also provide occasional roosting habitat for a small number of bats during the bat active season (generally April to October). The survey findings are in keeping with paragraph 8.9.95 of ES Chapter 8: Biodiversity, (Document 5.2.8 [APP-080]) which states that “the likelihood of any important roosts being identified in the outstanding tree surveys is low, with any roosts likely to be of relatively common species”. The tree containing the roost (identified as T2244 on page 14 of Annex 3I.2, Document 5.3.3I (Part 2 of 3) Appendix 3I Arboricultural Impact Assessment) is adjacent to the access route to Pylon XC457 and is currently marked for removal on page 18 sheet 10 of Annex 3I.3, Document 5.3.3I (Part 3 of 3) Appendix 3I Arboricultural Impact Assessment. Following the identification of the roost, in accordance with the mitigation hierarchy the access route has been reviewed, and whilst the tree is not likely to be removed, it is not possible to confirm that some management works are not required. This could trigger the need for a derogation licence (and therefore LoNI). As such, National Grid will discuss with Natural England the requirement to obtain a LoNI in relation to bats, and the updated SoCG that will be submitted at Deadline 3 will include further detail regarding the outcome of these discussions. Surveys could not be completed for 5 trees where access was refused and these locations will be surveyed as part of the pre-construction surveys once access is granted. As set out in Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) and secured by Requirement 5(2)(c) in Draft Development Consent Order (Document 3.3 [APP-066]), all pre-construction surveys will be undertaken where existing data need to be updated or supplemented. Natural England will be updated on the findings of the surveys as required. • Great Crested Newts (GCN) – The District Level Licence (DLL) Impact Assessment and Conservation Payment certificate confirming Natural England approval of the licence (subject to grant of DCO) was received from Natural England on 22/02/23 and was included in the DCO submission at Deadline 1 in Deadline 1 Submission – Environmental Statement Errata Document (Document 5.2.19) [REP1-012]. The remaining fee will be paid prior to commencement of works • Otter, water vole & badger – Natural England agrees that there is insufficient evidence of otter/badgers/water voles to indicate a potential break of EPS legislation that would trigger the need for a derogation licence (and therefore LoNI) at the point of DCO submission.

Ref No.	Respondent:	Question:
		<p><u>Hydrology:</u></p> <ul style="list-style-type: none"> • There have been no changes since the DCO submission as regards requirements for water environment permits. These comprise Flood Risk Activity Permits (FRAP) for works affecting main rivers, Land Drainage Consents for works affecting ordinary watercourses, and Environmental Permits for any effluent discharge to Controlled Waters. It is envisaged that these permits and consents will be applied for post-grant of the DCO, as part of detailed construction planning once a contractor has been engaged. Nevertheless, National Grid is seeking to agree the requirements for these permits and consents in principle before the end of the Examination. Further details are provided in the SoCGs for the relevant stakeholders submitted for Deadline 1, as follows: • Statement of Common Ground (SoCG) between National Grid Electricity Transmission plc and the Environment Agency - Version 1 (Document 8.5.6) [REP1-027]. • Statement of Common Ground (SoCG) between National Grid Electricity Transmission plc and Ainsty Internal Drainage Board - Version 1 (Document 8.5.12) [REP1-032]; and • Statement of Common Ground (SoCG) between National Grid Electricity Transmission plc and Kyle and Upper Ouse Internal Drainage Board - Version 1 (Document 8.5.13) [REP1-033]. • Engagement with these stakeholders is ongoing, and a further update will be provided in the SoCGs to be provided at Deadline 3. <p><u>Waste:</u></p> <ul style="list-style-type: none"> • There have been no changes since the DCO submission for waste. A final position on the need for waste permits will be determined once the detailed design has been completed. Further details are provided in Table 5.1 of the Statement of Common Ground (SoCG) between National Grid Electricity Transmission plc and Environment Agency (Document 8.5.7) [REP1-027], submitted for Deadline 1. <p><u>Noise:</u></p> <ul style="list-style-type: none"> • Control of Pollution Consent. Section 61 of the Control of Pollution Act 1974 consents will only be applied for when the noisy works are required near to sensitive receptors and the works represent a significant departure from the predicted noise levels detailed in the Noise and Vibration Management Plan (Volume 5, Document 5.3.3H) [APP-101]. As there are no deviations from the NVMP at this stage there is no requirement for such consent applications

Ref No.	Respondent:	Question:
		<p>b) In response to part “b”, the Statements of Common Ground (SoCGs) will continue to capture progress made on obtaining other consents, licences and permits. The latest version of the SoCGs will be provided, if an update has been completed, at the required deadlines set out in the Examination timetable.</p>
Q1.0.5	The Applicant	<p>Overlay diagrams for complex areas Further to Issue Specific Hearing 1 (ISH1) you agreed to prepare an overlay diagram combining information from different plans in the Tadcaster cable sealing end compound (CSEC) area [EV-003a], action point 3. Prepare a similar plan for the following area:</p> <ul style="list-style-type: none"> ▪ The travellers’ site at the junction of the A1(M) and A63, to include works as shown on Works Plans and Project Description Plans, access arrangements and vegetation to be removed and areas for replacement planting. <p>Applicant’s Response:</p> <p>National Grid has produced a Composite Plan for the Tadcaster Cable Sealing End Compound area to address the Issue Specific Hearing (ISH) 1 Action Point 3 as set out in Applicant's Deadline 2 Response to OFH1 and ISH1 Hearing Action Points (Document 8.4.5). National Grid has produced a similar Composite Plan for the Travellers' site which includes works as shown on Works Plan Section D (Document 2.6.4(B)) [REP1-07]. This can be found at Appendix A in response to this question. These composite plans are provided for information only to assist the Examining Authority.</p> <p>This composite plan cannot provide details on replacement planting areas at this stage, as it will be determined during detailed design by the main works contractor, following confirmation of the vegetation to be removed. This detail will be set out in the Tree and Hedgerow Protection Strategy (THPS) and scheme for mitigation planting secured by Requirement 6, 8 and 10 of the draft DCO (Document 3.1(B)) [AS-011].</p>
Q1.0.6	The Applicant	<p>Update on discussions with Yorkshire Water Services Limited regarding a water supply</p> <p>a) Provide an update on the explanation given at ISH1 and in the Consultation Report regarding the required mains water connection for the proposed Monk Fryston Substation [APP-195], Table 7.3, page 235. Where this is under discussion, provide a final position statement at Deadline 7.</p> <p>b) Is a mains water connection also required for the proposed Overton Substation? If so, provide information on whether a connection has been agreed. If not agreed, provide timescales for agreement. Where this is under discussion, provide a final position statement at Deadline 7.</p>

Ref No.	Respondent:	Question:
		c) Is a mains water connection required for any other element of the Proposed Development? If so, provide information on whether a connection has been agreed. If not agreed, provide timescales for agreement. Where this is under discussion, provide a final position statement at Deadline 7.
		<p>Applicant's Response:</p> <p>a) Contracts between the parties involved in the water pipe diversion, including National Grid and the two battery storage projects is now signed and an agreement is in place with Yorkshire Water. Work on diverting the pipeline is due to start in the near future and is envisaged to be completed this year. A final position, including status of the works will be provided at Deadline 7.</p> <p>b) Yes, a mains water connection is required at Overton substation, and a proposal has been provided to National Grid by Yorkshire Water which is currently being reviewed. A final position will be provided at Deadline 7.</p> <p>c) Yes, a mains water connection is required at Monk Fryston substation, and a proposal has been provided to National Grid by Yorkshire Water which is currently being reviewed. A final position will be provided at Deadline 7.</p>

Table 2.2 – General and Cross-topic Questions: Policy Context

Ref No.	Respondent:	Question:
1.1	1.1 Policy Context	
Q1.1.1	The Applicant	<p>Development Plan policies The ExA notes the content of Table C.1 of [APP-202]. Can the Applicant confirm whether there have been any updates to the statutory Development Plan since the application documents were finalised?</p> <p>Applicant's Response:</p> <p>Following the submission of the DCO application, there have been no further updates to the statutory development plans.</p>

Ref No.	Respondent:	Question:
		<p>However, in reviewing the development plans National Grid have noted that the Bramham Cum Oglethorpe Neighbourhood Plan was not referenced. Notwithstanding this, it has now been reviewed and it has been identified that Policy H2 “Bramham Moor Battlefield” requires consideration. In addition, the Leeds City Council Local Impact Report [REP1-053] refers to this neighbourhood plan.</p> <p>For the avoidance of doubt, Bramham Moor Battlefield was scoped out of the assessment at an early stage in the Project due to the lack of any proposed groundworks or alteration to the appearance of the overhead lines in this area. The issue of Bramham Moor Battlefield was not raised as a concern in consultation with West Yorkshire Archaeology Advisory Service, on behalf of Leeds City Council.</p> <p>The Order Limits extend into this area to allow for works to existing pylons XD006, XD007 and XD008 that cross Bramham Moor and no intrusive works are proposed, so no direct adverse effects on archaeological remains (both known and unknown) will occur. There will be no change to the appearance of the existing overhead lines, as a result, no indirect adverse effects would occur to Bramham Moor Battlefield. As a result, the Project accords with the Bramham Cum Oglethorpe Neighbourhood Plan. No updates to the Planning Statement (Document 7.1, [APP-202]) are required.</p>

Table 2.3 – General and Cross-topic Questions: Policy Context

Ref No.	Respondent:	Question:
1.2	1.2 Cumulative Effects	
Q1.2.1	The Applicant	<p>Cumulative effects assessment: updates</p> <p>The ES chapter covering cumulative effects [APP-090], para 18.1.5 states that the assessment is based on information submitted in support of other existing, approved and proposed development up to the end of August 2022 and that information about other developments will be kept under review as the DCO application is processed.</p> <p>a) Can the Applicant confirm whether it is aware of any other plans or projects that have come to light since August 2022 that should be included in the cumulative assessment?</p>

Ref No.	Respondent:	Question:
		<p>b) Can the Applicant explain the steps that it will take to keep information about other developments used in the cumulative effects assessment [APP-090] up to date, including how any changes would be addressed and reported to the Examination.</p> <p>Applicant's Response:</p> <p>a) National Grid has continued to monitor information about other proposed developments (see response below to part b of this question). The majority of potential proposed developments identified from 01 September 2022 onwards comprised small scale development, such as changes in use or extensions to existing buildings and therefore do not meet the criteria set out in Planning Inspectorate Advice Note 17 and the approach set out in ES Chapter 18: Cumulative Effects, (Document 5.2.18), [APP-090]. However, a small number of proposed developments have been identified which do meet these criteria and are listed below. These will be added to the Cumulative Effects Long List document (ES Appendix 18A Cumulative Effects Assessment Long List of Other Developments, Document 5.3.18A, [APP-161]). These other developments are currently subject to a more detailed review to identify if they need to be added to the Cumulative Effects Short List (Table 18.9, ES Chapter 18: Cumulative Effects, (Document 5.2.18) [APP-090]) and assessed in more detail. If required, an ES Addendum providing this information will be submitted at Deadline 3. In addition, new and revised information has been submitted in support of the Lumby Quarry planning application near Monk Fryston (North Yorkshire Council, NY/2022/0102/ENV). This will also be reviewed and the cumulative effects assessment updated if required.</p> <ul style="list-style-type: none"> ● North Yorkshire Council, 22/03957/FULMAJ: Application for change of use of land for the stationing of 55 retirement housing lodges erection of ancillary community building, creation of access, parking, hard and soft landscaping and drainage works, Kirk Hammerton, 3km west of the existing 275kV XC overhead line. ● North Yorkshire Council, 23/00199/FULMAJ: Application for demolition of existing farm buildings and redevelopment with 10 new storage and distribution units, Moor Monkton, 1km north-west of the existing 275kV XC overhead line. ● City of York Council, 23/00160/OUTM: Outline application with all matters reserved except for access for circa 800 dwellings, provision of open space, flood storage measures, landscaping and associated infrastructure, Haxby, 3.5km east of the YN overhead line. ● North Yorkshire Council, 2022/1295/SCP: EIA scoping opinion request for 500 dwelling development including public open space, west of Tadcaster, adjacent to 275kV XC overhead line, partially within the Project Order Limits.

Ref No. Respondent: Question:

		<ul style="list-style-type: none"> • City of York Council, 22/01895/EIASN: EIA Screening opinion request for ground mounted solar photovoltaic (PV) and battery storage development, including underground cable route, substation and ancillary equipment, Nether Poppleton, partially overlaps with the Project Order Limits (275kV XCP overhead line). • City of York Council, 22/00137/EIASN: EIA Screening opinion in respect of the installation of a 50MW Battery Energy Storage System on land at Gells Farm, Osbaldwick. No site plan is currently available but this is understood to be to the north of Osbaldwick Substation. <p>b) National Grid has undertaken regular monitoring of new and existing planning applications, EIA screening and scoping opinion requests and any new and emerging allocated sites using the information held on the Local Planning Authority and Planning Inspectorate websites in line with the approach set out in Section 18.4 of ES Chapter 18: Cumulative Effects, (Document 5.2.18) [APP-090]. In addition, National Grid’s Lands Access team also provides feedback where discussions with landowners have indicated that new development may take place in the future. This is recorded in order that this can be considered as part of regular monitoring of potential new development. Should any new development be identified that meets the criteria set out in ES Chapter 18 and needs to be added to an updated long list (ES Appendix 18A Cumulative Effects Assessment Long List of Other Developments, (Document 5.3.18A) [APP-161]), and then an updated CEA short list (Table 18.9, ES Chapter 18: Cumulative Effects, (Document 5.2.18) [APP-090]), this and any updated assessment would be submitted in the form of an ES Addendum at subsequent examination deadlines. If required, a final Cumulative Effects ES Addendum would be submitted at Deadline 8 (13 September 2023).</p>
Q1.2.3	The Applicant	<p>Cumulative effects: Woodstock Lodge Wedding Venue</p> <p>Table 18.12 of the Cumulative Effects ES Chapter [APP-088] records significant adverse effects on Woodstock Lodge Wedding Venue in respect of both landscape and visual and socio-economic matters. This is expanded upon in para 18.7.3 of the same document. However, section 16.12 of the Socio-Economic ES Chapter [APP-088] states that an off-site planting scheme would reduce the visual effects to not significant by around Year 5 and would reduce the socio-economic effects to not significant during the construction period and beyond. Clarify the discrepancy in conclusions regarding likely significant effects upon the Woodstock Lodge Wedding Venue in ES Chapters 6 and 18 (significant), and ES Chapter 16 [APP-088] (not significant)?</p> <p>(See also questions under landscape and visual and socio-economic effects).</p>

Ref No. Respondent: Question:

Applicant's Response:

There is no discrepancy between the conclusion of **ES Chapter 6: Landscape and Visual (Document 5.2.6) [APP-179]** and **ES Chapter 16: Socio-Economics (Document 5.2.16) [APP-088]** which both identify significant adverse effects on Woodstock Lodge Wedding Venue in **Paragraphs 6.10.12, 6.10.25, 6.10.38 and Table 6.16 and Paragraphs 16.8.12-14 and Table 16.15**. These findings only consider the embedded environmental measures within the Order Limits that are in the control of National Grid and form part of the Project. This approach is consistent with the methodology set out in **Paragraph 4.7.17 (ES Chapter 4 Approach to preparing the ES, (Document 5.2.4) [APP-076])**. As described in **paragraph 4.7.45** of ES Chapter 4, there are instances where significant adverse effects may occur, even with the inclusion of embedded environmental measures. In this instance consideration may be given to 'additional measures' which cannot be implemented as part of the Project and/or within the Order Limits, which is the case at Woodstock Lodge Wedding Venue because planting, in order to be effective as mitigation, would need to be located in very close proximity to the wedding venue. Please refer to **Appendix B** associated with this question and response to written question 11.3.1, which shows the proposed location of the offsite planting, as discussed with the landowner.

Early engagement including an on-site meeting between National Grid's landscape consultants and the owners of the Woodstock Lodge Wedding Venue in March 2021 indicated that the owners had concerns over the potential visual impact of the Project on their business. At that early stage only the graduated swathe indicating the potential broad location of the 400kV YN overhead line was available and consequently it was premature to discuss specific details on potential mitigation. The Landscape and Visual Impact Assessment at PEIR concluded at page 38 of Appendix 6G that *"No specific embedded measures within the draft Order Limits have been included at this stage as with respect to views from the wedding venue they would only have a modest impact in restricting visibility of the new 400kV YN overhead line. Off-site enhancement measures within the grounds of Woodstock Lodge and separate from the embedded measures delivered elsewhere within the draft Order Limits may include tree planting that, over time, would increasingly restrict views of the 400kV YN overhead line."*

Following the PEIR, the evolution of the Project design resulted in a change in the alignment of the 400kV YN overhead line to avoid veteran trees. The updated alignment resulted in a slightly greater separation between the Project and Woodstock Lodge Wedding Venue, although significant adverse visual effects were judged likely to remain in the absence of specific mitigation planting.

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		<p>There was another meeting between National Grid’s landscape consultants and the owners of Woodstock Lodge Wedding Venue at which a potential mitigation strategy was discussed that would comprise a tall evergreen hedge with evergreen trees that would extend for approximately 40m in length along the southern boundary curtilage of the Wedding Venue. This mitigation was suggested to restrict views of the pylons from the ceremony room, outside terrace and separate bar building. A landscape proposals plan based on this discussion was circulated in January 2023. Feedback on these initial draft proposals was received in February 2023, when the owners expressed some concern to National Grid in a telephone conversation on the initial effectiveness of the planting in terms of height, density, and proximity to the wedding ceremony room. In addition, the owners had reservations on the extent of proposed planting that could restrict views of the rural outlook from the terrace and lawn area (in addition to the proposed pylons). The feedback indicated less concern on the visibility of the pylons from the terrace and lawn area and heightened concern on the views from the ceremony room. These implications were discussed between the owners and National Grid’s landscape consultant on site in March 2023. The discussion on site was reflected in a revised planting plan, with less extensive planting and semi-mature conifer trees specified closer to the ceremony building. The revised planting plan was issued to the owners of Woodstock Lodge Wedding Venue in April 2023 (please refer to Appendix B which shows the broad location of the proposed offsite planting as discussed with the landowner). Once the planting details are agreed by the owners of Woodstock Lodge Wedding Venue, a voluntary agreement will be sought with the owners in relation to the implementation and future management of the planting (see further details at Q11.3.1). The offsite planting is classified as an additional measure, because it would not be secured in the DCO. Both the Landscape and Visual and Socio-Economic assessments have considered the ‘additional measures’ proposed at Woodstock Lodge Wedding Venue (Sections 6.15 and 6.16, (Document 5.2.6) [APP-179] and Sections 16.11 and 16.12, (Document 5.2.16) [APP-088]). However, the assessment of residual effects is only provided as an indication as to whether additional measures could potentially mitigate significant effects. For both Landscape and Visual and Socio-Economic effects the additional measures would potentially reduce the significance of the adverse effects on Woodstock Lodge from significant, to not significant, however this is dependent on the final landscape mitigation details that are to be agreed with the owners which may fully mitigate views considered important to the business from the ceremony room (i.e. no significant socio-economic effects), whilst leaving other external views including those experienced by guests from the terrace and lawn unmitigated that would be significant from a visual amenity perspective only. The conclusion for both the Landscape and Visual and Socio-economic chapters however remains as ‘Significant’, because the additional measures would not be secured by the DCO.</p>

Ref No.	Respondent:	Question:
		<p>The assessment of cumulative effects (ES Chapter 18: Cumulative (Document 5.2.18) [APP-088]) takes into account the conclusions regarding significance of effects from the proposed DCO scheme. This includes mitigation from the embedded environmental measures which would be secured as part of the DCO but does not include any of the residual assessment conclusions which take account of the ‘additional measures’ because these would not be secured by the DCO. It therefore uses the ‘significant adverse’ conclusions from both the Landscape and Visual and the Socio-Economic chapters to arrive at a conclusion of significant adverse cumulative effects for this receptor.</p>
Q1.2.4	The Applicant	<p>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 considered cumulatively with a planned battery storage scheme south of the proposed substation at Rawfield Lane (ID40). Para 18.6.5 [APP090] states that an appeal in respect of planning application reference 2021/0789/FULM had been lodged but not determined at the time of writing.</p> <p>Is the outcome of the appeal now known? If so:</p> <ol style="list-style-type: none"> 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>Applicant’s Response:</p> <ol style="list-style-type: none"> This appeal has now been allowed (01 December 2022, AP/2022/0032/REF) and a copy of the decision notice is provided in Appendix C. The approved plans and drawings comprise Drawings reference: 1A 3403-REP-013, 3403-DR-P-0001 Rev 14, TC22068-LP 01v1, 3403-DR-LAN-102 Rev A, 3403-DR-P-0006, 3403-DR-P-0007, 3403-DR-P-0008-1, 3403-DR-P-0009, 3403-DR-P-0008, 3403-DR-P-0011, 3403-DR-P-00013 and 3403-DR-P-0014 (condition 2). These are provided in Appendix D. <p>The cumulative assessment was undertaken on the basis that both proposed battery storage projects at Monk Fryston would be granted consent to ensure a reasonable worst-case assessment. The assessment of cumulative effects in respect of planning application reference 2021/0789/FULM is</p>

Ref No.	Respondent:	Question:
		<p>provided in ES Chapter 18: Cumulative Effects, (Document 5.2.18) [APP-090]. For the majority of environmental effects cumulative effects would not be significant (historic environment (paragraph 18.6.21), biodiversity (paragraphs 18.6.33 to 18.6.35), hydrology (paragraph 18.6.50, 3rd bullet point), geology and hydrogeology (paragraph 18.6.54, 3rd bullet), air quality (paragraph 18.6.63), noise and vibration (paragraph 18.6.70), health and wellbeing (paragraph 18.6.81) and socio economics (paragraphs 18.6.91 and 18.6.92). Effects on Agricultural Land Quality took into account the cumulative loss of Best and Most Versatile land from the combination of all proposed developments identified in the cumulative effects short list (Table 18.9, ES Chapter 18: Cumulative Effects, (Document 5.2.18) [APP-090]) and concluded these effects would be significant (paragraphs 18.6.55 to 18.6.61, and Table 18.11) Significant cumulative visual effects were identified for users of the public footpath (Viewpoint 23 in Figure 6.63, ES Chapter 6 Landscape and Visual Figures, Document 5.4.6, [APP-179]) from both Yorkshire GREEN and the battery storage development from a localised stretch of the footpath at this isolated location for approximately 180m. Following the growth of mitigation planting along the southern boundary of the battery storage development the views of Yorkshire GREEN and the majority of the closer battery storage development would be screened from the public footpath (Table 18.9, ES Chapter 18: Cumulative Effects, Document 5.2.18, [APP-090]). As noted in the appeal decision (08/11/2022, appeal reference APP/N2739/W/22/3300623) the battery storage project would have moderate adverse visual effects within its first year (paragraph 23, Appeal Decision) on views from the PRoW to the south of the battery storage project, but once planting was established walkers would have a similar view to that existing to the north. Therefore, the findings of the cumulative assessment of environmental effects as set out in ES Chapter 18: Cumulative Effects, Document 5.2.18, [APP-090] are unchanged in relation to the outcome of the planning appeal.</p> <p>c) Potential impacts from the Project to the Green Belt in terms of its land use designation are considered in paragraphs 7.4.7 to 7.4.17 of the Planning Statement (Document 7.1) [APP-202]. As set out in National Grid's response to question 8.0.3 regarding whether the proposed battery storage project could also result in impacts on the green belt, the Appeal Decisions for both battery storage schemes noted the developments would be inappropriate development that harm the openness of the Green Belt and as such very special circumstances would need to be advanced to justify their development (Section 3, Appeal Ref: APP/N2739/W/22/3290256 and Section 3, Appeal Ref APP/N2739/W/22/3300623). This is the same position that National Grid has put forward with regards to the new substation at Monk Fryston (as well as Overton Substation and the cable sealing end compounds at Shipton and Tadcaster). All these developments support the production of energy from</p>

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		<p>renewable sources, addressing the national climate emergency which has been declared by the UK Government and recognises the need for urgent action to reduce or halt climate change in order to prevent further environmental damage. All these developments also address the requirement to meet Net Zero which includes moving from fossil fuels to renewable energy for power.</p> <p>The full list of very special circumstances is set out in paragraph 7.3.98 to 7.3.100 of the Planning Statement (Document 7.1) [APP-202]. The very special circumstances being advanced for the Project are very similar to the very special circumstances put forward for the battery storage schemes. In addition, the very special circumstances identified for the three projects support the need to move away from fossil fuels towards renewable energy for power and the requirement to achieve Net Zero.</p>
<p>Q1.2.5</p>	<p>The Applicant and North Yorkshire County Council, or any successor body.</p>	<p>Cumulative effects on biodiversity: Lumby quarry</p> <p>Chapter 18 of the ES [APP-090] concludes that significant cumulative effects in relation to biodiversity receptors could occur as a result of the Proposed Development taken together with proposals for the extraction and processing of magnesian limestone on land north of the A63 at Lumby. [APP-161] indicates that the Lumby quarry proposals are the subject of a current planning application to North Yorkshire County Council.</p> <ul style="list-style-type: none"> a) Can the Applicant and North Yorkshire County Council provide any update about the status of Lumby quarry planning application ref. NY/2022/0102/ENV? b) [APP-161] indicates that the Lumby quarry, if consented, would be operational ‘2023- 2032’. Can the Applicant and North Yorkshire County Council provide the most up to date available information about the likely timescales for the construction and operation of the proposed Lumby quarry, if consented? c) Does North Yorkshire County Council agree with the Applicant’s conclusions [APP-090] in relation to the cumulative effects of the Proposed Development take together with other plans and projects in the Lumby area? If not, why not? d) Para 18.6.46 of [APP-080] states that the application site for the proposed Lumby quarry falls partially within the Order limits for the Proposed Development. Can the Applicant provide a plan at an appropriate scale which demonstrates the geographical relationship between the two proposals by overlaying the Lumby quarry application site and location of proposed quarry works onto the Works Plan Section F (Sheet 1) [APP-025]. e) Para 18.6.48 of [APP-080] describes the potential for the construction of the Proposed Development to remove areas of boundary planting along the A63, including some that had been planted 1-2 years previously as part of the screening bunds for the Lumby quarry proposal. Can the Applicant provide a

Ref No.	Respondent:	Question:
		<p>more detailed explanation of the likely temporal and geographical interaction between the two proposals in this respect, using drawings where they assist in illustrating the relationship.</p> <p>f) In light of (e), can the Applicant foresee any way of avoiding the need to temporarily remove the advance planting planned for the proposed quarry?</p> <hr/> <p>Applicant's Response:</p> <p>a) National Grid have engaged with the planning agent for the Lumby Quarry planning application (NY/2022/0102/ENV). At the time of writing (24 April 2023), additional information has been submitted to North Yorkshire Council (NYC) and NYC are re-consulting following the submission of this additional information. As such, the planning application has not yet been determined.</p> <p>b) Following engagement with the agent for the Lumby Quarry Application, National Grid understand that should the application be consented, works would commence in 2024. Mineral extraction would take place for approximately 15 years, and backfilling would take approximately 4 years. It has been assumed for the purpose of the cumulative effects assessment that the Lumby Quarry Development could be operational between 2023 and 2042.</p> <p>c) Query for NYC to respond to.</p> <p>d) A plan based on Works Plan Section F (Sheet 1) (Document 2.6.6) [APP-025] showing the red line boundary for the Lumby Quarry development is provided in Appendix E. This has been produced based on information available at the time of writing (24 April 2023). National Grid and the agent for the quarry application will continue to work together to ensure both Projects can be accommodated.</p> <p>e) Plan reference 2955-4-1-3 (Landscape Strategy – Advance Planting, Dated 01/03/2023) provided in support of the Lumby Quarry Planning Application provides information on the proposed advanced planting. This would comprise tree and hedgerow planting along the northern boundary of the Lumby Quarry site (with no standard tree planting within 50m of the existing overhead line). Along the southern boundary of the quarry site and northern boundary of the A63 it is proposed to retain the existing hedgerow which borders the A63. Additional hedgerow planting is proposed further east along this boundary but is located outside of the Yorkshire GREEN Order Limits (please refer to the indicative plan in Appendix E which indicates the proposed Lumby Quarry advanced planting potentially falling within the Yorkshire GREEN Order Limits). Paragraph 10.6 of the Lumby Quarry ES</p>

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		<p>states that “<i>Prior to extraction works the existing hedgerows around the perimeter of the site would be allowed to grow up and any gaps, particularly in the southern and eastern boundaries, supplemented with additional planting.</i>” Paragraphs 10.7 and 10.8 also stated that screening mounds would be created around the boundaries of the site which would be dressed with an appropriate grass seed mix and supplemented with tree and hedgerow planting in front of the external faces. As plan reference 2955-4-1-3 indicates that the advance tree and hedgerow planting would be on the site boundaries it is assumed that the bunding would only be planted with a grass seed mix, not hedgerows and trees. Assuming that the Lumby Quarry development could be granted consent during Summer 2023 it is possible that its advance planting could be implemented between November 2023 and March 2024 in advance of the Yorkshire GREEN Project. Works to the existing overhead lines are programmed to start in July 2024 (site set up and enabling works, see Table 3.2, ES Chapter 3: Description of the Project, Document 5.2.3, [APP-075]). However, should the Lumby Quarry development be consented later on in 2023 or 2024 then the Yorkshire GREEN works would already be in place, and it is unlikely that the Lumby Quarry’s advance planting falling within the Yorkshire GREEN Order Limits could be implemented until works to the overhead line were complete. The potential overlap between the two projects is acknowledged in supplementary information recently submitted in support of the Lumby Quarry planning application. The Lumby Quarry EIA Regulation 25 – Supplemental Submission Document, paragraph 7.8 states that to ensure that the Yorkshire GREEN works do not impact on quarrying operations, the extraction within Phase 1 of Lumby Quarry will be amended to facilitate National Grid’s operations. Any stone remaining within Phase 1 will be revisited after the completion of the National Grid works. Paragraph 7.9 states that it “<i>is considered that the temporary works proposed by the National Grid have the potential to be affected by the quarrying development, but the timing of each development/flexibility on mineral extraction within Phase 1 will permit both to take place without impacting each other.</i>”</p> <p>National Grid has engaged with the agent for the Lumby Quarry development, and it has been confirmed that the Lumby Quarry works could be delayed to accommodate the Yorkshire GREEN Project in the specific area of overlap. Both parties will continue to work together to ensure any potential area of overlap is resolved. The timing and potential overlap will become clearer as both applications progress through the determination stage.</p> <p>f) The cumulative effects assessment (ES Chapter 18: Cumulative Effects (Document 5.2.18) [APP-090]) has taken a reasonable worst-case approach and assumed that any of the proposed Lumby Quarry tree and hedgerow planting within the Order Limits would require removal. However, as further</p>
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Ref No.	Respondent:	Question:
		<p>design development is undertaken, and the design refined, the aim would be to minimize the loss of this planting where feasible. This would include careful micro siting of the pulling equipment needed to undertake the overhead line works at this location. National Grid has and will continue to engage with the quarry developer and its agents to reduce or avoid the loss of the Lumby Quarry boundary planting where possible and work with the quarry developer to identify advance planting that the quarry developer could implement alongside the Yorkshire GREEN construction works, should Lumby Quarry be granted planning consent.</p>

2.2 Air Quality and Human Health

Table 2.4 – Air Quality and Human Health

Ref No.	Respondent:	Question:
2	2. Air Quality and Human Health	
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.</p> <p>a) Can Hambleton District Council provide an update as to when monitoring data will be available and whether there are any initial observations that can be reported?</p> <p>b) Can the Applicant comment on whether it considers that the additional baseline information has any implications for assessment of air quality impacts arising from construction traffic emissions?</p> <p>Applicant's Response:</p> <p>b) Construction traffic flows were screened as not significant in the ES Chapter 13: Air Quality, (Document 5.2.13) [APP-095], using the traffic screening criteria set out in the Institute of Air Quality Management Guidance (IAQM) '<i>Land-Use Planning and Development Planning for Air Quality</i>'. The IAQM guidance provides two sets of criteria, one set, the most stringent, applies to road links in or adjacent to Air Quality Management Areas (AQMA) and the other applies to road links not in AQMA. AQMA are areas where the Air Quality Objectives are or are close to being exceeded and are usually associated with busy roads or industrial clusters. It should be noted that currently Shipton by Beningbrough is not in an AQMA and is not associated with exceedances of the air quality objectives.</p> <p>The Project would result in an additional 16 Heavy Duty Vehicles (HDVs) along the A19 (Link 24, Table 12.13 and Table 12.28, ES Chapter 12 Traffic and Transport (Document 5.2.12), [APP-084] over a 24-hour period and therefore below the relevant screening criteria for areas outside of AQMA (<100 HDVs) and within AQMA (<25 HDVs). Furthermore, the traffic flows above reflect the peak 24-hour flows and not the Annual Average Daily Traffic (AADT) that is used in the IAQM guidance. When the construction programme and level of activities are taken into account (ES Appendix 12A - Traffic Modelling Tables (Document 5.3.12A) [APP-148]) the AADT flows would be lower than the</p>

Ref No.	Respondent:	Question:
		<p>predicted 24 hour peak flows. Therefore, even if the recent baseline air quality monitoring undertaken along the A19 in Shipton shows elevated levels of traffic related air pollutants, and as a worst-case an AQMA is declared in Shipton, it does not change the outcome of the screening that is based on the additional construction traffic on the A19.</p>
Q2.0.2	The Applicant	<p>Embedded mitigation of effects from dust The embedded measures to reduce and or mitigate the effects from dust are summarised in [APP-094]. Can the Applicant clarify the quality assurance and control measures associated with the execution of the embedded measures</p> <p>Applicant's Response:</p> <p>Table 13.20 – Required management measures, ES Chapter 13: Air Quality (Document 5.2.13) [APP-085] details activity-specific measures (e.g., earthworks, trackout, operating vehicle/machinery and sustainable travel, etc.) to ensure the measures are targeted to the activity resulting in dust emissions. Table 13.20 also includes specific monitoring measures that are designed to ensure quality assurance of the control measures. This is achieved through daily inspection, reporting and also real-time monitoring, where required, in agreement with the relevant local authority through a Pollution Incident Control Plan (secured in Requirement 6(1)(C) of the Draft Development Consent Order (Document 3.1(B)), [AS-011]). The Pollution Incident Control Plan will identify how the risk of pollution due to construction works, materials and extreme weather events will be controlled and identify the remedial actions in the event of an incident.</p> <p>These measures have been incorporated in the Code of Construction Practice (CoCP) (Document 5.3) [APP-095] that presents the management measures that the National Grid appointed principal contractor(s) and any other appointed contractor(s) will be required to adhere to. This includes monitoring measures AQ01 to AQ03 set out in Table 3.9 of the CoCP, which will be secured under Requirement 5(a) of the Draft Development Consent Order (Document 3.1(B)) [AS-011]. The appointed principal contractor(s) will be responsible for undertaking air quality monitoring which will be compliance checked by National Grid.</p>
Q2.0.3	The Applicant and City of York Council, Hambleton District Council,	<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>

Ref No.	Respondent:	Question:
	Harrogate Borough Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body	<p>In the absence of such a Plan are the measures set out in [APP-095] likely to be sufficient?</p> <p>Applicant's Response:</p> <p>National Grid considers that there is no additional benefit in producing a separate Dust Management Plan as all relevant measures that were identified in the ES Chapter 13: Air Quality (Document 5.2.13) [APP-085], to address dust emissions, have been included in the Code of Construction Practice (CoCP) (Document 5.3.3B) [APP-095], which are secured under Requirement 5(a) of the Draft Development Consent Order (Document 3.1(B)) [AS-011]. The measures were selected in response to the risk of dust impacts that were in turn calculated based on the sensitivity of the area (i.e., proximity of receptors) and the level of activity (i.e., dust magnitude).</p> <p>In respect of Lumby, ES Chapter 13: Air Quality (Document 5.2.13) [APP-085] dust emissions from construction activities were considered as part of the assessment of the Monk Fryston Area. The risk of dust impacts without mitigation in place was 'high' for demolition, earthworks and construction and 'medium' for trackout (i.e., vehicles moving over unpaved roads). This finding that without dust controls there would be a 'high' risk of impact has informed the dust management measures that would be implemented as part of the Project (Table 13.20 – Required management measures, ES Chapter 13: Air Quality (Document 5.2.13) [APP-085]). These measures are expected to ensure that the risk of impact is reduced to 'negligible' levels and as mentioned previously they have been included in Code of Construction Practice (CoCP) (Document 5.3) [APP-095], secured under Requirement 5(a) of the Draft Development Consent Order (Document 3.1(B)) [AS-011].</p>
Q2.0.4	The Applicant	<p>Monitoring of compliance with dust management measures</p> <p>Air quality good practice measure reference AQ03, listed in Table 3.9 of the Code of Construction Practice (CoCP) (Document 5.3) [APP-095], commits to 'consider the need for dust deposition, dust flux, or real-time PM₁₀ continuous monitoring locations with the relevant Local Authority through the Pollution Incident Control Plan' (PICP). The PICP is proposed to be produced at the post-consent stage.</p> <ol style="list-style-type: none"> a) Can the Applicant clarify how it would determine whether the above measures are required, for example if any thresholds are to be set? b) Should the CoCP set out more specific commitments in this regard in order to ensure that any effects from dust emissions are properly monitored and controlled? <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>a) The CoCP (ES Appendix 3B, Document 5.3.3B) [APP-095] currently presents the dust mitigation measures required for the overall project. These measures are based on the highest identified risk from the three areas that were assessed and presented in ES Chapter 13: Air Quality (Document 5.2.13) [APP-085]. Therefore, although monitoring has been included in the list of appropriate measures, it is unlikely to be appropriate for the entire extent of the Project. The specific locations where monitoring is recommended would be identified by the contractor following detailed design work, and in discussion with the local authorities. The locations would be informed by the proximity of sensitive receptors, duration of works, type of activity and would also consider weather conditions.</p> <p>b) The CoCP (Document 5.3.3B) [APP-095] sets out a wide range of measures to ensure considered construction method implementation, including dust management measures. The appointed principal contractor(s) and any other appointed contractor(s) will be required to adhere to and implement these measures for all construction activities. Furthermore, a Pollution Incident Control Plan (secured via Requirement 6(1)(C) of the draft Development Consent Order (Document 3.1(B)), [AS-011]) will identify the specific measures to control the risk of pollution due to construction works, materials and extreme weather events and the remedial actions in the event of an incident in agreement with the local authorities. Therefore, National Grid considers that no additional specific measures need to be added to the CoCP.</p>
Q2.0.5	The Applicant	<p>Electric Magnetic Fields (EMFs) The Electric and Magnetic Fields Report [APP-199] assesses the health effects of the project from EMFs. Whilst the report seeks to demonstrate the compliance of the project with national guidance and standards the ExA would wish to be reassured about the assessment in relation to residential sites over which overhead lines pass, namely: the Squires Café and Caravan Park near Newthorpe and the traveller encampment south of the A63.</p> <p>Can you elaborate on the risks to people residing on these sites during the operational phase of the development in relation to:</p> <ul style="list-style-type: none"> a) Potentially harmful effects from EMFs; and, b) Microshocks. <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) The potential harmful effects of electric and magnetic fields (EMFs) on health are an area that has been extensively researched for over four decades with many thousands of papers published on the

Ref No.	Respondent:	Question:
		<p>issue. This research has not established any health effects at levels below the national guidelines which have been applied to the development of this Project, as detailed in Electric and magnetic fields report (Document 6.3) [APP-199]. These national guidelines and standards have been developed considering the body of scientific research which is reviewed by independent authoritative scientific organisations such as the World Health Organisation (WHO) and UK Health Security Agency (UKHSA). A summary of the scientific evidence is given in Section 2.8 – Scientific Evidence, Electric and magnetic fields report (Document 6.3) [APP-199].</p> <p>The UKHSA have responsibility for protection of public health in this area and recommended a set of policies and guidelines which have been adopted by Government. These policies are incorporated into the decision-making process for Development Consent in National Policy Statement EN-5 and are based on careful reviews of the science. These include numerical exposure guidelines to protect against established, acute effects of EMFs. The Electric and Magnetic Fields Report (Document 6.3) [APP-199] demonstrates that the Yorkshire GREEN Project complies with the relevant exposure limits, including at the residential sites of the Squires Café and Caravan Park near Newthorpe and the traveller encampment south of the A63. Below these guideline limits there are no established health effects of low frequency EMFs.</p> <p>There is one area where some uncertainty exists, specifically concerning childhood leukaemia. The uncertainty comes from an area of science called epidemiology, which looks for statistical patterns in diseases, but does not demonstrate causation. In addition to these statistical studies, a vast number of laboratory studies have investigated if, and how, magnetic fields could cause childhood leukaemia. These laboratory studies failed to support a link between magnetic fields and childhood leukaemia or identify a mechanism. All this evidence was considered when setting the exposure limits and is elaborated on in Section 2.8 – Scientific Evidence (Document 6.3) [APP-199].</p> <p>The Government has addressed the uncertainty in the science by adopting precautionary measures, recommended by the Stakeholder Advisory Group on Extremely Low Frequency EMFs (SAGE). The measures specific to high voltage power lines include ‘optimal phasing’ and provide more advice on EMFs. Other precautionary measures, specifically the introduction of corridors around new and existing overhead lines, were considered but were not adopted as they were judged to be disproportionate in light of the evidence.</p>

Ref No.	Respondent:	Question:
		<p>National Grid has ensured that all of the proposed overhead lines and existing overhead lines being reconducted as part of the Yorkshire GREEN Project; such as the existing XC route passing over the Squires Café and Caravan Park near Newthorpe and the traveller encampment south of the A63, comply with the policies set by Government on the advice of their independent advisors. This ensures that health concerns are properly and adequately addressed. The evidence concerning compliance with these policies as specified in EN-5, including the numerical guidelines is documented in the Electric and Magnetic Fields Report (Document 6.3) [APP-199].</p> <p>b) Under high-voltage overhead lines, conducting objects may become electrically charged if they are isolated from earth. If this charged object is then touched by a person at a different electrical potential, charge is transferred between the person and the object. If this charge is large enough, it can be perceived by the person and is known as a microshock. Severity of the perception can range from barely perceptible through to annoyance and in some rare circumstances pain depending on the exact conditions. Microshocks are similar to the static shocks that can occur by, for example, walking across a nylon carpet in dry weather. Microshocks have no known long-term health effects and any sensation is normally confined to the momentary spark discharge as contact is made or broken.</p> <p>Government policy on microshocks is set out in ‘Code of Practice, Power lines: Control of Microshocks and other indirect effects of public exposure to electric fields’. A summary of that policy and microshocks is provided in Section 2.10 – Microshocks, Electric and Magnetic Fields Report (Document 6.3) [APP-199]. The Code of Practice states:</p> <p><i>‘Microshocks depend on the sizes of the objects concerned as well as the size of the field, so there is no threshold for electric field for preventing microshocks. However, in many circumstances the risk of perceiving a microshock and its severity diminish significantly as the field is reduced below 5 kV m⁻¹, the reference level in the ICNIRP guidelines.’</i></p> <p>The residential sites of the Squires Café and Caravan Park near Newthorpe and the traveller encampment south of the A63, are currently crossed by the existing XC route overhead line which operates at 275kV. The proposals include reconductoring the XC route; replacing the single conductors with a twin conductor bundle. The electric field strengths at each of the residential sites after reconductoring will remain below 5 kV m⁻¹, meaning that microshock occurrence is unlikely and if they do occur their severity will be significantly diminished. Once the proposed overhead line is</p>

Ref No.	Respondent:	Question:
		operational, any microshocks that may be reported would fall under the provisions of this Code of Practice and would be investigated in line with those provisions.

2.3 Biodiversity, Ecology and Natural Environment

Table 2.5 – Biodiversity, Ecology and Natural Environment: Protected species

Ref No.	Respondent:	Question:
3.1	3.1 Protected species	
Q3.1.1	The Applicant	<p>Bat addendum report Para 8.1.14 of [APP-080] refers to additional tree survey work that “will be provided during the DCO examination phase” to confirm the suitability of the proposed embedded environmental measures and verify the assessment conclusions. Para 8.12.4 of [APP-080] states that a bat addendum report will be used to inform detailed bat mitigation design and any protected species licensing.</p> <p>a) This addendum report and additional survey results should be submitted at Deadline 2. b) What are the implications for the assessment of effects on bats set out in [APP-080]? c) Are any consequential updates required to the Biodiversity Mitigation Strategy [APP-097]</p> <p>Applicant’s Response:</p> <p>a) An update to Appendix 8H Bat Survey Report (Document 5.3.8H) [APP-133] and Figure 8.26 Final level of roosting potential assigned to trees (Document 5.4.8) [APP-183] including the additional survey results has been submitted at Deadline 2: Appendix 8H: Bat Survey Report, (Document 5.3.8H(B)).</p> <p>As the results do not affect the conclusions of the assessment of effects on bats in section 8.9 ES Chapter 8: Biodiversity, (Document 5.2.8) [APP-080], it is National Grid’s intention to include minor updates to the ES Chapter 8 which reference the additional post-DCO submission surveys in an ES Addendum to be submitted at Deadline 3.</p> <p>b) The assessment of effects on bats as set out in ES Chapter 8: Biodiversity, (Document 5.2.8) [APP-080] remains unchanged.</p> <p>The results of the additional tree survey work (comprising ground level roost assessments and aerial climbing inspections) found 43 trees scheduled for removal or management to have moderate to high potential for roosts, and one additional tree with a confirmed roost. A single pipistrelle (<i>Pipistrellus</i> sp) was recorded roosting inside a rot hole within a branch during an aerial climbing inspection. The</p>

Ref No.	Respondent:	Question:
		<p>timing of the survey indicates that it was being used as a hibernation roost. In view of the size and location of the roost feature it is likely that the tree may also provide occasional roosting habitat for a small number of bats during the bat active season (generally April to October).</p> <p>The survey findings are in keeping with paragraph 8.9.95 of ES Chapter 8: Biodiversity, (Document 5.2.8 [APP-080]) which states that “the likelihood of any important roosts being identified in the outstanding tree surveys is low, with any roosts likely to be of relatively common species”. The tree containing the roost (identified as T2244 on page 14 of Annex 3I.2, Document 5.3.3I (Part 2 of 3) Appendix 3I Arboricultural Impact Assessment) is adjacent to the access route to Pylon XC457 and is currently marked for removal on page 18 sheet 10 of Annex 3I.3, Document 5.3.3I (Part 3 of 3) Appendix 3I Arboricultural Impact Assessment. Following the identification of the roost, in accordance with the mitigation hierarchy the access route has been reviewed, and whilst the tree is not likely to be removed, it is not possible to confirm that some management works are not required. This could trigger the need for a derogation licence (and therefore a Letter of No Impediment (LoNI)). As such, National Grid will discuss with Natural England the requirement to obtain a LoNI in relation to bats, and <u>the updated SoCG</u> that will be submitted at deadline 3 will include further detail regarding the outcome of these discussions. Surveys could not be completed for 5 trees where access was refused and these locations will be surveyed as part of the pre-construction surveys once access is granted. As set out in Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) and secured by Requirement 5(2)(c) in Draft Development Consent Order (Document 3.3 [APP-066]), all pre-construction surveys will be undertaken where existing data need to be updated or supplemented. Natural England will be updated on the findings of the surveys as required.</p> <p>The assessment of effects on bats in the ES takes embedded environmental measures into consideration including ES Mitigation ID17 in Appendix 3A Embedded Measures Schedule (Document 5.3.3A [APP-094]) which incorporates roost replacement (in the form of bat boxes) into the Project at a ratio of 2:1 for each affected tree with moderate to high potential to support roosting bats, even where no evidence of use by bats is present. In this way the Project will robustly mitigate for any effects on available roosting resource rather than just confirmed roosts. This is in accordance with best practice guidance as stated in <i>Chapter 6, Section 6.1 of Bat Surveys for Professional Ecologists: Good Practice Guidelines</i>. Therefore, there is no change to the assessment of effects on bats as set out in ES Chapter 8: Biodiversity, (Document 5.2.8 [APP-080]).</p>

Ref No.	Respondent:	Question:
		<p>c) No consequential updates are required to Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) as all mitigation detailed within the document including both general mitigation (Chapter 3 (Document 5.3.3D [APP-097])) and species-specific mitigation in relation to bats (Section 4.6 (Document 5.3.3D [APP-097])) remains relevant and sufficient to minimise the potential for effects on bats and avoid any significant effects. This includes assessment by the Principal Contractor’s ecologist (followed by surveys and/or mitigation and/or protected species license application as necessary) of all trees to be affected by the Project with moderate to high suitability for bats prior to works commencing, and the installation of bat boxes at a replacement ratio of 2:1 for each tree with high/moderate potential to support roosting bats where loss of a feature suitable for roosting is unavoidable as detailed in paragraph 4.6.7.</p>
Q3.1.2	Natural England and the Applicant	<p>Protected species licences: water vole and badger Has agreement been reached as to whether or not protected species licences would be required for water vole and badger?</p> <p>Applicant’s Response:</p> <p>As stated in the Statement of Common Ground (SoCG) between National Grid and Natural England (Document 8.5.5, [REP1-025] submitted at Deadline 1), it has been agreed that there is insufficient evidence of either species to indicate a potential breach of legislation that would trigger the need for a derogation licence (and therefore a Letter of No Impediment (LoNI)) at the point of DCO submission (Table 2.1, Details of Other Consents and Licences (Document 7.3) [APP-204]). Natural England stated in its e-mail to National Grid’s environmental consultant dated 10 March 2023 that matters relating to badger and water vole are now resolved and confirmed agreement with the assessments presented in Section 8.9 ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080] based on survey evidence and proposed mitigation techniques.</p> <p>As described in Section 4.2 of the Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) and in the response to Q3.3.2 in this document, pre-construction surveys for these mobile species will be carried out post-consent based on Detailed Design, the results of which will confirm the final requirement for protected species licences. Natural England has acknowledged that it is satisfied with this approach, has provided further advice regarding the licencing process, and confirmed that it can be consulted further should the need arise (e-mail to National Grid’s environmental consultant dated 10 March 2023).</p>

Table 2.6 – Biodiversity, Ecology and Natural Environment: Habitats: hedgerows

Ref No.	Respondent:	Question:
3.2	3.2 Habitats: hedgerows	
Q3.2.1	The Applicant	<p>Important hedgerow assessment Para 8.1.15 of [APP-080] states that a report detailing results of the important hedgerow assessment will be submitted as an addendum to the ES.</p> <ul style="list-style-type: none"> a) This report should be submitted at Deadline 2. b) Can the Applicant clarify whether hedgerows that are “potentially affected”, as shown on [APP-050] to [APP-055], are included in the scope of the survey given that works to these hedgerows could include temporary or permanent removal to accommodate design changes within the LoD (paragraph 8.8.17 of ES Chapter 8 [APP-080])? c) Do the findings of this report necessitate any changes to the assessment of effects on hedgerows contained in section 8.9 of [APP-080] or to the Biodiversity Mitigation Strategy [APP-097]? d) Will the Applicant update the Trees and Hedgerows Potentially Affected Plans [APP-050 to APP-055] to distinguish those hedgerows that are considered to be ecologically important under the Hedgerow Regulations? If not, why this is not considered to be necessary? <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) An update to Appendix 8B Extended Phase 1 Habitat Survey Report (Document 5.3.8B(B) [AS-015]) and Figure 8.6 Important Hedgerows, ES Chapter 8 Biodiversity Figures (Document 5.4.8 [APP-183]) including confirmation of the status of nine hedgerows surveyed to determine whether they qualify as important under the Hedgerow Regulations 1997 is submitted at Deadline 2 (26 April 2023). <p>As the results do not affect the conclusions of the assessment of effects on hedgerows in Section 8.9 ES Chapter 8: Biodiversity, (Document 5.2.8 [APP-080]), it is National Grid’s intention to include minor updates to the chapter which include reference to the additional surveys in the ES Addendum to be submitted at Deadline 3 (10 May 2023).</p> <ul style="list-style-type: none"> b) In the interest of taking a reasonable and proportionate approach to the collation of baseline survey data, detailed hedgerow assessments to determine the presence of important hedgerows are focused

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on hedgerows to be removed (as listed in **Arboriculture Impact Assessment Document 5.3.3I, [APP-102] to [APP-104]** and which have been identified as ‘potentially important’ based on archaeological desk study and extended Phase 1 habitat survey results (**Annex 8B.4, Appendix 8B Extended Phase 1 Habitat Survey Report, Document 5.3.8B(B) [AS-015]**). Hedgerows that are ‘potentially affected’ as shown on **Trees and Hedgerows Potentially Affected Plans Sections A to F (Documents 2.11.1 to 2.11.6 [APP-050] to [APP-055])**, are not included in the scope of the important hedgerow survey because they would only be affected should the LoD be triggered at detailed design stage, which in reality is only likely to require removal of hedgerow by exception (if at all), with effects most likely limited to minor management works to parts (not all) of the hedgerows such as pruning tall growth to maintain safety clearance with occasional coppicing.

Should it become necessary to alter the Project design within the LoD, embedded environmental measures would ensure that any changes to working areas would seek to avoid potentially sensitive and important biodiversity features such as hedgerows (**ES Mitigation ID2, 3, 5, and 6 in Appendix 3A Embedded Measures Schedule (Document 5.3.3A [APP-094])**). In the unlikely event that this was not possible, as stated in **paragraph 3.3.1 of Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097])**, pre-construction surveys would include areas of vegetation removal and would identify any particularly ecologically sensitive areas. These surveys would encompass any additional hedgerows to be affected should the LoD be triggered, including an assessment of their importance under the Hedgerow Regulations 1997 in the unlikely event that removal could be required. Any hedgerows identified as important under the Regulations would be included in a Tree and Hedgerow Protection Strategy as explained in the response to **Q3.2.1d** in this document.

- c) The important hedgerow survey findings do not necessitate any changes to the assessment of effects on hedgerows contained in **section 8.9 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])** or to **Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097])**.

As set out in **paragraphs 8.8.14 to 8.8.16 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**, a reasonable worst-case scenario has been assessed for each receptor. Furthermore, as stated in **paragraph 8.5.34 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**, as a precaution it has been assumed that all hedgerows considered within the assessment qualify as Habitats of Principal Importance (HPI). They are therefore classed as being of National importance in terms of legislation and policy in **Appendix 8A Scoping of Assessment Summary (Document 5.3.8A [APP-126])**, and of County importance at the Project level. Therefore, for the

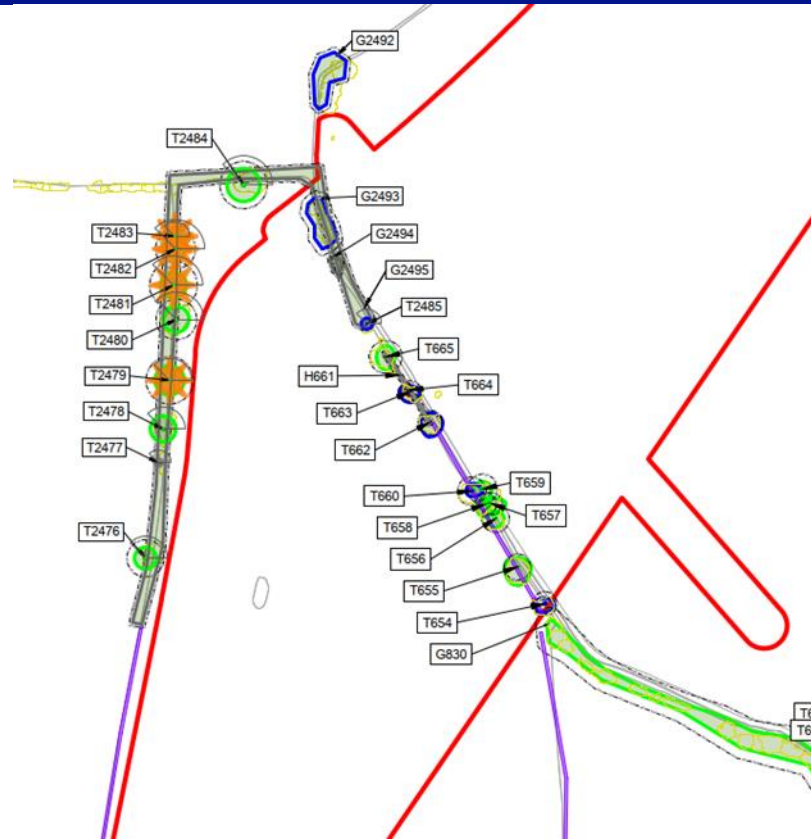
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		<p>purpose of the assessment, their status with regards to importance (or not) under the Hedgerow Regulations does not change their value in terms of the assessment or the conclusion of the assessment.</p> <p>d) As described in the response to Q3.2.1 a) above, Appendix 8B Extended Phase 1 Habitat Survey Report (Document 5.3.8B(B) [AS-015]) and Figure 8.6 Important Hedgerows, ES Chapter 8 Biodiversity Figures (Document 5.4.8 [APP-183]) which includes reference to nine hedgerows classed as being ‘potentially important’ in terms of ecological criteria under the Hedgerow Regulations have been updated to confirm importance based on the results of the important hedgerow survey. Surveys confirmed that seven of the nine potentially important hedgerows were not classed as important under the Hedgerow Regulations. Access has not been granted to the two remaining hedgerows and their status remains as potentially important.</p> <p>National Grid does not consider it necessary to update the Trees and Hedgerows Potentially Affected Plans Sections A to F (Documents 2.11.1 to 2.11.6 [APP-050] to [APP-055]) which do not currently indicate hedgerow status under the Hedgerow Regulations 1997.</p> <p>As set out in Table 1.2 of the Code of Construction Practice and secured by Requirement 6(1)(g) in Draft Development Consent Order (Document 3.3 [APP-066]), a tree and hedgerow protection strategy is required to be submitted to and approved by the relevant planning authority prior to the development commencing. This will include a schedule of all proposed tree and hedgerow removal and pruning with annotated plans. These plans will distinguish those hedgerows that are considered to be ecologically important under the Hedgerow Regulations, including any that have been identified for removal where the LoD have been triggered at detailed design stage.</p> <p>As these plans require approval by the relevant LPA prior to commencement of the development, it is not considered necessary to update the Trees and Hedgerows Potentially Affected Plans Sections A to F (Documents 2.11.1 to 2.11.6 [APP-050 to APP-055]).</p>
Q3.2.2	The Applicant	<p>Hedgerows: baseline assessment</p> <p>Para 8.5.34 of [APP-080] states that approximately 85,202 metres of hedgerow has been mapped within the Order limits during the Phase 1 Habitat Survey [APP-127] and also that there is approximately 29,566m of hedgerow within the Order limits.</p> <p>a) Can the Applicant clarify the discrepancy between these figures?</p>

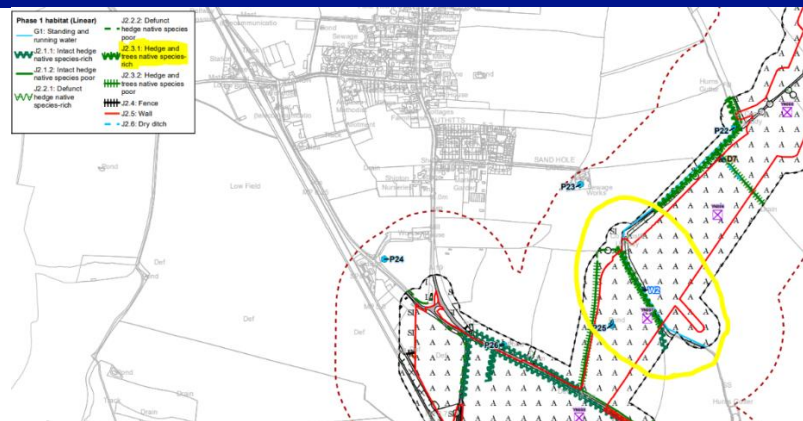
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		<p>Applicant’s Response:</p> <p>a) The discrepancy in Paragraph 8.5.34 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080]) is a typing error which has been included in the ES Errata Document to be submitted at Deadline 3. The corrected sentence should read as follows with the bold italicized insertion: ‘Approximately 85,202m of hedgerows have been mapped within the Order Limits <i>and 50m buffer</i> during the extended Phase 1 habitat surveys, of which approximately 29,566m are located within the Order Limits.’</p>
<p>Q3.2.3</p>	<p>The Applicant</p>	<p>Effects on hedgerows</p> <p>The Biodiversity assessment [APP-080] states that the Proposed Development is likely to result in a total permanent loss of approximately 953 metres of native hedgerows, with up to 17,036 metres of native hedgerow temporarily affected under a reasonable worst-case scenario.</p> <p>The Arboricultural Impact Assessment [APP-102], Table 1.12 states that the Proposed Development is likely to require the removal of 1,162 linear metres of hedgerow, with a further 3,392 linear metres of hedgerow “affected/managed” and 2,152 linear metres of hedgerow “potentially affected”.</p> <p>a) Can the Applicant supplement the justification in para 1.9.1 of [APP-102] and at footnote 132 of [APP-080] with further explanation as to the different survey methodologies used and why it considers these to be appropriate for establishing the baseline for the ES assessments.</p> <p>b) Do the Trees and Hedgerows Potentially Affected Plans [APP-050 – APP-055] derive from the data presented in the Biodiversity assessment or the Arboricultural Impact Assessment?</p> <p>c) Provide a single set of figures for the length of hedgerow that would be permanently lost and temporarily affected as a result of the Proposed Development.</p> <p>Applicant’s Response:</p> <p>a) The Arboricultural Impact Assessment (Document 5.3.3I [APP-102]) does not use Phase 1 habitat survey methodology to record and map hedgerows as detailed in Appendix 8B Extended Phase 1 Habitat Survey Report (Document 5.3.8 [APP-127]). Instead, the tree survey dataset was collected by arboriculturists following the principles of BS5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’, and may map a section of hedgerow (in Phase 1 habitat terms) as a combination of individual trees, hedgerows, groups or woodlands at the discretion of the surveyor and the level of detail applied in each situation. Thus, baseline hedgerow habitat is measured differently within the</p>

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		<p>respective assessments. Habitat impacts are referred to in linear metres only in ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080]), but include both canopy cover in m² (where full data on the area of a given section of trees, group or hedge is available) and linear metres (where data on the area of a given hedge feature is unavailable) in the arboricultural assessment as stated in paragraph 1.8.8 of the Arboricultural Impact Assessment (Document 5.3.3I [APP-102]).</p> <p>An example is included below to illustrate where a hedgerow with trees surveyed to BS5837 consists of a range of tree feature types including individual trees, tree groups and hedgerows. This same feature is classed as a single hedgerow in the Biodiversity Assessment. Below are extracts from (in order of the images):</p> <ul style="list-style-type: none"> • Sheet 3 of the Tree Constraints Plan, Annex 3I.1 of the Arboricultural Impact Assessment (Document 5.3.3I [APP-103]) - this shows trees recorded as groups (G reference), hedges (H reference) and individual trees (T reference), it also shows where extended Phase 1 habitat data has been used to cover sections of low growing hedgerow that weren't recorded by the tree survey (shown as a purple line):



- Sheet 2 of the Habitats Other Diversity Features and Water Bodies Plan Section B ((Document 2.9.2 [APP-039]) - this shows a single hedge and trees (native species-rich) feature type to be present (Phase 1 habitat methodology):



These methodologies are appropriate for establishing the baseline for the respective ES assessments as the assessments are concerned with different aspects of the habitat.

For the biodiversity assessment, the use of Phase 1 methodology enables the hedgerows to be mapped and categorized according to their biodiversity value (species-rich, species-poor, intact, defunct, with trees or without trees). This accords with Chartered Institute of Ecology and Environmental Management (CIEEM) best practice guidance: *Guidelines for Ecological Impact Assessment in the UK and Ireland (2018, updated 2019)*, which states that ‘Habitat surveys should follow a published and recognized habitat classification system that is appropriate for the site’s location’ and lists Phase 1 Habitat Survey as an appropriate methodology.

For the arboricultural assessment, the use of BS5837:2012 enables the habitat to be recorded in terms of its arboricultural quality and value (dimensions, life stage, condition and quality category) which accords with the principles of best practice guidance provided by BS 5837:2012.

- b) The **Trees and Hedgerows Potentially Affected Plans (Documents 2.11.1 to 2.11.6 [APP-050 to APP-055])** were developed using the methodology detailed in **section 1.8** of the **Arboricultural Impact Assessment (Document 5.3.3I [APP-102])** in conjunction with desk top reviews of the Project in relation to tree constraints by the Project Arboriculturist and Project Engineer.
- c) In terms of ‘permanent loss’ and ‘temporary effects’, as set out in **paragraphs 8.9.39 and 8.9.41 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**, the length of hedgerow (in Phase 1 habitat terms) that would be permanently lost (and not replanted in situ) as a result of the Project is 953m, and the

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length of hedgerow that would be temporarily affected as a result of the Proposed Development is up to 17,036m. However, as explained within **paragraph 8.9.41 of ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**, the actual lengths subject to direct temporary effects would be significantly less as much of the works would involve minor management (mainly pruning) of those parts of the hedgerows (not the entire length) where growth of constituent vegetation would infringe the safety clearance required from overhead lines. This is equivalent to National Grid’s current maintenance practice along existing overhead lines and therefore would not represent a change from existing conditions.

The difference in the figures quoted for hedgerow impacts within the **ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])** and **Arboricultural Impact Assessment (Document 5.3.3I [APP-104])** are due in part to the use of different methodologies for classifying hedgerows in each document as described above in the response to **Q3.2.3 a)**.

In addition, the following factors also contribute to the difference in the figures quoted within the two documents, and are explained in greater detail below:

- differences in what constitutes ‘removal’ within the two documents;
- differences in what constitutes ‘affected/managed’ and ‘temporarily affected’ in the two documents.

Differences in what constitutes ‘removal’ within the two documents

The **Arboriculture Tree Removal and Protection Plan** included as **Annex 3I.3 of the Arboricultural Impact Assessment (Document 5.3.3I [APP-104])** is based on the same dataset as the **Trees and Hedgerows Potentially Affected Plans – Section A-F (Documents 2.11.1 to 2.11.6 [APP-050 to APP-055])**. This dataset illustrates the expected vegetation clearance which is split into the categories ‘removed’, ‘affected/managed’, ‘potentially affected’ and ‘unaffected’ which are defined in **paragraph 1.8.3 of Appendix 3I.3 of the Arboricultural Impact Assessment (Document 5.3.3I [APP-102])**. ‘Removed’ in this context includes both vegetation that is to be permanently removed and that which will be removed and then reinstated by planting following completion of the works.

Within the Environmental Statement, linear hedgerow ‘removal’ (**paragraphs 8.9.39 and 8.9.41 of 5.2.8 ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**) equates to permanently removed hedgerows only. , Therefore it does not include any hedgerows that would be reinstated in situ following construction (unlike

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the amount of hedgerow removal quoted in the Arboricultural report which does include hedgerow removed and reinstated).

Differences in what constitutes ‘affected/managed’ and ‘temporarily affected’ in the two documents

Within Annex 3I.3 of the Arboricultural Impact Assessment (Document 5.3.3I [APP-104])

‘affected/managed’ refers to vegetation where management strategies ranging from pruning to coppicing would be applied. The figure quoted is 3,392 linear metres.

Within the Environmental Statement, ‘temporarily affected’ linear hedgerow length (17,036m) (**paragraphs 8.9.39 and 8.9.41 of 5.2.8 ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**) equates to hedgerows which would be subject to management ranging from pruning to coppicing but also includes those hedgerows which would be removed and then reinstated in situ following construction. This reflects the distinction between permanent and temporary habitat removal that is required in the **Biodiversity Net Gain Report (Document 7.9 [APP-210])** and the District Level Licence application for great crested newts (**5.3.8I Appendix 8I GCN District Level Licensing Impact Assessment and Conservation Payment Certificate, [APP-134]**) and ensures parity between the three approaches.

Key differences in the categories of vegetation impact as presented within the **ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])**, and within the **Arboricultural Impact Assessment (Document 5.3.3I [APP-104])** are summarised in the Table below:

Vegetation Impact	Arboricultural Impact Assessment [APP-102]	Biodiversity assessment [APP-080]
Permanent removal	Removal: 1,162m of linear hedgerows & 50,160m² of canopy cover (includes trees, woodland and hedgerows measured as canopy cover rather than linear length)	Permanent loss: 953m of linear hedgerow
Removal followed by re-instatement		Temporarily affected: Up to 17,036m of linear hedgerow
Management (mainly prune, limited coppice)	Affected/manage: 3,392m of linear hedgerow & 104,110m² of canopy cover (includes trees, woodland and hedgerows measured as canopy cover rather than linear length)	

Ref No.	Respondent:	Question:			
		<table border="1"> <tr> <td data-bbox="539 188 837 376">Remove or manage if LoD triggered</td> <td data-bbox="837 188 1487 376">Potentially affected: 2,152m of linear hedgerow & 75,783m² of canopy cover (includes trees, woodland and hedgerows measured as canopy cover rather than linear length)</td> <td data-bbox="1487 188 2069 376">Not included in figures</td> </tr> </table>	Remove or manage if LoD triggered	Potentially affected: 2,152m of linear hedgerow & 75,783m² of canopy cover (includes trees, woodland and hedgerows measured as canopy cover rather than linear length)	Not included in figures
Remove or manage if LoD triggered	Potentially affected: 2,152m of linear hedgerow & 75,783m² of canopy cover (includes trees, woodland and hedgerows measured as canopy cover rather than linear length)	Not included in figures			
Q3.2.4	The Applicant	<p>Hedgerow reinstatement</p> <ul style="list-style-type: none"> a) Can the Applicant explain its proposed approach to reinstatement of affected hedgerows? b) Confirm that all hedgerow reinstatement measures would be secured via the scheme described under Requirement 8(2), which would be in accordance with Requirements 8(1) and 9. If not, how else would it be secured? c) Can the Applicant explain its proposed approach to mitigation of effects to hedgerows in the scenario where up to 2,152 linear metres of hedgerow could be ‘potentially affected’ (as stated in the Arboricultural Impact Assessment (AIA) [APP-102], if development is relocated within the LoD sought <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) The reinstatement of affected hedgerows will be addressed in the detailed landscape mitigation strategy secured by Requirement 8(1)(b) of the draft Development Consent Order (Document 3.1(B)) [AS-011]. This will be based on the final level of tree and hedgerow loss or impact which will be reported in the THPS secured by Requirement 6 (1)(g) and Requirement 10(1) of the Draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011]. <p>‘Affected/managed’ hedgerows could include sections which are coppiced to ground level and allowed to regenerate (with stumps and roots protected in accordance with the THPS) or hedgerows which are pruned to facilitate a necessary clearance which could then be allowed to regenerate or would be maintained at a specific height where a clearance is required. In such circumstances (e.g. where a hedgerow will not be removed and will be coppiced or pruned, mitigation planting would not be required).</p> <ul style="list-style-type: none"> b) National Grid confirm that all hedgerow reinstatement measures would be secured via the scheme described under Requirement 8(2), which would be in accordance with Requirements 8(1) and 9. 			

Ref No.	Respondent:	Question:
		<p>c) The length of ‘potentially affected’ hedgerow does not represent the final total extent of hedgerow loss for this category of impacted hedgerow. The Limits of Deviation (LoD) include a degree of flexibility. If development was to be relocated within the LoD resulting in impacts to ‘potentially affected’ hedgerow there would be a corresponding reduction in areas of hedgerow loss or impact associated with the current design. For example, if the proposed YN 400kV overhead alignment moved west, hedgerows on the eastern side of the current design that are identified as ‘potentially affected’ within the LoD would not be impacted).</p> <p>Therefore, the full length of hedgerows ‘potentially affected’ within the LoD are unlikely to need to be removed and therefore would not need to be mitigated.</p> <p>The final extent of tree and hedgerow removal will be addressed in the Landscape Management Strategy secured by Requirement 8(1)(b) of the draft Development Consent Order (Document 3.1(B)) [AS-011] and as stated in Chapter 3 Description of the Development (Document 5.2.3) [APP-075] at paragraphs 3.6.59 to 3.6.61 the intent is to mitigate/reinstate as close to the location of loss as feasible.</p>

Table 2.7 – Biodiversity, Ecology and Natural Environment: Biodiversity Mitigation Strategy

Ref No.	Respondent:	Question:
3.3	3.3 Biodiversity Mitigation Strategy	
Q3.3.1	The Applicant	<p>Scope of Biodiversity Mitigation Strategy Para 1.4.1 of the Biodiversity Mitigation Strategy (BMS) [APP-097] states that the BMS details mitigation measures that have been designed to ‘partly or wholly’ deliver the embedded measures identified in respect of biodiversity.</p> <p>Can the Applicant expand on the explanation of the term ‘partly’ provided at footnote 2 of [APP-097], specifying which embedded biodiversity measures are secured partly outside of the BMS, for example in the CoCP [APP-095] or AIA [APP-102] to [APP-104], and where.</p>

Ref No.	Respondent:	Question:
		<p>Applicant's Response:</p> <p>The term 'partly' has been used in footnote 2 of Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]), in reference to those embedded measures which are delivered via the Biodiversity Mitigation Strategy in conjunction with other documents, namely:</p> <ol style="list-style-type: none"> a) those embedded environmental measures which are described in other documents submitted with the application; and b) those embedded environmental measures which will be detailed in documents to be developed post-consent as referred to in paragraphs 1.45 and 1.46 and Table 1.2 of Appendix 3B Code of Construction Practice (Document 5.3.3B [APP-095]). <p>The following embedded biodiversity measures (identified in Table 8.11, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) are secured partly outside Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]):</p> <ul style="list-style-type: none"> • Mitigation ID4 Dust management – described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.4 measure BD02 and Table 3.9 measures AQ09 to AQ13, secured by DCO Requirement 5(2)(a). • Mitigation ID7 Protection of ancient/veteran trees – described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.2 measure AR01, to be delivered via the DCO works plans secured by DCO Requirement 3 and the Tree and Hedgerow Protection Strategy secured by DCO Requirement 6(1)(g). In addition, Requirement 10 specifies that the Tree and Hedgerow Protection Strategy will be in accordance with Appendix 3I Arboricultural Impact Assessment (Document 5.3.3I [APP-102] to [APP-104]). • Mitigation ID9 Protection of retained habitats - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.2 measure AR01, to be delivered via the Tree and Hedgerow Protection Strategy secured by DCO Requirement 6(1)(g). In addition, Requirement 10 specifies that the Tree and Hedgerow Protection Strategy will be in accordance with Appendix 3I Arboricultural Impact Assessment (Document 5.3.3I [APP-102] to [APP-104]). • Mitigation ID11 Habitat reinstatement - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] paragraph 2.3.22 and Table 3.2 measure LV04,

Ref No.	Respondent:	Question:
		<p>secured by DCO Requirement 5(2)(a). Also described in the Outline Landscape Mitigation Strategy (ES Figures 3.10 to 3.12, Volume 5, Document 5.4.3 [APP-164]), with final landscaping and mitigation strategy secured via Requirement 8. In addition, Requirement 9 secures the implementation of landscaping and mitigation planting, and Requirement 11 secures reinstatement schemes.</p> <ul style="list-style-type: none"> • Mitigation ID12 Sensitive access and enabling works - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.5 measure HY7, secured by DCO Requirement 5(2)(a). In addition, Requirement 13 secures culvert removal. • Mitigation ID13 Protection of aquatic features - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.5 measure HY2/FM2, secured by DCO Requirement 5(2)(a). In addition, Requirement 6(1)(b) secures the preparation of a post-consent drainage management plan, and Requirement 6(1)(c) secures the preparation of a pollution incident control plan. • Mitigation ID14 Sensitive lighting design - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.1 measure GM03, secured by DCO Requirement 5(2)(a). In addition, Requirement 6(1)(d) secures the preparation of a post-consent lighting scheme. • Mitigation ID15 Construction traffic speed limits - described in Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] Table 3.1 measure GM02, and Table 3.9 measure AQ07 secured by DCO Requirement 5(2)(a).
Q3.3.2	The Applicant	<p>Pre-construction surveys</p> <p>Section 4.2 of the BMS [APP-097] states that pre-construction surveys would be undertaken for protected species “where relevant and necessary, i.e. in locations where protected species have previously been identified or where habitat has been assessed as particularly favourable as detailed within the baseline reporting”.</p> <p>In the interests of clarity and certainty, can the BMS specify which pre-construction surveys would be relevant and necessary?</p> <hr/> <p>Applicant’s Response:</p>

Ref No.	Respondent:	Question:
		<p>Paragraph 4.2.1 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) states ‘Pre-construction update surveys are likely to be required for badger, bats, breeding Schedule 1 birds, otter and water vole.’ Pre-construction surveys for these species would be necessary to ensure up-to-date data is known for these species to inform mitigation requirements. This is because:</p> <ul style="list-style-type: none"> • As described in Paragraph 3.5.2 Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095] existing baseline survey data may become out of date; which would be determined in line with CIEEM guidance¹. • Evidence of these species has been recorded during the baseline surveys; • There is suitable habitat present in which these species could establish presence (where baseline surveys recorded likely absence) prior to construction due to their mobile nature; and • Access has not been previously granted for survey in some areas but suitable habitat for protected species is present. <p>The requirement for pre-construction surveys would be dependent on the final detailed design of the Project, and would be determined by factors such as the location of the works, nature of the works in that location, and timing of the works. As such, no definitive list of pre-construction surveys at specific locations can be provided at this moment in time. However, in general terms, the following pre-construction surveys would be necessary to confirm mitigation measures to ensure works are compliant with environmental legislation:</p> <ul style="list-style-type: none"> • Breeding bird nest checks where vegetation clearance is planned within the breeding bird season (see Section 4.5 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]); • Monthly Schedule 1 breeding bird walkovers of all working areas and an appropriate surrounding buffer (see Section 4.5 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]); • Preliminary ground level bat roost assessments of all trees to be pruned or removed as set out in the post-consent tree and hedgerow protection strategy described in Table 1.2 of the Code of Construction Practice and secured by Requirement 6(1)(g) in Draft Development Consent Order (Document 3.3 [APP-066]), (includes trees previously assessed during the baseline

¹ CIEEM (2019). Advice Note – on the lifespan of ecological reports and surveys. Available at: [REDACTED] (Accessed 06 April 2023)

Ref No. Respondent: Question:

		<p>surveys and where no access was available during baseline surveys) (see Section 4.6 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]);</p> <ul style="list-style-type: none"> • An aerial tree climbing roost inspection of all trees identified to have moderate/high suitability to support roosting bats during the updated preliminary ground level roost assessment (see point above) where it is safe to do so (see Section 4.6 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]); • Badger surveys of all suitable sett creation habitat up to approximately 30m from working areas (see Section 4.7 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]); • Otter surveys of all suitable habitat within the working area and up to approximately 200m up and downstream of all suitable watercourses (see Section 4.9 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]); and • Water vole surveys of all suitable habitat within the working area and up to approximately 20m up and downstream (see Section 4.10 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097]). <p>In addition, Section 3.2 Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D) [APP-097] describes the general mitigation measures. These include providing the site operatives with a toolbox talk (TBT) outlining the protected species that are/could potentially be present in that location; actions to take if any protected species mentioned during the TBT are observed in areas where these have not been previously recorded; and undertake visual inspections immediately prior to each shift where works would involve clearing or excavating a section of the Site.</p>
Q3.3.3	The Applicant and Natural England, City of York Council, Hambleton District Council, Harrogate Borough	<p>Mitigation of lighting effects on nocturnal fauna</p> <p>Para 3.2.1 of the BMS [APP-097] specifies that a lighting design for the project would decrease the potential displacement effects of lighting on light-sensitive nocturnal fauna. Paras 4.6.2, 4.7.2 and 4.9.3 explain how this would minimise effects on bats, badgers and otters respectively. The lighting scheme secured under Requirement 6(1)(d) of the dDCO [AS-011] must accord with the BMS. The BMS outlines some headline principles such as minimising usage / light spill and using the most appropriate wavelengths.</p> <p>In the absence of a draft or outline version of the lighting scheme, does the BMS [APP-097] contain sufficient practical detail about how lighting design should minimise effects on light-sensitive nocturnal fauna?</p> <p>Applicant’s Response:</p>

Ref No.	Respondent:	Question:
	<p>Council, Leeds City Council, North Yorkshire County Council and Selby District Council, or any successor body</p>	<p>It is National Grid's view that the principles provided within Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) and the additional details presented in Paragraph 2.3.15. Appendix 3B Code of Construction Practice (Document 5.3.3B [APP-095]) are appropriate for this stage of the Project, as they demonstrate a firm commitment to the use of measures to minimise effects of artificial lighting on light-sensitive nocturnal fauna which has been embedded into the Project (as Mitigation ID14 Sensitive lighting design - described in Appendix 3B Code of Construction Practice (Document 5.3.3B [APP-095] Table 3.1 measure GM03, secured by DCO Requirement 5(2)(a))). In particular, Section 3.2 of Appendix 3D Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]) states that the lighting design would be informed by the Institution of Lighting Professionals and Bat Conservation Trust best practice guidelines². This document includes very detailed guidance on measures to avoid or minimise effects on bats which are also applicable to other nocturnal species including the use of dark buffer zones, screening and appropriate luminaire specifications in order to minimise light spill on to habitats which may be used by sensitive species. National Grid is aware that this guidance is due to be updated shortly as stated on the Bat Conservation Trust website³ and can confirm that the lighting scheme would be informed by the updated best practice guidance should it be available prior to the detailed design stage.</p> <p>It is not possible to provide greater detail at this stage of the Project as the post-consent detailed design is required in order to determine the specifics of the lighting scheme. However, as DCO Requirement 6(1)(d) secures the preparation of a post-consent lighting scheme, the Project could not proceed until the relevant planning authorities are satisfied that the final details of the scheme have appropriately mitigated any effects on light-sensitive nocturnal fauna.</p>

² 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). (online) (Accessed 06 April 2023).

³ (accessed 6 March 2023)

Table 2.8 – Biodiversity, Ecology and Natural Environment: Biodiversity Net Gain

Ref No.	Respondent:	Question:
3.4	3.4 Biodiversity Net Gain	
Q3.4.1	The Applicant	<p>Biodiversity Net Gain (BNG): pre-works surveys Para 4.1.1 of [APP-210] recommends that a number of pre-works surveys are completed to inform the BNG calculations ‘once the detailed construction working areas design is available’.</p> <p>a) Does the Applicant plan to undertake any survey work in respect of BNG prior to completion of this Examination?</p> <p>b) How do you respond to Natural England’s advice [APP-031] that pre-works surveys, calculations and assessments should be undertaken as early into the project development process as possible to inform design and management considerations, and as such ensure application of BNG Good Principle 1 (Apply the Mitigation Hierarchy)?</p> <p>Applicant’s Response:</p> <p>a) Discussions with stakeholders and a local offset provider regarding the most appropriate options for delivering 10% BNG are ongoing at this stage of the Examination and no further surveys are currently planned. However, National Grid is committed to achieving the best possible outcome in delivering meaningful BNG and will undertake the following additional surveys at the earliest opportunity to inform the updated post-consent BNG report based on the Project’s detailed design:</p> <ul style="list-style-type: none"> • Surveys within the Order Limits where access is currently refused by the landowners – these will be carried out at the earliest opportunity if consent for access is granted, and • Baseline surveys of habitat in locations identified in conjunction with local stakeholders where BNG delivery may be possible – options are currently being explored with a range of stakeholders as set out in the response to (Q3.4.2) below. <p>b) National Grid is engaged in productive discussions with Natural England and has responded to the advice given [RR-031] in the Applicant’s Response to Relevant Representations provided at Deadline 1 (Document 8.3) [REP1-015] and in an email to Natural England dated 17 March 2023. National Grid is committed to ensuring the application of BNG Good Principle 1 (Apply the Mitigation Hierarchy), in the design process and by exploring both on- and off-site options (within and outside the Order Limits) to achieve BNG that delivers the best outcomes for biodiversity in efficient and effective ways.</p>

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		<p>The information set out in the application stage Biodiversity Net Gain Report (Document 7.9 [APP-210]) is used to inform ongoing discussions with stakeholders (see further information on engagement to date in response (Q3.4.2.) below) regarding the adherence to the BNG Good Practice Principles⁴ [2]. As described in Section 1.1.4 of the Biodiversity Net Gain Report (Document 7.9 [APP-210]), it will be necessary to update the BNG assessment at different stages through the Project lifecycle to refine and finalise the assessment as further information becomes available. National Grid is committed to conducting additional surveys (as set out in response (Q3.4.1a) above), calculations (using Biodiversity Metric 3.1) and assessments to inform two updated BNG reports at: 1) post-consent detailed design stage, and 2) following completion of construction based on the as-built design, and is currently engaging with the Local Planning Authorities to secure BNG delivery via a Section 106 Agreement (as noted in the Applicant’s Planning obligations and commercial side agreements tracking list submitted at Deadline 1 (Document 8.8) [REP1-045].</p> <p>However, it is not possible to complete all the necessary surveys, calculations and assessments or provide these updated reports pre-consent as the detailed design will not be available until the Main Works contractors have been appointed and the design has been finalised within the Order Limits and LoD. As such, the application stage BNG metric calculations presented in the Biodiversity Net Gain Report (Document 7.9 [APP-210]) are based on a number of precautionary assumptions, and thus provide a reasonable worst-case indication of the deficit in biodiversity units resulting from the Project (which is likely to overstate losses as a precaution) and the amount and type of on and off-site habitat creation required to achieve BNG.</p>
<p>Q3.4.2</p>	<p>The Applicant</p>	<p>BNG: feasibility of achieving 10% net gain</p> <p>The Proposed Development is not required to demonstrate 10% BNG, but the Applicant has nonetheless set a voluntary target of a minimum 10% BNG in respect of the Proposed Development (para 1.1.3 of [APP-210]).</p> <p>a) Given that the achievement of 10% BNG would be reliant on off-site measures such as habitat retention, creation and enhancement, can the Applicant supplement the BNG Report [APP-210] with further information to demonstrate the feasibility of achieving and securing a 10% net gain in all identified habitat types (hedgerow, habitat and river)?</p>

⁴ CIEEM, IEMA & CIRIA. (2016). Biodiversity Net Gain: Good Practice Principles for Development. Available at: [REDACTED] (Accessed: 25/07/22)

Ref No.	Respondent:	Question:
		<p>b) Para 4.3.1 of [APP-210] describes liaison with landowners or offset providers, ideally to provide measures within the same local planning authority area as on-site impacts occur. How would this liaison take place and do you anticipate any role for the local authorities in this process?</p> <p>Applicant's Response:</p> <p>a) The Biodiversity Net Gain Report (Document 7.9) [APP-210] sets out how many units of each habitat type would be required to deliver 10% Biodiversity Net Gain (BNG). This is based on the information known at the time of submission and reflects a reasonable worst-case in terms of impacts. During delivery, National Grid would seek to work with the appointed Main Works Contractor to minimise habitat loss as much as possible, while working within the confines of the DCO (as set out in section 4.3.1 of the Biodiversity Net Gain Report (Document 7.9 [APP-210])). As a result, National Grid anticipates the 'as built' BNG calculation to demonstrate a need to deliver fewer units than that currently set out.</p> <p>In terms of the feasibility of delivering 10% BNG, National Grid seeks to commit to this via a S106 agreement with the Local Planning Authorities (LPAs). A draft S106 agreement has been submitted to the LPAs for comment (as noted in the Applicant's Planning obligations and commercial side agreements tracking list submitted at Deadline 1 (Document 8.8) [REP1-045]). In advance of this, extensive engagement has taken place to date with a range of stakeholders, as detailed in the response to part b) of this question. This has identified a number of potential BNG opportunities. Stakeholder engagement is ongoing and will continue throughout the examination period and into delivery. Post-consent and during preparation of the detailed design of the Project, National Grid will be able to commit to the right opportunities identified through the engagement process, which will ensure that 10% BNG is delivered across all habitat types across the Project overall.</p> <p>As set out within the BNG report (Section 4.3.1, Document 7.9) [APP-210], National Grid will seek to deliver BNG within the Order Limits as a preference, and if that is not feasible, within the boundaries of the host LPAs. However, should this not be possible, National Grid will explore wider opportunities, for example in adjoining LPA areas or on other National Grid-owned land, preferably as close to the Project as possible. These opportunities would be explored in consultation with host LPAs. Once all opportunities have been exhausted, should additional BNG units be required, these could be purchased from third party providers such as the Environment Bank. However, this would be a last resort, and National Grid are confident that this would not be necessary. Nonetheless, this option does mean there is no reason why the BNG commitments set out could not be achieved.</p>

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b) Throughout the application process National Grid has liaised with relevant stakeholders including LPAs in order to identify potential BNG opportunities. This means that subject to obtaining consent for the Project, delivery opportunities can be identified quickly, with known stakeholders. A high-level summary of some of the discussions to date is provided within the bullet points below, however, it should be noted that this list is not exhaustive and engagement is ongoing.

Throughout the examination process National Grid will continue to liaise with stakeholders, including the LPAs to explore opportunities as close to the Project as possible, and within the host LPAs where possible. As the examination process progresses and (subject to approval) delivery commences, National Grid can make greater commitments to specific opportunities available. Once the main works contract has been awarded and detailed design delivered, this will provide further detail as to the likely BNG required, as this will be influenced by the specific construction methodology in some instances. Again, this will enable National Grid to make greater commitments to specific opportunities.

In terms of the LPAs role in liaison, this will take place during regular engagement meetings, which currently take place approximately once a month and will continue through examination and into delivery of the Project. These meetings are funded through a Planning Performance Agreement (PPA). Beyond passing on details of any BNG opportunities the LPAs are aware of, National Grid does not anticipate extensive engagement from the LPAs in terms of identifying suitable sites. The LPAs are not involved in discussions with other stakeholders, such as landowners and other bodies, and National Grid does not anticipate this approach changing. However National Grid will ensure that the LPAs are kept informed of BNG opportunities that may come forward in their areas, and this communication would take place during the monthly meetings.

National Grid are proposing that BNG will be secured through a S106 agreement, and the draft S106 has been submitted to the LPAs. At the time of writing National Grid is awaiting comments. The LPAs review and input into the S106 is funded as part of the PPA.

Examples of BNG engagement to date include the following:

- Yorkshire Wildlife Trust (YWT): Opportunities relating to BNG opportunities at YWT reserves have been discussed, although it was noted that many of these are already well managed, so opportunities may be limited. However, discussions will continue.

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		<ul style="list-style-type: none"> • National Trust: During a site visit, opportunities to deliver BNG on National Trust land were discussed. At the time National Trust representatives were not able to confirm whether this would be possible. However more strategic discussions are currently taking place between National Grid and National Trust, with the hope of delivering suitable opportunities. • Environment Agency: Ongoing discussion regarding opportunities for watercourse/wetland habitat creation/enhancement, though potential sites identified so far are mainly outside the relevant LPAs. • Natural England: BNG opportunities have been discussed with Natural England as part of wider engagement, and discussions are ongoing. • White Rose Forest Project: A call was held to discuss BNG opportunities, although no specific sites were available at the time of the call. • Local Planning Authority Ecologists: During engagement with LPA ecologists, National Grid’s aim of achieving BNG has been discussed, and National Grid have requested details of any suitable locations/ opportunities. Engagement will continue. • Local Planning Authority Case Officers: During regular meetings with the LPA case officers, BNG has been explored, and requests for any BNG opportunities such as suitable land or projects have been made. Discussions are ongoing, alongside progression of the draft S106 agreement.
<p>Q3.4.3</p>	<p>The Applicant</p>	<p>BNG and biodiversity mitigation What mechanisms are in place to ensure that there is clarity between the measures being undertaken to mitigate effects on biodiversity as a result of the Proposed Development and measures proposed to achieve biodiversity net gain?</p> <hr/> <p>Applicant’s Response:</p> <p>The Biodiversity Net Gain Report (Document 7.9 [APP-210]) submitted as part of the application for the Project has been prepared in line with the BNG Good Practice Principles including Principle 7 (Be Additional). This principle aims to achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., do not deliver something that would occur anyway). The subsequent post-consent BNG reports that will be updated to reflect the detailed design and as-built design (as described in the response to Q3.4.1b) in this document will clearly state which measures have been included in the Biodiversity Metric 3.1 calculations and act as the mechanism for ensuring clarity between measures used to mitigate effects and measures proposed to achieve BNG.</p>

Ref No.	Respondent:	Question:
		<p>Measures being undertaken to mitigate effects on biodiversity have been embedded into the Project design including those set out in Table 8.11, ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080]) and Appendix 3A Embedded Measures Schedule (Document 5.3.3A [APP-094]). With respect to embedded environmental measures to mitigate effects on protected species and sites, there are no measures which result in the creation of habitat units that have been counted towards BNG delivery in the Biodiversity Net Gain Report (Document 7.9 [APP-210]). The only case where measurable habitat creation forms an integral part of the mitigation for protected species within the Project is with respect to the District Level Licence (DLL) for great crested newts as delivered by embedded environmental measure 16 Protected Species Licences (Table 8.11, ES Chapter 8: Biodiversity, (Document 5.2.8 [APP-080])). However, the habitat creation associated with the DLL has not been included in the Biodiversity Metric 3.1 calculations which inform the Biodiversity Net Gain Report (Document 7.9 [APP-210]). Any inclusion of this habitat in subsequent updates to the BNG Metric 3.1 calculations/report would be in line with the latest Government guidance on additionality and would clearly show where DLL habitat creation had been included.</p> <p>Measures relating to habitat reinstatement, enhancement and creation are inextricably linked to the delivery of BNG and their implementation works in tandem with BNG delivery to achieve the best possible outcomes for biodiversity. For example, embedded environmental measure ID11 Habitat reinstatement (Table 8.11, ES Chapter 8 Biodiversity (Document 5.2.8 [APP-080])) covers the reinstatement of areas of temporary habitat loss back to the type of habitat affected following the completion of construction in each area wherever possible. This measure is linked to BNG as it minimises the amount of habitat loss that feeds into the Biodiversity Metric 3.1 calculations in line with BNG Good Principle 1 (Apply the Mitigation Hierarchy). In addition, loss or degradation of some habitats, for example hedgerows, is mitigated via embedded environmental measure LV04 secured by draft Development Consent Order (Document 3.1(B)) [AS-011] Requirement 5(2)(a) (Table 3.2, Appendix 3B Code of Construction Practice, Document 5.3.3B [APP-095]) which includes the creation and enhancement of hedgerows in accordance with the Landscape Mitigation Strategy (Figures 3.10 to 3.12, ES Chapter 3 Document 5.4.3(B) [AS-017]) secured via DCO Requirement 8 (Landscaping and mitigation planting). As stated in paragraph 8.9.44 of ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080], the Outline Landscape Mitigation Strategy includes the creation of approximately 1027m of new hedgerow planting at Overton Substation, Tadcaster and Monk Fryston Substation. In addition, approximately 849m of hedgerow reinforcement (comprising thickening, gapping up, and planting trees within existing hedgerows) would be implemented at these locations. Therefore, the Project's Outline Landscape Mitigation Strategy would result in a net increase in hedgerow length of approximately 74m, with an additional approximate length of 849m enhanced. These figures have been used in the Biodiversity Metric 3.1 calculations along with the baseline linear hedgerow habitat units and those</p>

Ref No.	Respondent:	Question:
		<p>which are lost as a result of the Project so that the number of additional habitat units required to deliver a 10% increase compared to baseline levels has been calculated. These calculations would be refined as described in Section 4.3 of the Biodiversity Net Gain Report (Document 7.9 [APP-210]) to accurately reflect what happens on site, including an assessment of additionality.</p> <p>The Government has indicated that it intends to produce a draft BNG statement for NSIPs later in 2023 and will consult with industry and wider stakeholders on this draft as soon as possible⁵. The post-consent updated BNG report for the Project will take account of any additional guidance with respect to NSIPS (including with respect to additionality) which emerges in the relevant timeframe.</p>

⁵ Consultation on BNG Regulations and Implementation – Government Response and Summary of Responses February 2023. Available at: <https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses#government-response-part-2-applying-the-biodiversity-gain-objective-to-different-types-of-development> (accessed 07 March 2023)

2.4 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 2.9 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: General: Compulsory Acquisition, Temporary Possession and Statutory Undertakers’ Schedules

Ref No.	Respondent:	Question:
4.0	4.0 General: Compulsory Acquisition, Temporary Possession and Statutory Undertakers’ Schedules	
Q4.0.1	The Applicant	<p>Schedule of Compulsory Acquisition (CA) and Temporary Possession (TP) Objections and Updates</p> <p>To facilitate regular updates during the Examination:</p> <ol style="list-style-type: none"> a) Complete the attached CA and TP Objections Schedule (Annex A to ExQ1 below) with information about any objections to the CA and/ or TP proposals. Update this Schedule at each successive Deadline shown in the Examination Timetable for ‘Updating CA and TP Schedules’, based on the outcomes from continuing diligent inquiry. b) Make any new entries, or delete any entries that you consider no longer apply, taking account of the positions expressed in Relevant Representations (RR) and Written Representations (WR) and giving reasons for any additions or deletions.
		<p>Applicant’s Response:</p> <ol style="list-style-type: none"> a) and b) Annex A has been completed and is submitted as Compulsory Acquisition and Temporary Possession Objections Schedule (Document 8.14). National Grid will update this document with any changes required and submit the updated version at each relevant Deadline.
Q4.0.2	The Applicant	<p>Schedule of Negotiations with Land Interests</p> <p>To facilitate regular updates during the Examination:</p> <ol style="list-style-type: none"> a) Submit as a standalone Examination document at each Deadline shown in the Examination Timetable for ‘Updating CA and TP Schedules’, an updated Schedule of Negotiations with Land Interests as mentioned in the Statement of Reasons (SoR) [APP-069], para 5.8.6 and Appendix B with the additions to the Appendix B table of: <ul style="list-style-type: none"> ▪ the Book of Reference (BoR) class; and ▪ names of Persons with Interest in Land (PIL) such that direct link to the BoR is clear. b) Update the SoR with any changes to content of Appendix B at Deadline 8.
		Applicant’s Response:

Ref No.	Respondent:	Question:
		<p>a) National Grid has produced a Schedule of Negotiations with Land Interests as mentioned in the Statement of Reasons (SoR) (Document 4.1) [APP-069], para 5.8.6 and Appendix B with the additions to the Appendix B table of:</p> <ul style="list-style-type: none"> • the Book of Reference (BoR) class; and • names of Persons with Interest in Land (PIL) <p>This is submitted as Statement of Reasons Appendix B - Schedule of Negotiations with Land Interests (Document 4.1-B(B)).</p> <p>b) National Grid will update the Statement of Reasons (SoR) (Document 4.1) [APP-069] with any changes required to Appendix B of that document at Deadline 8 as requested.</p>
Q4.0.3	The Applicant	<p>Status of Negotiations with Statutory Undertakers To facilitate regular updates during the Examination:</p> <p>a) Provide a standalone status report on progress of negotiations on Protective Provisions, with an estimate of the timescale for securing agreement with them. The ExA would find the information provided in the ‘A428 Black Cat to Caxton Gibbet improvements, Statutory Undertakers – Progress Schedule’ useful to be set out in a tabular format determined by the Applicant. https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010044/TR010044-001930-National%20Highways%20-%209.17%20Statutory%20Undertakers%20Progress%20Schedule%20-%20Rev%203.pdf</p> <p>b) Provide updates at each Deadline shown in the Examination Timetable for ‘Updating CA and TP Schedules’.</p> <p>Applicant’s Response:</p> <p>a) National Grid has prepared a standalone status report on progress of negotiations on Protective Provisions in the form suggested by the ExA. The Protective Provisions Progress Schedule (Document 8.12) has been submitted to the examination at Deadline 2.</p> <p>b) The status report will continue to be submitted at the relevant Deadlines set for ‘Updating CA and TP Schedules’.</p>

Ref No.	Respondent:	Question:
Q4.0.4	The Applicant	<p>Details of purpose for which Compulsory Acquisition and Temporary Possession powers are sought</p> <p>a) Provide a standalone update to the SoR's Appendix A 'Details of purpose for which Compulsory Acquisition and Temporary Possession powers are sought' [APP-069], Appendix A, when changes have occurred, at each Deadline shown in the Examination Timetable for 'Updating CA and TP Schedules'.</p> <p>b) Update the SoR with any changes to content of Appendix A at Deadline 8.</p>
		<p>Applicant's Response:</p> <p>a) National Grid has produced a standalone update to Appendix A 'Details of purpose for which Compulsory Acquisition and Temporary Possession powers are sought' in the Statement of Reasons (SoR) (Document 4.1) [APP-069].</p> <p>This is submitted as Statement of Reasons Appendix A – Details of Purpose for Which Compulsory Acquisition and Temporary Possession Powers are Sought (Document 4.1-A(B)).</p> <p>b) National Grid will update the Statement of Reasons (SoR) (Document 4.1) [APP-069] with any changes required to Appendix A of that document at Deadline 8 as requested.</p>

Table 2.10 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Clarifications

Ref No.	Respondent:	Question:
4.1	4.1 Clarifications	
Q4.1.1	The Applicant	<p>Land Plan referencing</p> <p>The Land Plan referencing does not appear to accord with the explanation in the BoR [APP-071], para 9.1.1.</p> <p>a) Explain the Land Plan plot number referencing [AS-005] to [AS-010].</p> <p>b) For example why are plots, in Section F of the project, referenced starting with "E"?</p> <p>c) Provide an accurate explanation in the BoR.</p>

Ref No.	Respondent:	Question:
		<p>Applicant's Response:</p> <ul style="list-style-type: none"> a) Each plot is numbered uniquely so that the prefix of the plot number relates to the project section letter (A-F) and land plan sheet number on which the plot appears. b) In instances where plots fall across two sections, they are lettered and numbered based on the sheet on which they first appear. c) National Grid has applied the following wording to paragraph 1.1.9 of the Book of Reference (Document 4.3(B)) [REP1-010] submitted at Deadline 1: "In instances where plots fall across two sections, they are lettered and numbered based on the sheet on which they first appear. For example, plot number C9-37 first appears on sheet C9 and so is named based on that sheet even though it actually falls within the project section D."
Q4.1.2	The Applicant	<p>Carter Jonas LLP on behalf of S Batty and Son Limited: The RR [RR-007] from Carter Jonas LLP on behalf of S Batty and Son Ltd states <i>"the project impacts land which is within the ownership of my client S Batty & Son Ltd."</i> S Batty and Son Limited does not appear in the BoR.</p> <p>Provide an explanation and update the BoR as necessary.</p> <p>Applicant's Response:</p> <p>Joyce Batty, Stephen Batty, Richard Batty and Sarah Batty are listed as owners in the Book of Reference in relation to plots E6-03, E6-04, E6-15, E6-17, E6-25, E6-27, E6-29, E6-32, E7-05, E7-06, E7-07, E7-08, E7-09, E7-11, E7-13a following diligent inquiry as they are registered as owners of the land at The Land Registry. S Batty and Son Limited are not listed as owning land on The Land Registry title documents. However, National Grid has made inquiries with their land agent and family members to query if any of these plots are associated with S Batty and Son Limited either directly or indirectly. Should any updates to the Book of Reference be required as a result of these inquiries these will be made at future deadlines.</p>
	The Applicant	Northern Powergrid transformer compound at the Overton Substation site

Ref No.	Respondent:	Question:
Q4.1.4		<p>The Applicant identified the location of the Northern Powergrid transformer compound, described in the Design and Access Statement (DAS) [APP-203], para 2.4.2 at ISH1, using Design Drawing [APP-064], Design Drawing Overton, Substation Parameter Plan, Sheet 1 of 3.</p> <ul style="list-style-type: none"> a) Is the Northern Powergrid transformer compound with an area of brown land with Class 1 CA rights? b) If so which plot? If not, should it be? c) If so, should the BoR class of interest, and Table A in the SoR be amended to show one of the Northern Powergrid plcs as well as National Grid? d) Is this also the case for Plot B2-32 for the land marked as “DNO Substation Compound” on the Parameter Plan identified above? e) Are there any other changes required? <p>(See also questions under dDCO article 5)</p> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) Yes, the Northern Power Grid transformer compound is included in the brown area with Class 1 CA rights. b) It is included in plot B2-39 Document 2.5.2 Land Plan Section B (Document 2.5.2) [AS-006]. c) Northern Power Grid does not need to be identified within the Class 1 land at Overton as any rights they require would be granted by National Grid as part of any connection agreement with Northern Power Grid. d) The DNO Substation Compound is the Northern Power Grid transformer compound, mentioned above and is in B2-39, there is no Northern Power Grid compound in B2-32 Land Plan Section B (Document 2.5.2) [AS-006]. <p>Please see response to Q5.1.4 which confirms there is only one DNO compound proposed in this location. The compound shown as “DNO Substation Compound” is the same compound as was referred to as the NPG compound at ISH1. To provide clarity Document 2.15, [APP-064], Design Drawing Overton, Substation Parameter Plan, DCO_DE/PS/14_01, Sheet 1 of 3 has been updated to re-name the DNO Substation Compound to 'Northern Powergrid Northeast Plc Substation', labelled on the plan and the symbology has been updated to ensure the plan is</p>

Ref No.	Respondent:	Question:
		<p>easier to read. The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p> <p>e) No other changes other than those listed above are required</p>

Table 2.11 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: The Book of Reference, Statement of Reasons, Land Plans, diligent inquiry and updates

Ref No.	Respondent:	Question:
4.2	4.2 The Book of Reference, Statement of Reasons, Land Plans, diligent inquiry and updates	
Q4.2.1	The Applicant	<p>Compliance with the CA Guidance, Annex D Confirm that the BoR [APP-071] complies with the advice contained in the “<i>Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land, September 2013, Department for Communities and Local Government</i>” (the CA Guidance), Annex D, para 8. For example, are all those identified in BoR Part 3 also recorded in Part 1?</p> <p>Applicant’s Response:</p> <p>National Grid confirms that the Book of Reference (Document 4.3(B)) [REP1-010] complies with the guidance. To confirm, all those listed in Part 3 are also recorded in Part 1.</p>
Q4.2.2	The Applicant	<p>Book of Reference Category 3 Parties</p> <p>a) Provide further detail/ justification of how you have identified Category 3 parties for the purposes of the BoR [APP-071].</p> <p>b) Are there any other persons who might be entitled to make a relevant claim if the dDCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [APP-071]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none"> ▪ noise, vibration, smell, fumes, smoke or artificial lighting;

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> ▪ the effect of construction or operation of the proposed development on property values or rental incomes; ▪ concerns about subsidence or settlement; ▪ claims that someone would need to be temporarily or permanently relocated; ▪ impacts on a business; ▪ loss of rights, eg to a parking space or access to a private property; ▪ concerns about project financing; ▪ claims that there are viable alternatives; or ▪ Blight. <p>Applicant's Response:</p> <p>a) National Grid has applied a multidisciplinary approach to the initial identification of potential Category 3 parties. This involved input from specialist land agents, environmental consultants and the project team. As part of the identification and refinement process, the respective subject matter experts combined to:</p> <ul style="list-style-type: none"> i) confirm what could constitute a relevant claim; ii) advise on matters arising from the construction or operation of the project which may give rise to a relevant claim; iii) undertake property due diligence exercise on properties where it was perceived a relevant claim could potentially be made; and conclude the properties potentially impacted and the likelihood of success of any relevant claims. <p>The detail and justification of identification of Cat 3 parties is set out in the Land Referencing methodology located in Appendix C of the Statement of Reasons (Document 4.1) [APP-069].</p> <p>The primary cause for any relevant claim during the construction period was determined to be the interference or loss of rights as potential section 10 claims. These are included in the Book of Reference (Document 4.3(B)) [REP1-010]. Other potential impacts and compensation claims were reviewed in consideration of i) section 10 of the Compulsory Purchase Act 1965; ii) Part 1 of the Land Compensation Act 1973; and/ or iii) section 152(3) of the PA2008. Where parties were identified as potential claimants falling into each of these categories they are included in the Book of Reference (Document 4.3(B)) [REP1-010].</p>

Ref No. Respondent: Question:

		<p>National Grid notes that concerns about project financing and submissions about alternatives are not legal interests in land which would be listed in the Book of Reference (Document 4.3(B)) [REP1-010].</p> <p>Persons who may have a valid blight claim are included in the Book of Reference (Document 4.3(B)) [REP1-010] as blight claims are related to the impact of powers over interests in land.</p> <p>b) National Grid undertook adequate diligent inquiry to identify the parties in Part 2 of the Book of Reference (Document 4.3(B)) [REP1-010] who would, or might be entitled to, make a relevant claim. National Grid does not consider there are any further parties who need to be included.</p>
Q4.2.3	The Applicant	<p>Diligent inquiry into land interests</p> <p>a) Summarise where you have not yet been able to identify any persons having an interest in the land, including any rights over unregistered land?</p> <p>b) What further steps will you be taking to identify any unknown rights during the Examination?</p> <p>c) What further steps will you be taking in connection with hard to reach groups?</p> <hr/> <p>Applicant's Response:</p> <p>a) All persons having an interest in land, including rights over unregistered land, have been identified through a process of diligent inquiry. The diligent inquiry process for identifying all interests in land is set out in Appendix C of the Statement of Reasons (Document 4.1) [APP-069]. Where, despite having completed this diligent inquiry process, an interest or right in land has been identified but the holder of that interest remains unknown, "Unknown" has been listed as an entry in the Book of Reference (Document 4.3(B)) [REP1-010]. The plots (with references made to the Land Plans (Documents 2.5.1(B)-2.5.6(B)) [AS-005-AS-010]) in which National Grid has identified an unknown interest are: B2-67, B4-02, C1-09, C1-18, C2-02, C2-05, C2-06, C2-08, C4-14, C4-15, C4-17, C6-10, C7-01, C7-03, C8-16, C8-19, C8-20, C8-21, C8-22, C8-25, C8-26, C8-28, C8-31, C9-01, C9-07, C9-12, C9-15, C9-18, C9-32, E1-07, E5-02, E5-03, E5-06, E5-22, E6-08, E6-11, E6-12, E6-13, E6-31, E6-41, E6-43, E6-45, E6-46, F1-07, F1-35, F1-36, F1-38.</p> <p>b) Reviews are being undertaken on a regular basis to identify updates in Land Registry records and through dialogue with landowners and their agents. Where information comes to light during the Examination on the holders of these interests, or any additional interests in the Book of Reference,</p>

Ref No. Respondent: Question:

		<p>these will be followed up, and investigated and updated in the Book of Reference (Document 4.3(B)) [REP1-010].</p> <p>c) National Grid is continuing to engage with the owners and occupiers of the traveller site in order to keep them informed of the project and to identify any new owners or occupiers. Recently National Grid sent correspondence surrounding the Environmental Statement Addendum (Document 5.2.20) [REP1-013] relating to the visual impacts on the traveller site to the Local Planning Authority, the traveller site owners and the land agent. National Grid requested an onsite meeting to meet the site owners and occupiers to discuss the contents of the addendum and the wider Project with them. A site notice was posted on site at the entrance to the traveller site at Section 56 and more recently a non-statutory notice relating to the Environmental Statement Addendum. As and when further notices are required to be posted, these will also be posted on site to provide an opportunity for harder to reach groups to be notified. We will also continue to liaise with the land agent over the acquisition of land rights and our continued endeavours to seek to obtain contact details in respect of the occupiers through the land agent.</p>
<p>Q4.2.4</p>	<p>The Applicant</p>	<p>Risks or impediments to the proposed development Further to the SoR [APP-069], para 6.1.7 and in the light of the CA Guidance, para 19 demonstrate:</p> <ul style="list-style-type: none"> a) how potential risks or impediments to implementation of the Proposed Development have been properly managed; b) the account taken of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents applicable to this type of development. <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) National Grid undertakes regular risk reviews in which qualitative and quantitative assessments of risks, impediments, and opportunities are undertaken throughout a project's lifecycle. National Grid have undertaken multiple reviews to date on this Project, in which key areas such as development, consenting, land acquisition, funding, manufacturing, design, delivery, operation and demolition phases have all been considered. <p>Within this process, risks and opportunities are identified to which mitigation plans are refined/updated and risk owners assigned. These are quantified and going forwards shall be included within National</p>

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Grids Accelerated Strategic Transmission Investment (ASTI) Project Assessment submission to Ofgem, to seek and substantiate project allowances and clear ownership of the Project risks.

Examples of where risks have been identified and properly managed include:

Risk	Mitigation Action	Project Status
<p>Project not obtaining funding / sufficient funding to execute the Project and realise economic benefits for consumers by meeting the 2027 earliest in service date.</p>	<p>National Grid have to date met all key milestones and submissions to Ofgem with regards to adhering to the LOTI license and engaging with the regulator of key developments.</p> <p>National Grid have also supported the Ofgem consultation with Transmission Operators to assess what license reforms were required to accelerate project programmes to support the Governments ambitions of 50GW of offshore wind generation by 2030.</p>	<p>The Large Onshore Transmission Investment (LOTI) Final Needs Case 'minded to position' has been issued for consultation by Ofgem supporting the project's need and the technical option being proposed by National Grid Electricity Transmission.</p> <p>This includes an acknowledgement and supports Ofgem's decision in December 2022, that the Project shall be funded via a new Accelerated Strategic Transmission Investment (ASTI) framework.</p> <p>The Project shall be ported to the new ASTI framework which is due to become effective summer 2023.</p>
<p>Ground investigation survey activities constraining the delivery programme</p> <p>Front end activities associated with the main works contracts to design and build overhead lines, cabling and substations require intrusive ground investigations to be undertaken to inform detailed design.</p>	<p>Opportunity to support the Project's 2027 earliest in service date is for National Grid to undertake these works prior to the main works contract tender launch at risk pending funding allowances being set.</p> <p>This introduces a 4-month programme efficiency to front end works to realise and support</p>	<p>Survey works completed and factual data included within the main works contract tender.</p>

Ref No.	Respondent:	Question:						
		<table border="1" data-bbox="539 193 2074 906"> <tr> <td data-bbox="539 193 999 427">Due to a constrained programme, it is not possible to complete all post contract award and meet the Projects programme.</td> <td data-bbox="999 193 1451 427">the target first site access dates and respective detailed design packages.</td> <td data-bbox="1451 193 2074 427"></td> </tr> <tr> <td data-bbox="539 427 999 906">Increasing lead times associated with equipment manufacturing due to global supply chain issues</td> <td data-bbox="999 427 1451 906"> <p>Early market engagement with key suppliers and acceleration of tender events where necessary to meet the earliest in-service date.</p> <p>Engagement with Ofgem and inclusion within future funding applications with market intelligence, market tested positions to justify need and commitments required prior to a planning decision.</p> </td> <td data-bbox="1451 427 2074 906"> <p>Main works tenders have been launched with our supply chain with a target of awarding contracts prior to a Planning Decision.</p> <p>Supergrid Transformer tender accelerated to procure 8 units by circa 5 months, due to lead time increasing within our supply chain. Tender event has now concluded and contracts raised with successful Suppliers with anticipated delivery dates that support the programme.</p> </td> </tr> </table> <p data-bbox="584 946 2074 1050">b) National Grid continuously assess throughout the Project’s development and delivery all wider works which are required to support the Project such as accommodation and also the potential hazards or impact the works may incur with any stakeholder assets.</p> <p data-bbox="633 1098 2074 1201">Following which, there is an assessment and allocation of responsibility within the Project to progress all matters to co-ordinate the interaction with all necessary stakeholders to manage physical and legal matters pertaining to the application.</p> <p data-bbox="633 1249 2074 1425">To date National Grid have engaged with all parties identified to assess the interface and requirements to manage the physical works and progress all legal matters required. Timescales and key activities are incorporated within the Project’s Programme time allowances. Furthermore, where known all specific requirements and responsibilities of National Grids main works contractors are detailed within the respective scoping documents.</p>	Due to a constrained programme, it is not possible to complete all post contract award and meet the Projects programme.	the target first site access dates and respective detailed design packages.		Increasing lead times associated with equipment manufacturing due to global supply chain issues	<p>Early market engagement with key suppliers and acceleration of tender events where necessary to meet the earliest in-service date.</p> <p>Engagement with Ofgem and inclusion within future funding applications with market intelligence, market tested positions to justify need and commitments required prior to a planning decision.</p>	<p>Main works tenders have been launched with our supply chain with a target of awarding contracts prior to a Planning Decision.</p> <p>Supergrid Transformer tender accelerated to procure 8 units by circa 5 months, due to lead time increasing within our supply chain. Tender event has now concluded and contracts raised with successful Suppliers with anticipated delivery dates that support the programme.</p>
Due to a constrained programme, it is not possible to complete all post contract award and meet the Projects programme.	the target first site access dates and respective detailed design packages.							
Increasing lead times associated with equipment manufacturing due to global supply chain issues	<p>Early market engagement with key suppliers and acceleration of tender events where necessary to meet the earliest in-service date.</p> <p>Engagement with Ofgem and inclusion within future funding applications with market intelligence, market tested positions to justify need and commitments required prior to a planning decision.</p>	<p>Main works tenders have been launched with our supply chain with a target of awarding contracts prior to a Planning Decision.</p> <p>Supergrid Transformer tender accelerated to procure 8 units by circa 5 months, due to lead time increasing within our supply chain. Tender event has now concluded and contracts raised with successful Suppliers with anticipated delivery dates that support the programme.</p>						

Ref No.	Respondent:	Question:
		<p>National Grid where applicable are obtaining Statements of Common Ground with statutory bodies as submitted to the Examination, including any legal side agreements where necessary.</p> <p>With regards to all necessary secondary consents and permissions required to deliver the works, National Grid has scoped the requirements to apply, manage and undertake all respective works with our respective Main Works Contractors which would take place in the future post detailed design. In respect of the other consents and licenses required for this type of Project, National Grid has produced as part of the application a Details of Other Consents and Licenses document (Document 7.3) [APP-204] which sets out these requirements. The timescales of which are considered within the Project's programme.</p>

Table 2.12 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Alternatives

Ref No.	Respondent:	Question:
4.3	4.3 Alternatives	
Q4.3.1	The Applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition have been explored</p> <p>The CA Guidance, para 25, states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <ol style="list-style-type: none"> Demonstrate compliance with this aspect of the CA Guidance. Have you offered full access to alternative dispute resolution techniques for those with concerns about the Compulsory Acquisition of their land or considered other means of involving those affected? If so explain these. <p>Applicant's Response:</p> <ol style="list-style-type: none"> National Grid has set out its approach to negotiations for voluntary agreements for the land and rights required for the project under its Land Rights Strategy and those details are described in Paragraph 5.8 of the Statement of Reasons (Document 4.1) [APP-069].

Ref No.	Respondent:	Question:
		<p>National Grid’s approach of making the application for the DCO in parallel to conducting negotiations to acquire rights in land and land by agreement is in accordance with Paragraph 25 of the Department for Communities and Local Government’s document Planning Act 2008 - Guidance related to procedures for compulsory acquisition of land (September 2013).</p> <p>All affected parties received offers of terms to enter into voluntary agreements between 30 June 2022 and November 2022, with additional offers issued in February 2023 for newly identified parties. National Grid and their agents continue to actively engage with affected parties and their appointed agents to negotiate and agree the terms of individual voluntary agreements and updates on the status of those negotiations will be provided where requested throughout the course of the examination.</p> <p>National Grid is committed to seeking voluntary agreements where it is practically possible to do so and at this stage is optimistic that the majority of agreements can be progressed on that basis, however Paragraph 25 of the CA Guidance confirms that for long linear schemes such as this one;</p> <p><i>“it may not be practical to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset”</i></p> <p>National Grid confirms that it will continue to seek all rights it needs by negotiation for voluntary agreement subject to the DCO being made.</p> <p>National Grid have set out in Paragraph 6.3 of the Statement of Reasons (Document 4.1 [APP-069] its consideration of alternatives to Compulsory Acquisition. National Grid remain committed to ongoing engagement with Affected Parties in an effort to secure agreements voluntarily.</p> <p>b) National Grid confirms that negotiations regarding the scheme and the terms of voluntary agreements with the majority of Affected Parties are at an advanced stage and National Grid have not been made aware of any fundamental disputes as to the terms of the offers being made that might benefit from Alternative Dispute Resolution. Whilst some affected parties have engaged with National Grid more than others, the majority of the most significantly affected parties and in particular those where</p>

Ref No. Respondent: Question:

		<p>National Grid are seeking permanent land acquisition have appointed independent and experienced land agents with whom negotiations are active.</p> <p>The status of all ongoing negotiations with affected parties is shown in the table in Statement of Reasons Appendix B - Schedule of Negotiations with Land Interests (Document 4.1-B(B)) submitted at Deadline 2.</p> <p>If National Grid reached a stage where there was a fundamental dispute relating to the offer that National Grid have made Alternative Dispute Resolution would be considered and, if appropriate, offered to the affected party. However, Alternative Dispute Resolution would only be beneficial where both parties were willing to do so in a positive manner.</p> <p>The majority of interests that National Grid are seeking to acquire are for rights only and in those instances the terms of the offers made are in accordance with National Grid’s published Payments schedule for new electricity transmission assets (Appendix F: Payments Schedule For New Electricity Transmission Assets). The majority of the affected parties already have a relationship with National Grid through the existing infrastructure on their property and their agents are aware of the Payments schedule for new electricity transmission assets and the standard payment terms for the various rights being sought.</p>
Q4.3.3	The Applicant	<p>Consulting Persons with an Interest in Land (PILs) under PA2008 sections 42(1)(d) and 44 Further to the description of the process of consulting PILs in the Consultation Report [APP-195], Section 6.3 and the responses [APP-195], Table 7.3 provide a précis table of the account that has been taken of responses in the location, routeing and design of the Proposed Development in considering CA alternatives, together with reasons where changes have not been made. The location of the requested change or response should be clearly stated eg by pylon number, road name, substation or CSEC etc.</p> <p>Applicant’s Response:</p> <p>Please see Appendix G: Response to Q4.3.3.</p>

Table 2.13 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought by the dDCO

Ref No.	Respondent:	Question:
4.4		4.4 Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought by the dDCO
Q4.4.1	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The SoR explains that engagement and negotiations have been ongoing throughout the consultation and design process to try to avoid the need for CA with routeing and design, to minimise the impact and number of landowners affected and to minimise the land required [APP-069], para 6.3.3.</p> <p>To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the Proposed Development to which the Order limits extend:</p> <ol style="list-style-type: none"> a) Is there a word(s) missing from the first sentence in connection with LoD in the SoR [APP-069], para 6.3.4]? b) For the avoidance of doubt, set out and justify the extent of the flexibility that the submitted scheme for the proposed development would allow in terms of LoD, and other parameters, providing dimensions where relevant. c) Explain how it would be ensured that powers of Compulsory Acquisition would not be exercised in respect of land not ultimately required, as a result of the detailed design process. <hr/> <p>Applicant’s Response:</p> <ol style="list-style-type: none"> a) Yes, the first sentence of paragraph 6.3.4 of the Statement of Reasons (Document 4.1) [APP-069] is missing the word “Project”. It should read “The limits of deviation for the Project have been developed to allow for sufficient movement of a pylon to clear any obstacle.” b) The limits of deviation are set out in Article 5 of the draft DCO (Document 3.1(B)) [AS-011] and on the Works Plan (Documents 2.6.1 (B) – 2.6.6 (B)) [REP1-004 to REP1-009]. The lateral limits of deviation for the linear works are typically 50m either side of the centre line as shown on the Works Plan (Documents 2.6.1 (B) – 2.6.6 (B)) [REP1-004 to REP1-009]. However the proposed lateral LoD are not fixed along the entirety of the overhead lines but deviate depending on constraints that are present along the route. In some locations, the LoD have been reduced to avoid the loss of, or impacts on, trees, such as veteran trees, woodland and other environmentally sensitive receptors.

Ref No.	Respondent:	Question:
		<p>The 50m lateral LoD for the linear works includes both the lateral movement of a pylon, but also accommodates the maximum swing of the conductor, therefore a pylon cannot move the full 50m laterally, so a pylon with a maximum span length could only move approximately 20m laterally. The Construction Drawings (Document 2.16, drawing number DCO_CO/PS/2_04) [APP-065] show this flexibility and how the LoD includes conductor swing. Flexibility is required on the overhead line to allow refinement of the pylon locations during construction following unforeseen conditions such as poor ground or archaeological remains. The flexibility allows the Project to be able to deal with these unforeseen conditions and construct the Project.</p> <p>The Works Plan (Documents 2.6.1 (B) – 2.6.6 (B)) [REP1-004 to REP1-009] show the limits of deviation that have been applied to non-linear works areas as follows:</p> <ul style="list-style-type: none"> • Overton Substation - up to 20m lateral LoD from the east, south and west of the substation boundaries and up to 10m lateral LoD from the north boundary; • Monk Fryston and Osbaldwick Substations – no lateral LoD included. • Shipton North CSEC - 10m LoD to the north, east, south and west of the CSEC. • Shipton South CSEC – 20m LoD to the north, east, south and west of the CSEC. • Tadcaster East CSEC – no LoD identified due to space constraints and use of an existing pylon. • Tadcaster West CSEC - 20m east and west, 25m north and south of the CSEC. <p>In addition to LoD for the non-linear elements the Design Drawings (Document 2.15(B)) contain parameter plans for each non-linear work that show where within the substation and CSEC layouts certain equipment can be located, and limit certain equipment to those locations. For example, the parameter plans state the areas in which transformers, or the control building can be located. These parameters and limits of deviation allow movement to deal with unforeseen ground conditions or constraints such as archaeological remains. Flexibility as provided by the limits of deviation has been described in Section 3.3 of Environmental Statement Chapter 3: Description of the Project (Document 5.2.3) [APP-075], and only seeks to provide sufficient flexibility to be able to deal with constraints and construct the Project.</p> <p>c) Detailed design will enable the final boundary of land requirements to be established. General Vesting Declarations will not be issued until after detailed design has been completed and as a result National Grid would only be exercising powers temporarily over the land required prior to this, typically under Articles 36-38 of the Draft Development Consent Order Document 3.1(B) Draft Development</p>

Ref No.	Respondent:	Question:
		<p>Consent Order [AS-011]. Article 5 enables National Grid to deviate within the limits of deviation. Land that falls outside of the boundary of land required will be minimal to the extent that to compulsorily acquire it would be to take on an unnecessary maintenance liability which would not be in keeping with National Grid’s regulatory obligations. National Grid would not therefore include those areas of land within the Project and not exercise any powers over it.</p> <p>As detailed in Paragraph 6.4.6 of the Statement of Reasons (Document 4.1) [APP-069] the land where rights are to be acquired has been limited and will principally be used for the construction, operation and maintenance of the Project and therefore the powers of compulsory acquisition are necessary. National Grid has refined the boundary of the land to be acquired through the design process and consultations. It includes only land that is required for the construction, operation and maintenance of the project, or would be severed from the rest of the holding. Prior to serving General Vesting Declarations on any of the land, National Grid will be clear on the land required and confirmation that all reasonable steps to try and secure voluntary agreement have been taken. This includes reviewing the operational need for the affected land. Where voluntary agreements are in place, compulsory powers will not be utilised unless in accordance with the terms of any agreement.</p> <p>National Grid will work with landowners for the duration of the Project’s operational lifespan, and in the interests of a positive working relationship, securing land and rights through Compulsory Acquisition is not the preference of National Grid.</p>
Q4.4.2	The Applicant	<p>Compelling case Confirm the factors considered in weighing public benefit versus private loss and how that exercise has been undertaken. Bring together the cross referencing between the SoR [APP-069], the Planning Statement [APP-202] and the Updated Need Case [APP-205].</p> <p>Applicant’s Response:</p> <p>A response to this question is set out in a standalone document due to the information provided, and structure and tables contained. This is available at Appendix H: Response to Q4.4.2.</p>
Q4.4.3	The Applicant	<p>Osbalwick Substation: Plots A1-02, A1-03, A1-06, A1-07 [AS-005] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the CA powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including</p>

Ref No.	Respondent:	Question:
		<p>the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p> <p>Applicant's Response:</p> <p>National Grid are seeking powers over these plots to ensure there is clean land registry title with no impediments on delivery of the Project. Although no Category 2 rights have been found on these plots they have been included on a precautionary approach as National Grid want to ensure there are no restrictions on the Project.</p>
Q4.4.4	The Applicant	<p>Osbalwick Substation: Plots A1-05 and A1-07a [AS-005] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the CA powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p> <p>Applicant's Response:</p> <p>National Grid are seeking powers over these plots to ensure there is clean land registry title with no impediments on delivery of the proposed development. These plots include unknown Category 1 and Category 2 persons which will be implicated by the Project. It would be anticipated that the Category 2 rights would be compatible with the Project.</p>
Q4.4.5	The Applicant	<p>Monk Fryston Substation: Plots F1-07, F1-08, F1-15, [AS-010] Further to comments in the SoR regarding the inclusion of land that you own within the land to which the Compulsory Acquisition powers sought would apply [APP-069], para 1.6.5, explain why the powers sought are necessary, including the extent of the land in this location and what sort of rights you anticipate might potentially be incompatible with the Proposed Development.</p> <p>Applicant's Response:</p> <p>National Grid are seeking powers over these plots to ensure there is clean land registry title with no impediments on delivery of the proposed development. These plots include Category 1 and Category 2 persons which will be implicated by the scheme. The Category 1 rights would be incompatible with the Proposed Development hence the requirement for them to be included in the project.</p>
	The Applicant	Land required for visibility splays

Ref No.	Respondent:	Question:
Q4.4.6		<p>At ISH1, one example of Order limits extending from an access point along a street, such as Plot C9-33 on Garnet Lane [AS-008], Sheet 1 of 2, was queried by the ExA – as an example of many throughout the Proposed Development. The Applicant explained that this was a required visibility splay, in line with the Design Manual for Roads and Bridges (DMRB).</p> <p>Further to discussion at ISH1, regarding the land required for visibility splays explain why the powers sought are necessary.</p> <p>Applicant's Response:</p> <p>A development consent order (DCO) application should include all land to ensure that the Project is deliverable, to avoid a situation by which once delivery commences, the Project cannot be fully or safely delivered, due to omissions in the necessary land rights. Not including visibility splays within the DCO application could result in future land ransom situations, or development taking place within the necessary visibility splay which would not meet the necessary highway standards.</p> <p>As part of ongoing engagement, National Grid has engaged with the relevant Highways Authorities (HA) to assess and agree the visibility splays which are necessary and proportionate to ensure the Project can be delivered safely and efficiently, with minimum disruption to the highway network. The approach also reflects Design Manual for Roads and Bridges (DMRB) standards and, where requested by the HA, speed surveys were undertaken to inform the length of visibility splays required (see Table 12.5 of ES Chapter 12 Traffic and Transport (Document 5.2.12) [APP-084]).</p> <p>Section 3.3 of the Construction Traffic Management Plan (CTMP) (Document 5.3.3F) [APP-099] details the different types of access associated with the Project. Where accesses are associated with a lower number of vehicle movements, for example scaffold locations, visibility splays have not necessarily been included as traffic management may be deemed more proportionate (section 3.2.2). In these instances, the inclusion of visibility splays and potential associated environmental impacts (such as removal of hedges/trees) and land acquisition was not considered proportionate. Traffic management could include temporary traffic lights or 'stop' 'go' boards, and Traffic Regulation Orders (TROs) have been included as such to implement this as shown on the Traffic Regulation Order Plan (Document 2.12.1- 2.12.6) [APP-056 – APP-061] and included in Schedule 2 (Part 5) of draft DCO (Document 3.1(B)) [AS-011]. Table 3.3 of the CTMP sets out all visibility splays provided on the Project including the visibility provided left and right in meters.</p>

Ref No. Respondent: Question:

In summary, visibility splays and associated land acquisition have only been included where necessary to ensure the delivery of the project. Wherever feasible, National Grid has sought to avoid unnecessary land-take by considering alternative options such as traffic management, and undertaking speed surveys to ensure the length of visibility splays isn't greater than necessary.

Q4.4.8 The Applicant **Temporary construction compounds**
Justify the land take for the temporary construction compounds as described in the Project Description [APP-075], para 3.5.8.

Applicant's Response:

The proposed temporary construction compounds are required by the Main Works Contractor(s) (MWC) to prepare, construct and deliver the Project. They are required as **there** will be a substantial amount of deliveries of equipment and materials to site that will need to be safely and securely stored, prior to distribution to the relevant working areas. The temporary construction areas will be used as compounds from which the construction works will be run and overseen from on a daily basis, providing not only storage and welfare facilities, but also office space for management of the project. The compound locations have been carefully considered for their position in their project, close to the main development sites, such as the Substation locations and Cable Sealing End Compound locations to minimise activities such as double handling of materials and deliveries.

Locations for the proposed temporary construction compounds are provided in **Section 3.5.8 of ES Chapter 3, Description of the Project (Document 5.2.3) [APP-075]**, and can be found on the **Sections B, D and F of the Works Plans (Documents 2.6.2(B), 2.6.4(B) and 2.6.6(B)) [REP1-005, REP1-007 and REP1-009]**.

The temporary construction compounds have been sized to provide enough space to undertake the works, and include space for the following:

- The secure and safe storage of materials, equipment, plant and machinery for different aspects of the Project, for example (but not limited to):
 - Steelwork delivered for pylon strengthening or new pylons;
 - Insulators, and overhead line and pylon fittings;
 - Storage of vehicles and machinery such as HGV, and excavators etc;
 - Fuel for site plant, equipment, vehicles and generators.
- Local site offices and welfare facilities for construction personnel and office staff;
- Parking spaces for site office vehicles, crew minibuses and other vehicles, as detailed in Table 3.1 of ES Chapter 3, Description of the Project (Document 5.2.3) [APP-075],

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> • Laydown areas to store overhead line conductor drums, underground cable conductor drums and overhead line earthwire drums of which are high re-sale items and need to be safely secured and stored; • Storage areas for excavated soil during construction of the temporary construction compound; • Cleaning and wheel-wash facilities for plans and equipment accesses and egressing the compound; • Security including a security gate house and a perimeter fence line; • Sufficient room is required to facilitate a one-way traffic system for safety purposes. • Drainage including septic tanks, oil filtration and retention facilities, pollution control and siltation sumps to manage site drainage and pollution control. • <p>An illustrative example of a construction compound layout is provided in the Drawing DCO_CO/PS/4_06 of the Construction Plans (Document 2.16) [APP-065].</p>

Table 2.14 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Statutory Undertakers

Ref No.	Respondent:	Question:
4.5	4.5 Statutory Undertakers	
Q4.5.1	The Applicant	<p>Statutory Undertakers</p> <p>Where a representation is made by a Statutory Undertaker under s127 of the Planning Act 2008 (PA2008) and it has not been withdrawn by the close of the Examination, the Secretary of State (SoS) would be unable to authorise powers relating to the Statutory Undertaker’s land unless satisfied of specified matters set out in s127. If the representation is not withdrawn by the end of the Examination, confirmation would be needed that the s127 test would be met.</p> <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purposes of carrying out the Proposed Development to which the Order would relate in accordance with s138 of PA2008. Justification would be needed to show that extinguishment or removal would be necessary. The ExA requires this information to be submitted into the Examination at Deadline 5 (Tuesday 11 July 2023).</p> <p>Confirm that this information would be submitted at the Deadline listed above.</p>

Ref No.	Respondent:	Question:
		<p>Applicant's Response:</p> <p>National Grid confirm that updates on the progress of negotiations with statutory undertakers will be provided in accordance with the response to Q4.0.3 and, to the extent that not all objections from statutory undertakers are withdrawn by Deadline 5, will provide National Grid's justification under sections 127 and 138 of the Planning Act 2008 at Deadline 5.</p>
Q4.5.5	Environment Agency	<p>Protective Provisions with the Environment Agency</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15?</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p> <p>Applicant's Response:</p> <p>National Grid notes that this question is for the Environment Agency, but seek to provide clarification to confirm that there are no Protective Provisions in Schedule 15 of draft DCO (Document 3.1(B)) [AS-011] for the benefit of the Environment Agency.</p> <p>Part 1 of Schedule 15 of the draft DCO provides protection for Electricity, Gas, Water and Sewerage Undertakers. The water and sewerage undertakers protected by the Protective Provisions in this Part are those who derive their status and rights from the Water Industry Act 1991 which is not applicable to the Environment Agency.</p>
Q4.5.14	Shire Group of Internal Drainage Boards	<p>Protective Provisions with Shire Group of Internal Drainage Boards</p> <p>a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15.</p> <p>b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.</p> <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>National Grid notes that the question is for the Shire Group of Internal Drainage Boards, but seek to provide clarification to confirm that there are no Protected Provisions in Part 1 of Schedule 15 of draft DCO (Document 3.1(B)) [AS-011] for the benefit of the Shire Group of Internal Drainage Boards.</p> <p>Part 1 of Schedule 15 of the draft DCO provides protection for Electricity, Gas, Water and Sewerage Undertakers. The water and sewerage undertakers protected by the Protective Provisions in this Part are those who derive their status and rights from the Water Industry Act 1991. As Internal Drainage Boards are defined by and operate under different legislation (namely the Land Drainage Act 1991 and Flood and Water Management Act 2010), they do not form a 'water undertaker' or sewerage undertaker' and so are not protected by the Protective Provisions on the face of the draft DCO.</p>
Q4.5.15	Sustrans	<p>Protective Provisions for Sustrans</p> <ul style="list-style-type: none"> a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011, Schedule 15? b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used. <p>Applicant's Response:</p> <p>National Grid notes that the question is for Sustrans, but seek to provide clarification to confirm that there are no Protective Provisions in Part 1 of Schedule 15 of draft DCO (Document 3.1(B)) [AS-011] for the benefit of Sustrans.</p>
Q4.5.17	York Consortium of Internal Drainage Boards	<p>Protective Provisions with York Consortium of Internal Drainage Boards</p> <p>Further to points made in the RRs from Ainsty and Foss Internal Drainage Boards [RR-002] and [RR-015]:</p> <ul style="list-style-type: none"> a) Are you in agreement with the Applicant's wording of Protective Provisions as set out in the dDCO [AS-011], Schedule 15? b) If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used. <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>National Grid notes that the question is for the York Consortium of Internal Drainage Boards, but seek to provide clarification to confirm that there are no Protective Provisions in Part 1 of Schedule 15 of draft DCO (Document 3.1(B)) [AS-011] for the benefit of the York Consortium of Internal Drainage Boards.</p> <p>Part 1 of Schedule 15 of the draft DCO provides protection for Electricity, Gas, Water and Sewerage Undertakers. The water and sewerage undertakers protected by the Protective Provisions in this Part are those who derive their status and rights from the Water Industry Act 1991. As Internal Drainage Boards are defined by and operate under different legislation (namely the Land Drainage Act 1991 and Flood and Water Management Act 2010), they do not form a 'water undertaker' or sewerage undertaker' and so are not protected by the Protective Provisions on the face of the draft DCO.</p>

Table 2.15 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Individuals’ objections, issues and voluntary agreements

Ref No.	Respondent:	Question:
4	4.6 Individuals’ objections, issues and voluntary agreements	
Q4.6.2	The Applicant	<p>Mr P. Watson interest in land</p> <ol style="list-style-type: none"> The ExA requires a full explanation (which elaborates on that provided in the Consultation Report [APP-195], Table 7.3, pages 218 to 219) of the alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Carter Jonas LLP on behalf of Mr P. Watson [RR-006]. This should cover access, extinguishment of access, CSEC orientation, unworkable (or otherwise) remaining farmland and any other matters subject to disagreement. If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues. Provide an update on any further discussions since submission of the RR [RR-006]. Are you anticipating submitting changes to the design or access arrangements on this land?

Ref No.	Respondent:	Question:
		<p>e) In responding to these points, the ExA would find it helpful if any relevant cross referencing to the issues arising from Charles Waite and Co Ltd on behalf of Mr R. Ingham [RR-013] could be set out here.</p> <p>Applicant's Response:</p> <p>a) Pages 218 and 219 of the Consultation Report (Document 6.1) [APP-195] do not appear to relate to the landowner's land. National Grid assumes that the ExA is referring to pages 227 and 228, 319 to 322, and 339 to 344 of the Consultation Report (Document 6.1) [APP-195].</p> <p>National Grid has provided a detailed response to Relevant Representation [RR-006] in Table 2.6 of the Applicant's Response to Relevant Representations (Document 8.3) [REP1-015]. This responds to many of the points raised in this question. Further points of clarification are provided below.</p> <p>Acquisition of Access – This relates to plots D1-75, D1-73 and D1-33. National Grid has provided an explanation of why it is necessary to acquire the access off the A659 as this is the primary access to the land, and the proposals to mitigate the impact on the landowner in paragraph 6.2 of RR-006 of Applicant's Response to Relevant Representations (Document 8.3) [REP1-015].</p> <p>Extinguishment of Access – This relates to plots D1-04 and D1-08. The extinguishment of the right of access was the subject of Change 1 of Targeted Consultation 3 held between 3 August 2022 to 8 September 2022. This followed the reorientation of the Tadcaster East Cable Sealing End Compound which was the subject of Change 5 of Targeted Consultation 1 held between 14 March 2022 to 14 April 2022. These targeted consultations are detailed in paragraphs 8.2 and 8.4 of the Consultation Report (Document 6.1) [APP-195].</p> <p>A Technical Note Tadcaster East Cable Sealing End Compound Design has been prepared to explain further the rationale and evolution of the design of the Tadcaster East CSEC and in respect of the interaction with the private right of access. A Technical Note Tadcaster East Cable Sealing End Compound Access Option has also been prepared to explain further why a diversion to the existing private right of access at the proposed Tadcaster East Cable Sealing End Compound (CSEC) has not been proposed as part of the Application and the constraints relating to the option to divert that right of access. Both Technical Notes are included at Appendix I. The two technical notes taken together provide further detail on why it has been necessary to seek the extinguishment of an existing private</p>

Ref No.	Respondent:	Question:
		<p>right of access on land at the proposed Tadcaster East CSEC. The Technical Notes in Appendix I will also be shared directly with the landowner.</p> <p>Tadcaster West CSEC Orientation – This relates to plots D1-09, D1-14 and D1-15. Alternatives were considered in relation to the siting area of the CSEC. In this location the existing XC overhead line and XD overhead line form a junction. As such, the choice of CSEC siting area is heavily influenced by the location of existing infrastructure, and National Grid’s preference to utilise existing infrastructure where possible as per Section 5.2.6 of the Planning Statement (Document 7.1) [APP-202]. This is in accordance with National Grid’s obligations to develop transmission networks in an efficient, co-ordinated, and economical way, and in accordance with National Policy Statement for Electricity Networks Infrastructure (NPS) EN-5 (section 2.2).</p> <p>As detailed in the Corridor and Preliminary Routing and Siting Study (CPRSS) (Document 7.8) [APP-209], two new CSECs are required here, one on the existing XD overhead line, and the other on the existing XC overhead line. The CSECs need to be in close proximity to the existing overhead lines and junction to limit the extent of underground cable required, and minimise the length of downloads (section 2.3.2 of CPRSS).</p> <p>At the CPRSS stage, a combined total of ten siting areas were considered for the two new CSECs, shown on figure 5.1 of the CPRSS (Document 7.8) [APP-209]: 3 on the XC OHL, and 7 on the XD OHL (see section 2.6.14 of Chapter 2 of the ES Project Need and Alternatives (Document 5.2.2) [APP-074]). The CPRS includes an options appraisal of siting areas considering environment, socio-economic, technical, and cost considerations, in accordance with National Grid’s Option Appraisal Guidance. Section 5 of the CPRSS provides full appraisal of all sites. As detailed in that report, from an engineering perspective, siting areas XC1 and XD1 were preferred as they would limit the length of underground cabling required between the two CSECs and the extent of temporary overhead line diversions required. The limited cable length in turn would limit potential impacts associated with the loss of vegetation, such as impacts on biodiversity and landscape and visual receptors. The two siting areas also benefit from good access (7.1.4 and 5.3 of CPRSS) (Document CPRSS [APP-209]). One of the preferred locations (XD1) encompassed part of Mr Watsons land holding (plot D1-33) as shown on the Land Plans (Document 2.5.4(B)) [AS-008]. The CPRSS formed the basis of the non-statutory consultation.</p>

Ref No. Respondent: Question:

Once the preferred siting areas of the CSECs were determined, further work was undertaken to determine the specific location and statutory consultation held. National Grid has provided a detailed response as to why the Tadcaster West Cable Sealing End Compound is positioned as proposed on **pages 339 to 341 of the Consultation Report (Document 6.1) [APP-195]**.

Unworkable Remaining Farmland – This relates to plots D1-27 and D1-36. The proposed orientation of the Tadcaster West Cable Sealing End Compound would leave an area of land of approximately 0.95 acres that may be more difficult to cultivate due to the triangular shapes created by 2 converging boundaries. It has been excluded from the Category 1 area as there is no operational justification for its inclusion. National Grid propose compensating the landowner for the reduced productivity and value that these areas would have, or would consider acquiring it if a voluntary agreement can be secured.

Historical Dispute – National Grid is aware of the historical dispute in relation to the right of access within plots D1-19, D1-15, D1-10, D1-08 D1-04, and whilst it has not been as a result of this Project, the project team has offered to facilitate dialogue with the wider National Grid business and has engaged with all parties involved in order to seek to reach a suitable solution for all.

- b) Any clarification over and above the information provided in **RR-006 of Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015]** is provided above.
- c) Since the submission of RR-006, National Grid met with the landowner’s land agent on 10 March 2023. At the meeting the Relevant Representation was discussed in full, and further feedback requested, particularly on matters of compensation.

The landowner and his land agent attended and spoke at the Issue Specific Hearing on 23 March 2023 where National Grid stated that they do not currently anticipate submitting any changes to the design or access arrangements on this land. Following the hearing, Mr Watson spoke with National Grid and agreed to a proposal to meet once further information over the design of the Tadcaster East Cable Sealing End Compound was provided to him.

- d) National Grid do not currently anticipate submitting any changes to the design or access arrangements on this land.

Ref No.	Respondent:	Question:
		<p>e) All matters that have relevance to both landowners are already covered. Further information relating to both landowners can be found in RR-006 and RR-013 of Applicant's Response to Relevant Representations (Document 8.3) [REP1-015] and pages 227 and 228, 319 to 322, and 337 to 344 of the Consultation Report (Document 6.1) [APP-195].</p>
Q4.6.3	The Applicant	<p>Mr R. Ingham interest in land</p> <p>a) As for the requested response to [RR-006], the ExA requires a full explanation of any alternatives which have been considered in this location, and why options other than that taken forward were dismissed.</p> <p>b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues.</p> <p>c) Provide an update on any further discussions since submission of the RR [RR-013].</p> <hr/> <p>Applicant's Response:</p> <p>National Grid's response to OFH1 and ISH1 Hearing Action Points (Document 8.4.2), table 2.3, provides details relating to the scope of works southwest of Tadcaster, which encompasses works affecting Mr Ingham's landholding.</p> <p>This infrastructure impacting Mr R Ingham's landholding comprises the following:</p> <ul style="list-style-type: none"> • Tadcaster East Cable Sealing End Compound (CSEC), situated on plot D1-15 on the Land Plan (Document 2.5.4(B)) [AS-008] • New underground cable, connecting the Tadcaster East CSEC (on Mr Ingham's land) with the Tadcaster West CSEC, not on Mr Ingham's land. Approximately half of the underground cable lies within Mr Ingham's landholding, within plot D1-15 and D1-19 on the Land Plan (Document 2.5.4(B)) [AS-008] • Undergrounding and diversion of third-party assets within plot D1-15 and D1-19 on the Land Plan (Document 2.5.4(B)) [AS-008] • Creation of a working area within plots D1-09 and plot D1-15 on the Land Plan (Document 2.5.4(B)) [AS-008] • Associated accesses within plot D1-05 and D1-09 on the Land Plan, including a permanent access to the CSEC, (Document 2.5.4(B)) [AS-008]

Ref No.	Respondent:	Question:
		<p>Alternatives were considered in relation to the siting area of the CSECs. In this location the existing XC overhead line and XD overhead line form a junction. As such, the choice of CSEC siting area is heavily influenced by the location of existing infrastructure, and National Grid's preference to utilise existing infrastructure where possible as per Section 5.2.6 of the Planning Statement (Document 7.1) [APP-202]. This is in accordance with National Grid's obligations to develop transmission networks in an efficient, co-ordinated, and economical way, and in accordance with National Policy Statement for Electricity Networks Infrastructure (NPS) EN-5 (section 2.2).</p> <p>As detailed in the Corridor and Preliminary Routing and Siting Study (CPRSS) (Document 7.8) [APP-209], two new CSECs are required here, one on the existing XD overhead line, and the other on the existing XC overhead line. The CSECs need to be in proximity to the existing overhead lines and junction to limit the extent of underground cable required, and minimise the length of downloads (section 2.3.2 of CPRSS).</p> <p>At the CPRSS stage, a combined total of ten siting areas were considered for the two new CSECs, shown on figure 5.1 of the CPRSS (Document 7.8) [APP-209]: 3 on the XC OHL, and 7 on the XD OHL (see section 2.6.14 of the Project Need and Alternatives (Document 5.2.2) [APP-074]). The CPRSS includes an options appraisal of siting areas considering environment, socio-economic, technical, and cost considerations, in accordance with National Grid's Option Appraisal Guidance. Section 5 of the CPRSS provide full appraisal of all sites. As detailed in that report, from an engineering perspective, siting areas XC1 and XD1 were preferred as they would limit the length of underground cabling required between the two CSECs. In addition, XC1 would allow the re-use of an existing pylon (pylon XC481), which was preferable to a new pylon due to the reduced potential environmental impacts. It would also reduce project cost. The limited cable length in turn would limit potential impacts associated with the loss of vegetation, such as impacts on biodiversity and landscape and visual receptors. The two siting areas also benefit from good access (7.1.4 and 5.3 of CPRS) (Document 8) [APP-209]. One of the preferred locations (XC1) encompassed part of Mr Ingham's land holding (plot D1-15) along with land to the west, which does not form part of Mr Ingham's land holding (plot D1-23) as shown on the Land Plans (Document 2.5.4(B)) [AS-008].</p> <p>Once the preferred siting areas of the CSECs were determined, and following both non-statutory and later statutory consultation, further work was undertaken to determine the specific location. As detailed above, part of the preferred siting area (XC1) for the Tadcaster East CSEC lies within Mr R Ingham's land holding. In this location, a number of constraints impacted the location, including the embankment and adjacent</p>

Ref No.	Respondent:	Question:
		<p>strategic road network land owned by National Highways, and clearance and space constraints associated with a gas pipe diversion associated with the Project. These constraints largely dictated the remaining area available for the CSEC. Through further design refinements the design of the CSEC was amended from a gantry solution to an anchor block solution, due to space constraints. In addition, the fence line associated with the CSEC was enlarged to encompass the adjoining tower, to ensure necessary clearances would be maintained. The refined layout resulted in the need to extinguish existing easements, including private rights of way in this location, and amend the Order Limits accordingly. Note that the extinguishment of rights would not apply to Mr Ingham himself, but would apply to the landholding. The design refinements detailed above were subject to targeted consultation, as detailed within Section 8 of the Consultation Report (Document 6.1) [APP-195].</p> <p>In terms of the other works affecting Mr Ingham’s land holding as bullet pointed above, these were very much determined by the location of the existing infrastructure and the location of the Tadcaster East and Tadcaster West CSECs. In terms of the underground cable connecting the two CSECs, the route selected was necessary to accommodate space for the horizontal direction drill; ensure the correct bending radius on the cable could be achieved; and accommodate constraints associated with the existing gas pipe and highways embankment. The proposed site access utilises the existing access from the highway, limiting potential impacts associated with the construction of a new access. The working area is dictated by the location of the proposed and existing infrastructure, as is the location of the third-party asset diversions. As such, no alternatives relating to this infrastructure have been considered.</p> <p>c) Following the submission of the RR [RR-013] on the 13th February 2023, National Grid have continued to have contact with Mr Ingham’s agent with regard to the negotiation of Heads of Terms, and also to provide links to relevant documents as requested at the Issue Specific Hearing on 23 March 2023. This includes emails on the 17th and 29th March, 1st and 4th April, with follow up calls. Negotiations are positive and it is hoped to come to an agreement prior to the Compulsory Acquisition hearings.</p>
Q4.6.13	The Applicant	<p>Mr D. Blacker and Ms M. Blacker interest in land</p> <p>a) The ExA requires a full explanation of the alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Lister Haigh on behalf of Mr D. Blacker and Ms M Blacker [RR-022] and [RR-024]. This should cover:</p>

Ref No. Respondent: Question:

- location of Pylon SP006, whether restricting the limits of deviation (LoD) has been considered, and whether upgrading of Pylon SP007 was considered;
 - access arrangements for New Farm and other properties accessed by AP93 (on the A19) during undergrounding Work No. U4 and during construction of Work No. 5, including likely duration of both works; and
 - any other matters subject to disagreement.
- b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots where this helps understanding of the issues.
- c) Provide an update on any further discussions since submission of the RRs **[RR-022]** and **[RR-024]**.
- d) Are you anticipating submitting changes to the design or access arrangements on this land/ in this area?

Applicant's Response:

National Grid has provided a detailed response to Relevant Representations **[RR-022]** and **[RR-024]** in **Table 2.21 and Table 2.23 of the Applicant's Response to Relevant Representations (Volume 8, Document 8.3) [REP1-015]**. Further details are provided in response to points a, b, c and d below.

- a) Consideration of the Limits of Deviation (LoD) have been covered in the Applicant's Response to Relevant Representations (Document 8.3) [REP1-015]. The current LoDs are necessary for sufficient flexibility in micro-siting during detailed design. Through the development of the project, the LoD were narrowed in the span from SP006 towards SP007. This is because SP007 will remain in-situ as it is an existing pylon and is not being replaced, which is in line with National Grid's principle of using existing infrastructure where possible. The LoD has been reduced close to SP007 and restricted to Hurns Gutter towards this pylon, as it is not possible to move SP007 so it wouldn't be feasible to use any LoD to the east of Hurns Gutter in this area. There will be modifications to the crossarms of SP007 because the existing angle of deviation of the conductors will change, so the crossarms will be adjusted to ensure adequate safety clearances are maintained.

Access arrangements have been covered thoroughly in the Applicant's Response to Relevant Representations (Document 8.3) [REP1-015]. These responses include all relevant references.

Ref No.	Respondent:	Question:
		<p>National Grid is not aware of any other material matters subject to disagreement. Negotiations continue on Heads of Terms on commercial aspects.</p> <p>b) The Applicant's Response to Relevant Representations (Document 8.3) [REP1-015] provide all relevant information and references. The new pylon SP006 and existing pylon SP007 are in Work No.5 as shown on Sheet 3 of 5 of Works Plan Section B (Document 2.6.2) [APP-021]. There are a large number of land plots included in this area, so reference to each of them here is unlikely to be helpful to aid understanding. The land plots are shown in Volume 2, Document 2.5.2(B) Land Plan Section B, Sheet 3 of 5 [AS-006].</p> <p>c) Following the submission of the Relevant Representations [RR-022] and [RR-024] on 13 February 2023, National Grid have had continuous dialogue with Mr and Ms Blacker's agent. Following a meeting on 9 March 2023 and subsequent emails on 30 March and 5 April 2023, National Grid have requested another site visit to further clarify issues raised. Ms Blacker also attended the Open Floor Hearing on 23 March 2023, following which National Grid spoke with her and provided contact details for National Grid's lands representative. Ms Blacker emailed National Grid on 28 March 2023 asking for clarification on one of the queries, which were responded to on 11 April 2023. On 11 April 2023, Ms Blacker clarified her request for the results of surveys undertaken on her land, and these are being compiled. National Grid sent a link by email to Ms. Blacker on 11 April 2023 providing the response to Relevant Representations and received confirmation of receipt from Ms Blacker on the same day.</p> <p>d) National Grid does not anticipate submitting changes to the design or access arrangements on this land / in this area.</p>
Q4.6.14	Northern Powergrid (Northeast) plc	<p>Work No. U4 Explain how Work No. U4 would be implemented in light of the concerns over access raised by Mr D. Blacker and Ms M. Blacker in their RRs [RR-022] and [RR-024].</p> <p>Applicant's Response:</p> <p>National Grid notes that this question is directed to Northern Powergrid (Northeast) plc, but would clarify that all works in the area will be co-ordinated with the Landowners to ensure any conflict through traffic movements is minimised.</p>
Q4.6.16	The Applicant	Plot B2-25 and post-completion access to Plot B2-34

Ref No.	Respondent:	Question:
		<p>Further to the RR from Lister Haigh on behalf of Mr J. Bell [RR-023]:</p> <ol style="list-style-type: none"> a) Set out in full the reasons for Compulsory Acquisition of Plot B2-25, if not already provided. If provided elsewhere, signpost where a response can be found. b) How do you propose that the landowner (and any tenants) would gain access to plot B2- 34 once the temporary use is complete? Is the intention to allow access across land which would be compulsorily acquired in Plot B2-39? <hr/> <p>Applicant's Response:</p> <ol style="list-style-type: none"> a) National Grid have set out a response on the justification of plot B2-25 within the Applicant's Response to Relevant Representation (Document 8.3) [REP1-015] see response to RR-023 in Table 2.22. Since providing a response to the Relevant Representation, National Grid have amended the right sought over B2-25, and have downgraded this from a class 1 to a class 2 right, and B2-25 has been merged into plot B2-26. The Land Plan Section B (Document 2.5.2 (B)) and Book of Reference (Document 4.3(B)) have been updated and submitted at Deadline 2. The draft DCO (Document 3.1(B)) [AS-011] will be updated as required and submitted at Deadline 3. b) The Applicant's Response to Relevant Representation (Document 8.3) [REP1-015] (see response to RR-023 in Table 2.22) explains how the landowner or tenants would be able to access plot B2-34. In summary, the landowner will be provided a right of access over the permanent access road located in B2-39 to the new Overton substation, and access will be provided from that access road into plot B2-34. Access to that plot can also be gained from the gateway onto the A19, plot B2-05.
Q4.6.19	The Applicant	<p>Mr R. Elliot interest in land</p> <ol style="list-style-type: none"> a) The ExA requires a full explanation of any changes arising from the information provided by Mr R. Elliott and any alternatives which have been considered, and why options other than that taken forward were dismissed, in light of the points made by Lister Haigh on behalf of Mr R. Elliott [RR-025]. This should cover: <ul style="list-style-type: none"> ▪ locations and alignments of Work No. U7 and U8; ▪ access arrangements from AP40 through the High Moor Farm steading; and ▪ any other matters subject to disagreement.

Ref No.	Respondent:	Question:
		<p>b) If this has not been provided in your response to RRs to be submitted at Deadline 1, provide it in response to this question. Reference should be made to individual plots and Works Nos where this helps understanding of the issues.</p> <p>c) Provide an update on any further discussions since submission of RR [RR-25].</p> <p>d) Are you anticipating submitting changes to the design or access arrangements on this land/ in this area?</p> <p>Applicant's Response:</p> <p>a) and b) National Grid have provided a response to the points raised in this question in the Applicant's Response to Relevant Representation (Document 8.3) [REP1-015] see response to RR-025 in Table 2.24.</p> <p>i. In addition, and in relation to the undergrounding at U8, National Grid has discussed this with Northern Powergrid and can confirm that a section of the 11kV overhead line relating to U8 has already been undergrounded as part of their operations. National Grid are seeking to confirm that these works satisfy all the requirements needed by the Project in this location.</p> <p>c) Further discussions with the agent acting on behalf of Mr R. Elliot were held on 9th March 2023 and discussed the points raised in the relevant representation. Discussions covered the potential relocation of the access track to address Mr R. Elliot's concern over the access track, where he is tenant, and have proposed that the amended access to accommodate the feedback be covered in a voluntary agreement with the landlord.</p> <p>d) National Grid are not proposing to change the submitted design at this stage but will look to seek agreement with the landowner through a voluntary agreement to utilise his preferred access track. National Grid will engage with Northern Powergrid and the landowner to discuss the potential undergrounding of U7 in response to the Mr R Elliott's request.</p>
Q4.6.22	The Applicant	<p>Plot F1-07 at Monk Fryston Substation</p> <p>Regarding a planned battery storage scheme south of the existing Monk Fryston Substation at Rawfield Lane, lodged but not determined at the time of the application for the Proposed Development:</p> <p>a) explain what the arrangements would be with Pelagic Energy Limited, listed in the BoR as having Category 2 interest in the land at Plot F1-07 should this battery storage development proceed; and</p> <p>b) if this development proceeded, would it affect any other plots listed in the BoR? If so which plots and how?</p>

Ref No.	Respondent:	Question:
		<p>c) provide an update to your responses regarding interaction with a proposed battery storage project provided in the Consultation Report [APP-195], Table 7.3, pages 218 to 219 in the event of this development proceeding; and</p> <p>d) update this Examination on any further discussions with the developer of the proposed battery storage facility.</p> <hr/> <p>Applicant's Response:</p> <p>a) Pelagic Energy Limited (Pelagic) hold an option to lease part of Plot F1-07 from National Grid Electricity Transmission Limited, who own the freehold to the land. The land that Pelagic may seek to occupy was tenanted by an agricultural tenant and also has a Yorkshire Water pipe crossing it that needs to be diverted for the benefit of the Project, Pelagic, and another battery storage site outside of the Order limits. On the basis that when the Application was made the tenancy had not been surrendered voluntarily, and Pelagic (or their successors) may not in the future implement their option agreement, the full extent of Plot F1-07 needed to be included to ensure the Project can be delivered to facilitate the diversion of the Yorkshire Water pipeline and the surrender of the agricultural tenancy.</p> <p>Should the water pipe be diverted prior to consent being granted, and no other interactions outside of the option area infringe on the Project, then no arrangements with Pelagic will be necessary.</p> <p>However, should the option to lease be exercised and the water pipe not be diverted, then the Project would need the ability to divert the pipe using compulsory powers should they be granted. A letter of comfort to this effect is currently under negotiation with Pelagic.</p> <p>b) The Pelagic development would not affect any other plots in the order limits beyond F1-07 so as a result it is not necessary to make any amendments to the Book of Reference in that respect.</p> <p>c) The battery storage development referred to on pages 218 to 219 of Table 7.3, Consultation Report (Document 6.1) [APP-195] is a proposal for a solar farm or battery storage site that has not yet applied for planning permission. National Grid is in dialogue with the landowner and will continue to seek to work with the landowner to secure a voluntary agreement.</p> <p>d) National Grid is not aware that a developer has secured exclusivity to develop the solar farm or battery storage referred to on pages 218 to 219 of Table 7.3, Consultation Report (Document 6.1)</p>

Ref No.	Respondent:	Question:
		[APP-195], or is any opportunity being sought. Should the landowner or developer look to progress a proposal in this location then National Grid will seek to engage with them.

Table 2.16 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Funding and compensation provisions

Ref No.	Respondent:	Question:
4.7	4.7 Funding and compensation provisions	
Q4.7.1	The Applicant	<p>Final Needs Case</p> <p>a) Provide an update on Ofgem’s final decision on your Final Needs Case (FNC), which you state was submitted in August 2022, and due for decision in Q4 2022, as reported in the Funding Statement [APP-070], para 3.4.3.</p> <p>b) What conditions if any are attached to the final decision on the FNC?</p> <hr/> <p>Applicant’s Response:</p> <p>a) Ofgem published their minded-to position on the Final Needs Case (FNC) for the Project on 10th March 2023. National Grid fully support the Ofgem FNC position. The minded-to position sets out the Ofgem position in section 2.18: <i>"We agree with the need for reinforcement on the B7a and B8 boundaries to ensure that the electricity generated by anticipated new renewable energy to achieve Net Zero, particularly in Scotland and the North of England, can be transferred efficiently to where it is needed without being constrained."</i></p> <p>Ofgem conclude in section 2.23: <i>"We continue to be content that although OPN2 is not the lowest capital cost option, it does represent the most economic and efficient solution due to its overall constraint cost savings relative to the lowest cost options. Given the material impact of earliest in service dates (EISDs), we expect NGET to continue to progress Yorkshire GREEN in a timely manner to ensure that its benefits are fully realised. Finally, we are comfortable that OPN2 (National Grid ESO network options assessment project identification name for Yorkshire GREENs strategic option) remains the most appropriate option under a reasonable range of tested sensitivities"</i>.</p>

Ref No.	Respondent:	Question:
		<p>Support by Ofgem for the FNC confirms the NGET recommended routing option for OPN2.</p> <p>b) This positive Ofgem ‘minded to’ position is due to be fully determined in late spring 2023. This full determination is conditional on a successful DCO decision for the project from the Secretary of State. This is to ensure there is no prejudice or predetermination by the regulator on the outcome of the planning process.</p>
Q4.7.2	The Applicant	<p>Large Onshore Transmission Investment license process</p> <p>a) Set out the next steps and time frames for securing funding via the Large Onshore Transmission Investment (LOTI) license process [APP-070], para 3.5.1.</p> <p>b) Explain in more detail what “Ofgem will set a monetary allowance for National Grid to execute the project” means [APP-070], para 2.4.3.</p> <p>c) Notwithstanding your expectation that the funding required to meet the estimated implementation costs would be made available [APP-070], para 4.1.6, is there any risk that Ofgem might set an allowance which is lower than the costs required?</p> <p>d) If this occurred how would the Proposed Development be funded?</p> <hr/> <p>Applicant’s Response:</p> <p>a) The Project is progressing through the Large Onshore Transmission Investment (LOTI) license process in which the Project has just received a positive minded-to position from Ofgem for the Final Needs Case on the 10th March 2023. Determination of the Project Assessment is programmed for Spring 2024.</p> <p>Furthermore, in response to the 50GW by 2030 commitment Government set out in the British Energy Security Strategy, Ofgem considered again how they could speed up the delivery of this strategy and in August 2022 consulted on an Accelerated Strategic Transmission Investment (ASTI) framework the implementation of which was determined in December 2022.</p> <p>The pivot from LOTI to ASTI is due to take effect during mid-2023 and investments "in flight" such as this Project will "port" over to the ASTI framework. This means, in practice, that the final Project Assessment stage of the Project will progress as planned with a submission currently forecast to take place by National Grid in late 2023 under the ASTI process. The Project Assessment is the final stage</p>

Ref No.	Respondent:	Question:
		<p>in which Ofgem sets the funding allowances for all construction activities to execute the Project which is anticipated to take 6 months for Ofgem to undertake this stage of the ASTI framework.</p> <p>b) Ofgem, as the energy regulator set monetary allowances for National Grid because of its monopoly status. Ofgem act as a proxy for competition and, via a regulatory framework, asses all the network investments National Grid make to confirm they believe National Grid is spending efficiently on behalf of the electricity consumer.</p> <p>Ofgem’s regulatory framework allows National Grid Electricity Transmission to earn revenue from three main sources: Incentives + Innovation + Outputs.</p> <p>This framework is known as RIIO. The RIIO model offers network companies incentives for innovation and securing investment, so they can develop sustainable energy networks at the lowest cost for current and future customers. Each regulatory period is known as a RIIO Price Control. We are currently in the RIIO2 Price Control. The LOTI / ASTI framework (as described above) operates within the Price Control and this framework sets out detailed guidance of the information the regulator is looking for in assessing both the need case and efficient spend for a particular transmission investment. Further information about Ofgem and the role they play in regulating National Grid and the other Transmission Operators can be found on Ofgem’s website.</p> <p>Within the ASTI license framework, the project shall receive early construction funding to commit to all necessary construction activities required prior to a planning decision to support the EISD. Examples of this include long lead time procurement items and commencement of detailed design scope.</p> <p>The finer details of the ASTI framework have not yet been finalised and issued by Ofgem. National Grid and other TO’s have been informed that the principles are likely to be similar to existing ways of working where the Project shall submit a Project Assessment. This is the commercial element of the framework in which quantified costs, which are typically market tested with the supply chain are submitted to Ofgem to justify the respective forecast spend by National Grid to execute the project is economic and efficient for consumers.</p> <p>Ofgem through a clarification and assessment process then issue a Project Assessment determination which establishes a monetary baseline allowance NGET can recover costs in executing the project.</p>

Ref No. Respondent: Question:

		<p>There is also an option to reopen the license position to seek additional time or cost to complete the project in the event of a risk/event occurring which is not within the projects control or not in the interest of consumers to absorb costs at the time of the Project Assessment determination.</p> <p>c) The mechanism for National Grid to secure allowances for transmission investments is via a Project Assessment submission. This is currently a part of the LOTI Framework which will become part of the ASTI Framework. During a Project Assessment it is incumbent on National Grid's project team to demonstrate efficient spend, appropriate governance and how their investment realises the greatest possible consumer value while delivering the energy network the UK needs. While there is a risk that Ofgem may not agree with the submitted Project Assessment and set a lower allowance, this risk is mitigated by underpinning every investment with good governance and resourcing a multi-disciplinary team to ensure sound decision making in the interests of UK consumers.</p> <p>There is an opportunity for National Grid to challenge the 'minded to' position of the Project Assessment allowance for the Project which is issued by Ofgem for consultation prior to a final position being determined.</p> <p>National Grid shall be able to provide justification and evidence to Ofgem to substantiate any costs which are identified as being disallowed.</p> <p>d) National Grid Electricity Transmission is responsible for delivering the detailed design and procuring and delivering this efficiently. Ofgem's role is to assess this through a Project Assessment submission and will set an efficient level of funding based on this.</p> <p>Where Ofgem set allowances lower than NGET believes are required to deliver the project NGET has a route to challenge these through the Competition and Markets Authority (CMA). It is foreseen that by adopting procurement practices to demonstrate competition, developing the requirements of the project and adhering to the requirements under the ASTI framework that a Project Assessment determination would issue an allowance at a level which would not trigger an appeal to the CMA.</p> <p>However, if this were to occur the CMA, acting as an independent non-ministerial department, would manage regulatory appeals in relation to issues such as allowances being set with price controls frameworks such as ASTI.</p>
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Ref No.	Respondent:	Question:
Q4.7.3	The Applicant	<p>Whether adequate funding is likely to be available</p> <ul style="list-style-type: none"> a) The CA Guidance, para 17, considers the resource implication of the proposed development. In the light of that guidance, set out the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the Proposed Development, and the basis upon which any such contributions or underwriting is to be made. b) Specifically, will the contracts with Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc and Northern Gas Networks (NGN) [APP-070], Sections 6 and 7 involve financial contributions from those parties? <hr/> <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) National Grid shall be responsible for the financial commitments to all respective private and public bodies to undertake the attributable works associated with project. The funding of which as stated within the Funding Statement (Document 4.2) [APP-070] is recoverable through National Grid's regulatory body Ofgem via the ASTI license. There is no other third-party funding involved with respect to delivering works attributed to the Project. b) further to the above response there are no wider third-party funding options to undertake works associated with the Project with statutory bodies such as Northern Powergrid (Northeast) plc, Northern Powergrid (Yorkshire) plc and Northern Gas Networks (NGN). These works shall be funded by National Grid and paid via call offs under their respective services contractual frameworks, the costs of which shall be recoverable via National Grid's regulatory license with Ofgem.
Q4.7.4	The Applicant	<p>Whether adequate funding is likely to be available in the statutory timescale</p> <p>In light of the CA Guidance, para 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?</p> <hr/> <p>Applicant's Response:</p> <p>The funding required to fulfil any obligations that may come about as a result of the need to compulsorily acquire land or rights is considered to be less than the funding required to fulfil voluntary agreements, therefore the wider project funding evidence should be considered proof of funding being available for the compulsory acquisition of any land or rights for the Project, as stated in the Funding Statement (Document 4.2) [APP-070] see specifically paragraph 5.1.4.</p>

Ref No.	Respondent:	Question:
		<p>With regards to demonstrating that adequate funding shall be in place for the Project within the Statutory period, please refer to the details outlined within Q4.7.2.</p>
<p>Q4.7.5</p>	<p>The Applicant</p>	<p>Whether adequate funding is likely to be available</p> <p>The Funding Statement states that an estimate of the amounts necessary to cover the payment of compensation associated with the exercise of any CA powers granted has been estimated at between £5 and £10 million and that the full cost of acquiring all necessary land and rights before access and construction commences is £2.5 million [APP-070], para 5.1.4.</p> <ul style="list-style-type: none"> a) Explain further the nature of the expert advice taken in that respect and the basis for, and reliability of this estimate. b) Is the £2.5million for land and rights covered in the pre-construction funding of £23.45million project allowance set by Ofgem under the “regulation = incentives + innovation + outputs” (RIIO) mechanism? <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) Once the application boundary was fixed for the purposes of issuing voluntary terms to landowners, the land and rights required from each landowner were listed and the cost of acquiring the land and rights was calculated using National Grids Land Rights Strategy. The Land Rights Strategy provides a consistent approach for all National Grid projects to acquire land and rights, and offers payments over that which would be offered should compulsory powers need to be utilised, as described in Paragraph 5.8.4 of the Statement of Reasons (Document 4.1) [APP-069]. Where land required assessments of value for either acquisition or rent during construction, this was undertaken by National Grid’s appointed land agents, Fisher German who are experienced in utilities projects and in particular acquisitions either in the shadow of compulsory powers or by agreement. It involved assessment of comparable transactions. An element of contingency was also included against the set of assumptions to allow for variations in land values. The anticipated payments to each landowner were then phased to take account of the percentage of payment to be made at the key stages of: 1) signing the option agreement; 2) entry for construction; and 3) completion (in the case of easements). In the case of construction compound rents, these are phased between signing the option agreement, and then quarterly payments throughout the duration of the anticipated construction programme.

Ref No.	Respondent:	Question:
		b) Yes, the £2.5 million is included within the pre-construction budget. This is reflective of the initial payments and fees that National Grid commits to paying upon signing of voluntary option agreements. Further payments under these agreements are paid upon entry for construction, and completion.

Table 2.17 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Other consents and contractual arrangements

Ref No.	Respondent:	Question:
4.8	4.8 Other consents and contractual arrangements	
Q4.8.1	The Applicant Northern Powergrid	<p>Contractual arrangements with Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc</p> <p>The ExA acknowledges the commercial sensitivity of contractual arrangements with others, as stated in the Funding Statement [APP-070], Section 6. However, some understanding of the nature of the contracts would assist the ExA.</p> <p>Provide an outline of the contents that would be contained in the contracts/ agreements between National Grid and Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc for Overton and Monk Fryston Substations.</p> <p>Applicant's Response:</p> <p>National Grid have entered into a number of contracts with Northern Powergrid (NPG) (Yorkshire) plc and Northern Powergrid (NPG) (North East) plc respectively to undertake critical enabling works on the Project. The terms and conditions of these are confidential, however National Grid have made significant financial payments to date and entered agreements with the respective Distribution Network Operator to commence the associated works.</p> <p>This enablement work includes installation of permanent site supplies into Monk Fryston and Overton substations, temporary site supplies to construction compounds and the undertaking of the diversion of NPGs 11kV and 33kV Overhead line assets which are required to facilitate the Project. NPG are required to undertake all respective detailed design, delivery and commissioning of the works including securing possession. This</p>

Ref No.	Respondent:	Question:
		<p>would be to the extent that possession has not already been secured by National Grid under the terms of the DCO. The contracts provide the mechanism for those works to be undertaken.</p> <p>As confirmed in the Applicant’s Planning obligations and commercial side agreements tracking list (Document 8.8) [REP1-045], a side agreement is being entered into with NPG to ensure that NPG's assets are adequately protected during and post completion of the Project.</p>
Q4.8.2	The Applicant Northern Gas Networks	<p>Contractual arrangements with Northern Gas Networks</p> <p>The ExA acknowledges the commercial sensitivity of contractual arrangements with others, as stated in the Funding Statement [APP-070], Section 7. However, some understanding of the nature of the contracts would assist the ExA.</p> <ul style="list-style-type: none"> a) Provide an outline of the contents that would be contained in the contracts/ agreements between National Grid and NGN for the cable connections between the two cable sealing end compounds (CSEC) in the Tadcaster area. b) Is the Asset Protection Agreement (APA) referred to in the Planning Statement [APP-202], Table 2.2, point 5 the same as/ one of the agreements referred to in the Funding Statement? <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) National Grid have been in liaison with Northern Gas Networks (NGN) to agree scoping and methodologies to undertake all necessary enabling work at Tadcaster to support the Project. Currently National Grid are in possession of budgetary quotations which are currently subject to refinement by NGN post a site visit. These will then be reviewed prior to National Grid entering contractual commitments. The works themselves are anticipated to be undertaken prior to the main construction works commencing. <p>As confirmed in the Applicant’s Planning obligations and commercial side agreements tracking list (Document 8.8) [REP1-045], a side agreement is being entered into with NGN to ensure that NGN's assets are adequately protected during and post completion of the Project. There is ongoing dialogue between both parties to resolve this matter.</p> <p>Additionally, both parties are committed to agreeing a crossing deed at Tadcaster prior to the works taking place. This is to complement the side agreement to outline specific details to ensure works are</p>

Ref No.	Respondent:	Question:
		<p>delivered safely due to the hazardous installation classification associated with the high-pressure gas mains assets owned by NGN.</p> <p>b) Yes, to confirm there is only 1 Asset Protection Agreement associated with the Project between Northern Gas Networks and National Grid. National Grid shall fund all works associated with the Project.</p>

Table 2.18 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Human Rights and Public Sector Equality Duty

Ref No.	Respondent:	Question:
4.9	4.9 Human Rights and Public Sector Equality Duty	
Q4.9.1	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>
		<p>Applicant's Response:</p> <p>As detailed in response to Q4.9.3 the process to develop new network infrastructure has many stages where the impact of development is considered. The consideration of project impacts, the presence or absence of a compelling case in the public interest, and the consequences of the exercise of powers of compulsory acquisition are part of various processes throughout the Project development cycle.</p> <p>At the options identification and selection stage of the Project development process National Grid sets out clearly in the Corridor and Preliminary Routeing and Siting Study (CPRSS) (Document 7.8) [APP-209] how it has considered alternative route corridor and site options and the determination of preliminary route swathe and preferred corridor for the new overhead line works or non-linear substation and cable sealing end works. Within this document, Section 2 sets out the approach taken by National Grid when identifying potential routing and siting options and confirms that consideration was given, to the effects on the environment, socio-economic, technical and cost which includes land use. Please also see Section 2.3 of</p>

Ref No.	Respondent:	Question:
		<p>the Environmental Statement Chapter 2 Project Need and Alternatives (Document 5.2.2) [APP-074] which details the project development process.</p> <p>Paragraph 10 of the CA Guidance sets out how the Applicant must take account of Human Rights;</p> <p><i>“The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention”</i></p> <p>Section 5.3 of the Statement of Reasons (Document 4.1) [APP-069] sets the existing land uses and Section 6 sets out National Grid’s justification for powers of compulsory acquisition in relation to the project. National Grid considers the impact on the existing uses to be very important in its assessment as to the public benefit and private loss so as to justify interference which is why it seeks to minimise the extent of land required either on a freehold basis or for the acquisition of rights.</p> <p>The predominant land use across the project route is agricultural. The existing infrastructure has been in situ for many years and the impacts upon the affected parties will be minimal, and generally temporary in nature (during construction phases). As with any project of this size and scale, unfortunately some disruption to normal agricultural activities will be inevitable. The appointment of a National Grid Lands Officer/Agricultural Liaison Officer will mitigate as far as possible any such disruption. Any disturbance that results in financial loss to the occupier or tenant, including additional time taken to liaise with the Applicant or its contractors as well as additional time taken to undertake normal agricultural activities on the land etc will be subject to compensation claims, made to National Grid.</p> <p>Where it has been necessary to seek the permanent acquisition of land, such as to facilitate construction of the new substations and cable sealing end compounds, National Grid has ensured that they are only seeking to acquire the minimum land / rights required for the delivery of the project.</p>

Ref No.	Respondent:	Question:
		<p>There are four locations where National Grid is seeking permanent acquisition of land from landowners in order to facilitate the construction and operation of the project;</p> <ul style="list-style-type: none"> • Overton; • Shipton ‘Tee’; • Tadcaster ‘Tee’; and • Monk Fryston <p><u>Overton</u> Negotiations with the Affected Party and their appointed land agent are at an advanced stage in respect of the land acquisition at Overton. All of the land required is in a single ownership, which forms part of a larger field (the remainder of which will still be utilised for agricultural purposes by the Affected Party) and this in turn forms part of a larger holding. As such the overall impact of the land acquisition is likely to be minimal to the Affected Party’s business.</p> <p><u>Shipton ‘Tee’</u> All of the land which is required on a permanent basis is in single ownership and National Grid has engaged with the Affected Parties (both landlord and Tenant) in relation to the design and siting of the new infrastructure. The Affected Party submitted feedback during consultation and that has been acted upon as far as possible in the final design, which allows the Affected Party to further develop the existing farmstead and increase building their existing farm stead and erect new buildings and silage clamps. As such, National Grid considers that the acquisition of land in this location will have a minimal impact upon the Affected Party.</p> <p><u>Tadcaster ‘Tee’</u> At Tadcaster there are three affected parties where National Grid will be seeking to acquire freehold land. National Grid is aware of one particular instance where the permanent acquisition of land is being sought from a primarily residential affected party. The affected party made a submission at Relevant Representation stage. National Grid has provided a detailed response to this Relevant Representation RR-013 in Table 2.13 of the Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015]. Extensive negotiations have taken place, and indeed continue to take place with the Affected Party’s land agent.</p>

Ref No. Respondent: Question:

		<p>The remaining land acquisitions both affect arable farmland. In one instance National Grid has had a number of discussions with both the landowner and the occupier (tenant) and those negotiations are continuing. The affect is thought to be minimal on the wider holding due to the size of the farming practices.</p> <p>The other Affected Party has continued to engage with National Grid and submitted aa Relevant Representation. National Grid has provided a detailed response to this Relevant Representation RR-006 in Table 2.6 of the Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015]. The affect is thought to be minimal on the wider holding due to the size of the farming practices.</p> <p><u>Monk Fryston</u></p> <p>National Grid owns the majority of the land which they require for the new substation at Monk Fryston and have negotiated a surrender of the former agricultural tenancy and as such now have vacant possession of the land. The additional areas of land are currently being managed by the executors of the owner following his death. Given this situation National Grid is unable to assess the effect on wider holdings until probate is granted. Negotiations are ongoing with the Executors in respect of the additional areas of land over which compulsory acquisition rights are being sought.</p> <p>Any person affected by the exercise of compulsory purchase powers, or indeed the exercise of temporary possession powers, may be entitled to claim compensation. This entitlement is provided for by the existing compensation code. To ensure that compensation is paid fairly, in the event of any dispute it may be referred to the Upper Tribunal (Lands Chamber) for independent determination.</p>
Q4.9.2	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>In relation to the Applicant’s duties under section 149 of the Equalities Act 2010:</p> <ul style="list-style-type: none"> a) explain how you have had regard to your public sector equality duty in relation to the powers of CA sought and where this can be identified in the application; and b) have any Affected Persons been identified as having protected characteristics? <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) In relation to the submission of the Yorkshire GREEN Development Consent Order application, National Grid is not subject to duties under Section 149 of the Equalities Act 2010, and we consider that this duty sits with the decision maker. The Act requires those who are subject to the

Ref No.	Respondent:	Question:
		<p>duty to have regard to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, and advance equality of opportunity between people who share a protected characteristic and those who do not.</p> <p>Nevertheless, National Grid has had regard to Section 149 of the Equalities Act 2010 in order to assist the decision maker, and this is summarised below:</p> <ul style="list-style-type: none"> As detailed within the Consultation Report (Document 6.1) [APP-195] a Statement of Community Consultation (SoCC) was produced in consultation with the relevant Local Planning Authorities (LPAs). The final SoCC can be found in Appendix B4 of the Consultation Report Appendices (Document 6.2) [APP-196]. As detailed within this document, the approach to consultation sought to be inclusive, fair and responsible. This included a mix of information available online, webinars, in-person consultation events (held at accessible venues close to affected communities), hard copies of materials, and a dedicated phone line. As detailed in Section 6.9 of the Consultation Report, National Grid made information available on the Project website, depositing key consultation material at easily accessible public information points and provision of hard copies of materials on request. Enquiry channels through a dedicated email address, phone line and freepost address were available to the public. Where requested, the Project team also attended face-to-face meetings, particularly with affected landowners and Parish Councils. National Grid was willing to accommodate specific requests to accommodate stakeholders during consultation, for example scribing responses if necessary, or providing information in alternative formats. One request for material to be in a larger font size was made to the Project team (see consultee LO21, Table 7.3 of the Consultation Report (Document 6.1) [APP-195], and this was accommodated. However this request related to a sole individual, rather than a group with protected characteristics. The consultation approach sought to ensure groups were not inadvertently excluded from consultation, and as such it would also enable National Grid to become aware of any groups with protected characteristics. The consultation approach aligns with National Grid's stakeholder, community and amenity policy, as detailed in Section 3.1.4 of the Consultation Report (Document 6.1) [APP-195]. Section 6.10 of the Consultation Report (Document 6.1) [APP-195] sets out how National Grid engaged with hard-to-reach groups and stakeholders. A list of the hard-to-reach groups identified is detailed in Appendix J of the Consultation Report Appendices (Document 6.2) [APP-196], and as detailed within Section 6.10 of the Consultation Report, these groups were written to and

Ref No.	Respondent:	Question:
		<p>telephoned prior to consultation commencing, to ensure any specific requirements to enable them to engage could be made from the outset. As part of this process, none of the groups contacted highlighted that specific measures or adaptations would be required to enable them to engage with the Project.</p> <ul style="list-style-type: none"> • Section 6.3 of the Consultation Report (Document 6.1) [APP-195] sets out how Persons with an Interest in Land (PILS) were engaged with consulted under Section 42(1)(d) and Section 44. This includes details of the diligent enquiries undertaken, and the period updates undertaken. The detailed approach to engaging with PILs has sought to ensure PILS were not excluded from being made aware of the Project, or engaging with the Project. • Chapter 16 of the Environmental Statement (ES) – Socio economics (Document 5.2.15) [APP-088] provides an overview of the socio-economic ‘Baseline’ (Section 16.4). This does not identify any specific groups with protected characteristics within the study area. This is in part as a result of National Grid’s approach to consenting (detailed in chapter 5 of the Planning Statement (Document 7.1) [APP-202] which seeks to avoid routing close to residential areas. By taking the approach of avoiding residential areas, the chances of impacting any groups (including those with protected characteristics) is minimised. Due to careful routing and siting, the Project has avoided areas where groups with protected characteristics may be more present, such as schools, hospitals and care homes. • As detailed at Section 6.10.7 of the Consultation Report, National Grid became aware of a traveller encampment within the Project’s Order limits. Table 6.5 of the Consultation Report sets out the engagement undertaken with this community to date. The response to written question Q4.9.4 provides ongoing consultation with this community. The traveller encampment is the only group identified with protected characteristics, identified as a stakeholder for the Project. • In terms of impacts of the Project on the traveller encampment, the works in this location involve the re-alignment of the existing XC line. An existing pylon located close to the travellers' encampment will be moved westwards. This scope of works proposed are consistent with those proposed along others parts of the route and works are required in this location as the existing pylon XC522 would not be able to accommodate the new twin conductor system required for the Project as it is over utilised and as a result needs replacing. Therefore there is no discrimination in terms of the proposed works in this location, and impacts on the traveller community. The land

Ref No.	Respondent:	Question:
		<p>rights sought in this location relate to oversailing of an overhead line and access, and the approach taken is entirely consistent with that taken across the Project in comparable locations.</p> <ul style="list-style-type: none"> • Although the travellers' encampment does not benefit from planning consent, a precautionary approach has been taken in terms of considering the travellers' encampment as a sensitive receptor in relation to noise, air and health impacts (Document 5.2.14) [APP-086], (Document 5.2.13) [APP-085], (Document 5.2.15) [APP-087] respectively). An ES Addendum has also been submitted at Deadline 1 to consider visual impacts from the occupiers of the travellers encampment (Document 5.2.20) [REP1-013]. This information was also provided to the site owners, their agent, and the relevant Local Planning Authority and a non-statutory site notice erected at site. • An up-to-date summary of the engagement undertaken with the travellers can be found in the Summary of actions and engagement in relation to the traveller community (Document 8.13) submitted at Deadline 2 (as per response to Q4.9.4 below). <p>b) The traveller community located on the travellers' encampment near Monk Fryston is the only known affected group with protected characteristics, affected by the Project. The above information details how this group have been taken into account.</p>
Q4.9.3	The Applicant	<p>The European Convention on Human rights (the Convention) applied within UK domestic law by the Human Rights Act 1998 The SoR, states that in pursuing the dDCO, the Applicant has weighed the potential infringement of the Convention rights in consequence of the inclusion of compulsory powers within the dDCO and concluded that the significant public benefits outweigh the effects of the dDCO upon persons who own property in the Order limits such that there would not be a disproportionate interference with Article 8 and Article 1 First Protocol rights [APP-069], para 8.1.7 to 8.1.10.</p> <p>Explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant National Policy Statements (NPS) and Government Guidance), the weight attributed to those factors and how this exercise has been undertaken.</p>
		<p>Applicant's Response:</p> <p>The process to develop new network infrastructure has many stages where the impact of development is considered. The consideration of project impacts, the presence or absence of a compelling case in the public interest, and the consequences of the exercise of powers of compulsory acquisition are part of various</p>

Ref No.	Respondent:	Question:
		<p>processes throughout the Project development cycle. In answer to the question there is, therefore, no single 'exercise' to which the Examining Authority (ExA) can be directed because the considerations form part of National Grid's iterative Project development process. Please note National Grid has also addressed the Public benefit and private loss assessment in response to Q.4.4.2 above.</p> <p>Statutory duties imposed on a Transmission Operator by the Electricity Act 1989, and the Licence Conditions applied by Ofgem, ensure that the need for the project, and balancing of public benefit versus private loss remain live considerations from the outset of a project and major development stages throughout the life of any project. Projects are designed to comply with statutory duties and Licence obligations. This work is recorded through the iterative Project development process in documents such as:</p> <ul style="list-style-type: none"> ● Need Case as detailed in Updated Need Case (Document 7.4) [APP-205]; ● Strategic Options and related documents as detailed in the following documents: ● Strategic Proposal 2019 (Document 7.5) [APP-206] ● Strategic Proposal Back Check and Review 2020 (Document 7.6) [APP-207] ● Strategic Proposal Addendum 2021 (Document 7.7) [APP-208] ● Corridor and Preliminary Routing and Siting Study (CPRSS) (Document 7.8) [APP-209] <p>Policy also requires these matters to be considered in the design and routing of any proposed project. National Policy Statement (NPS) for Electricity Networks Infrastructure EN -5 refers to the long established Holford Rules in paragraphs 2.9.16 - 2.1.17 and states that:-</p> <p style="padding-left: 40px;">“...they should be embodied in the applicants' proposals for new overhead lines...”.</p> <p>Holford Rule 7 guides new lines to routes where the impact on development is minimised as far as possible. It also requires alignment to be chosen only after consideration of the effects on the amenity of existing development and on proposals for new development. This policy guidance is considered at each of the iterative project development stages. The Horlock Rules which set out the approach to substation siting and design in the context of National Grid's duties under Schedule 9 of the Electricity Act 1989, including Horlock Rule 3 also guides that areas of local amenity value should be protected as far as reasonably practicable. National Grid attaches significant weight to both NPS EN - 5 and the Holford Rules and Horlock Rules in the development of and selection of corridors for new overhead line infrastructure and substation sites, the identification of a preliminary route swathe within a preferred corridor and in the design of the defined proposal and alignment and siting of infrastructure. It is known that Holford Rule 7 encourages network</p>

Ref No.	Respondent:	Question:
		<p>development away from residential buildings and gardens, and as a consequence also drives compliance with Article 8.</p> <p>Further details can be seen in the Planning Statement (Document 7.1) [APP-202] and Design and Access Statement (Document 7.2) [APP-203] submitted as part of the application.</p> <p>Policy, and custom & practice also work together to shape the rights that National Grid seeks to deliver infrastructure. The vast majority of the assets forming part of the electricity network are secured via the lowest level of intervention with the landowner concerned. The vast majority of the network is secured via rights in the form of wayleaves and easements, rather than by ownership. Freeholds are only sought where absolutely necessary.</p> <p>This approach is now driven by policy in the form of NPS EN-5, and custom and practice where Development Consent Orders are not involved. Draft NPS EN-5 which is being consulted on at present confirms that this approach should continue in paragraph 2.6.4, with the only change being a strong preference for permanent rights (easements) over voluntary and terminable rights (wayleaves) because:-</p> <p style="padding-left: 40px;">“...of their greater reliability and economic efficiency and reflecting the importance of the relevant infrastructure to the nation’s net zero goals”.</p> <p>It is known that policy, and custom and practice, drives compliance with Article 1. National Grid attaches significant weight to NPS EN - 5 and notes the emerging importance of draft NPS EN-5.</p> <p>Guidance - as noted in the Statement of Reasons (Document 4.1) [APP-069] National Grid has also had regard to the Guidance related to procedures for compulsory acquisition of land (first referenced at para 1.1.2). At paragraph 6.17 of the Statement of Reasons the Applicant has referenced paragraphs 8 to 22 of the Guidance which include alternatives to compulsory acquisition. The principles set out above have influenced the location of the interests to be acquired and the need to minimise the impact and number of landowners affected. The need and requirements for each plot was considered as part of the design and the detail of what is required first set out at the Application stage in Appendix A of the Statement of Reasons. National Grid places significant weight on the Guidance which has informed the approach to acquisition. National Grid’s preference as noted in the Statement of Reasons (paragraph 5.8.1) is to acquire by negotiation and agreement. This is reflective of the Guidance – see for example paragraph 25. As noted</p>

Ref No.	Respondent:	Question:
		above National Grid has also addressed the Public benefit and private loss assessment including in respect of where freehold rights are sought in response to written question 4.4.2 above.
Q4.9.4	The Applicant	<p>Plots E7-34 and E7-40</p> <ul style="list-style-type: none"> a) Provide a detailed update of your ongoing diligent inquiries and consultation since that reported in the Consultation Report [APP-195], Section 6.10 and Table 6.5. b) Keep the ExA updated in this regard at all Deadlines requiring CA updates. <hr/> <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) and b) National Grid has produced a separate document 'Summary of Actions and Engagement in Relation to the Traveller Community' (Document 8.13) and will provide an update at all Deadlines requiring Compulsory Acquisition updates as requested. The information in the document is taken from Section 6.10 and Table 6.5 of the Consultation Report (Document 6.1) [APP-195] and has been updated to include ongoing diligent inquiries and consultation since those reported in the Consultation Report.

2.5 Draft Development Consent Order (dDCO)

Table 2.19 – Draft Development Consent Order (dDCO): Articles

Ref No.	Respondent:	Question:
5.1	5.1 Articles	
Q5.1.1	The Applicant	<p>Article 3: Development consent etc. granted by the Order The dDCO does not include any provisions relating to any ‘enactment applying to land within or adjacent to the Order Limits’, providing that they have effect subject to the provisions of the DCO. The purpose of including such a provision, which has been commonly used in other DCOs, would be to avoid inconsistency with other relevant statutory provision that applies in the vicinity.</p> <p>a) Explain why this has not been included and/ or review its inclusion. b) Update the Explanatory memorandum (EM) accordingly either to include, or to explain the reasons for non-inclusion.</p> <p>Applicant’s Response:</p> <p>There is no precedent for use of this wording within previous overhead line development consent orders but National Grid has identified this wording within previous highways DCOs, such as The A19 Downhill Lane Junction Development Consent Order 2020 and The A30 Chiverton to Carland Cross Development Consent Order 2020.</p> <p>National Grid has carried out a due diligence exercise to determine whether there is any local legislation that conflicts with the authorised development and, within Article 52 (Amendment of local legislation) of the draft DCO (Document 3.1(B)) [AS-011], has sought to expressly disapply that legislation where it considers there is scope for conflict with the construction or maintenance of the Project. This exercise has included making enquiries of the relevant local authorities and bodies such as Network Rail, to identify any conflicting local legislation. However, it is acknowledged that there may be less well-known statutory provisions which apply in the vicinity, and which could conflict with the Project. On that basis, National Grid proposes to incorporate this wording in the next version of the draft DCO to be submitted at Deadline 3 and will update the Explanatory Memorandum accordingly.</p>
Q5.1.2	The Applicant	Article 3: Development consent etc. granted by the Order

Ref No.	Respondent:	Question:
		<p>Article 3(4)(a) states that “NGN may...install the NPG works”. Is this correct? Or should it state that NGN would install NGN works?</p> <p>Applicant’s Response:</p> <p>This was a typographical error in the draft DCO (Document 3.1(B) [AS-011] and should state ‘NGN may ... install the NGN works’. This will be corrected within the next iteration of the draft DCO and if applicable the Explanatory Memorandum submitted at Deadline 3.</p>
Q5.1.3	The Applicant	<p>Article 3: Development consent etc. granted by the Order Equivalent articles in other orders set out that authorised development must be constructed and installed in the lines and situations shown on the Works Plans, in accordance with the levels shown on the sections, subject to limits of deviation and to the Requirements (with cross referencing to relevant DCO Schedules). a) Explain why this has not been included and/ or review its inclusion. b) Update the Explanatory memorandum (EM) accordingly either to include, or to explain the reasons for non-inclusion.</p> <p>Applicant’s Response:</p> <p>a) Finished site levels have been included on the elevation drawings within the Design Drawings Document 2.15 [APP-064], for each of the non-linear works (Shipton Cable Sealing End Compounds, Overton Substation, Tadcaster Cable Sealing End Compounds, Monk Fyston Substation and Osbaldwick Substation Drawing References DCO_DE/PS/14_03, DCO_DE/PS/15_03, DCO_DE/PS/16_03, DCO_DE/PS/17_03, DCO_DE/PS/18_03, DCO_DE/PS/19_03, DCO_DE/PS/20_03). The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p> <p>Article 3 of the draft DCO (Document 3.1(B) [AS-011] will be revised to include confirmation that the authorised development will be installed in accordance with the lines and situations shown on the Works Plan and the levels shown on the design drawings, subject to limits of deviation. The revised draft DCO will be submitted at Deadline 3.</p> <p>b) The Explanatory Memorandum will be updated to include an explanation on the inclusion of the finished site levels on the Design Drawings and the Explanatory Memorandum submitted at Deadline 3.</p>

Ref No.	Respondent:	Question:
Q5.1.4	The Applicant	<p>Article 5: Limits of Deviation, sub-para (4)(a), Overton substation – controlling height Following the ISH, the ExA has considered the parameter plan for the proposed Overton Substation in more detail [APP-064], Design Drawing Overton, Substation Parameter Plan, Sheet 1 of 3. It appears that the Northern Powergrid (NPG) compound pointed out at the ISH is not controlled by the 15m height restriction. Nor is the larger area keyed as “DNO Substation Compound”.</p> <p>a) How are the footprints for the NPG control compound and the DNO Substation compound controlled? b) Maximum heights for the NPG compound and DNO Substation compound should be fixed. c) Update the design drawing parameter plan to set the minimum heights for these areas inside and outside the Substation perimeter. d) Can these heights be limited to less than 15m? If not, why not? e) Consider whether a reference to the relevant Northern Powergrid plc rather than DNO (Distribution Network Operator) would be more consistent with other documents.</p> <hr/> <p>Applicant’s Response:</p> <p>a) For the avoidance of doubt, there is only one DNO compound proposed in this location. The compound shown as “DNO Substation Compound” is the same compound as was referred to as the NPG compound at ISH1. To provide clarity Document 2.15, [APP-064], Design Drawing Overton, Substation Parameter Plan, DCO_DE/PS/14_01, Sheet 1 of 3 has been updated to re-name the DNO Substation Compound to 'Northern Powergrid Northeast Plc Substation', labelled on the plan and the symbology has been updated to ensure the plan is easier to read. The footprint and location of the compound are controlled by the parameter plan, and the limits of deviation shown around Overton Substation. The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p> <p>b) A maximum height of 5m has been added to the parameter plan for the 'Northern Powergrid Northeast Plc Substation'. An updated version of Document 2.15, [APP-064], Design Drawing Overton, Substation Parameter Plan, DCO_DE/PS/14_01, Sheet 1 of 3 (Document 2.15(B)) showing this maximum height will be submitted at Deadline 2.</p> <p>c) Document 2.15, [APP-064], Design Drawing Overton, Substation Parameter Plan, DCO_DE/PS/14_01, Sheet 1 of 3 has been updated to include the maximum height of 5m as detailed above. The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p>

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		<p>d) Consideration has been given to the works for the 'Northern Powergrid (Northeast) Plc Substation' and the maximum height has been limited to 5m. All electrical equipment would be inside the building, and the 5m maximum height would apply to that building.</p> <p>e) (Document 2.15(B)) Design Drawing Overton, Substation Parameter Plan, DCO_DE/PS/14_01, Sheet 1 of 3 has been updated and now refers to 'Northern Powergrid (Northeast) Plc Substation'.</p> <p>To note, although not the subject of this question, National Grid has made similar updates to the parameter plan in the Design Drawings for the Monk Fryston Substation to label the 'Northern Powergrid (Yorkshire) Plc Substation' and to include a maximum height parameter for it. The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p>
Q5.1.5	The Applicant	<p>Article 5: Limits of Deviation, sub-para (4)(a) non-linear works – controlling height, Councils would need to approve and monitor post-consent against maximum secured heights. However, the designs of the substation sites permit changes to existing ground levels to obtain finished level sites and to mitigate flood risk.</p> <p>a) Do the contours on the outline landscape mitigation strategy drawings fix the finished site levels [APP-164], Figure 3.10 and Figure 3.12?</p> <p>b) Or is this secured elsewhere? If so, where?</p> <p>c) Explain how the Councils could monitor and control the heights of structures and engineering works at non-linear work sites under article 5(4)(a) where the limits of deviation are referenced to finished site levels and not existing ground levels. (See also questions on flood risk)</p> <p>Applicant's Response:</p> <p>a) The finished site levels are fixed at both substations as they are now included on the elevation drawings as part of the Design Drawings (Document 2.15(B)) and consequently maximum secured heights would not change. At the Monk Fryston Substation, as shown on Figure 3.12 of the Outline Landscape Mitigation Strategy (Monk Fryston) ES Chapter 3: Description of the Project Figures (Document 5.4.3(B)) [AS-017], there is no lateral limit of deviation and so Article 5(b) of the draft DCO (Document 3.1(B)) [AS-011] would have no practical effect in this location. At Overton Substation, as shown on Figure 3.10 of the Outline Landscape Mitigation Strategy (Overton) ES Chapter 3: Description of the Project Figures (Document 5.4.3(B)) [AS-017], the lateral limits of deviation allows for a 20m lateral deviation as described in Article 5(b) of the draft DCO (Document</p>

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		<p>3.1(B)) [AS-011] to the south, east and west and a 10m deviation to the north. Should the location of the substation change from the current location within the limits of deviation, the finished substation level of 13.71m AOD would remain unchanged. In order to tie in with existing ground levels, depending on the extent of lateral movement of the Overton substation footprint, the height of any embankment sloping up or down from the substation level would be subject to minor changes, although given the essentially flat location of the siting area, any change is considered to be non-material and would be captured in the detailed landscape strategy to be submitted under Requirement 8(1)(b) of the draft DCO (Document 3.1(B)) [AS-011]).</p> <p>b) The finished site surface levels will be included on the Design Drawings (Document 2.15(B)), for each of the non-linear works (Shipton Cable Sealing End Compounds, Overton Substation, Tadcaster Cable Sealing End Compounds, Monk Fryston Substation and Osbaldwick Substation Drawing References DCO_DE/PS/14_03, DCO_DE/PS/15_03, DCO_DE/PS/16_03, DCO_DE/PS/17_03, DCO_DE/PS/18_03, DCO_DE/PS/19_03, DCO_DE/PS/20_03). This finished surface level will be the point from which the maximum heights as shown on the parameter plan can be measured, with a maximum of 15m in height from the level shown on these plans (and 5m for the DNO substation compounds). The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p> <p>c) The councils would be able to monitor and control heights based on the finished surface level as now shown on the elevation drawings. The nonlinear works must be within the maximum heights shown on the parameter plan measured from the identified finished surface level as per the updated Design Drawings (Document 2.15(B)) submitted at Deadline 2.</p>
Q5.1.8	The Applicant	<p>Article 6: Benefit of the Order The ExA finds the explanation in the EM [AS-013], para 4.10.2 to be wide in drafting.</p> <p>a) Provide further explanation of article 6(2) and its practical implementation.</p> <p>b) Expand the explanation in the EM [AS-013], para 4.10.2. Give a specific instance of where, and with whom, the example in the second sentence of this para would apply.</p> <p>c) Consider, in light of these comments, whether the article requires further tightening in wording to clarify its meaning.</p> <p>In terms of agreement with NGN, Northern Powergrid (Northeast) and Northern Powergrid (Yorkshire):</p> <p>d) Seek to reach agreement with NGN, Northern Powergrid (Northeast) and Northern Powergrid (Yorkshire) on any differences over wording and update the next version of the dDCO if agreed.</p> <p>Applicant’s Response:</p>

Ref No.	Respondent:	Question:
		<p>a) and b) The intention of the drafting of article 6(2) is to clarify the exceptions where the DCO may benefit others, for example, by granting rights for statutory undertakers to operate and maintain their apparatus and granting rights to accommodation works for the benefit of existing landowners and occupiers. The Explanatory Memorandum makes reference to this being used in instances where alterations are made to apparatus and equipment of statutory undertakers which are not specified as a separate Work No. in Schedule 1 of the draft DCO but are included as part of the authorised development. For example, in the case of telecommunications apparatus which is altered, it would not be necessary to transfer the benefit of the DCO to the telecoms operator in order for them to carry out the diversion works or to benefit from rights to operate and maintain their diverted equipment. When read together, article 6(2) and 7(7) allow National Grid and the relevant statutory undertaker to elect to either enable the statutory undertaker to gain benefit under article 6(2) or be specifically transferred the benefit of the DCO under article 7(7), should this be the preferred option. There may be practical circumstances surrounding individual works under the DCO which would benefit from each approach.</p> <p>c) The wording used in Article 6(2) of the draft DCO replicates the drafting of Article 6(7) from The National Grid (Richborough Connection Project) Development Consent Order 2017. It is necessarily broad to ensure that there are no beneficiaries unintentionally excluded. That said, the scope of Article 6(2) is sufficiently limited because the consent has to be "expressed to be for the benefit of the owners and occupiers of land, statutory undertakers and other persons affected by the authorised development". On this basis, National Grid do not propose to amend the wording of this article.</p> <p>d) National Grid are engaging with NGN, Northern Powergrid (Northeast) and Northern Powergrid (Yorkshire) to resolve any differences. If necessary, future iterations of the draft DCO will reflect any agreements reached.</p>
Q5.1.10	The Applicant	<p>Article 7: Consent to transfer the benefit of the Order The ExA notes that some of the company names listed in article 7(7)(a) to (d) do not align with those with whom you indicated you would seek SoCGs [APP-202].</p> <p>a) Confirm that the company names in the dDCO are correct. b) Seek to reach agreement with the parties listed in the question above on any differences over wording and update the next version of the dDCO, if agreed.</p> <p>Applicant's Response:</p>

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		<ul style="list-style-type: none"> a) Following further engagement with the statutory undertakers, National Grid has confirmed the correct entity who holds apparatus within the Order limits and, therefore, the correct entity who there may be a necessity to transfer the benefit of the DCO for the purpose of diverting or replacing their owned or managed structures (as an alternative to them gaining benefit through article 6(2)). Amendments will be made to the draft DCO submitted at Deadline 3 accordingly. For example, this will involve updating the Yorkshire Water entity to "Yorkshire Water Services Limited". b) National Grid are engaging with the statutory undertakers listed at Article 7(7)(a) to (d) to resolve any differences. If necessary, future iterations of the draft DCO will reflect any agreements reached.
Q5.1.11	The Applicant	<p>Article 8: Planning Permission The ExA requires further justification for the inclusion of these powers. The EM [AS-013] states that there is no precedent in other OHL Orders for this article but that it is based on Article 11 of the M42 Junction 6 Order (SI 2020/528).</p> <ul style="list-style-type: none"> a) Explain in more detail, citing in what situation it might apply and why this article is required for the Proposed Development. b) What are the implications of not including the provisions of this article? c) Update the EM accordingly, if required. <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) This article provides for the eventuality that a separate planning permission is granted within the Order limits that enables the construction of any part of the authorised development but would potentially conflict with the terms of the DCO. For example, it may be that certain statutory undertaker diversions are carried out under permitted development rather than in accordance with the 'U' works of Schedule 1 to the DCO (this may be done by NPG under their Permitted Development rights for the NPG Works). If the final alignment of these works differs from the alignments shown on the Works Plan, this article confirms that this would not be a breach of the DCO. There might also be planning permissions obtained for access or enabling works, which whilst not anticipated at present, have been secured on previous overhead line DCOs undertaken by National Grid. b) Without this provision, there may be uncertainty as to whether a breach would occur if a separate planning permission was implemented without compliance with, for example, the requirements of the DCOs. This wording clarifies that, where the DCO overlaps with a planning permission that is required

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		<p>to complete or enable the construction, use or operation of any part of the Project, there would be no incompatibility resulting in a breach of the DCO.</p> <p>c) The Explanatory Memorandum has been updated to incorporate the above explanation and will be submitted at Deadline 3.</p>
Q5.1.12	The Applicant	<p>Article 9: Application of the 1990 Act The ExA is not persuaded by the justification for articles 9(4), 9(5) and 9(6) providing for extension of the time limits for starting the development and exercising CA rights in the event that there is a legal challenge as set out in the EM [AS-013], para 4.13.4. The provision is not the same as that in s91 (3A) and (3B), of the Town and County Planning Act (TCPA)1990.</p> <p>a) Justify why this is needed for this project and why it warrants a different approach from previous projects. b) What would be the implications of removing this part of the article? c) If your response is to retain it in its current form, the wording in the EM needs drafting to be clear that the provision resembles, not duplicates that in TCPA1990. d) EM [AS-013], para 4.13.3 refers to “Article 8(2) and (3)”. Should this refer instead to Article 9(2) and (3)?</p> <p>Applicant’s Response:</p> <p>a) This Project is the first National Grid Electricity Transmission overhead line DCO promoted and under Examination since 2016. In the intervening period, there have been a number of challenges to the grant of DCOs for Nationally Significant Infrastructure Projects (NSIPs), which delay the ability of undertakers to commence construction and exercise CA rights whilst this litigation is ongoing.</p> <p>Ministry of Justice statistics show that there were 62 'Town and Country Planning Significant' Judicial Reviews in 2021 and a further 37 in 2022. The mean time taken in 2022 from a case being lodged to the permission decision was 79 days; and the mean time from a case being lodged to final hearing decision was 193 days. Even if a claimant for judicial review is unsuccessful in obtaining permission to proceed by the court on the papers, they are entitled to a renewal hearing, where the case is heard orally. Then, even if unsuccessful at the renewal stage, there is still potential for a claimant to apply for permission to appeal at the Court of Appeal. These court processes take months at a time and so it is very feasible that an NSIP project such as this could be subject to ongoing challenge for approximately a year even when, at every stage of the litigation process, the courts determine the claim should not proceed and the development consent order should stand.</p>

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		<p>The Town and County Planning regime has identified this as an issue and adopted legislation to prevent the rundown of time limits in these circumstances. This wording simply seeks to transpose this into the NSIP regime by applying the same provisions to the draft DCO for the Project.</p> <p>b) Without the wording in articles 9(4), 9(5) and 9(6), the time limits set by Article 24 and Requirement 2 of the draft DCO would continue to run down whilst any challenge is ongoing. There would be significant risk involved in undertaking NSIP development or exercising CA powers where there is a potential that the DCO is quashed as a result of ongoing challenge proceedings. Therefore, any implementation of the DCO by National Grid during an ongoing challenge would be at significant risk and potentially open to injunctive action.</p> <p>c) Section 91 (3A) and (3B), of the Town and County Planning Act (TCPA) 1990 are complex provisions. Wording replicating these provisions directly had been included within a previous iteration of the draft DCO but pre-application advice obtained from PINS recommended simplifying this drafting to make it more accessible. Therefore, the drafting of Article 9(4), (5) and (6) was updated from the parallel drafting of the TCPA 1990. The Explanatory Memorandum has been amended to make it clear that the wording does not duplicate the TCPA 1990 provisions but does provide for the same outcome.</p> <p>d) These cross-references were typographical errors and will be updated in the Explanatory Memorandum to be submitted at Deadline 3.</p>
Q5.1.13	The Applicant	<p>Article 11: Street works This article as currently drafted provides a wide power.</p> <p>a) Notwithstanding other precedents, justify why the power is appropriate and proportionate in this case, having regard to the impacts on pedestrians and other street users of authorising temporary working sites in these streets.</p> <p>b) Is the phrase “for purposes ancillary to it” in Article 11(1) sufficiently precise?</p> <p>c) In Article 11(2), should the reference to ‘the 1990 Act’ instead state ‘the 1991 Act’?</p> <p>d) Article 11(3) provides that consent would be deemed to have been given if the street authority did not notify of its decision within 28 days – does this have the agreement of the relevant street authorities?</p> <p>e) Is there precedent for this Article as drafted? The EM [AS-013], para 4.15.2 states that the Article was contained in the Richborough Order, but that Article appears to be significantly more limited in scope and does not contain the deemed consent provisions.</p>

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Applicant's Response:

- a) The powers granted in Article 11 are constrained by reference to the specific list in Schedule 6 (streets subject to street works) or express prior consent provided by the street authority. Schedule 6 only lists 30 streets where street works are anticipated across the entire Project. Impacts on pedestrians and other street users will be mitigated and managed by the controls contained within the **Public Rights of Way Management Plan (Document 5.3.3G) [APP-100]**, which is secured by the draft DCO (**Document 3.1(B)) [AS-011]** through Requirement 5(2)(e).

Specific examples where each power may be required as part of the Project are set out in the table below:

Power	Example
(a) break up or open the street, or any sewer, drain or tunnel within or under it	When widening Overton Lane, creating permanent bellmouths at substation locations and CSEC's there will be the requirement to feather the surfacing into the existing carriageway to create a suitable bond between new and existing.
(b) tunnel or bore under the street, or carry out any works to strengthen or repair the street	Should any street be in such a state requiring repair to enable delivery of the Project, the requirement to strengthen periphery / verge works may need to be undertaken.
(c) remove or use all earth and materials in or under the street	When diverting / lowering utilities to enable creation of bellmouths (Temporary / Permanent) there is a need to dispose of or import materials for reinstatement.
(d) place and keep apparatus in the street (including signage)	There is potential for road signage at non-linear works e.g. CSECs and Overton Lane. There is also potential for road narrows signage where a road has been widened to dual lanes on Overton Lane heading towards Overton Village.

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		<p>Modification and/or replacement of lighting columns would be required on the roundabout at the A63/A1M where realignment of towers 522 -521 would oversail this.</p> <p>(e) maintain, renew or alter apparatus in or on the street or change its position</p> <p>(f) execute any works to provide or improve sight lines required by the highway authority</p> <p>(g) execute and maintain any works to provide hard and soft landscaping</p> <p>(h) carry out re-lining and placement of new temporary markings</p> <p>b) The wording 'for purposes ancillary to it' allows a necessary degree of flexibility where works are required in streets for the delivery of the Project but the direct purpose may not form a specific work within Schedule 1. The power of Article 11 is still constrained to the Order limits and the list specified within Schedule 6 (or as otherwise authorised by the street authority).</p> <p>c) This is a typographical error that will be corrected to the 1991 Act in the next iteration of the draft DCO submitted at Deadline 3.</p>
		<p>AIL deliveries may require temporary realignment of apparatus.</p>
		<p>This may be required, for example, for:</p> <ul style="list-style-type: none"> • Visibility Splays; • Overton lane / A19 junction improvements for AIL delivery; and/or • Removal of and relocation of street furniture (Large signage impeding sight lines, for example, Overton Lane /A19 Junction).
		<p>This may be required for reinstatement of verges when widening Overton Lane and permanent Bellmouth works at substations and CSECs.</p>
		<p>This would be required for the creation of give-way, entrance and exit points at permanent and temporary bell mouths, for instance, at CSECs and substations.</p> <p>Replacement of white lines road markings would be required if they eroded during the course of the works.</p>

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		<p>d) A copy of the draft DCO has been provided to all relevant street authorities and National Grid is not aware of any specific objection to this wording from the street authorities.</p> <p>e) e) Whilst there is no exact match to the drafting proposed for Article 11, it is very similar to the wording within article 11 of The Southampton to London Pipeline Development Consent Order 2020 (which includes deemed consent provisions) and article 10 of The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014.</p>
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Q5.1.14	The Applicant	<p>Article 12: Application of the 1991 Act</p> <p>a) Explain the extent to which the guidance in section 25 of Advice Note 15 has been followed. Good Practice Note 10 states that clear justification for the inclusion of such provisions in the “particular circumstance”, should be provided.</p> <p>b) The ExA considers that this article requires further justification and would expect the EM to cover:</p> <ul style="list-style-type: none"> • the purpose of the legislation/ statutory provision; • the persons/ body having the power being disapplied; • an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and • (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO. <p>c) Respond to these comments and update the EM as required.</p>
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<p>Applicant’s Response:</p> <p>a) and c) The Explanatory Memorandum explains in general terms why this disapplication is justified in the circumstances of the Project. The modifications drafted within this article are not novel or unprecedented. Further detail is explained in limb (b) below and this will be included within the updated Explanatory Memorandum submitted at Deadline 3.</p> <p>b) The below table details the justification required for the disapplication outlined in Article 12(3).</p> <p>In general, Section 120(5) of the Planning Act 2008 allows for an Order granting development consent to apply, modify or exclude a statutory provision which relates to any matter (s120(5)(a)) and would</p>

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allow the Secretary of State to allow the inclusion of any provision that appears necessary (s120(5)(c)).

Please note, section 57 of the 1991 Act has been included in both paragraph (3) (legislation to be disapplied) and (5) (legislation which applies) of Article 12. This is an error and so section 57 will be deleted from paragraph (3) in the next iteration of the draft DCO submitted at Deadline 3. Accordingly, because the DCO does not propose to disapply section 57, this section is not included within the below table:

Provi sion	Purpose	Body	Effect of disapplication	Necessity and justification
s.53	the street works register	Street authority	The street authority will not be required to update the street works register in relation to works carried out within the Order Limits of the Order if granted.	<p>Schedule 6 (streets subject to street works) of the draft DCO (Document 3.1(B)) [AS-011] contains all the relevant information regarding street works to be undertaken as part of the authorised development and will be in the public domain.</p> <p>Therefore, to the extent relevant to the streets works register and where the information is otherwise not required to be given under the dis-application of the article, this information will not need to be replicated in the street works register.</p> <p>As Article 11 and Schedule 6 of the draft DCO provide the relevant information, protective provisions are not required.</p>
s.56	power to give directions as to timing of street works	Street authority	The street authority will not be able to mandate times or days where works may take place to avoid	<p>Whilst this provision is disapplied, a number of street works provisions are <u>applied</u> under paragraphs (4) and (5) of Article 12, including (a) provision of advance notice of works; (b) notice of starting date of works; (d) general duty to co-ordinate works and (e) general duty of undertakers to co-operate. This, together with the mitigation contained in the Construction Traffic Management Plan (Appendix 3F) [APP-099] (as</p>

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		<p>disruption to the road network.</p> <p>secured by Requirement 5(2)(d) of the draft DCO (Document 3.1(B)) [AS-011], will ensure that works can be co-ordinated such that disruption to the road network will be avoided. In addition, Requirement 7 of the draft DCO (Document 3.1(B)) [AS-011] controls the construction hours of the Project.</p> <p>There is a clear urgency of delivering to the Yorkshire GREEN earliest in service date (2027) and maintaining the programme, for which certain works must be carried out at particular times. Any delay that a street authority could place on National Grid would hinder this and is considered unnecessary in the context of the minimal nature of the street works anticipated and their potential impact on the road network as described in ES Chapter 3 Description of the Project paragraph 3.6 (Document 5.2.3) [APP-075].</p> <p>As the draft DCO (Document 3.1(B)) [AS-011] and the Construction Traffic Management Plan (Appendix 3F) [APP-099] provide the necessary controls, protective provisions are not required.</p>
	s.56A	<p>power to give directions as to placing of apparatus</p> <p>Street authority</p> <p>The street authority will not be able to direct the undertaker not to place apparatus in the street or direct them to place apparatus in another street if they deem it</p> <p>The diversion and placement of apparatus is secured through the Works Plan (Document 2.6.1(B)-2.6.6(B)) [REP1-004-009] and Design Drawings (Document 2.15) [APP-064], in accordance with Articles 3, 5, 48 and Requirement 3 of the draft DCO (Document 3.1(B)) [AS-011].</p> <p>Therefore, it would not be appropriate for the street authority to have the power to direct apparatus either not to be placed in a street or to be placed within a</p>

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					necessary to do so.	different street to those for which powers have been granted by the DCO. As the draft DCO (Document 3.1(B)) [AS-011] already contains necessary controls on placement of apparatus, protective provisions are not required.
		s.58	restrictions on works following substantial road works	Street authority	The street authority will not be able to restrict the execution of works following any substantial road works.	There is a clear urgency of delivering to the Yorkshire GREEN earliest in service date (2027) and maintaining the programme. Any restrictions that a street authority could place on National Grid would hinder this. Dis-application of this provision will allow National Grid to complete works required for the Project without delay following any substantial road works which are undertaken. Noting the minimal nature of the street works proposed by National Grid as part of the Project, National Grid is not aware of any substantial road (or street) works which, if followed by National Grid's proposed works, would cause disruption to the road network.
		s.58A	restriction on works following substantial street works	Street authority	This will disapply Schedule 3A (see further information below).	See the response to section 58 above.
		s.73A*	power to require undertaker to re-surface street	Street authority	This will stop the street authority being able to issue a re-surfacing notice to the undertaker for them to be	Requirement 11 of the draft DCO (Document 3.1(B)) [AS-011] provides for National Grid to reinstate any land used temporarily for construction within the Order Limits to its former condition within 12 months of completion of the relevant stage of works (or such other timescales approved). In addition, section 71 (materials, workmanship and standard of

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					required to re-surface a street as per notice demands.	reinstatement) is <u>applied</u> by paragraphs (4) and (5) of Article 12. Therefore a separate control is not required.
		s.73B*	power to specify timing etc. of re-surfacing	Street authority	This will stop the street authority specifying the timing of such re-surfacing works.	This part of the Act is not currently in force. However, see the response to s.73A above in relation to reinstatement. In addition, Requirement 7 of the draft DCO (Document 3.1(B)) [AS-011] controls the construction hours of the Project. Therefore a separate control is not required.
		s.73C*	materials, workmanship and standard of re-surfacing	Street authority	This will stop the street authority from prescribing the tools, materials and standards that such re-surfacing needs to be executed.	See the response to s.73A above in relation to reinstatement which must be undertaken at National Grid's expense.
		s.78A**	contributions to costs of re-surfacing by undertaker	Street authority	By disapplying this provision (if necessary**) it will mean that no contributions would need to be paid by an undertaker for the costs of re-surfacing if notice of such is given by the street authority.	See the response to s.73A above in relation to reinstatement which must be undertaken at National Grid's expense.

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		Sch. 3A	restriction on works following substantial street works	Street authority	By disapplying this provision the street authority will not be able to place restrictions on works that follow substantial street works, this will enable National Grid to progress with the Project and ensure completion without limiting or delaying the works that will be necessary under the DCO if granted.	See the response to s.58 above.
		<ul style="list-style-type: none"> • *Section 73A, 73B and 73C are prospective provisions that will be applied through Section 55 of the Traffic Management Act 2004. These provisions are not yet in force, but should they become legislation prior to the granting of the DCO then National Grid would need to disapply these provisions for the purposes of the Project and anticipated timescales. • **Section 78A is a prospective provision that will be applied through Section 57 of the Traffic Management Act 2004. This provision is not yet in force, but should it become legislation prior to the granting of the DCO then National Grid would need to disapply this provision for the purposes of the Project and anticipated timescales. 				
Q5.1.17	The Applicant	Article 13: Power to alter layout, etc. of streets				

Ref No.	Respondent:	Question:
		<p>These provisions are subject to a ‘guillotine’ clause, meaning that consent is taken as granted if a decision has not been made within 28 of an application for consent.</p> <p>a) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 13(5).</p> <p>b) Update the dDCO and EM accordingly, if agreed.</p> <p>Applicant’s Response:</p> <p>a) National Grid has considered whether any notice to the street authority should include notification that deemed consent after 28 days applies pursuant to Article 13(5) and, on reflection, is of the view that it would assist the street authority for this to be made clear on the face of any application under this Article.</p> <p>b) The draft DCO and Explanatory Memorandum will be updated accordingly and submitted at Deadline 3.</p>
Q5.1.18	The Applicant	<p>Article 14: Temporary stopping up of streets, cycle tracks and public rights of way</p> <p>a) Notwithstanding other precedents, justify why this power is appropriate and proportionate, having regard to the impacts of authorising temporary working sites in these streets on pedestrians and others</p> <p>b) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 14(8).</p> <p>c) See also question under Schedule 8 below and consider whether response to this would result in any changes to the wording of article 14.</p> <p>Applicant’s Response:</p> <p>a) The powers granted in Article 14 are constrained by reference to the specific list in Schedule 8 (streets, cycle tracks or public rights of way to be temporarily stopped up) or express prior consent provided by the street authority. Paragraph (5)(a) requires advanced consultation of the street authority before stopping up the streets listed in Schedule 8 and paragraph (5)(b) requires the street authority's prior consent before any other temporary stopping up within or adjacent to the Order limits can take place.</p> <p>As with Article 11 (street works), impacts on pedestrians and other street users will be mitigated and managed by the controls contained within the Public Rights of Way Management Plan (Document</p>

Ref No.	Respondent:	Question:
		<p>5.3.3G) [APP-100], which is secured by the draft DCO through Requirement 5(2)(e) of the draft DCO (Document 3.1(B)) [AS-011].</p> <p>b) National Grid has considered whether any notice to the street authority should include notification that deemed consent after 28 days applies pursuant to Article 13(5) and, on reflection, is of the view that it would assist the street authority for this to be made clear on the face of any application under this Article. The draft DCO and Explanatory Memorandum will be updated accordingly and submitted at Deadline 3.</p> <p>c) Further to the response to question 5.7.1(b), no amendment is considered necessary to Article 14.</p>
Q5.1.20	The Applicant Ainsty (2008) Internal Drainage Board Foss (2008) Internal Drainage Board Kyle and Ouse Internal Drainage Board	<p>Article 19: Discharge of water Confirm whether agreement has been reached, or if differences what they continue to be, over: a) the word ‘belongs’ in article 19(3) as raised by Ainsty Internal Drainage Board (IDB) and Foss IDB in their RRs [RR-002] and [RR-015]; b) protection of IDB maintained watercourses having the same protection as ‘main rivers’ as set out in article 19(5) and the additional wording requested in RRs c) any other points of detail relating to this article.</p> <p>Applicant’s Response:</p> <p>National Grid is presently preparing updated drafting of Article 19 to respond to the points raised by Ainsty Internal Drainage Board (IDB) and Foss IDB in their Relevant Representations [RR-002 and RR-015]. National Grid intends to continue dialogue with the relevant IDBs in agreeing the appropriate updates to Article 19 and this will be updated in the draft DCO submitted at Deadline 3 if agreed at that point.</p>
Q5.1.22	The Applicant	<p>Article 20: Protective work to buildings As explained in the EM [AS-013], para 4.24.4, this article is more widely drawn than that included in other OHL Orders; i) by extending the powers beyond a building and the land within its curtilage to “any land, building, structure, apparatus or equipment” and ii) by extending the powers beyond the Order Limits. The ExA requires fuller justification for the widening of the powers under this article than currently set out in the EM; namely helping to mitigate the risk of unforeseen circumstances. a) What sort of unforeseen circumstances could arise (or have arisen on other built projects)? b) Could “may be affected by the authorised development” (article 20(1)) be more precisely defined?</p>

Ref No.	Respondent:	Question:
		<p>c) The EM states that exercising the power outside the Order Limits is caveated by “where reasonably necessary”. The word ‘reasonably’ does not appear in article 20(1). It refers to whether the undertaker considers it to be “necessary or expedient”. Reconsider this wording.</p> <p>d) Justify the length of the notice periods being not less than 14 days’ notice to exercise the right and ten days’ notice for a counter-notice (articles 20(5) and (6)).</p> <p>e) How is ‘part’ defined for the purposes of article 20(8)(b)? Does this mean that there would be partial completions relating to different timings for first bringing into operational use?</p> <p>f) What could, or would be most likely to, constitute “any other works” (article 20(12)(a))?</p> <p>g) Explain how you would establish owners and occupiers of land outside the Order Limits.</p> <p>h) If not covered in SoCGs with Statutory Undertakers, establish if they agree with the powers in this article.</p> <p>i) Reconsider the title of this article to reflect properly the powers sought within it, that include land, structure, apparatus or equipment.</p> <p>Applicant’s Response:</p> <p>a) National Grid considers that the unforeseen circumstances which could arise include any other constructed projects, such as the expansion of farm buildings/operations. These developments often use permitted development rights; of which National Grid would have no prior notice of and could be within the Order limits or vicinity of the proposed Project. These projects could also be constructed prior to the Development Consent Order for the Project being granted, impacting the delivery of the Project.</p> <p>b) National Grid considers that “may be affected by the authorised development” is standard wording within this article and this wording, due to previous precedent, should not be required to be more precisely defined. This wording is used within a number of made DCOs such as The Southampton to London Pipeline Development Consent Order 2020 (Article 19) and The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (Article 21).</p> <p>c) The use of the words “necessary or expedient” as drafted within this article are contained within made DCOs such as The Southampton to London Pipeline Development Consent Order 2020 (Article 19) and The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (Article 21). National Grid consider that the inclusion of ‘reasonably necessary’ within article 20(1) would be superfluous as this power is already subject to the provisions which follow below within the article which set out a standard and includes reference to ‘reasonably necessary’.</p>

Ref No.	Respondent:	Question:
		<p>d) By its nature this is a temporary power to enter onto land to undertake protective works to buildings, land, structures, apparatus or equipment. As set out in the Explanatory Memorandum (Document 3.2(B)) [AS-013] paragraphs 4.24.1-4.24.5 the power has been included within other DCOs and the same 14 days' notice period was permitted. Even where there is an emergency (when no notice is required) the reason for carrying out protective works is to either repair or prevent damage and so it is expedient to do so at relatively short notice. It is necessary to set out what works are required when entering buildings to carry out works. Compensation is also payable for any loss or damage caused.</p> <p>e) National Grid considers that the use of the words “part of the authorised development” is accepted wording within development consent orders and is evidently not referring to operational use of the authorised development but a distinct element of the authorised development. This wording is also used within a number of made DCOs such as London Pipeline Development Consent Order 2020 (Article 19) and The A428 Black Cat to Caxton Gibbet Development Consent Order (Article 21).</p> <p>f) The reference to “any other works” within this article is referring to any other works which could prevent damage from the construction, maintenance or use of the authorised development such as, for example, scaffolding and netting.</p> <p>g) National Grid would establish owners/occupiers outside of the Order Limits by undertaking, if necessary, diligent enquiry (as has been undertaken for all interests within the Order Limits) and use of the Land Registry to identify all persons with an interest in the relevant land.</p> <p>h) National Grid will include this point within the ongoing discussions and negotiations with the relevant statutory undertakers and include a reference to this point within relevant Statements of Common Ground to be submitted at Deadline 3 if necessary.</p> <p>i) National Grid consider that the current article title can be updated to ‘Protective work to buildings, land, structures apparatus or equipment’ and will include this within the updated draft DCO to be submitted at Deadline 3.</p>
Q5.1.24	The Applicant and affected persons	<p>Article 21: Authority to survey and investigate the land Article 21(1) permits the undertaker to enter on any land “within the Order limits or which may be affected by the authorised development” which appears to be a wide power.</p>

Ref No.	Respondent:	Question:
		<p>To the Applicant:</p> <p>a) Is the scope of article 21(1) appropriate and proportionate in the context of the powers sought?</p> <p>b) Explain why 14 days notice (article 21(3)) is considered to be an appropriate and reasonable amount of notice prior to entering land to undertake surveys and investigations.</p> <p>To affected persons:</p> <p>c) Do affected persons consider that 14 days notice (article 21(3)) is an appropriate and reasonable amount of notice for the undertaker to give prior to entering land to undertake surveys and investigations? If not, what notice period would you consider to be proportionate and reasonable?</p> <hr/> <p>Applicant's Response:</p> <p>a) National Grid considers it necessary and appropriate to secure rights to undertake surveys within the draft DCO (Document 3.1(B)) [AS-011] rather than having to rely on standalone access agreements with individual affected parties and this position has been widely accepted in previous DCOs consented including:</p> <ul style="list-style-type: none"> • National Grid (Richborough Connection Project) DCO 2017 Part 4 Article 18 - power provides a 14-day Notice period to be able to survey across entire Order Limits. • National Grid (Hinkley Point C Connection Project) DCO 2016 Part4 Article 18- power provides a 14-day Notice period to be able to survey across entire Order Limits. • Southampton to London Pipeline DCO 2020 Part 4 Article 20- power provides a 14-day Notice period to be able to survey across entire Order Limits. <p>b) Prior to submission of the application, National Grid undertook extensive surveys, both intrusive and non-intrusive. During the survey works licences were entered into with affected persons who were given 7 days' notice of forthcoming surveys pre-application and were generally content with this approach. National Grid does acknowledge that there are a small number of livestock farmers affected by the Project and in such cases it may take longer to make alternative arrangements to manage such livestock during the period that the surveys are undertaken but in any event 14 days' notice was considered by those farmers to be sufficient to make such alternative arrangements in those cases and National Grid are not aware of any instances where affected persons found this difficult to manage. As listed above, in terms of the appropriateness of the notice periods in relation to surveys, a standard 14-day notice period was accepted in relation to the DCOs consented (as listed</p>

Ref No.	Respondent:	Question:
		above). National Grid considers that this period is proportionate in the circumstances and is longer than that agreed to with landowners by agreement in relation to the pre-submission surveys.
Q5.1.25	The Applicant	<p>Article 25: Compulsory Acquisition of rights Explain the extent to which provisions in this article, and relevant plans, have been drafted in accordance with Advice Note 15, in particular sections 23 (extinguishment of rights) and 24 (restrictive covenants).</p> <p>Applicant's Response:</p> <p>National Grid has included, as referred to in Advice Note 15, provisions for the extinguishment of rights over land within articles 26 and 27 of the draft DCO (Document 3.1(B)) [AS-011]; with article 26 providing the power to extinguish (in so far as their continuance would be inconsistent with the exercise of the right acquired or the burden of the restriction imposed) all private rights or restrictive covenants over land subject to compulsory acquisition or the compulsory acquisition of rights or the imposition of restrictions under the DCO. This is also subject to any notice served stating that the relevant right or restrictive covenant is not extinguished or equivalent provisions in any agreement for land subject to compulsory acquisition or acquisition of new rights as detailed below. The land subject to compulsory acquisition and therefore extinguishment (if required) is shown, as per Advice Note 15, on the Land Plan (Document 2.5.1(B)-2.5.6(B)) [AS-005-AS-010] submitted as part of the application for the Project. This power of extinguishment also includes the land shown and included on the Extinguishment of easements, servitudes and other private rights plan (Document 2.14) [APP-063].</p> <p>In respect of Good Practice Point 8 within Advice Note 15, National Grid has identified a further amendment which may be required in order to reference Schedule 2A (counter-notice requiring purchase of land not in notice to treat) as a result of the Housing and Planning Act 2016 and which would follow the approach of the Silvertown Tunnel Order 2016. Further consideration will be given as to whether it is necessary to include this in the draft Development Consent Order to be submitted at Deadline 3.</p> <p>As set out within the Development Consent Order Advice Note 15 Checklist (Document 3.3) [APP-068] for the Project, Article 26 of the draft DCO (Document 3.1 (B)) [AS-011] in compliance with section 23.4 of Advice Note 15 makes clear that the power to clear the title of all private rights over land subject to compulsory acquisition is sought and article 26(6)(a) provides for notice and article 26(6)(b) provides for agreement.</p>

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		<p>In respect of restrictive covenants, in compliance with Advice Note 15, the restrictive covenants sought and referred to within Article 25 of the draft DCO (Document 3.1 (B)) [AS-011] are detailed in Schedule 13 of the draft DCO (Document 3.1 (B)) [AS-011], together with the individual plots against which they are sought and the justification for them. The extent of the restrictive covenants is also specifically outlined against each relevant plot in the Book of Reference (Document 4.3(B)) [REP1-010]. Table A.2 of the Statement of Reasons (Document 4.1) [APP-069] submitted for the Project also details the imposition of restrictive covenants and the purpose for which the land is required for the Project. The compliance with section 24 of Advice Note 15 is also further set out within Development Consent Order Advice Note 15 Checklist (Document 3.3) [APP-068].</p>
Q5.1.26	The Applicant	<p>Articles 36, 37, 38, 39: Temporary Possession Given the parliamentary approval to the Temporary Possession regime under the Neighbourhood Planning Act 2017 (NPA 2017), which were subject to consultation and debate before being enacted, should any provisions relating to notices/ counter-notices which do not reflect the NPA 2017 proposed regime (not yet in force) be modified to reflect the incoming statutory regime more closely, where possible, as follows: a) The notice period that would be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under articles 36 to 39. Other than prior precedent, what is the justification for requiring 14 days' notice in this case? b) The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed Temporary Possession so that the landowner would have the option to choose whether Temporary Possession or permanent acquisition was desirable. Should this article make some such provision, whether or not in the form in the NPA 2017? c) Under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case?</p> <p>Applicant's Response:</p> <p>Whilst the notice period is less than required under the NPA 2017 (which is not in force), the owners and occupiers of the land will have been consulted and notified of National Grid's need for Temporary Possession during the DCO application process and therefore a notice period of longer than 14 days is considered unnecessary. As stated in the Updated Need Case Paragraph 4.8 (Document 7.4) [APP-205] there is an urgent need to reinforce the network in the Yorkshire area by 2027 and securing possession under temporary possession powers on 14 days' notice will provide the project with the requirements to meet programme.</p>

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		<p>The majority of the land within the Order Limits is agricultural land which means that possession can be secured at short notice without undue impact on the operation. The appointment of a National Grid Lands Officer/Agricultural Liaison Officer means that in practice the owners and occupiers will have more notice than that contained in the DCO through regular dialogue, but it is necessary to have a much shorter period than is provided for in NPA 2017 to enable National Grid to progress the construction in a timely manner.</p> <p>This 14 days' notice period was included in other granted development consent orders including The National Grid (Hinkley Point C Connection Project) Order 2016, The National Grid (Richborough Connection Project) Development Consent Order 2017, The Southampton to London Pipeline Development Consent Order 2020 and The Sizewell C (Nuclear Generating Station) Order 2022. The 14 days' notice period is therefore considered adequate.</p> <p>In order to provide clarity on this point National Grid proposes to disapply the provisions of the Neighbourhood Planning Act 2017 – as was the case in article 26(12) of The Eggborough Gas Fired Generating Station Order 2018. National Grid's rationale for excluding the temporary possession provisions in the NPA 2017 is that these provisions have not yet come into force and there is no foreseeable prospect of them coming into force – draft regulations would need to be consulted upon if they were to come into force. Therefore, National Grid consider that it is appropriate to apply the temporary possession regime which has been included in numerous made DCOs and orders made under the Transport and Works Act 1992 to date.</p> <p>This approach has been adopted in various DCOs since the NPA 2017 was enacted, including The Eggborough Gas Fired Generating Station Order 2018, The Port of Tilbury (Expansion) Order 2019 and The Thurrock Flexible Generation Plant Development Consent Order 2022.</p>
Q5.1.28	The Applicant	<p>Article 43: Defence to proceedings in respect of statutory nuisance This article refers to s65 of the Control of Pollution Act 1974, which has been repealed. It should refer to extant legislation only. If the defence is extended to other forms of nuisance under section 79(1) Environmental Protection Act 1990:</p> <ul style="list-style-type: none"> a) Amend the Order drafting; and b) Explain whether the controls on noise elsewhere in the dDCO are sufficient to justify the defence being provided by this article to statutory nuisance claims. <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>a) National Grid will correct this reference to out-of-date legislation in the draft DCO to be submitted at Deadline 3. Whilst it is acknowledged that section 65 of the Control of Pollution Act 1974 is now repealed, construction noise is still controlled under sections 60 and 61 of the Control of Pollution Act 1974.</p> <p>National Grid do not consider it necessary to extend the defence to other forms of nuisance under section 79(1) of the Environmental Protection Act 1990, and therefore no amendment to the draft DCO (Document 3.1 (B)) [AS-011] will be made in this respect.</p> <p>b) The Statement of Statutory Nuisance (Document 6.5) [APP-201] sets out the reasons why National Grid consider it is unlikely that a nuisance would arise based on the mitigation secured. For the reasons set out in the Statement of Statutory Nuisance, and as set below, National Grid is satisfied that the controls on noise in the draft DCO (Document 3.1(B)) [AS-011] are sufficient to justify the defence to statutory nuisance claims being provided by this article.</p> <p><u>Construction noise assessments:</u> The construction noise assessments underpinning the Noise and Vibration Management Plan (NVMP) (Document 5.3.3H) [APP-101] are worst-case and are built using British Standard (BS5228 Part 1) data and calculation methodology, which is considered appropriate and robust.</p> <p>The construction noise assessments are documented within the Environmental Statement Appendix 14B Construction Plant and Activity Assumptions (Document 5.3.14B) [APP-151] and Appendix 14C Construction Modelling Results (Document 5.3.14C) [APP-152], which details the results at each receptor. Within this, the activity levels have been calculated using up-to-date proprietary noise modelling software (SoundPLAN v8.2) in accordance with sound propagation methods detailed within ISO 9613-2, the international standard governing sound propagation models.</p> <p>An indicative programme was used to define activities that could potentially overlap, and these activities were modelled as taking place concurrently, to provide for a worst-case assessment. The lowest, most</p>

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		<p>sensitive, noise categories were applied to each receptor irrespective of their location. This is the most conservative approach that the methodology allows.</p> <p>On that basis, it is National Grid's view that the assessments underpinning the NVMP are robust.</p> <p><u>Best practical means:</u> Section 80 of the Environmental Protection Act 1990 provides that a local authority has a duty to serve an abatement notice in respect of certain nuisances. Section 80(7) of the Environmental Protection Act 1990 also provides that “<i>subject to subsection (8), in any proceedings for an offence under subsection (4) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.</i>” (our emphasis).</p> <p>The Noise and Vibration Management Plan (NVMP) (Document 5.3.3H) [APP-101] is the mechanism, secured under requirement 5(2)(f) of the draft DCO (Document 3.1(B)) [AS-011] by which “best practicable means” (BPM) is demonstrated.</p> <p>A commercial entity performing to BPM is equivalent to not giving rise to statutory nuisance. The provisions in the NVMP are consistent with British Standard 5228-1:2009 + A1:2014 Code of practice for noise and vibration control on construction and open sites.</p> <p>Part 1: Noise is the approved code of practice for construction noise enacted under The Control of Noise (Code of Practice for Construction and Open Sites) (England) Order 2015 (2015 No. 227), which any local authority would have to consider in any decision to take action pursuant to section 60 of the Control of Pollution Act 1974.</p> <p>The NVMP contains additional provisions to provide additional noise monitoring should a noise-related complaint be received.</p> <p>The NVMP also provides for the Contractor to submit section 61 agreement applications. Such applications are used to agree proposed methods of working or alternative working hours, and agreed noise levels from such works at specified times if required.</p>

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		<p>The purpose of inclusion of provision for section 61 agreements in the NVMP is that work carried out in accordance with conditions of a section 61 agreement is a defence against proceedings under section 60 of the Control of Pollution Act 1974 and section 80 of the Environmental Protection Act 1990.</p> <p>The appointed contractor will be required to comply with the NVMP and where any proposed methods of working may deviate from the plant assumptions, the NVMP will be reviewed to consider whether an update is required, or an application pursuant to section 61 made.</p> <p><u>Conclusions:</u> For the reasons set out above, and in the Statement of Statutory Nuisance, National Grid remain of the view that there are no significant noise effects associated with the Project which, with the implementation of mitigation measures, would be likely to generate a nuisance.</p> <p>Contractors will adopt Best Practicable Means and this will be enforced through the CoCP (Volume 5, Document 5.5.3B) [APP-095] and the NVMP (Document 5.3.3H, Volume 5) [APP-101].</p> <p>The CoCP (Document 5.3.3B, Volume 5) [APP-095] and the NVMP (Document 5.3.3H, Volume 5) [APP-101] include measures that will minimise the potential to cause nuisance. The construction activities that have the potential to create a nuisance will be controlled through strict compliance with National Grid's Contract Requirements which will require that the contractor(s) implement the measures outlined in the CoCP and NVMP.</p>
Q5.1.29	The Applicant	<p>Article 45: Traffic regulation These provisions are subject to a 'guillotine' clause, meaning that consent is taken as granted if a decision has not been made within 28 days of an application for consent.</p> <p>a) Give consideration as to whether this article should specify that deemed consent after 28 days should be made clear on the face of any notice issued under article 45(8).</p> <p>b) Update the dDCO and EM accordingly, if agreed.</p> <p>Applicant's Response:</p> <p>a) National Grid has considered whether any notice to the traffic authority should include notification that deemed consent after 28 days applies pursuant to Article 45(8) and on reflection is of the view that it</p>

Ref No.	Respondent:	Question:
		<p>would assist the traffic authority for this to be made clear on the face of any application under this Article.</p> <p>b) The draft DCO and Explanatory Memorandum will be updated accordingly and submitted at Deadline 3</p>
Q5.1.31	The Applicant	<p>Article 46: Felling or lopping of trees and removal of hedgerows Section 22 of Advice Note 15: Drafting Development Consent Orders (AN15) states that hedgerows affected by the Proposed Development should be identified in a DCO Schedule and on an accompanying plan. The Trees and Hedgerows Potentially Affected Plan [APP-050 to APP-055] is noted, as is the explanation in para 4.50.2 of the EM [AS-013].</p> <p>a) Explain more fully the reasons why a DCO Schedule of hedgerows to be removed has not been provided.</p> <p>b) Notwithstanding the powers available to the undertaker to lop, fell and cut back hedgerows under the Hedgerows Regulations, in the interests of enabling the ExA and parties such as the relevant planning authority to understand the effects of hedgerow removal, could a Schedule be provided that identifies those hedgerows that may be affected that are 'important' hedgerows in the meaning of Regulation 4 and Schedule 1 of The Hedgerow Regulations 1997 and section 97 of the Environment Act 1995?</p> <p>Applicant's Response:</p> <p>a) National Grid has reconsidered its position regarding inclusion of a schedule detailing hedgerows to be removed and will include a schedule in the next iteration of the draft DCO at Deadline 3.</p> <p>b) A table listing details of important, potentially important and non-important hedgerows is provided in Annex 8B.4 of Appendix 8B with an updated version submitted at Deadline 2 (Document 5.3.8B(C)). The schedule which will be added to the draft DCO at Deadline 3 will include specification of those hedgerows which are classified as 'important' for the purposes of The Hedgerow Regulations 1997.</p>
Q5.1.32	The Applicant	<p>Article 46: Felling or lopping of trees and removal of hedgerows The article is broad in scope, allowing tree works including felling, lopping of any tree, shrub hedgerow or important hedgerow "under or within or overhanging or near any part of the authorised development".</p> <p>a) Explain what constitutes 'near' in the context of article 46(1). Could this include trees and hedgerows on land outside of the Order limits?</p>

Ref No.	Respondent:	Question:
		<p>b) Should this article refer to the trees and hedgerows potentially affected plans [APP-050 to APP-055]? If not why not?</p> <p>c) Explain the reasons for including article 46(4).</p> <p>Applicant's Response:</p> <p>a) The drafting of Article 46 does not limit powers of the undertaker by reference to the Order limits. However, outside of the Order limits the power can only be exercised for trees and hedgerows which are overhanging or 'near' the Order limits.</p> <p>There is no precise definition of 'near' in the draft DCO (Document 3.1(B)) [AS-011]. However, the power in the article is limited and of itself will define what 'near' means in the context of the given circumstances. This is because for the power to be exercised the undertaker must have a reasonable belief that it is <u>necessary</u> to exercise the power to <u>prevent</u> either:</p> <ul style="list-style-type: none"> a) Obstruction or interference with construction, maintenance or operation of the authorised development; or b) A danger to persons using, constructing, maintaining or operating the authorised development. <p>In addition, in accordance with Article 46(2), 'unnecessary damage' must not be caused, and compensation must be paid for any loss or damage resulting.</p> <p>Therefore, it is not necessary to define 'near' by reference to a specified distance from the Order limits as if the above tests are met, the tree, shrub, shrubbery, hedgerow or important hedgerow will be 'under or within or overhanging or near'. As the distance increases from the Order limits, the more unlikely it will be for these tests to be met. In other words, outside of the Order limits the vegetation will need to be 'overhanging or near' the Project in order to obstruct or interfere with it or constitute a danger to persons in connection with the Project.</p> <p>Whilst there is no wording which directly precedents the drafting proposed for this draft DCO article, elements are precedented in other Orders. For example, the Cleve Hill Solar Park Order allows the felling or lopping of trees or shrubs "<i>near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development</i>". The Norfolk Boreas Offshore Wind</p>

Ref No.	Respondent:	Question:
		<p>Farm Order 2021 also allows for felling “near” the authorised development. As does the Sizewell C Order 2022. None of the Orders referred to include a definition of ‘near’.</p> <p>b) Article 46 is being updated to include a schedule for the hedgerows to be removed, which will cross refer to an updated iteration of Figure 8.6 of ES Chapter 8 Biodiversity Figures (Document 5.4.8) [APP-183] that will be submitted at Deadline 2 (Document 5.4.8(B)). The updated draft DCO will be submitted at Deadline 3.</p> <p>The trees and hedgerows potentially affected plans (Document 2.11.1 – 2.11.6) [APP-050 to APP-055] show those trees and hedgerows which may be affected by the Project. It is indicative due to the flexibility in the limits of deviation and as a result shows those tree and hedgerows potentially affected which will be confirmed based on the final detailed design arrived at for the Project. This plan does not need to be secured through Article 46 because Requirement 6(1)(g) and Requirement 10(1) ensure that no stage of the authorised development may commence until the local planning authority have approved the tree and hedgerow protection strategy which is required to include a schedule of all proposed tree and hedgerow removal and management (as per Requirement 10(2)(b)).</p> <p>c) Regulation 14 (exceptions) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 provides that "<i>nothing in regulation 13 shall prevent— (a)the cutting down, topping, lopping or uprooting of a tree—... (vii) so far as such work is necessary to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (iii)(cc), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Town and Country Planning Act 1990 (control over development), or deemed to have been granted (whether for the purposes of that Part or otherwise); ...</i>". Regulation 13 prevents cutting down, topping, lopping or uprooting of a tree to which a Tree Preservation Order relates. Therefore, paragraph (4) of Article 46 clarifies that the DCO will be treated as if it were a planning permission for the purposes of the Regulation 14 exception to the prohibition of cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order.</p> <p>In reviewing Article 46, it has been noted that there is a degree of overlap with Article 55 (Trees subject to tree preservation orders). Article 55 sought to confirm that any future tree preservation orders made following the date of surveys would not prevent National Grid from removing the relevant trees required to undertake the authorised development. However, this is already provided for under</p>

Ref No.	Respondent:	Question:
		Article 46(4). Therefore, National Grid is determining the best way to resolve any potential for duplication and will update the drafting, as necessary in the draft DCO to be submitted at Deadline 3.
Q5.1.33	The Applicant	<p>Article 50: Procedure regarding certain approvals, etc Advice Note 15 provides standard drafting for articles dealing with discharge of Requirements. The dDCO has not strictly followed this and has instead taken an approach used in made Orders. Provide further justification for the proposed approach in the context of Advice Note 15. (See also questions under Schedule 4).</p> <p>Applicant's Response:</p> <p>Good practice point 3 of Advice Note 15 recommends inclusion of a schedule governing the process for discharge of requirements. Article 50 gives effect to the provisions of Schedule 4 (discharge of requirements). Good practice point 3 also provides standard wording for the discharge of requirements schedule. National Grid has used the previous precedent from The National Grid (Richborough Connection Project) Development Consent Order 2017, which broadly aligns with the Advice Note 15 example but does depart from this drafting with respect to timescales. As stated in paragraph 4.8 of the Updated Need Case (Document 7.4) [APP-205], there is an urgent need to reinforce the network in the Yorkshire area by 2027 and retaining the precedented overhead line DCO timescales for discharge of requirements will assist in meeting programme requirements.</p>
Q5.1.34	The Applicant	<p>Article 51: Removal of human remains</p> <p>a) Explain the extent to which the guidance in section 25 of Advice Note 15 has been followed. Good Practice Note 10 states that clear justification for the inclusion of such provisions in the “particular circumstance”, should be provided.</p> <p>b) The ExA considers that this article requires further justification and would expect the EM to cover:</p> <ul style="list-style-type: none"> • the purpose of the legislation/ statutory provision; • the persons/ body having the power being disapplied; • an explanation as to the effect of disapplication and whether any protective provisions or Requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and • (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO. <p>c) Respond to these comments and update the EM as required.</p> <p>Applicant's Response:</p>

Ref No. Respondent: Question:

a) Section 25 of Advice Note 15 provides that DCOs may apply, modify or exclude an existing statutory provision which relates to any matter for which provision may be made in the DCO.

Article 51 seeks to disapply section 25 of the Burial Act 1857 and replace it with an alternative procedure for the management of the removal of any human remains disturbed during the course of carrying out the authorised development. National Grid's view is that this disapplication is in accordance with section 120(5)(a) of the Planning Act 2008.

The Explanatory Memorandum (**Document 3.2(B)**), **[AS-013]** explains how the Article also seeks to apply section 239 of the 1990 Act and exclude the application of the Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950.

Section 25 of Advice Note 15 provides that the power to apply, modify or exclude an existing statutory provision should be set out in an Article in the main body of the draft DCO. It goes on to state that "those provisions that are proposed to be applied, modified or excluded by a DCO should be clearly identified, and if extensive, identified in a Schedule or Schedules".

Paragraphs, 16, 17 and 18 of Article 51 identify the existing statutory provision that the Article seeks to exclude. It is National Grid's view that the provisions to be excluded and applied are clearly identified within the Article and are not sufficiently extensive to need to be identified separately in a Schedule of the **draft DCO (Document 3.1(B)) [AS-011]**.

National Grid has had regard to Good Practice point 10 in Advice Note 15 and has provided within the **Explanatory Memorandum (Document 3.2(B)) [AS-013]** to the draft DCO (**Document 3.1(B)) [AS-011]**, justification and explanation as to why it considers it appropriate to disapply section 25 of the Burial Act 1857 and replace it with an alternative procedure for managing the removal of human remains.

Paragraph 4.55.4 of the **Explanatory Memorandum (Document 3.2(B)) [AS-013]** provides National Grid's reasoning as to why the disapplication, exclusion and application of the legislation referred to above is required to provide a consolidated alternative method of dealing with human remains in the particular circumstances (i.e. to ensure that any archaeological remains found are recovered appropriately without causing unacceptable delay to the implementation of the Project).

Ref No.	Respondent:	Question:
		<p>b) As stated in the Updated Need Case paragraph 4.8 (Document 7.4) [APP-205] there is an urgent need to reinforce the network in the Yorkshire area by 2027 and without the disapplication of these provisions, there is potential for significant delays to be caused by the process required under the legislation. Having a unified process all in one place under article 51 makes it easier for National Grid's contractor to follow as well as for relevant bodies, such as the relevant planning authority, to enforce.</p> <p>National Grid has had recent experiences where unexpected burials have been uncovered on a project. In order to avoid the risk of disturbance or damage to burials which have been identified, it is important that these are recorded, excavated and removed as soon as possible. It is particularly important to ensure that the burials and their associated grave goods can be excavated and removed to a safe location without any delay in order to avoid risks such as 'nighthawking'.</p> <p>c) National Grid responds to each point raised by the ExA in turn:</p> <ul style="list-style-type: none"> ● the purpose of the legislation/ statutory provision: <p>National Grid will update each reference to any disapplied or applied legislation in the Explanatory Memorandum to include the purpose of the particular provision. The updated Explanatory Memorandum will be submitted at Deadline 3.</p> <ul style="list-style-type: none"> ● the persons/ body having the power being disapplied; <p>National Grid will update the Explanatory Memorandum making clear which persons/body will have powers disapplied as a result of Article 51. For example, the disapplication of section 25 of the Burial Act 1857 disapplies powers of the Cathedrals Fabric Commission, the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese, or any other court or body referred to in section 9, 16, 19 or 21 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (Arches and Chancery Courts, Court of Ecclesiastical Causes Reserved, Commission of Review, Privy Council) or the Secretary of State.</p>

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> an explanation as to the effect of disapplication and whether any protective provisions or Requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls: <p>National Grid is of the view that the disapplication of legislative controls is appropriate in this instance and is preceded in the approach which has been followed in other DCOs, such as The Sizewell C (Nuclear Generating Station) Order 2022 (article 78), The Norfolk Vanguard Offshore Wind Farm Order 2022 and The A428 Black Cat to Caxton Gibbet Development Consent Order 2022. National Grid is of the view that no additional requirements or protective provisions are required to prevent any adverse impact arising as a result of the disapplication of the legislative controls.</p> <ul style="list-style-type: none"> (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplying provision constitutes a matter for which provision may be made in the DCO: <p>National Grid will seek to update the Explanatory Memorandum to show how each disapplying provision constitutes a matter for which provision may be made in the DCO with reference to S120 and Schedule 5 of the Planning Act 2008.</p>

Table 2.20 – Draft Development Consent Order (dDCO): Schedule 1: Authorised Development

Ref No.	Respondent:	Question:
5.2	5.2 Schedule 1: Authorised Development	
Q5.2.1	The Applicant	<p>Works No. 4, No. 8 and No.11: landscaping</p> <p>a) Explain why the description for the Tadcaster cable sealing end compound (CSEC), Work No. 8(f), does not include permanent landscaping works, unlike the descriptions of works for the Overton Substation (Work No. 4) and Monk Fryston Substation (Work No. 11(d)).</p> <p>b) Add to the Works description as appropriate.</p> <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>a & b) this was an omission in the draft DCO (Document 3.1(B) [AS-011] and will be inserted in Schedule 1 Work No. 8 within the next iteration submitted at Deadline 3 to read as follows:</p> <p><i>f) the construction and installation of two cable sealing end compounds, Tadcaster Tee East and Tadcaster Tee West, containing sealing end equipment, including anchor blocks in Tadcaster Tee East and a gantry in Tadcaster Tee West, switchgear, earthing and protection control systems, connections to the overhead electric line, and permanent landscaping works;</i></p>

Table 2.21 – Draft Development Consent Order (dDCO): Schedule 2: Plans and Drawings

Ref No.	Respondent:	Question:
5.3	5.3 Schedule 2: Plans and Drawings	
Q5.3.1	The Applicant	<p>Plans and drawings lists</p> <p>a) Why are landscape drawings (outline landscape mitigation strategy) from Description of the Project Figures [APP-164] not included in Schedule 2?</p> <p>b) Should Schedule 2 be updated to include these drawings?</p> <p>c) In Schedule 2 Part 5, is the Traffic Regulations Order Plan for Section A [APP-056] required?</p> <p>Applicant's Response:</p> <p>a) and b) The landscape drawings will be included in Schedule 2 of the next iteration of the draft DCO submitted at Deadline 3.</p> <p>c) This document has been included for completeness but does not show any Traffic Regulation Orders as there are none included within this section of the Project. National Grid considers that retaining this document within the list would prevent any future confusion over whether a plan or Traffic Regulation Order has been omitted in error from the DCO. Therefore, whilst not required to show any Traffic Regulation Orders, its inclusion within the list is considered necessary for consistency and to prevent any future confusion.</p>

Table 2.22 – Draft Development Consent Order (dDCO): Schedule 3: Requirements

Ref No.	Respondent:	Question:
5.4	5.4 Schedule 3: Requirements	
Q5.4.1	The Applicant	<p>Requirements: use of ‘tailpieces’ A number of the Requirements are drafted to include tailpiece mechanisms which allow for flexibility in the final details to be agreed with the relevant planning authority. Section 17 of Advice Note 15 (Drafting DCOs) explains when such mechanisms might and might not be appropriate and necessary. Notwithstanding the controls in Requirement 1(3), supplement the explanation in the EM [AS-013] to justify the use of a tailpiece for each instance that one occurs in Schedule 3.</p> <p>Applicant’s Response:</p> <p><u>National Grid general position on use of tailpiece mechanisms</u> National Grid is seeking proportionate and limited flexibility in the requirements sets out in Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011], in order to ensure that the delivery of this Nationally Significant Infrastructure Project is not unduly delayed. Such flexibility is also considered to be appropriate to enable National Grid to take into account any changes in circumstances which may warrant or necessitate small changes to plans, schemes or strategies with the agreement of the relevant planning authority. This flexibility is considered to be necessary to account for the wide geographical area in which the Project is located, the associated differing ground conditions, changing baseline conditions, updates to best practice and/or legislation, issues that may be encountered in delivering the Project and/or if there is an improvement in techniques which would allow the development to be constructed more efficiently or effectively. Section 17 of Advice Note 15 Drafting Development Consent Orders makes clear that a Requirement should not allow the discharging authority to vary the scheme in writing such that the scheme then departs from the principles fixed by the application. Requirement 1(3) (Interpretation) Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011] provides that where any requirement specifies “unless otherwise approved” or “unless otherwise agreed” that such approval or agreement can only be given where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or different environmental effects from those assessed in the Environmental Statement. This is detailed in Development Consent Order Advice Note 15 Checklist submitted in support of the application (Document 3.3) [APP- 068] item 17.1 in the Table and at Paragraph 5.3.6 of the Explanatory Memorandum (Document 3.2(B)) [AS-013].</p>

Ref No. Respondent: Question:

This response seeks to supplement the explanation in the Explanatory Memorandum to further justify the use of a tailpiece for each instance that one occurs in Schedule 3.

Requirement 5 Construction Management Plans

Requirement 5(1) Schedule 3 of the draft DCO (**Document 3.1(B)**) [AS-011] includes a tailpiece 'unless otherwise agreed'. However, National Grid has restricted the scope of this phrase by the inclusion of Requirement 1(3). Requirement 5 secures that all construction works for the authorised development must be carried out in accordance with the construction management plans referred to in paragraph 5(2). The construction management plans specify the measures to be used to minimise the impacts of construction works. The plans listed in Requirement 5(2) are all submitted in support of the Application and will be final at the end of examination and are all certified under **Article 48 of the DCO (Document 3.1(B)) [AS-011]**.

National Grid considers this tailpiece to be vital as it provides the opportunity for minor revisions to be made as may be appropriate to the plans, schemes and strategies listed in Requirement 5(2). National Grid is seeking proportionate and limited flexibility in this requirement in order to ensure that the delivery of this Project is not unduly delayed. As detailed above and in the application of supporting documents referred to above, flexibility is considered to be necessary to account for the wide geographical area in which the Project is located, the associated differing ground conditions, changing baseline conditions, updates to best practice and/or legislation, issues that may be encountered in delivering the Project and/or if there is an improvement in techniques which would allow the development to be constructed more efficiently or effectively.

The tailpiece in this requirement is important as it allows for the possibility of changes in legislation, guidance or best practice and baseline conditions to be reflected in the **Code of Construction Practice (COCP) (Document 5.3.3B) [APP-095]** and/or other construction management plans secured by Requirement 5(2) that accompany the COCP. Without this tailpiece it would not be possible to update the COCP or other construction management plans to account for changes in best practice, ground conditions or other baseline conditions, or to take account of new improved or innovative techniques which would allow the development to be constructed more efficiently or effectively which may be identified as part of the detailed design of the Project by an appointed Main Works Contractor in advance of works commencing.

Examples could include the need to update the COCP or the **Biodiversity Mitigation Strategy (BMS) (Document 5.3.3D) [APP-097]** should environmental measures need to be updated due to a change in best practice or legislation. In relation to the **Construction Traffic Management Plan (CTMP) (Document 5.3.3F) [APP-099]**, this plan includes the routeing strategy for construction vehicles from the Strategic Road

Ref No.	Respondent:	Question:
		<p>Network (SRN) to access points. If significant works were to occur to the SRN or a new road or section of road be developed by National Highways, the Local Highway Authorities (LHA) or other third party developers within the timeframe of the Project that would better facilitate construction vehicles, it may be prudent to consider the potential for their use and the need to update the CTMP subject to the restrictions in Requirement 1(3). This could also be the case should the LHA request an alternative route be considered at a later date which is deemed more appropriate and beneficial for all parties including the public, local community and businesses. The Noise and Vibration Management Plan (NVMP) (Document 5.3.3H) [APP-101] recognises the potential for improvements to be made to the Plan. Should new improved or innovative techniques be identified to reduce noise and vibration it may be appropriate to seek a further approval from the relevant planning authority of an updated NVMP subject to the restrictions in Requirement 1(3).</p> <p><u>Requirement 6 Outline Construction Management and Requirement 10 Retention and Protection of Existing Trees</u></p> <p>In respect of Requirement 6 Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011] the plans, strategies or schemes listed in Requirement 6(1) are not provided in support of the application and will be prepared based on the detailed design of the Project by the Main Works Contractor based on the measures already secured in the construction management plans under Requirement 5. The Code of Construction Practice (Document 5.3.3B) [APP-095] sets out all embedded environmental measures required for the Project and the detail of these would form the basis of the plans prepared under Requirement 6(1)(a) to (g). Requirement 6 includes a tailpiece at 6(3) and it is considered that this tailpiece is vital for the same reasons as listed above in relation to Requirement 5 as it provides the opportunity for minor revisions to be made as may be appropriate to the plans, schemes and strategies listed in Requirement 6(1) following approval by the relevant planning authority. An example could include the Tree and Hedgerow Protection Strategy (THPS) which is a strategy to be prepared and submitted for approval under Requirement 6(1) and Requirement 10 in advance of a stage of the authorised development commencing. The THPS is required to be prepared in accordance with the Arboricultural Impact Assessment (Document 5.3.3I) [APP-102] and must include, amongst other things, a schedule of all proposed tree and hedgerow removal and management. The THPS would be prepared based on the detailed design of the Project by the Main Works Contractor but due to the limits of deviation secured for the Project in Article 5 of the draft DCO, there is the potential that works could move within the limits of deviation post detailed design during the course of construction should an unforeseen ground condition arise which could result in the need to update the THPS if this resulted in a change to the schedule of all proposed tree and hedgerow removal and management. Furthermore, if during the course of the construction works following the approval of the THPS it became</p>

Ref No.	Respondent:	Question:
		<p>possible to retain a tree or hedgerow previously identified in the THPS for removal, then the THPS may need to be updated to reflect any on site changes. Requirement 10 recognises the potential for changes to be required to the THPS in the drafting of Requirement 10(4) which states that the protection measures ‘must thereafter be maintained during the construction of the relevant stage of the authorised development’.</p> <p><u>Requirement 8 Landscaping and Mitigation Planting and Requirement 9 Implementation of Landscaping and Mitigation Planting</u></p> <p>As detailed above in setting out National Grid’s general position on use of tailpiece mechanisms and in response to Requirement 5, National Grid’s position remains that, where appropriate, the inclusion of such a tailpiece is considered necessary. The wording is essential to ensure flexibility should the scheme for mitigation planting and/or landscape strategy approved under Requirement 8 need minor changes with the approval of the relevant planning authority, to ensure that the most effective mitigation planting and landscape strategy is put in place to reflect on-site conditions at the time of construction.</p> <p>As detailed above in reference to the THPS under Requirement 6 and 10 the same principles generally apply. Requirement 8(1)(a) requires the submission and approval of a scheme for mitigation planting that accords with the arboricultural impact assessment. This scheme will be based on the THPS submitted and approved as per Requirement 6(1)(g) and Requirement 10. Therefore, the tailpiece on this requirement is also vital as the mitigation planting will be determined based on the detail confirmed in the THPS for tree and hedgerow removal. As noted above due to the potential that works could move within the limits of deviation post detailed design during the course of construction should an unforeseen ground condition arise, this could result in the need for updates to the THPS which would subsequently result in the need for updates to the scheme of mitigation planting.</p> <p>The response to Q.5.4.6 below provides further details in respect to the particular tailpiece mechanism included at Requirement 8 and its practical implementation.</p> <p><u>Requirement 13 Removal of Temporary Bridges and Culverts</u></p> <p>Requirement 13 secures the removal of any temporary bridge or culvert required in connection with any stage, to be removed within twelve months of completion of the construction of the stage for which it was required and includes the tailpiece mechanism ‘or such further time as may be approved’.</p> <p>In practice, National Grid would seek to remove any temporary bridge or culvert as soon as practicably possible, but due to weather constraints and flooding which can occur in particular areas of the Project, such</p>

Ref No.	Respondent:	Question:
		<p>removal will be dependent on the timing in the construction programme and may not be possible to take place until land has dried out. Ecological and all other constraints also need to be taken into account in identifying the appropriate timeframe for the removal of a temporary bridge or culvert. 12 months is considered to be appropriate to ensure that any temporary bridge or culvert could be removed at the appropriate time of year, but the tailpiece mechanism provides flexibility if such further time was required.</p> <p>It should also be noted that a temporary bridge or culvert may be required for multiple stages, and this would be identified in the written scheme of stages secured under Requirement 4. It is possible that the given the timeframes for some stages may be longer than other stages, and therefore that a temporary bridge or culvert associated with a stage that was due to be completed, may need to be retained and utilised for a further stage of the Project. As a result, flexibility is required on the timeframe for removal.</p> <p><u>Requirement 14 Highway Works</u> Requirement 14(1) secures the submission and approval of written details for the construction or alteration of any new or existing means of access to a highway. Paragraph 14(2) includes a tailpiece mechanism for the highway accesses to be constructed in accordance with the details approved unless otherwise agreed in writing.</p> <p>The written details to be submitted under Requirement 14(1) will be prepared based on the detailed design of the Project by the Main Works Contractor and whilst it is anticipated that this would generally not be required to change, a tailpiece has been included to provide the flexibility should an unforeseen circumstance arise in construction which required the revision of the details of the highway access and subsequent approval by the relevant highway authority. It is also the case that some highway accesses to be constructed or temporarily altered will become permanent accesses at the end of construction works for operational access to Overton Substation and the Cable Sealing End Compounds. This tailpiece would enable a further submission to be made and agreement with the relevant highway authority in relation to the permanent accesses at these locations should a new or innovative technique or change in best practice become known during the course of construction works and prior to the implementation of the final permanent accesses.</p> <p><u>Requirement 15 Removal of existing overhead line</u> Requirement 15 secures the removal of existing overhead line to be dismantled no later than 12 months after the authorised development is first brought into operational use, and includes the tailpiece mechanism, 'unless otherwise agreed'.</p>

Ref No. Respondent: Question:

		<p>In practice, National Grid would seek to remove existing overhead line to be dismantled as soon as practicably possible, but due to weather constraints and flooding which can occur in particular areas of the Project, such removal will be dependent on the timing in the construction programme and may not be possible to take place until land has dried out. Ecological and all other constraints also need to be taken into account in identifying the appropriate timeframe for the removal of the existing overhead line to be dismantled. 12 months is considered to be appropriate to ensure the removal of the existing overhead line to be dismantled at the appropriate time of year, but the tailpiece mechanism provides flexibility if such further time was required.</p> <p>National Grid will seek to supplement the Explanatory Memorandum with further justification of the tailpieces included in Schedule 3 and submit this as requested at Deadline 3. It should be noted that the tailpieces included in the draft DCO have been preceded in the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Richborough Connection Project) Order 2017 with the Requirements and tailpieces similar in nature to those proposed on this Project as the type of construction activities and method of construction delivery are comparable across Projects.</p>
Q5.4.2	The Applicant	<p>Requirement 1: Interpretation</p> <p>In light of the flexibility being sought in a number of Requirements, does the Applicant consider it appropriate to amend Requirement 1(3) to include the additional proviso contained within the <u>parallel Requirement within the Richborough Connection Order (2017) (with underlining added for emphasis)</u> that such approval may only be given <i>“if the changes are minor and immaterial and where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement”</i>? If not, why not?</p> <p>Applicant’s Response:</p> <p>Regulation 21(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) requires that <i>“when deciding whether to make an order granting development consent for EIA development the Secretary of State must...reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination [of the environmental information] ...”</i> (our emphasis). The decision is one focussed on the significant effects of the development. Therefore, any determination as to whether a change is acceptable should be considered in light of whether it will give rise to a change to the significant effects concluded and taken into account when</p>

Ref No.	Respondent:	Question:
		<p>development consent was granted. It is not necessary to consider whether the change is minor or immaterial, only that the change would not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.</p> <p>On this basis, National Grid does not consider it necessary to add the proposed underlined wording because the present wording aligns with the correct statutory test.</p> <p>Furthermore, the wording as currently drafted (without a caveat that the changes need to be minor or immaterial) has precedent in a number of more recent energy DCOs, such as The Norfolk Boreas Offshore Wind Farm Order 2021 (Requirement 31); The Norfolk Vanguard Offshore Wind Farm Order 2022 (Requirement 31); The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (Requirement 41); and The Sizewell C (Nuclear Generating Station) Order 2022 (Requirement 1(3)).</p>
Q5.4.4	The Applicant	<p>Requirement 3: Design drawings</p> <p>Notwithstanding the explanation in the EM [AS-013] and the controls in Requirement 3(2), the ExA requires further justification for the degree of flexibility sought.</p> <p>a) Provide further explanation as to why it is necessary to include the term ‘general’ in Requirement 3(1), given that the design drawings referred to are, in any event, indicative.</p> <p>b) As the outline landscape mitigation strategies (Figures 3.10-3.12 of [APP-064]) are not design drawings, are they outwith the provisions of Requirement 3? If so, should site levels at Overton, which are important in terms of flood mitigation and landscape and visual effects, be secured through another plan?</p> <p>c) Building on the discussion at ISH1, is Requirement 3(2) sufficiently precise and clear, if the Environmental Statement is not included in the list of documents to be certified under Article 48?</p> <p>Applicant’s Response:</p> <p>a) National Grid consider that the use of the term ‘general’ is appropriate in Requirement 3(1). The Project is a linear scheme with multiple nonlinear elements and National Grid has proposed the use of the word ‘general’ in this context as its inclusion provides a necessary but proportionate degree of flexibility. Strict and literal adherence to the design drawings would unduly fetter National Grid’s ability to deliver the Project – in particular this would prevent construction of the overhead lines within the limits of deviation specified for the authorised development. The draft DCO does not permit any authorised development to occur beyond the Order limits and so any works carried out in general accordance with the design drawings must remain within the Order limits. As the Design Drawings</p>

Ref No.	Respondent:	Question:
		<p>(Document 2.15) [APP-064] are shown as indicative and are subject to detailed design in line with the limits of deviation in Article 5 of the draft DCO (Document 3.1(B)) [AS-011], the design may be different from that which is shown on the submitted design drawings. Based on this, National Grid do not feel that it is feasible to remove the word general, as it is not possible to be in accordance with something that can change, therefore the project can only ever be in general accordance with the submitted Design Drawings (Document 2.15) [APP-064].</p> <p>b) Yes, National Grid can confirm that the Outline Landscape Mitigation Strategy in Figures 3.10 – 3.12 of Chapter 3 of the Environmental Statement (Document 5.4.3(B)) [AS-017] are not Design Drawings, therefore they are not covered by the provisions of Requirement 3 of Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011]. The Outline Landscape Mitigation Strategy (Figures 3.10 – 3.12) is secured by Requirement 8(1)(b).</p> <p>As confirmed in response to Question 6.0.4 National Grid has considered further how the site level at Overton Substation is secured, and the finished surface levels have now been added to the parameter plans in the Design Drawings (Document 2.15) [APP-064] (Drawing References DCO_DE/PS/14_03), which are secured by Requirement 3 of the draft DCO Document 3.1(B) [AS-011]. The updated Design Drawings (Document 2.15(B)) will be submitted at Deadline 2.</p> <p>c) National Grid consider that Requirement 3(2) of draft DCO (Document 3.1(B)) [AS-011] is sufficiently precise and clear. The Environmental Statement (ES) is not certified under Article 48 of the draft DCO but it is defined in the draft DCO Article 2 (Interpretation). As detailed at Issue Specific Hearing 1 on 23 March 2023, National Grid consider that a proportional approach should be taken in deciding whether it is necessary to certify the ES. The ES will continue to exist and can be relied upon and referred to even if not certified, and certification is a time intensive and burdensome process for the Secretary of State. In the policy paper 'Nationally Significant Infrastructure: action plan for reforms to the planning process' Published on 23 February 2023, a commitment is made to "<i>Speed up the implementation of a DCO post consent by reviewing the process of material and non-material change applications and digitalising the certification of documents</i>" and to consult on "<i>speeding up the implementation of a DCO post consent by reviewing the process of material and non-material change applications and supporting faster certification of documents</i>". These objectives demonstrate that certification is a process which needs to be made more efficient.</p>

Ref No.	Respondent:	Question:
		<p>It is considered appropriate to certify only those documents where there is a requirement for certainty, such that those specific plans need to be fixed at a point in time. National Grid consider that the ES will be a substantial addition to that list and certification is not justified only because the ES is used as a reference point for some of the powers in the Articles of the DCO (see Table 3.4 of the Applicant’s Written Summary of Oral Representations made at Issue Specific Hearing 1 (Document 8.4.1.2) [REP1-017]).</p> <p>The National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (Richborough Connection Project) Order 2017 both included the Requirement ‘Design Drawings’ which included the same control as set out at Requirement 3(2) <i>‘The authorised development will not be in general accordance with the design drawings to the extent that any departure from the design drawings gives rise to any materially new or materially different environmental effects from those assessed in the environmental statement’</i>. The ES was not certified in the DCOs for either Projects and the Yorkshire GREEN draft DCO follows this precedented position. It is National Grid’s view that for both Projects above in delivery the lack of certification of the ES has not presented any issues for the developer or the relevant authorities.</p>
Q5.4.6	The Applicant	<p>Requirement 8: Landscaping and mitigation planting Review the way in which the tailpiece mechanism is drafted in Requirement 8(1). As currently drafted, could a stage of the authorised development commence before the schemes prescribed in Requirements 8(1)(a) and 8(1)(b) had been approved, if agreed with the relevant planning authority?</p> <p>Applicant’s Response:</p> <p>National Grid confirm that as Requirement 8(1) is currently drafted and the inclusion of the tailpiece mechanism, that a stage of the authorised development could commence before the schemes prescribed in Requirement 8(1)(a) and 8(1)(b) had been approved, if agreed with the relevant planning authority. The Requirement has been drafted in this way due to the potential for a stage of the authorised development to have no mitigation planting or landscaping strategy associated with the relevant stage. The Requirement has been specifically drafted in this way due to practical experience in the delivery of the Hinkley Point C Connection Project in which a stage of the authorised development had no associated mitigation planting or landscape strategy. This could occur where works are taking place within the footprint of an existing substation that is hardstanding and this has been defined as a stage of the authorised development.</p>

Ref No.	Respondent:	Question:
		<p>Another example could be that a stage of the authorised development is broken down into sub-stages within the written scheme of stages, with some of the landscaping or mitigation planting taking place within a later sub-stage the detail of which would be submitted for approval in advance of that sub-stage commencing due to the potential uncertainty of the requirement for mitigation planting. As detailed in response to Q5.4.1, there is the potential that works could move within the limits of deviation in line with detailed design during the course of construction. For example, an unforeseen ground condition may arise, which could result in the need to update the Tree and Hedgerow Protection Strategy (THPS) if this resulted in a change to the schedule of all proposed tree and hedgerow removal and management. As a result, the mitigation planting relevant to that stage may change as this is based on the THPS which accords with the arboricultural impact assessment.</p> <p>The drafting of Requirement 8(1) and the placement of the tailpiece mechanism could also allow for all details to come forward for approval in advance of the stage of the authorised development commencing, the current drafting just provides greater flexibility for the potential scenarios that could occur in delivery.</p>
Q5.4.8	The Applicant	<p>Requirement 9: Implementation of landscaping and mitigation planting</p> <p>a) Why are the mitigation planting scheme and landscape strategies linked to the bringing into operational use?</p> <p>b) Is there not potential to undertake planting earlier? If so, how could this be described and secured?</p> <p>c) It would be helpful if the indicative construction programme [APP-075], Table 3.2 could identify planting seasons separately from reinstatement works.</p> <p>d) Consider whether the advance mounding and planting proposed at Overton and Monk Fryston Substations would be better secured on the face of the dDCO rather than on drawings. (See also questions on landscape and visual effects)</p> <p>e) Regarding Requirement 9(2), planting plans contained in the outline landscape mitigation strategy show more than trees and shrubs. Amend the Requirement wording to include all types of plants.</p> <p>Applicant's Response:</p> <p>a) The majority of the mitigation planting scheme would be implemented following construction i.e., when the scheme is brought into operational use. This is due to the mitigation planting in many cases being constrained by the potential movement of linear works within the limits of deviation and the construction work being undertaken in that location, with planting only being possible once the works are complete. However, it is acknowledged that some planting would occur before the scheme is brought into operational use as outlined in section (b) below. Attention is drawn to the specific wording</p>

Ref No.	Respondent:	Question:
		<p>of Requirement 9(1) of the Draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011] which states ‘no later than’ – therefore this is the latest point planting can be implemented but does not limit earlier planting where feasible.</p> <p>b) Opportunities for planting earlier would be very limited however a small number of areas are being considered i.e., woodland planting on bunds around the two substations that are created early in the construction phase as identified on the Outline Landscape Mitigation Strategy Figures 3.10 and 3.12 (Document 5.4.3(B)) [AS-017]. As the final extent of tree loss is not defined at this stage, the design and specification of any early mitigation (replacement) planting may not accurately reflect what it seeks to mitigate which could reduce its effectiveness. Planting earlier when the final engineering design has not been fully determined would represent a risk of abortive planting that may need to subsequently be removed where elements of the Project (or the working space to achieve it) are amended within the limits of deviation. This is a scenario that has occurred on other National Grid projects where advance planting had to be removed. During construction, any areas of new planting (and existing retained trees) would need to be protected with fencing which would likely impede maintenance works such as aftercare/watering, potentially affecting the future viability of planting. The above points justify why, in general terms, the mitigation planting scheme is linked to bringing into operational use. As noted above, Requirement 9(1) which states ‘no later than’ does not preclude earlier planting where feasible which could be presented in the mitigation planting scheme and/or landscape strategy under Requirement 8 as currently secured.</p> <p>c) The Indicative Construction Programme, provided as Table 3.2, ES Chapter 3: Description of the Project (Document 5.2.3 (B)), has been updated to show the advance planting and provide further clarification on the different phases of construction and was submitted at Deadline 1. Please refer to response to Action Point 6 with a Post Hearing Note provided at Appendix C of Document 8.4.2 Applicant’s Response to OFH1 and ISH1 Hearing Action Points.</p> <p>d) National Grid considers that the advance mounding and planting illustrated on the outline landscape mitigation strategy is secured via requirement 8(1)(b) of the draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011] which states that the landscape strategy must accord with the outline landscape mitigation strategy. On this basis, National Grid does not consider that it needs to be further secured on the face of the draft DCO. The Outline Landscape Mitigation Strategy is defined under Article 2 (Interpretation) of the draft DCO (Document 3.1(B)) [AS-011] and is included in the list of plans to be certified under Article 48 of the draft DCO.</p>

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		<p>e) National Grid proposes amending the drafting of Requirement 9(2) on the basis of the question posed to read "any mitigation planting, including trees or shrubs..." and this will be included in the updated version of the draft DCO submitted at Deadline 3.</p>
<p>Q5.4.11</p>	<p>The Applicant</p>	<p>Requirement 10: Retention and protection of existing trees a) What are the reasons for not submitting an Outline THPS with the DCO application? b) How would 'unavoidable tree loss' outside of the areas covered by outline landscape mitigation strategies be located, specified and secured (c/f AIA [APP-102, page 28]).</p> <p>Applicant's Response:</p> <p>a) National Grid's rationale for not submitting an Outline Tree and Hedgerow Protection Strategy (THPS) with the application are as follows:</p> <p>The THPS will include the following elements in accordance with Requirement 10(2) of the draft DCO (Document 3.1(B)) [AS-011]:</p> <ul style="list-style-type: none"> a) Tree Protection Plan showing fence positions b) Schedule of proposed tree and hedgerow removal and management. c) Specification for physical protection of trees. d) Auditable system of compliance with approved protection measures <p>In relation to point a), because the design and implementation of the Project is not fully fixed at this stage, plotting extensive fencing around all trees to be retained in proximity to areas of works would constitute an unreasonable volume of abortive work. Trees to be removed (which therefore would not require protection) are clearly shown on the Tree Removal and Protection Plans (Annex 3I.3 of the Arboricultural Impact Assessment (AIA) (Document 5.3.3I) [APP-104] and also on the Trees and Hedgerows Potentially Affected Plans – Section A-F (Documents 2.11.1 to 2.11.6) [APP-050 to APP-055].</p> <p>In relation to point b) the AIA includes a schedule in Annex 3I.2 which clearly identifies trees to be removed or managed.</p>

Ref No.	Respondent:	Question:
		<p>In relation to point c) National Grid submitted an Outline Arboricultural Method Statement (AMS) as Annex 3I.4 of the Arboricultural Impact Assessment (Document 5.3.3I) [APP-102 to APP-104] as part of the application. This document sets out a specification for tree protection fencing in Figure 1. It also describes ground protection requirements and addresses the principles of how people, machinery and materials should be managed on site as well as a consideration of soft landscaping works near trees and principles for the management of tree roots.</p> <p>In relation to point d) the Outline AMS includes sections on pre-commencement meetings, site briefings, toolbox talks and site monitoring (including reference to an auditable system).</p> <p>These elements in combination provide equivalent information to that which would be provided in an outline THPS and National Grid consider that a separate outline THPS would therefore not be appropriate as part of the application as this will be prepared by the Main Works Contractor based on the detailed design of the Project to accord with the AIA as secured by Requirement 10 of the draft DCO (Document 3.1(B)) [AS-011].</p> <p>b) <u>Tree Loss:</u> Unavoidable tree loss as identified at the DCO application stage in areas outside of the areas covered by the outline landscape mitigation strategies, is located and specified by Section 1.9 of the Arboricultural Impact Assessment (Document 5.3.3I) [APP-102], which summarises all of the predicted tree loss to facilitate the Project. This is also specified in the Tree Survey Schedule included as Document 5.3.3I, Annex 3I.2 [APP-103] which identifies trees to be removed or affected managed in the 'Individual Tree Impacts' or 'Group Contains Removed/Affected Managed/Potentially Affected/Unaffected' columns. Tree loss is located spatially on the Tree Removal and Protection Plans Document 5.3.3I, Annex 3I.3 [APP-104].</p> <p>The final extent of tree loss to achieve the detailed design of the Project within the Limits of Deviation will be reviewed as part of the production of the Tree and Hedgerow Protection Strategy (THPS) secured in advance of commencement via Requirement 6 (1)(g) and Requirement 10(1) of the Draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011].</p>

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Requirement 10(2)(a) secures the inclusion of a Tree Protection Plan showing the position of tree protection measures (for retained trees, and this would also typically show the location of trees to be removed) and **Requirement 10(2)(b)** secures a schedule of all trees to be removed or managed. **Requirement 10(1)** requires that the THPS be prepared in accordance with the submitted **Arboricultural Impact Assessment (Document 5.3.3) [APP-102]** and BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, both documents include reference or guidance in relation to plans showing the extent of trees to be removed and trees to be retained and protected.

Mitigation:

The mitigation for unavoidable tree loss (including areas outside of those covered by the **Outline Landscape Mitigation Strategy** illustrated in **Figures 3.10 to 3.12 in ES Chapter 3 Description of the Project Figures (Document 5.4.3(B)) [AS-017]**) will be delivered via a scheme of mitigation planting that accords with the Arboricultural Impact Assessment (and subsequent THPS) and would be developed, post-consent. This is secured by **Requirement 8(1)(a) of the Draft DCO (Document 3.1(B)) [AS-011]**.

The approach to reinstatement planting is set out in **Chapter 3 Description of the Development (Document 5.2.3) [APP-075]** at **paragraphs 3.6.59 to 3.6.61** and explains that the majority of reinstatement planting would be at the same location apart from where it is not possible due to the infrastructure or associated easements and a suitable location would be found as close as possible to the original planting.

In order to reflect the fact that the detailed engineering design will refine and likely reduce the extent of trees and hedgerows to be removed or managed, the detailed scheme for mitigation planting would be based on the THPS secured under **Requirement 10 of the Draft DCO (Document 3.1(B)) [AS-011]**. The detailed scheme for mitigation planting would include reinstatement planting along the route of the Project including the reconductoring sections as required and is secured by **Requirement 8(1) of the draft DCO (Document 3.1(B)) [AS-011]**. The **Outline Landscape Mitigation Strategy** illustrated in **Figures 3.10 to 3.12 in ES Chapter 3 Description of the Project Figures (Document 5.4.3(B)) [AS-017]**- includes consideration of species, spacing/density, soil management, plant handling, planting specification and support/protection. The scheme of mitigation planting would build on these elements providing greater detail and would cover the entire Project extents including reinstatement planting for reconductoring sections.

Ref No.	Respondent:	Question:
		Therefore, the location and specification of mitigation planting will be developed to reflect the location and nature of those trees to be removed as determined in the THPS.
Q5.4.13	The Applicant	<p>Requirement 16: Decommissioning Submit an outline of the matters that would be addressed within the written scheme of decommissioning required under Requirement 16.</p> <p>Applicant's Response:</p> <p>Requirement 16 of Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011] secures a written scheme of decommissioning to be submitted and approved by the relevant planning authority at least six months prior to any decommissioning works.</p> <p>The Environmental Statement (ES) provides an assessment of the likely significant effects during the construction, operation and where appropriate, decommissioning phases of the Project. Chapter 3 of the ES Description of the Project (Document 5.2.3) [APP-075] sets out at Section 3.10 Future Decommissioning: <i>'The lifespan of the Project is likely to be longer than the anticipated 80 year design life, depending on its condition, any refurbishments carried out and future transmission network requirements, as over time all parts are likely to be refurbished or replaced through maintenance. At the end of its lifetime, if the overhead line connection is no longer required, overhead lines would be removed. Similarly, equipment within the substations would be removed, structures such as the gantries dismantled and broken up, concrete and buildings demolished, underground cables and other materials removed, and the site restored'</i>.</p> <p>It is anticipated that a written scheme of decommissioning may likely cover matters such as the following:</p> <ul style="list-style-type: none"> ● Background to the Project; ● Project Description; ● Current baseline/site characteristics; ● Anticipated program of decommissioning; ● Decommissioning methodology; ● Further environmental assessment as necessary including surveys and mitigation; and ● Land reinstatement/restoration.

Ref No.	Respondent:	Question:
		Given the remoteness of the likely time period when these works would be carried out National Grid does not consider it appropriate to be more prescriptive at the present time on the details of a written scheme of decommissioning.

Table 2.23 – Draft Development Consent Order (dDCO): Schedule 4: Discharge of Requirements

Ref No.	Respondent:	Question:
5.5	5.5 Schedule 4: Discharge of Requirements	
Q5.5.1	The Applicant	<p>Schedule 4, Paragraph 1: Applications made under Requirements</p> <ul style="list-style-type: none"> a) Have you engaged with other parties regarding the best approach to discharging the Requirements, to agree a proportionate timescale for discharge depending on the extent or complexity of detail reserved for subsequent approval, as set out in Advice Note 15? Are matters agreed? If not set out areas of disagreement or signpost to where that information can be found. b) Justify reducing the time limit from 42 to 35 days for the relevant authority to give notice of its decision (sub-paragraph 1(1)). c) Justify reducing the time limit from ten to seven days for the right to request further information (sub-paragraph 1(3)). d) Sub-paragraph 1(2) states that the relevant authority may request further information it considers necessary. Should the Schedule require the submission of a statement with applications pursuant to sub-paragraph 1(1) to confirm whether it is likely that the subject matter of the application would give rise to any materially new or materially different environmental effects compared to those which are assessed in the environmental statement and if it would, to require that it must be accompanied by information setting out what those effects are? If not, why not? e) And if so, consider if there should also be provision to state that if undetermined and new environmental adverse effects have been identified then the applications should be deemed to have been refused. <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) The draft DCO was issued to all Local Planning Authorities (LPAs) in early August 2022, and the content of this was the subject of two briefings, to ensure the LPAs were fully aware of the proposed

Ref No.	Respondent:	Question:
		<p>content and had the opportunity to provide feedback before submission of the DCO application. No comments were received on Schedule 4 of the draft DCO provided at that time.</p> <p>As discussed with the LPAs at briefings, the details in Schedule 4 of the draft DCO (Document 3.1(B)) [AS-011] reflect the approach taken on other National Grid projects, which have gone through the delivery phase. Therefore, this is a tried and tested approach, and National Grid is confident that it is achievable on this Project. National Grid will work with the LPAs to ensure the timescales proposed can be met, and this will be facilitated by a Planning Performance Agreement (PPA). As part of the PPA, it would be agreed that pre-application submissions would be made to the LPA for all requirements to be discharged, to be paid for under the PPA. These will be full, detailed submissions, and working with the LPAs, National Grid will agree a timescale for responses, typically 3-4 weeks. On that basis, comments by the LPAs will be addressed prior to the formal submission of the requirement for discharge under Schedule 4. This will allow these applications to be determined swiftly, in the timescales set out within the draft DCO. If necessary, under the PPA the LPAs can use external third-party resource to support them in managing the discharge of requirements process on behalf of the LPAs, in particular to enable a coordinated approach across LPAs affected by a stage of the Project. This process worked successfully on the Hinkley Point C Connection Project and Richborough Connection Project which required multiple LPAs to co-ordinate responses.</p> <p>In terms of agreement, as set out within the Statement of Common Ground (SoCG) submitted at Deadline 1, City of York Council (Document 8.5.3) [REP1-023] and Leeds City Council (Document 8.5.4) [REP1-024] are in agreement with Schedule 4. As per the SoCG with North Yorkshire Council (Document 8.5.2) [REP1-022], National Grid are awaiting feedback on the Council's view.</p> <p>To date engagement on the 'delivery' PPA has been limited, as the LPAs re-origination has meant a lack of clarity regarding the future structure of the LPAs, including who exactly would be receiving future applications. However, going forward National Grid and the LPAs will seek to prioritise progressing this PPA. National Grid will also discuss including provision for the PPA within the draft S106 agreement with the Councils.</p> <p>b) The timescales reflect the urgency of delivering the Project, as per section 4.8 of the Updated Needs Case (Document 7.4) [APP-205]. This highlights the need for the Project to be operational by 2027 in order to enable the connection of customers; ensure the connection of renewable generation</p>

Ref No.	Respondent:	Question:
		<p>without incurring significant constraint costs; facilitate net zero; and meet National Grid's transmission licence obligations. As detailed above, National Grid would seek to enter into a PPA with the LPAs and use this to fund a pre-application process. National Grid consider that the combination of the pre-application period and the duration set out in Schedule 4 is sufficient for the applications to be determined. Taking this into account, National Grid consider that the timescales included within Schedule 4 are appropriate.</p> <p>c) As above, given the urgency of delivering the Project, combined with the proposed pre-application approach and PPA (which could potentially be used to fund a third party to manage requests), National Grid consider that the timescales included within Schedule 4 are appropriate and realistic. Given that full pre-application submissions will be made (as would be agreed within the PPA), National Grid anticipate that any further information requests would have been identified as part of the pre-application process, and therefore it is unlikely for further information requests to be made on a regular basis.</p> <p>d) If the subject matter of the application to discharge a requirement would give rise to any materially new or materially different environmental effects compared to those which are assessed in the environmental statement it would not be in compliance with Requirement 1(3) and so could not be a valid discharge application which could be approved by the local planning authority (or such other approval body as relevant). National Grid would need to apply to the Secretary of State for a change to the DCO (or seek alternative planning permissions outside of the DCO process as appropriate) should this be the case. Therefore, it is not necessary to require this clarification with every application for discharge.</p> <p>e) As outlined in the response to (d) above, Requirement 1(3) prevents any approval of a requirement where a discharge application would give rise to any materially new or materially different environmental effects compared to those which are assessed in the environmental statement. Such a discharge application would not amount to a valid application and could form the basis upon which the discharging authority refuse an application of this nature. Accordingly, National Grid does not consider it necessary to duplicate this provision within Schedule 4.</p>
Q5.5.2	The Applicant	Schedule 4, Paragraph 2: Fees

Ref No.	Respondent:	Question:
		<p>a) What would happen in the scenario that a Requirement is discharged in parts? For example, Requirement 6 which comprises approval of various construction management plans per stage. Would there be one fee for the Requirement or a fee for each part and/ or stage?</p> <p>b) The fee paragraphs only apply to “a relevant planning authority”. Is this correct? Or is a fee payable to any other of the “relevant authorities”, e.g. highway authority/ Environment Agency/ drainage authority which are listed in paragraph 5 of Schedule 4?</p> <p>c) If not, why not? If so, how is this secured?</p> <p>d) Justify reducing the time limit from 42 to 35 days for the relevant authority to give notice of its decision (sub-paragraph 2(2)).</p> <p>e) Does paragraph 2 need any updating in light of the current technical consultation in relation to ‘Increasing planning fees and performance’? If you consider that any updates should await the Government’s response to the consultation exercise, ensure that the final dDCO due at D7 takes account of the latest position.</p> <p>Applicant’s Response:</p> <p>a) A fee would be payable as per Schedule 4 of the draft DCO (Document 3.1(B)) [AS-011] for each application made to discharge a requirement under Schedule 3. A number of Requirements are drafted whereby no stage of the authorised development may commence until, for that stage, the subject matter of the requirement is submitted and approved. In those instances, an application would be made to discharge the requirement for each stage and on that basis a fee would be payable for each application for each stage. For example, if there were five stages of the authorised development, a fee would be payable each time the plan, scheme or strategy relevant to the requirement was submitted for each of the five stages. In terms of Requirement 6 it is possible that all plans, schemes and strategies are submitted as one application (seven documents in total) for each stage and one fee would be payable to discharge for each stage of the authorised development. However, in practice and based on how National Grid have delivered DCO Projects to date the most likely situation is that each part of Requirement 6 would be a stand-alone application with a fee payable e.g. 6(1)(a) soil and aftercare management plan would be submitted for approval with a fee payable, with the drainage management plan, pollution incident control plan and so on all being submitted as separate applications with a fee for each stage of the Project. Having both options available allows for a proportionate and flexible approach to be agreed with the relevant planning authority dependent on the complexity of the documents and stage.</p>

Ref No.	Respondent:	Question:
		<p>b) The only discharging authority with an approval right for the purposes of the requirements (paragraphs 1 and 2 of Schedule 4) would be the relevant planning authority and the relevant highway authority (all other bodies identified in requirements are requirement consultees). Currently, the paragraph wording only references the relevant planning authority and this will be amended to read relevant authority in the next iteration of the draft DCO submitted at Deadline 3 so that it encompasses both the relevant planning authority and relevant highway authority as appropriate.</p> <p>c) As detailed in response to part (b) above.</p> <p>d) As detailed in response to Question 5.5.1 part (b) above – The timescales listed in sub-paragraph 2(2) are consistent with those listed in paragraph 1(1) of Schedule 4 and responded to in the question above. The timescales required for discharging requirements reflect the urgency of delivering the Project as per section 4.8 of the Updated Needs Case (Document 7.4) [APP-205]. This highlights the need for the Project to be operational by 2027 in order to enable the connection of customers; ensure the connection of renewable generation without incurring significant constraint costs; facilitate net zero; and meet National Grid's transmission licence obligations. As detailed above in response to Q5.5.1 above, National Grid seek to enter into a PPA with the LPAs, and use this to fund a pre-application process. Taking this into account, we consider that the timescales included within Schedule 4 are appropriate.</p> <p>e) Paragraph 2(1) sets out a fee of £116 per request or 2(1)(b) such other fee as may be prescribed (under sections 303 (fees for planning applications etc.) and 333 (2A) (regulations and orders) of the 1990 Act for the discharge of conditions attached to a planning permission. The draft DCO already accounts at paragraph 2(1)(b) for such other fee as may be prescribed, and it would be expected that the outcome of the technical consultation would be translated into the relevant legislation and regulations as required. Therefore, National Grid does not consider the need for an update to the draft DCO to account for the technical consultation as Schedule 4 already accounts for changes in fees with Paragraph 2(1)(b) applying if the fee is different to that stated in 2(1)(a) of £116. In practice this has been applied on other National Grid DCO Projects in delivery with the National Grid (Hinkley Point C Connection Project) Order 2016 stating a fee of £97 whereas this fee was subsequently increased to £116 and this was the value of the fee paid per request to discharge requirements on that Project as per the 'such other fee' clause included at Schedule 4.</p>
Q5.5.3	The Applicant	Schedule 4, Paragraph 3: Appeals

Ref No.	Respondent:	Question:
		<p>The EM is silent on the question of whether this has the agreement of the relevant authorities; does it?</p> <p>Applicant's Response:</p> <p>The appeals approach in Schedule 4, Paragraph 3 of the draft DCO is based on the National Grid (Richborough Connection Project) Development Consent Order 2017, which has gone through delivery. On DCO projects to date, National Grid has never needed to use the 'appeals' process, in part due to the approach taken to discharge of requirements, as detailed in response to Q5.5.1.</p> <p>Please see the SoCGs with the relevant Local Planning Authorities. This confirms the following:</p> <ul style="list-style-type: none"> • Document 8.5.2 [REP1-022] item 5.1.2 North Yorkshire Council are continuing to review this wording of this Schedule in order to provide comment, and therefore this is an item for further discussion. • Document 8.5.3 [REP1-023] item 3.2.6 City of York Council have not raised Schedule 4 as a matter for further discussion and therefore it is considered agreed. • Document 8.5.4 [REP1-024] item 3.1.6 Leeds City Council have not raised Schedule 4 as a matter for further discussion and therefore it is considered agreed. <p>During briefing meetings with the LPAs, the appeals process has not been raised as an area of concern.</p>
Q5.5.4	The Applicant	<p>Schedule 4, Paragraph 5: Interpretation</p> <p>a) Should "an application" be defined in paragraph 5, for the purpose of clarity over fees? If so, the definition should address the discharge of Requirements in whole or in part.</p> <p>b) Does "appointed person" (para 3 and 4) in terms of appeal need definition here? If so, provide it.</p> <p>Applicant's Response:</p> <p>a) The fees figures provided within the Schedule reflect the figures for confirmation of compliance with a condition attached to a planning permission (The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012). Regulation 16 of these Regulations does not contain a definition for "an application" in the context of fees being payable for discharge of conditions. Therefore, there is no statutory basis upon which it would be appropriate to insert a definition for "an application" into the draft DCO. Furthermore, doing so, may inadvertently serve to limit, rather than clarify the occurrences when such fees are payable because it would be creating an artificial definition for processes which local authorities are well versed at following.</p>

Ref No.	Respondent:	Question:
		<p>The response given to Written Question 5.5.2 above provides practical examples of how National Grid have followed the discharge of requirements process and their payment of fees on previous projects.</p> <p>National Grid cannot identify a precedent DCO including a definition of this nature and, indeed, the example provided in Advice Note 15 also does not include one.</p> <p>b) "the appointed person" is defined upon first use within paragraph 3(2)(c) of Schedule 4. This follows the approach of precedented overhead line DCOs including The National Grid (Hinkley Point C Connection Project) Order 2016 and The National Grid (Richborough Connection Project) Development Consent Order 2017 and the example provided in Appendix 1 to Advice Note 15. On this basis, it is not considered that an update to paragraph 5 is required.</p>

Table 2.24 – Draft Development Consent Order (dDCO): Schedule 5: Benefit of the Order Rules

Ref No.	Respondent:	Question:
5.6	5.6 Schedule 5: Benefit of the Order Rules	
Q5.6.1	The Applicant	<p>Schedule 5: Benefit of the Order Rules</p> <p>a) Is the wording of this Schedule agreed with the other named parties?</p> <p>b) If not, set out the areas of disagreement or signpost to where this information can be found.</p> <p>c) How would you ensure that the NPG/ NGN works would be completed to your satisfaction, as the DCO itself does not appear to secure this?</p>
		<p>Applicant's Response:</p> <p>a and b) National Grid has not been made aware of any points of disagreement with the wording drafted in Schedule 5 of the draft DCO. This wording is largely precedented within the 'Benefit of the Order' article in The National Grid (Hinkley Point C Connection Project) Order 2016 and The National Grid (Richborough Connection Project) Development Consent Order 2017 and has been moved to a new schedule in order to simplify the article itself, based on PINS pre-application advice.</p>

Ref No.	Respondent:	Question:
		<p>c) The NPG Works and NGN Works need to be carried out in accordance with National Grid's consent, which may be granted subject to reasonable conditions (paragraphs 1, 2, 5 and 6 of Schedule 5). The NPG Works and NGN Works relate to apparatus owned and operated by Northern Powergrid (Northeast) plc, Northern Powergrid (Yorkshire) plc, and Northern Gas Networks Limited respectively as statutory undertakers. On this basis, these statutory undertakers would be breaching their statutory duty if they did not undertake works to their apparatus in a safe and efficient manner. If the NPG Works or NGN Works are not undertaken in compliance with the DCO, the undertaker responsible would be liable under the Planning Act 2008. In short, National Grid considers that the terms of Schedule 5 provide sufficient comfort that the works must be undertaken to a satisfactory standard.</p>

Table 2.25 – Draft Development Consent Order (dDCO): Schedule 8: Streets, Cycle Tracks or Public Rights of Way to be Temporarily Stopped Up

Ref No.	Respondent:	Question:
5.7	5.7 Schedule 8: Streets, Cycle Tracks or Public Rights of Way to be Temporarily Stopped Up	
Q5.7.1	The Applicant	<p>Schedule 8: Streets, Cycle Tracks or Public Rights of Way to be temporarily stopped up</p> <p>a) Can the EM be updated to set out how cross-referencing works between Schedule 8 and the Public Rights of Way Management Plan [APP-100].</p> <p>b) Why is the National Cycle Network (NCN) 65 diversion on Overton Road not listed? How is the alternative route secured in the dDCO?</p>
		<p>Applicant's Response:</p> <p>a) The Applicant will update the Explanatory Memorandum (Document 3.2(B)) [AS-013] to make it clear that there is no direct cross referencing between Schedule 8 and the Public Rights of Way Management Plan. Both Schedule 8 and the Public Rights of Way Management Plan include consistent references to the relevant public rights of ways as they appear on the Access, Rights of Way and Public Rights of Navigation Plans (Document 2.7.1-2.7.6) [APP-026 – APP-031].</p>

Ref No.	Respondent:	Question:
		<p>b) National Cycle Network (NCN) 65 is not listed because it will not be temporarily stopped-up as part of the Project. An alternative route will be established and users of this public right of way will be encouraged to use the alternative but can still choose to use the original route. This is detailed in Section 4.2 of the Public Rights of Way Management Plan (Document 5.3.3G) [APP-100]. Because this is not a temporary stopping up for which a diversion is being provided, it has not been included within Schedule 8 of the draft DCO.</p> <p>The Public Rights of Way Management Plan (Document 5.3.3G) [APP-100] included within the draft DCO at Requirement 5(2)(e) and certified under Article 48 (certification of plans etc.) states the following:</p> <p><i>"4.2.3 It is proposed to provide an alternative route to the northern section of NCN Route 65 on Overton Road so that for the duration of the construction works in the area users of this route would be able to avoid what would be a heavily used section of Overton Road during the construction of Overton Substation and associated construction compounds.</i></p> <p><i>4.2.4 Access, Rights of Way and Public Rights of Navigation Plan (Volume 2, Document 2.7.1 – 2.7.6) illustrates the proposed alternative routeing of NCN Route 65 for the north section of Overton Road. This route leaves the carriageway near the junction with the A19 and routes around the back of the proposed overhead line TCC before re-joining Overton Road just north of the rail bridge."</i></p> <p>Requirement 5(1) provides that "all construction works for the authorised development must be carried out in accordance with the construction management plans referred to in paragraph (2)" (which includes the Public Rights of Way Management Plan (Document 5.3.3G) [APP-100]).</p>

Table 2.26 – Draft Development Consent Order (dDCO): Schedule 14: Traffic Regulation

Ref No.	Respondent:	Question:
5.8	5.8 Schedule 14: Traffic Regulation	
Q5.8.1		Schedule 14: Traffic Regulation at Osbaldwick

Ref No.	Respondent:	Question:
	The Applicant	<p>Section A of the Traffic Regulation Order (TRO) Plan [APP-056] includes the plan DCO_A/TRO/PS/01. The dDCO [AS-011] refers to this plan in Schedule 2, Part 5 (Plans and Drawings) but it does not appear in the list of roads subject to traffic regulation in Schedule 14.</p> <p>a) Confirm whether or not there is a TRO sought in relation to the area covered by the plan ref. DCO_A/TRO/PS/01?</p> <p>b) If not, should Part 5 of Schedule 2 of the dDCO [AS-011] and [APP-056] to accurately reflect the powers sought?</p>
		<p>Applicant's Response:</p> <p>The Traffic Regulation Order (TRO) Plan Section A (Document 2.12.1) [APP-056] shows Section A of the Project (Osballdwick substation). No Traffic Regulation Order (TRO) is shown on this plan. This aligns with Schedule 14 (Traffic Regulation) of the draft DCO (Document 3.1(B)) [AS-011] which does not include any traffic regulation at this location. This is due to the existing substation access being suitable for the Project, with no need to undertake works that could require a TRO.</p> <p>The plan reference is included within Schedule 2, Part 5 of the draft DCO (Document 3.1(B)) [AS-011] for completeness, to ensure the full Project and full suite of Traffic Regulation Order plans is shown, and to make it clear that no TROs are sought in this location. It is National Grid's view that not including this plan could result in uncertainty as to whether this was an omission or not, and therefore National Grid consider including it is appropriate. An explanation to this effect will be included in the updated iteration of the Explanatory Memorandum to be submitted at Deadline 3.</p>

Table 2.27 – Draft Development Consent Order (dDCO): Schedule 15: Protective Provisions

Ref No.	Respondent:	Question:
5.9	5.9 Schedule 15: Protective Provisions	
Q5.9.1	The Applicant	<p>Schedule 15: Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers</p> <p>Explain the meaning of “section” in Protective Provision (PP) PP4(2), PP5(1), PP5(2), PP5(5) – three times. Does this refer to the sections A-F of the Proposed Development as set out on the Works Drawings or is it a</p>

Ref No.	Respondent:	Question:
		<p>similar meaning to use of “section” in the definitions under PP18 (for the Protection of Railway Interests), which it is assumed means cross-sections? Provide clarity to the wording of the dDCO.</p> <p>Applicant’s Response:</p> <p>Reference to provision of a 'section' is the precedented approach for protective provisions within overhead line DCOs. In this context it relates to cross-sections of the works proposed and not the section of the Project (i.e. Section A – Section F) or a works drawing (i.e. Works Plan Section A).</p> <p>Under these protective provisions, National Grid would provide a plan showing the area of the apparatus that is impacted by the works of the authorised development. Within this, the term "section" would be indicating the part of the apparatus which is impacted or diverted and a cross section of how that relates to National Grid's works.</p>
Q5.9.2	The Applicant	<p>Schedule 15: Provisions for the Protection of The Canal and River Trust</p> <p>The description of Work No. 6 in PP14 (2) and (3) needs elaborating (or reducing to avoid duplication). It currently repeats XC overhead line but doesn’t differentiate in the way that the Work No. 6 descriptions do in Schedule 1, between dismantling, reconductoring and installation of new sections of OHL.</p> <p>Applicant’s Response:</p> <p>The protective provisions for the benefit of the Canal and River Trust are currently being updated and a new version will be submitted at Deadline 3 which resolves this point.</p>

Table 2.28 – Draft Development Consent Order (dDCO): Schedule 16: Amendment of Local Legislation

Ref No.	Respondent:	Question:
5.10	5.10 Schedule 16: Amendment of Local Legislation	
Q5.10.1	The Applicant	<p>Schedule 16: AMENDMENT OF LOCAL LEGISLATION</p> <p>a) Provide copies of relevant legislation/ byelaws</p> <p>b) To supplement the explanation provided in the EM, submit the following for each of the local enactments and byelaws specified in Schedule 16, provide a table specifying:</p>

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> ▪ the section of the Act or byelaw; ▪ its provisions; ▪ why it is being disapplied; ▪ how the equivalent protections are provided for in the dDCO. If they are not provided for, provide justification for the approach; ▪ relevant provisions of the dDCO; and ▪ any links to the Embedded Measures Schedule [APP-094]. <p>c) Review the EM listing of IDBs and clarify which IDBs should be named here. Review this in the light of those from whom RRs have been received and those with whom you indicated you would agree SoCGs.</p> <hr/> <p>Applicant's Response:</p> <p>a) Copies of all relevant byelaws can be found appended to this document at Appendix J (Local Acts and Byelaws to be disapplied under the Yorkshire GREEN DCO).</p> <p>b) A table outlining the information required can be found at Appendix K (Table of Local Acts and Byelaws to be disapplied by the Yorkshire Green DCO). As was outlined in the Statement of Common Ground (SoCG) between National Grid Electricity Transmission plc and Ainsty Internal Drainage Board (Document 8.5.12) [REP1-032], Schedule 16 is being updated to also incorporate disapplication of Byelaw No. 3 and so justification for this byelaw has also been included in the table at Appendix G.</p> <p>c) The IDBs listed in the Explanatory Memorandum (Document 3.2) [APP-067] reflect those with byelaws disapplied within Schedule 16 of the draft DCO (Document 3.1(B)) [AS-011]. The Project covers three IDB areas: Foss, Ainsty, and Kyle and Upper Ouse. However, only in the Ainsty and Kyle and Upper Ouse areas would works be carried out that potentially trigger the byelaws. Updates are being made to these provisions at Schedule 16, and the associated controls for IDBs in Article 19, to reflect the relevant representations made by Foss IDB and Ainsty IDB and continuing discussions with Kyle and Upper Ouse IDB. An updated version of the draft DCO will be submitted at Deadline 3.</p>

Table 2.29 – Draft Development Consent Order (dDCO): Other dDCO and Explanatory Memorandum matters

Ref No.	Respondent:	Question:
5.11	5.11 Other dDCO and Explanatory Memorandum matters	
Q5.11.1	The Applicant	<p>Explanatory Note Review and update the description of the geographical extent for the authorised works “substation at Monk Fryston to Poppleton substation”. It appears that the Proposed Development extends north and east beyond Poppleton Substation.</p>
		<p>Applicant’s Response:</p> <p>The Explanatory Note will be amended to read as follows in the updated draft DCO submitted at Deadline 3:</p> <p><i>“This Order authorises National Grid to undertake works to the national electricity transmission System between the existing substation at Monk Fryston to the existing substation at Osbaldwick ...”</i></p>
Q5.11.2	The Applicant	<p>Explanatory Memorandum [AS-013] Update information on the local authorities and indicate which/ all are unitary authorities [AS-013], para 1.1.5 to 1.1.6.</p>
		<p>Applicant’s Response:</p> <p>National Grid will update paragraphs 1.1.5 to 1.1.6 of the Explanatory Memorandum (Document 3.2(B)) [AS-013] which will be submitted at Deadline 3.</p> <p>Paragraph 1.1.5 will read: “At the time of submission of the Application, the Project fell within six local authority boundaries: Hambleton District Council; City of York Council ; Harrogate Borough Council; Selby District Council; Leeds City Council; and North Yorkshire County Council.”</p> <p>Paragraph 1.1.6 will read:</p>

Ref No. Respondent: Question:

		<p>“On 1 April 2023 North Yorkshire County Council, Hambleton District Council, Selby District Council, Ryedale District Council, Scarborough Borough Council, Harrogate Borough Council, Craven District Council and Richmondshire District Council formed a new single council (The North Yorkshire Council) as a result of Local Government Reorganisation, which is a Unitary Authority.”</p> <p>A new paragraph 1.1.7 will be added to read: “Following the Local Government Reorganisation, the Project now falls within the local authority boundaries of City of York Council (a unitary authority), North Yorkshire Council (a unitary authority) and Leeds City Council (a metropolitan district council).”</p>
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2.6 Flood Risk, Water Quality and Resources

Table 2.30 – Flood Risk, Water Quality and Resources

Ref No.	Respondent:	Question:
6	6. Flood Risk, Water Quality and Resources	
Q6.0.2	The Applicant	<p>Drainage Management Plan (DMP) and Pollution Incident Control Plan (IPMP) ES Chapter 9: Hydrology [APP-081] refers to Requirement 6 of the dDCO that requires the submission of detailed plans in compliance with the Outline DMP. The ExA notes that Drainage Strategies for Overton Substation and Monk Fryston are provided in Appendices 9D.5 and 9D.6 of the Flood Risk Assessment (FRA) [APP-138].</p> <p>Table 9.18 of ES Chapter 9 [APP-081] indicates that the DMP and PICP form embedded measures considered in the assessment, to avoid a deterioration of water quality and effects to aquatic environment receptors. Drafts of these documents have not been submitted but Table 9.18 of [APP-081] does provide an outline of the principles that would be covered. Therefore, can the Applicant provide into the Examination outline versions of the DMP or IPMP or justify why you do not consider these documents need to be provided at this stage?</p> <p>Applicant's Response:</p> <p>National Grid followed the precedent set by other similar projects (such as the Richborough Connection Project) in deciding not to prepare outline Drainage Management and Pollution Incident Control Plans (DMP and PICP) for the Development Consent Order (DCO) application. Instead, the approach taken was to set out the water environment and flood risk mitigation principles to be followed during all phases of the Project in the Environmental Statement (ES). These are presented in Table 9.18 of ES Chapter 9: Hydrology (Document 5.2.9) [APP-081]. Those measures pertinent to the construction phase of the Project have been transposed into ES Chapter 3 Appendix 3B: Code of Construction Practice (CoCP), (Document 5.3.3B) [APP-095], adherence to which is secured via Requirement 5 of the draft DCO (Document 3.1(B)) [AS-011]. In addition, indicative details of construction phase drainage measures are provided on the illustrative Construction Plans submitted as part of the DCO application (Document 2.16) [APP-065].</p> <p>A commitment to provide further specific detail on construction phase drainage management and pollution incident control in the DMP and PICP is provided in the draft DCO (Document 3.1(B)) [AS-011] via</p>

		<p>Requirements 6.(1)(b) and (c). The DMP and PICP would provide a level of geographical, design and procedural detail that goes above and beyond the general principles set out in the CoCP (Document 5.3.3B) [APP-095] embedded measures (HY3 and HY9 respectively). Although not mentioned in the Examining Authority’s question, it is noted that a similar approach is taken to securing a commitment to prepare an Emergency Response Plan for Flood Events (ERPFE), as set out in embedded measure HY14 of the CoCP (Document 5.3.3B) [APP-095]. These detailed construction management plans would be prepared prior to commencement of works and would be subject to the approval of the relevant planning authority.</p> <p>The chosen approach, of preparing DMP, PICP and ERPFE post-grant of the DCO and securing them via DCO Requirements, is justified on the following grounds:</p> <ul style="list-style-type: none"> • These plans would embody standard best practice construction management methods, which are well proven in practice. Therefore, there is a good level of certainty regarding the effectiveness of these measures without submitting further detail at the DCO application stage. • Although the plans would use standard techniques, the selection of the most appropriate techniques and the location and specification of physical measures (for example, runoff attenuation basins) is contingent on detailed construction design that has not yet taken place. It is envisaged that the plans would be prepared by the main works construction contractor(s), once appointed.
Q6.0.4	The Applicant	<p>Flood risk mitigation: Overton Substation</p> <p>Can you clarify how the minimum development platform of 13.71m AOD for the proposed Overton substation, identified in the FRA [APP-138] as being required to mitigate future flood risk, is secured in the dDCO? If it is only secured via the site levels shown on the outline landscape mitigation strategy (Fig 3.10 of [APP-164]):</p> <p>a) is this an appropriate mechanism for securing an important aspect of flood mitigation?</p> <p>b) explain how you respond to the ExA’s suggestion at ISH1 that the OLMS should be a stand-alone document for reasons of clarity for future discharging authorities. (See also Q5.1.5 under dDCO Article 5)</p> <p>Applicant’s Response:</p> <p>a) The 13.71m level at Overton Substation is the required ground level to mitigate future flood risk and to satisfy National Grid’s design standards. Further consideration has been given to how this is secured, and the finished surface levels have now been given a value and added to the parameter plans in Design Drawings (Document 2.15(B)), Drawing References DCO_DE/PS/14_03, which is secured</p>

		<p>by Requirement 3 of the draft Development Consent Order (Document 3.1(B)) [AS-011]. The updated Design Drawings will be submitted at Deadline 2.</p> <p>b) National Grid does not consider it necessary that the Outline Landscape Mitigation Schemes (OLMS) should be a standalone document. The OLMS Figures 3.10 – 3.12 form part of the Environmental Statement (ES) Chapter 3 Description of the Project Figures (Document 5.4.3(B)) [AS-017]. The OLMS is defined in the draft DCO Article 2 (Interpretation) and included in Article 48 (Certification of Plans) 48(1)(j) of the outline landscape mitigation strategy (Figure 3.10 – 3.12, Document 5.4.3) in the draft DCO (Document 3.1(B)) [AS-011]). It is noted that this document cross-reference will be updated in the draft DCO to a further revision as required. It is National Grid’s view that this is clear for discharging authorities. The OLMS Figures 3.10 – 3.12 are cross-referenced throughout the ES, Planning Statement and other supporting application documents, and the creation of a stand-alone document with a new document number would change the cross-references made to date which would be required to be captured through the ES Errata. In National Grid’s view this could result in less clarity than is already provided for discharging authorities or other readers of the application documents.</p>
Q6.0.6	The Applicant	<p>Operational drainage strategy Requirement 6 Outline construction management plans of the dDCO [AS-011] requires the submission and approval of a Drainage Management Plan (DMP); Requirement 6(4) states that the DMP must contain drainage details for permanent and temporary works. Requirement 6(4) does not refer to the drainage information/ strategies submitted with the DCO application, eg in ES Chapter 9 [APP-081] and ES Appendix 9D [APP-138]. Can the Applicant therefore clarify how the following matters are secured in the dDCO:</p> <p>a) that the design of the permanent drainage schemes for the Overton and Monk Fryston substations will be in accordance with the submitted drainage strategies;</p> <p>b) the design of other permanent drainage would be of the same standard as that proposed in the submitted drainage strategies for Overton and Monk Fryston substation; and,</p> <p>c) ongoing maintenance of the permanent drainage schemes once constructed.</p> <p>Applicant’s Response:</p> <p>a and b) Embedded mitigation measure <i>HY16 – Detailed surface water drainage design (operational)</i> addresses points (a) and (b) of the Examining Authority’s question. The compliance mechanism for HY16 is specified as DCO Requirements 6(1)(b) and 6(4) in ES Chapter 3 Appendix 3A: Embedded Measures Schedule (Document 5.3.3A) [APP-094].</p>

		<p>c) Regarding, point (c) of the question, National Grid proposes that ongoing maintenance of permanent Project infrastructure would be secured via an amendment to the wording of Requirement 6(4) of the draft DCO (Document 3.1(B)) [AS-011], with the additional wording is shown in bold, as follows:</p> <p><i>“(4) The drainage management plan referred to in paragraph (1)(b) must contain written details of the surface and foul water drainage system (including means of pollution control and details of maintenance arrangements) for both permanent and temporary works, and any surface or foul water drainage system must be constructed in accordance with the details approved by the relevant planning authority under paragraph (1), following consultation with the relevant drainage authority.”</i></p>
<p>Q6.0.7</p>	<p>The Applicant</p>	<p>Protection of groundwater Requirement 12 of the dDCO sets out the process and procedures for ground condition surveys prior to construction commencing and as described within Chapter 10: Geology and Hydrology of the ES [APP-082] and the Code of Construction Practice [APP-095]. The Code of Construction Practice [APP-095] states that: <i>“GH06; Contamination of groundwater due to piling activities will be prevented through suitable piling design. This will include consideration of pile type (for example, driven versus bored) as necessary to minimise pollution risks. All piling activities will be conducted in line with a risk assessment prepared in accordance with Environment Agency guidance documents ‘Piling and penetrative ground improvement methods on land affected by contamination: guidance on pollution prevention’ and ‘Piling into contaminated sites’.”</i></p> <p>Can you comment on what consultation there would be with the Environment Agency and any other relevant bodies regarding the choice of pile type and how the measures contained in the proposed risk assessment would be controlled and monitored.</p> <p>Applicant’s Response:</p> <p>The preparation of a Foundation Works Risk Assessment, including monitoring and control measures, is a routine construction requirement. As such, and because there are no specific high risk circumstances identified in relation to the Project (e.g. high risk potentially contaminated sites), it is not anticipated that there would be a requirement for post-consent consultation with the Environment Agency or Local Planning Authorities in relation to the Foundation Works Risk Assessment.</p> <p>The measures within the Foundation Works Risk Assessment would be controlled by National Grid. Such controls are a matter of standard environmental practice and National Grid does not anticipate a requirement for reporting on these to the Environment Agency or Local Planning Authorities. This is in line with the</p>

		<p>approach to other routine controls within the Code of Construction Practice (Document 5.3.3(B)) [APP-095] (e.g., those in measures GH04 and GH05 of the Construction Code of Practice).</p>
Q6.0.8	The Applicant	<p>Land Contamination</p> <p>a) Can you respond to the concerns raised by North Yorkshire County Council (NYCC) [RR-032], Selby District Council (SDC) [RR-034], Hambleton District Council (HDC) [RR-018] and Harrogate Borough Council (HBC) [RR-019] (hereafter referred to as the joint Local Authorities' RR) regarding the approach to managing unexpected land contamination, including any revision to Requirement 12 of the dDCO [AS-011].</p> <p>b) Explain how your proposed approach to this matter has taken into account the views or advice of the Environment Agency?</p> <hr/> <p>Applicant's Response:</p> <p>a) National Grid agrees with the summary of the assessment outcomes provided in the Joint Authorities' Relevant Representation, which aligns with the assessment provided in ES Chapter 10 Geology and Hydrogeology (Document 5.2.10 [APP-082]).</p> <p>The proposed measures for managing unexpected contamination are described in Table 10.9 of ES Chapter 10 Geology and Hydrogeology (Document 5.2.10) [APP-082] and measure GH02 of the Code of Construction Practice (Document 5.3.3(B)) [APP-095]. In summary, these documents explain that, in the event that unexpected ground contamination is encountered, work will be temporarily stopped. Materials that are suspected to be affected by contamination will then be subjected to testing and risk assessment to determine the extent, nature and significance of any contamination present. The findings of this risk assessment will then be used to inform remediation or additional protection measures, as/if necessary.</p> <p>Requirement 5 of the draft DCO (Document 3.1(B)) [AS-011] specifies that construction work must be carried out in accordance with the Code of Construction Practice (Document 5.3.3(B)) [APP-095], securing the process described above.</p> <p>Requirement 12 of the draft DCO (Document 3.1(B)) [AS-011] specifies that development shall not proceed in any areas affected by unexpected contamination that presents a significant risk to health or the environment (including Controlled Waters) until a written scheme of mitigation or remedial measures is submitted to, and approved by, the Local Planning Authority. Requirement 12 also specifies that the implementation and validation of the measures described in the written scheme must subsequently be documented in a verification report submitted to the Local Planning Authority.</p>

		<p>It is considered that the measures described above, and secured through Requirements 5 and 12 of the draft DCO (Document 3.1(B)) [AS-011], generally cover what is requested in the Condition that is recommended in the Joint Authorities' Relevant Representation. A slight variance is noted in that, following the process in Requirement 12 of the draft DCO (Document 3.1(B)) [AS-011] and the Code of Construction Practice (Document 5.3.3(B)) [APP-095], the Local Planning Authority may not be informed of unexpected contamination until it has been tested and risk assessed, whereas the recommended Condition in the Relevant Representation states that the notification must be immediate upon encountering unexpected contamination. The approach in the draft DCO (Document 3.1(B)) [AS-011] has the benefit that the Local Planning Authority is not informed of 'false alarms' before the unexpected material has been tested and risk assessed and is therefore considered appropriate. This eases the administrative burden on the Local Planning Authority and is National Grid's preferred approach.</p> <p>b) The Environment Agency has not raised any concerns regarding the approach described above. Item 3.3.3 of Statement of Common Ground Between National Grid Electricity Transmission plc and Environment Agency (Document 8.5.7) [REP1-027] records agreement on the scope and delivery of embedded measures, including the unexpected contamination protocol to be secured through Requirements 5 and 12 of the draft DCO (Document 3.1(B)) [AS-011].</p>
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2.7 Good Design

Table 2.31 – Good Design: Substations at Overton and Monk Fryston

Ref No.	Respondent:	Question:
7.0	7.0 Substations at Overton and Monk Fryston	
Q7.0.1	The Applicant	<p>Overton Substation: landform design Explain the rationale for the landform design for the platform siting and construction, including the berms where the platform is higher than existing ground levels.</p> <p>Applicant's Response:</p> <p>Due to the site location of Overton Substation being near a main watercourse (Hurns Gutter) it was required to review the site from a flood risk perspective. The site has been situated within the field boundary, northwest of the watercourse, to avoid flood zones 2 and 3. This follows the first step of the sequential test, outlined in the National Planning Policy Framework, Section 14, for obtaining the lowest probability of flooding. Whilst conforming with this, National Grid's specific policy for all substation sites is to be flood resilient for a 1:1000 year + climate change event. This is a more onerous flood resilience requirement which is due to the requirement of installing and operating nationally significant infrastructure. Flood modelling completed during development design indicates that a flood resilience level of +13.71m above ordnance datum (AOD) is required for the new substation at Overton. Please refer to ES Chapter 9 Appendix 9D – Flood Risk Assessment (Document 5.3.9D) [APP-138]. Due to the existing ground levels of the site being below the specified flood resilience level of 13.71m above AOD, it is necessary to construct a raised platform to achieve the required flood resilience levels. This also requires a significant portion of the site to have sloped earthworks of imported fill to achieve the raised site levels, and therefore meet the levels required to be flood resilient.</p>
Q7.0.2	The Applicant	<p>Overton Substation, Monk Fryston Substation: siting relative to existing landscape character, landform and vegetation The ExA is not persuaded that the mitigation bunding landforms at the Overton Substation [APP-164], Figure 3.10 and Monk Fryston Substation as drawn [APP-164], Figure 3.12 meet good design tests in Overarching National Policy Statement for Energy (NPS EN-1) in terms of existing landscape character and landform. Further it is not clear how these outline landscape mitigation strategies meet Horlock Rule 9. a) Justify 1:3 slopes being described as 'gentle' [APP-078], [APP-094].</p>

Ref No.	Respondent:	Question:
		<p>b) Set out an explanation for how Horlock Rule 9 is met.</p> <p>c) Provide and secure:</p> <ul style="list-style-type: none"> • contour plans to show integration of proposed contours with existing landform; • cross sections providing existing and proposed ground levels across the two sites in both directions, to include existing peripheral features such as roads, landform platform and bunds to receive the substations and profile of mound slopes; and • design approach wording to achieve landform integration, and proposals how this could be secured in a certified document. <p>Applicant's Response:</p> <p>a and b) It is acknowledged that the term 'gentle' is subjective and does not define a precise gradient. There are similar or steeper/taller man-made landform features in the locality including the existing earthwork bund at Monk Fryston Substation, the embankments alongside junction 42 of the A1 (M), the gradients of the embankments supporting Overton Road crossing the railway, and the A64 embankments adjacent to the eastern CSEC at Tadcaster.</p> <p>Horlock Rule 9 requires the design of access roads, perimeter fencing, earthshaping, planting and ancillary development to form an integral part of the site layout and design to fit in with the surroundings.</p> <p>The maximum heights of the proposed earthworks illustrated on the Outline Landscape Mitigation Strategy Figures 3.10-3.12 (Document 5.2.3(B)) [AS-017] are 3.5m above existing ground level at Monk Fryston Substation (the existing bund is 4m above existing levels), up to 3m above existing ground levels to the west and in relatively close proximity to the Overton Substation (the railway embankment at Overton Road is approximately 4m above the railway line) and the earthworks to the north of the Overton Substation along the A19 would be up to 2m above existing ground levels. The lower earthworks along the A19 are designed to provide mitigation to views of the Overton substation at Year 0 that would be experienced by people travelling in vehicles along the A19.</p> <p>In this context, the proposed earthworks reflect embankment profiles already established in the local landscape, however following growth of the woodland and woodland edge planting the proposed earthworks would be better integrated into the local context. The 1:3 maximum gradient of the earthwork slopes and gently sloping plateau tops, reflect the existing underlying landform, and have also been designed to facilitate ease of maintenance. Steeper profiles where engineered</p>

Ref No.	Respondent:	Question:
		<p>reinforcement of the profile would be required have been avoided, noting that planting would be more difficult to establish on slopes steeper than 1:3.</p> <p>The outline earthworks design has attempted to strike a careful balance of siting of earthworks in relation to sensitive receptors to provide reasonable mitigation, whilst accounting for constraints including existing trees, hedgerows, overground and underground services and infrastructure. In addition, site specific consideration of earthwork profiles and planting strategy has ensured that the local landscape context has been recognised.</p> <p>Lower earthwork heights and gentler slopes were initially considered but rejected as this design would be less effective in mitigating the landscape and visual effects of the substation infrastructure. In addition, and of secondary importance, lower heights and/or gentler slopes would result in an increase in the footprint of the earth mounds resulting in the loss of more BMV agricultural land than would be essential, and/or there would be a likely requirement to divert large volumes of material off-site with potential additional environmental impacts. The option of land raising a much larger area of BMV agricultural land within the Order limits that would otherwise be largely untouched by the construction phase activity was not a preferred option as set out in 1.10.4 of the Outline Soil Management Plan (Document 5.3.3E) [APP-098].</p> <p>c) Contour plans showing the existing contours and proposed contours and spot levels with the location of embankments are illustrated on the Outline Landscape Mitigation Strategy plans in Figures 3.10 to 3.12 (Document 5.4.3(B)) [AS-017] secured in the draft DCO (Document 3.1(B)) [AS-011] at Requirement 8 and included in the list of plans to be certified at Article 48.</p> <p>The cross sections requested are provided in the Design Drawings which have been updated and submitted at Deadline 2 (Document 2.15(B)).</p> <p>A Design Approach to Site Specific Infrastructure (DASSI) (Document 8.18) document has been prepared to supplement the information presented in the Design and Access Statement (Document 7.2) [APP-203]. The purpose of this document is to outline the design principles that can be taken forward into the detailed design, set out an approach to the design of site specific infrastructure of non-linear works, and to detail those elements of the design which have some flexibility in their appearance. The DASSI also includes details on the design approach to achieve landform integration.</p>

Ref No.	Respondent:	Question:
		<p>The DASSI has been submitted as an Examination Document at Deadline 2. National Grid notes the concerns of the Examining Authority and is considering how and the extent to which it is necessary to secure the Design Approach to Site Specific Infrastructure in the draft DCO and this will be confirmed if necessary, at Deadline 3.</p>
Q7.0.3	The Applicant	<p>Cut and fill balance</p> <p>a) In terms of sustainability, is there a cut and fill balance at each substation site arising from platform construction and fill required to create the landscape mitigation mounds as proposed?</p> <p>b) If not how would surplus material or the need for importing material be secured?</p> <p>c) What has been assessed in the ES?</p> <p>Applicant's Response:</p> <p>a) At both substation locations there is sufficient material available (topsoil and/or subsoil material) to create the landscape mitigation mounds. However, material (engineered fill) will need to be imported in order to create the site platforms for the construction of the substations. Whilst the earthworks required at each of the substations have been designed with the aim of achieving a cut and fill balance, using any suitable surplus spoil as backfill wherever possible, local constraints are present at each of the substation sites which have influenced the cut and fill balance.</p> <p>Overton Substation: In order to mitigate flood risk Overton Substation needs to be designed such that a finished site level of 13.71m (AOD) is achieved (please refer to ES Appendix 9D: Flood Risk Assessment, (Document 5.3.9D) [APP-138] for further detail). The existing ground levels at the Overton Substation site are currently below this site level and therefore imported fill material is required to achieve this and an optimized cut and fill balance cannot be achieved. Ground investigation surveys have indicated Alne Glaciolacustrine deposits are present below the topsoil at the Overton Substation site. These superficial deposits are soft soils with low CBR (California Bearing Ratio) values likely and hence would not be suitable material for backfilling during earthworks, regardless of the flood risk design requirements. Whilst a cut and fill balance has not been achievable, the topsoil removed during site preparation would be used solely for the proposed permanent landscaping bunds shown on Drawing Reference DCO_DE/PS/14_02 (Document 2.15) [APP-064]. This would reduce the number of vehicles required to remove spoil from site whilst also ensuring the local material remains in the area from where it has been extracted.</p>

Ref No. Respondent: Question:

		<p>Monk Fryston: Monk Fryston Substation would be constructed adjacent to the existing substation, and therefore the design of the new substation needs to match the site levels of the existing substation. Topographic surveys indicate existing site levels slope from north to south with a level difference of approximately 3.5m to 4.0m. The site levels for the new Substation have been designed to tie into this existing topography so that the new substation can tie into the existing substation in terms of electrical plant and access. This design would avoid creating ‘steps’ in the layout and avoids the need for any additional retaining structures. It is also necessary to ensure delivery and functionality of the High Voltage plant required as part of the new substation. Therefore, an optimized cut and fill balance cannot be achieved, and an overall net cut is anticipated. Ground investigation surveys have indicated glacial till is present in the cut areas. It is proposed to re-use this material as fill in some areas of the earthworks. In addition to this, the topsoil and any additional subsoil removed during site preparation would be used solely for the proposed landscaping bunds shown on Drawing Reference DCO_DE/PS/15_02 (Document 2.15) [APP-064]. This would reduce the number of vehicles required to remove spoil from site whilst also ensuring the local material remains in the area from where it has been extracted.</p> <p>b) The main works construction contractors will be appointed on the basis that the Contractor will use the excess topsoil and subsoil to form permanent and temporary bunds. The current design indicates that all excess topsoil/subsoil from clearing the substation sites can be accommodated in the creation of the landscape mitigation bunds. Permanent landscaping bunds will be designed in accordance with the Outline Landscape Strategy (as described in paragraphs 3.4.10 and 3.4.27, ES Chapter 3 Description of the Project (Document 5.2.3) [APP-075] and shown in Figures 3.10 and 3.12, ES Chapter 3 Description of the Project Figures, (Document 5.4.3(B)) [AS-017]) and delivered by the Contractor in line with DCO Requirements 8 and 9 (Document 3.1(B)), [AS-011]). It has been further stipulated that, should any surplus topsoil remain after landscaping, the Contractor will consider the most sustainable solution for any material removed from site in line with the measures set out in paragraph 1.10.4 of the Outline Soil Management Plan (Document 5.3.3E) [APP-098]. For importing fill to construct the substation platforms, the Contractor will be required to obtain this material from a local aggregate facility where possible, ensuring the required specification for the material is met whilst also considering the most sustainably sourced stone. Preference would be given to local facilities, aiming to reduce traffic times on the road network. The Contractors specification for substation fill material includes a free drainage unbound granular platform material, allowing for a more sustainable surface water drainage solution for the permanent site.</p>
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Ref No.	Respondent:	Question:
		<p>c) The assessment of agricultural land and soils is based on the assumption that in permanently developed areas, such as the substations, where <i>in situ</i> reinstatement of soils is not possible, the soil resource would be reused elsewhere within the same landholding, where practicable to do so, for example in landscaping bunds. At the substations surplus soils would be utilised for landscaping, however, across the Project as whole, it is anticipated that small volumes of soil generated at some permanent development areas, such as the Cable Sealing End Compounds (CSECs) may need to be exported from site for reuse elsewhere (paragraphs 11.9.7 and 11.9.21, ES Chapter 11 Agriculture and Soils (Document 5.2.11) [APP-083]). The assessment of traffic effects has also taken into account the potential vehicle movements associated with the earthworks. Estimated traffic movements associated with the import of fill material for the substation platforms are provided in Table 12A.2 Substation and CSECs Traffic, Appendix 12A, Traffic Modelling Tables (Document 5.3.12A) [APP-148] and form part of the works listed under ‘Establish main compound’ and ‘Foundation for electrical equipment’. It is assumed that there would be no export of the topsoil/subsoil off site at the substations as this would be re-used in the landscape mitigation bunds, however the traffic movements include for delivery of equipment, plant and staff movements associated with clearing the topsoil/subsoil and creating the bunds. Traffic movements associated with the removal of any spoil from the CSEC locations is also included as part of the “establish main compounds” works listed in Table 12A.2 Substation and CSECs Traffic, Appendix 12A, Traffic Modelling Tables (Document 5.3.12A) [APP-148].</p>
Q7.0.5	The Applicant	<p>NPG transformer compound at the Overton Substation site The Design and Access Statement (DAS) states that a small, NPG transformer compound would be located outside the perimeter of the Overton Substation [APP-203], para 2.4.2. This does not appear to be illustrated on the plans showing Overton Substation such as the outline landscape mitigation strategy [APP-164], Figure 3.10, although its location was explained at ISH1.</p> <p>a) Indicate the Northern Powergrid transformer compound on the relevant outline landscape mitigation plan(s). b) Is it surrounded separately by fencing? c) Update any necessary plans.</p> <p>(See also to questions relating to Compulsory Acquisition).</p> <p>Applicant’s Response:</p>

Ref No.	Respondent:	Question:
		<p>a) The Northern Powergrid transformer compound (renamed as Northern Powergrid (Northeast) Plc Substation) will be added to the updated version of Figure 3.10 Outline Landscape Mitigation Strategy (Document 5.4.3(B)) [AS-017], to be submitted at Deadline 2. The omission of the Northern Powergrid (Northeast) Plc Substation does not alter the Outline Landscape Mitigation Strategy and was considered as part of the overall Overton Substation in the Landscape and Visual Impact Assessment. No, it is not envisaged the Northern Powergrid (Northeast) Plc Substation will be surrounded by a fence line. All of the equipment will be secured within a cabinet or building which is typical for these types of substation compounds.</p> <p>b) Figure 3.10 Outline Landscape Mitigation Strategy has been updated and is submitted at Deadline 2 in ES Chapter 3 Description of the Project Figures (Document 5.4.3(C)).</p>
Q7.0.6	The Applicant	<p>Siting, design and sensitive use of materials at substations The ExA considers that more detail could be provided on aspects of the substations, which would give relevant planning authorities more information on which to base future post-consent approvals and would meet the requirement of NPS EN-1 on good design, without compromising flexibility.</p> <p>a) Comment on the above. b) Identify elements and areas that could be subject to design approach descriptions such as location, size, materials including reflectiveness, colour of control buildings, location of tallest elements of the substations, signage, fencing etc. c) How could this information be secured?</p> <hr/> <p>Applicant's Response:</p> <p>a) A Design Approach to Site Specific Infrastructure (DASSI) Document (Document 8.18) has been prepared to supplement the information presented in the Design and Access Statement (Document 7.2) [APP-203]. The purpose of this document is to outline the design principles that can be taken forward into the detailed design. The DASSI has been submitted at Deadline 2.</p> <p>b) The DASSI sets out an approach to the design of site specific infrastructure of non-linear works, and details those elements of the design which have some flexibility in their appearance in particular the proposed new substations at Overton and Monk Fryston.</p>

Ref No.	Respondent:	Question:
		<p>National Grid notes the concerns of the Examining Authority and is considering how and the extent to which it is necessary to secure the Design Approach to Site Specific Infrastructure (Document 8.18) document in the draft DCO and this will be confirmed, if necessary, at Deadline 3.</p> <p>c) It should also be noted that in respect of the location and maximum height of the tallest elements within the substations this is secured by the Parameter Plans included within the Design Drawings (Document 2.15(B)) and Article 5(4)(a) (Limits of Deviation) in the draft DCO (Document 3.1(B)) [AS-011].</p>

Table 2.32 – Good Design: Good design: general

Ref No.	Respondent:	Question:
7.1	7.1 Good design: general	
Q7.1.1	The Applicant	<p>Fencing</p> <p>a) Details of the fencing are not included in the detail design drawings [APP-064], as signposted in the Design and Access Statement [APP-203], para 6.11.14. Provide details.</p> <p>b) Review whether there are locations where a different design approach to fencing, more suited to rural conditions would be more appropriate, eg where the fencing would be visible to nearby visual receptors.</p> <p>Applicant's Response:</p> <p>a) The Design Drawings, Document 2.15 [APP-064], for each of the non-linear works, in particular the elevation drawings (Shipton Cable Sealing End Compounds, Overton Substation, Tadcaster Cable Sealing End Compounds, Monk Fryston Substation and Osbaldwick Substation Drawing References DCO_DE/PS/14_03, DCO_DE/PS/15_03, DCO_DE/PS/16_03, DCO_DE/PS/17_03, DCO_DE/PS/18_03, DCO_DE/PS/19_03, DCO_DE/PS/20_03) show the fence lines for the proposed non-linear infrastructure. The fencing is to be standard palisade fencing. More detail on the type of fencing and possible fencing options is presented in the Design Approach to Site Specific Infrastructure (Document 8.18) submitted at Deadline 2. This document has been produced to provide more information on the design of the site specific infrastructure of non-linear works.</p>

Ref No. Respondent: Question:

b) The fencing around the non-linear works is required to meet National Grid security requirements for protecting its critical infrastructure and prevent unauthorised entry to the sites. Due to this there is little flexibility as to the type of fencing that can be used around these sites. However, consideration has been given to this and some options in relation to fencing have been presented in **Design Approach to Site Specific Infrastructure (Document 8.18)**, that could be considered at these sites. Fencing is only proposed and required at non-linear works; no fencing is proposed at any pylon locations.

Q7.1.2 The Applicant **Access tracks**
 a) Why do permanent access tracks need impermeable surfacing [APP-203], para 2.4.2 and 6.11.14.
 b) Is it feasible to provide temporary surfaces for AILs transporting large kit?
 c) Is a different surface more appropriate for the rural locations feasible?
 d) If not why not?

Applicant's Response:

a) For the permanent access roads, the DCO application documents indicate an impermeable tarmac surface, however there may be scope for variation of the surface finish of access roads during detailed design by the main works contractor. The application design has been based on a solution that would suit all scenarios and all vehicles, and further opportunities may be possible once a detailed design is undertaken, which may include a permeable solution such as Truck Cell or Truck Grid. However, there is a minimum requirement of impermeable asphalt road bellmouth surface finishing where any permanent access track is proposed to tie into any existing public highway. A document has been produced, **Design Approach to Site Specific Infrastructure (Document 8.18)**, submitted at Deadline 2, which sets out further information on where scope variation may be achievable at detailed design.

b) Temporary surfaces for AIL delivery may be feasible however this would only be possible to determine at the detailed design stage following confirmation of the exact AIL and specification of vehicle. For the DCO application, permanent delivery areas for AIL transport have been assumed to allow for the flexibility needed to deliver major equipment. This flexibility is also required for any future maintenance should the equipment require replacement. This ensures that all AILs can be delivered to the site and the project is constructable and can be maintained during operation.

c) It may be possible to use a different surface in more rural locations, particularly where the roads are envisaged to experience less traffic, however this can only be considered at the detailed design stage

Ref No. Respondent: Question:

		<p>once the full design is complete and the delivery vehicles are known. This can be reviewed for the substation sites and is likely more feasible for the cable sealing end compound sites. A document has been produced, Design Approach to Site Specific Infrastructure (Document 8.18), submitted at Deadline 2 which sets out further information on where scope variation may be achievable at detailed design.</p> <p>d) Please refer to the response in part c) above.</p>
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2.8 Green Belt

Table 2.33 – Green Belt

Ref No.	Respondent:	Question:
8.0	8.0 Green Belt	
Q8.0.2	The Applicant	<p>Green Belts Ensure that any differences between yourself and the Councils are broken down as listed in the question above, either in the SoCG or in response to these questions.</p> <p>Applicant's Response:</p> <p>National Grid has produced a table which sets out National Grid's position on the points listed in the question above as well as National Grid's understanding of the Councils' position on these matters, which is based on the Councils' position as set out in their Local Impact Reports [REP1-047], [REP1-053] and [REP1-056]. Please see Appendix L for further detail. National Grid will seek to engage further with the Councils in relation to green belt matters through the Statement of Common Ground process.</p> <p>For the avoidance of doubt, National Grid's position is that very special circumstances exist which justify the Project in its entirety, irrespective of any determination as to whether the Project (or certain elements of it) are or are not inappropriate development (see paragraph 7.3.92 and 7.3.93 of the Planning Statement (Document 7.1) [APP-202]).</p>
Q8.0.3	The Applicant	<p>Recent planning decisions and appeals</p> <p>a) Does the Planning Statement [APP-202] require any updating as a result of any determined applications or appeals in Green Belt in the general area of the Proposed Development? b) If so, provide an updated version.</p> <p>Applicant's Response:</p> <p>Two appeals have been allowed for energy storage facilities immediately to the south of the existing Monk Fryston Substation in the Green Belt; National Grid considers the Planning Statement (Document 7.1) [APP-202] does not need to be updated because the approach taken by the developers for those two developments, and the Inspectors' decisions granted on the subsequent appeals, align with the approach taken by National Grid in the Planning Statement (Document 7.1) [APP-202].</p>

Ref No. Respondent: Question:

The Appeal Decisions for both schemes noted the developments would be inappropriate development that harm the openness of the Green Belt and as such very special circumstances would need to be advanced to justify their development. This is the same position that has been put forward by National Grid for Overton and Monk Fryston Substations, and the cable sealing end compounds at Shipton and Tadcaster. National Grid recognises that these elements of the Project are inappropriate because they would give rise to harm on the openness of the Green Belt but considers there are very special circumstances which justify the grant of development consent.

In terms of very special circumstances which were considered to justify the grant of planning permission for the Appeal Decisions:

- the appeal for **APP/N2739/W/2/3290256** notes in paragraph 25 that “the current national position on energy supply is in favour of positive development, and more so in light of international events. The need for a more diverse energy system is becoming more apparent”.
- The appeal for **APP/N2379/W/22/3300623** notes in paragraph 37 that “the proposal would support the transition to a low carbon future in a changing climate through supporting renewable and low carbon energy and associated infrastructure in accordance with paragraph 152 of the Framework”.

These very special circumstances apply equally to the Yorkshire Green Project. The Project would support the production of energy from renewable sources, addressing the national climate emergency which has been declared by the UK **Parliament and which recognises the need for urgent action to reduce or halt** climate change in order to prevent further environmental damage. The Project also addresses the requirement to meet Net Zero which includes moving from fossil fuels to renewable energy for power. The full list of very special circumstances in support of the Project are set out in **paragraph 7.3.98 to 7.3.100 of the Planning Statement (Document 7.1) [APP-202]**.

In light of the above, the very special circumstances being advanced for the Project are very similar to the very special circumstances put forward for the allowed appeal schemes. The very special circumstances identified for the three projects support the need to move away from fossil fuels towards renewable energy and the requirement to meet Net Zero.

Table 2.34 –Green Infrastructure

Ref No.	Respondent:	Question:
8.1	8.1 Green Infrastructure	
Q8.1.1	The Applicant	<p>Design objectives of proposed landscape mitigation strategies at substations</p> <p>The design objective of the new woodland and scrub planting for the site-specific landscape proposals for Overton Substation [APP-203], para 6.11.15 and Monk Fryston Substation [APP-203], para 6.11.31 is stated solely as reducing visibility. This does not accord with statements elsewhere in the application regarding multifunctionality of the landscape mitigation such as delivering biodiversity benefits for species diversity and resilience in the AIA [APP-102], para 1.6.4, maximising green infrastructure and biodiversity value [APP-078], para 6.9.46 and in justifying the lack of unacceptable harm to the Green Belt [APP-202], para 7.4.14.</p> <p>a) Review the wording of the design objectives of the proposed landscape strategies at the substations. b) Further to discussions at ISH1 concerning the certification or otherwise of the Design and Access Statement (DAS) confirm how these design objectives will be secured.</p> <p>Applicant’s Response:</p> <p>a) National Grid do not consider that the design objectives need to be updated.</p> <p>For Overton Substation the Design and Access Statement (Document 7.2) [APP-203] does not limit the design objectives to solely reducing visibility. The final bullet of paragraph 6.11.15 of the Design and Access Statement (Document 7.2) [APP-203] states that one of the design objectives of the landscape strategy at Overton is to assist in enhancing green infrastructure potential and contributing to biodiversity net gain opportunities. In relation to the Green Belt, as the purpose of landscape strategies is to reduce the visibility of new infrastructure over time, it will in turn assist in minimising visual effects on the Green Belt.</p> <p>For Monk Fryston Substation the Design and Access Statement (Document 7.2) [APP-203] does not limit the design objectives to solely reducing visibility. The penultimate bullet of paragraph 6.11.31 of the Design and Access Statement (Document 7.2) [APP-203] states that one of the design objectives of the landscape strategy at Monk Fryston is to assist in enhancing green infrastructure and landscape character and contributing to biodiversity net gain opportunities. In relation to the Green Belt, as the purpose of landscape strategies is to reduce the visibility of new infrastructure over time, it will in turn assist in minimising visual effects on the Green Belt.</p>

Ref No.	Respondent:	Question:
		<p>b) The Design and Access Statement (Document 7.2) [APP-203] does not include anything beyond that which is secured in the certified plans. It is not defined in the draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011] because it does not need to be secured by way of Requirement. All of the information provided for in the DAS is secured elsewhere in the Application by virtue of the construction management plans secured in Requirements 5 and 6 of the draft DCO (Document 3.1(B)) [AS-011] or by reference to any plan or drawings certified under Article 48 of the draft DCO (Document 3.1(B)) [AS-011]. It would be superfluous to include a definition for the DAS when it is not otherwise referenced in the draft DCO (Document 3.1(B)) [AS-011], and would be potentially confusing to refer to the DAS in the DCO requirements when this would simply duplicate elements of other plans, which have already been referred to in the DCO Requirements and certified as such. As explained above, National Grid has sought to take a proportionate approach to the documents which are certified, and it is not considered necessary to certify the DAS for the reasons explained above.</p>

2.9 Historic Environment

Table 2.35 – Historic Environment: Minimising effects on sites of archaeological interest

Ref No.	Respondent:	Question:
9.0	9.0 Minimising effects on sites of archaeological interest	
9.0.1	The Applicant	<p>Effects on sites of archaeological interest and relevance to limits of deviation</p> <p>In the joint Local Authorities’ RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that: <i>“Whilst it would have been desirable to carry out trial trenching at Tadcaster the types of remains expected (i.e. a section of Roman Road and several field enclosures) are unlikely to represent a barrier to development providing appropriate mitigation is put in place. This is highlighted in section 7.46.6 of the Historic Environment Chapter. As well as including archaeological recording this mitigation could also include limiting the physical impact of the proposal if significant deposits are found to be present. This might take the form of micro-siting or using less invasive construction techniques for aspects of the scheme such as site compounds or access tracks.”</i></p> <p>a) Regarding Tadcaster Tee CSEC, what is your view about the principle of making adjustments to the precise siting of the proposed CSEC should archaeological remains be found of interest to warrant such a consideration.</p> <p>b) Would the limits of deviation within the dDCO provide for such flexibility?</p> <p>c) If further flexibility on siting is desirable at Tadcaster Tee CSEC, can this be achieved within the scope of the assessment contained in the Environmental Statement?</p> <p>Applicant’s Response:</p> <p>a) The potential archaeological interests in the area of the Tadcaster Tee West and East 275kV CSECs were initially identified during the desk study and this area was included in the geophysical survey of the Tadcaster West CSEC (ES Appendix 7DTadcaster Geophysical Survey Results (Document 5.3.7D) [APP-119]) which confirmed the locations of known pre-modern field systems and a probable Roman Road. The survey has provided information on the likely extent of archaeological remains and did not indicate the presence of any more complex or extensive archaeological remains such as any roadside settlement associated with the Roman Road. Table 4.1 of the Archaeological Written Scheme Investigation (WSI) (ES Appendix 3C Archaeological Written Scheme of Investigation (Document 5.3.3C) [APP-096]) outlines the mitigation strategy for strip map and sample, with flexibility within the Limits of Deviation (LoD) for</p>

		<p>the Tadcaster West CSEC being an additional measure, particularly in terms of the potential for the discovery of unexpected archaeological remains. There is no LoD for Tadcaster East CSEC as its location is influenced by the location of the existing pylon and other site constraints.</p> <p>b) It is considered that the LoD at Tadcaster West CSEC, defined in Article 5 of Document 3.1(B) of Draft Development Consent Order (Document 3.1(B) [AS-011] and implemented via the DCO requirement 3 would allow for any minor changes required to the configuration of the CSEC and associated work areas, and for techniques used in the construction process such as the provision for trackway access to be made. It is considered that the LoD provide sufficient flexibility in light of the lack of evidence from archaeological survey for extensive archaeological remains which would need to be avoided.</p> <p>c) The geophysical survey results reported in ES Appendix 7D Tadcaster Geophysical Survey (Report) (Document 5.3.7D, [APP-119]) show the locations of the probable Roman Road and pre-modern field system. No further features were identified through the survey, and it is therefore anticipated that any effects to archaeological remains of this nature can be effectively mitigated as is outlined in Table 4.1 of ES Appendix 3C Archaeological Written Scheme of Investigation (Document 5.3.3C), [APP-096]. Use of the flexibility on siting within the LoD would not result in any effects on the historic environment which have not been assessed in the ES.</p>
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Table 2.36 – Historic Environment: Archaeology

Ref No.	Respondent:	Question:
9.2	9.2 Archaeology	
Q9.2.1	The Applicant	<p>Possible Roman Road and Romano British site Paragraph 7.11.1 of ES Chapter 7 [APP-079] makes reference to a report on the geophysical survey at the site of a possible Roman Road and Romano British site (MYO4401) being to follow (with initial survey results presented in ES Appendix 7J [APP-125]). Furthermore, in paragraph 2.2.3 of the Archaeological Written Scheme of Investigation [APP-096] you note that the results are pending for further sites that have been investigated. Can you provide a status update, including a summary of any preliminary findings and implications (if any) for the assessment conclusions for this and any other sites, together with confirmation of the expected</p>

Ref No. Respondent: Question:

		<p>timescales for submission into Examination. What is the likelihood of this affecting the Proposed Development, eg the “<i>staged approach</i>” in regard to Pylons YN006 and YN007 that you have set out in Table 4.1 of [APP-096]?</p> <p>Applicant’s Response:</p> <p>The geophysical survey results are provided at Deadline 2 in an updated version of ES Chapter 7 Appendix 7I - Shipton Geophysical Survey Results (Document 5.3.7I(B)). These survey results remain at this time the only archaeological survey undertaken around pylons YN006 and YN007. This survey identified and confirmed the presence of an enclosed settlement of probable late prehistoric or Romano-British date close to Pylon YN006. Further survey around YN007 is yet to be undertaken due to poor ground conditions caused by standing water. Further survey in this area will be done prior to construction as part of the staged approach set out in Table 4.1 in ES Appendix 3C Archaeological Written Scheme of Investigation, Document 5.3.3C, [APP-096] and Section 7.11 in ES Chapter 7 Historic Environment, Document 5.2.7, [APP-079]. The mitigation approach set out in Table 4.1 is based on a worse-case scenario in terms of impact mitigation of the type of archaeological remains likely to be encountered around these pylons. Based on the nature of potential archaeological remains in this area, it is not considered that adopting a staged approach to mitigation would affect the Proposed Development.</p>
Q9.2.2	The Applicant	<p>Marston Moor Registered Battlefield and the Battle of Towton</p> <p>Can you clarify your conclusions in respect of the significance from direct effects to archaeological remains associated with the Marston Moor Registered Battlefield and the Battle of Towton. Table 7.14 of ES Chapter 7 [APP-079] records a “Significant (Moderate)” impact in regard to the disturbance of possible remains associated with Marston Moor Registered Battlefield with the rationale that “Limited disturbance of potential archaeological remains may give rise to a significant adverse effect where mitigation is not in place”. Paragraph 7.22.8 of ES Chapter 7 [APP-079] refers to the recording of any features at risk of loss or disturbance that “would have the effect of partially mitigating any loss of archaeological interest.” Is there any other form of mitigation proposed? If not, then clarify how partial mitigation can give rise to your predicted “minor residual effect which would not be significant” as stated in paragraph 7.22.8 of [APP-079].</p> <p>Applicant’s Response:</p> <p>Marston Moor Battlefield: The use of trackway for access to the existing pylons within Marston Moor Battlefield will mitigate the potential for ground disturbance where the Battlefield falls within the Order Limits. However, in a worse-case scenario there would be potential for intrusive works at the existing pylon foundations, but this would be within previously disturbed ground. As noted in Paragraph 7.22.5 of</p>

Ref No.	Respondent:	Question:
		<p>Document 5.2.7 ES Chapter 7 Historic Environment [APP-079] archaeological remains of the battlefield are likely to be limited to artefacts lost or discarded in the course of the battle and any archaeological artefacts recovered through the intrusive works in already disturbed ground would therefore be unstratified. This will limit their archaeological or historical interest, though the recovery and recording of any artefacts will add somewhat to the understanding of the battle, enhancing the appreciation of the significance of the asset. This enhanced appreciation would balance any effects of disturbance and therefore there would only be a very low magnitude of change to the integrity of the battlefield site.</p> <p>Towton Battlefield: No groundworks will take place within the designated area of Towton Battlefield. The designated area associated with Towton Battlefield is conjectural, however, ground works in the vicinity of the Battlefield, such as those at the CSEC at Tadcaster, presents the theoretical potential for archaeological remains associated with the battle to be recovered. It is however considered that any impacts to remains relating to this could be effectively mitigated through measures outlined Section 4.1 of the Archaeological WSI (Document 5.3.3C Appendix 3C Archaeological Written Scheme of Investigation [APP-096]).</p>

2.10 Land Use

Table 2.37 – Land Use: Agriculture

Ref No.	Respondent:	Question:
10.0	10.0 Agriculture	
Q10.0.1	The Applicant	<p>Extent of permanent loss of agricultural land ES Chapter 11 [APP-083], para 11.9.7 predicts that the Proposed Development would lead to the permanent, irreversible loss of one or more soil functions or soil volumes over an area of “between 5 and 20ha”</p> <p>a) The given range is wide in scope. Is it possible to be more specific about the likely area of land that would permanently lost? If not, why not?</p> <p>b) Is it possible to be specific about the locations in which this permanent loss is likely to arise?</p> <p>Applicant’s Response:</p> <p>a) The magnitude of change of the permanent loss of soil functions detailed in paragraph 11.9.7, ES Chapter 11 Agriculture and Soils (Document 5.2.11) [APP-083] is the standardised range used in the assessment process. The exact area of proposed permanent loss has been fully determined and the and is shown in Table 11.24 in ES Chapter 11 (Document 5.2.11) [APP-083]. This is shown as 23.5ha of permanent loss. However as detailed in paragraph 11.9.7 of this Chapter, at the substations, surplus soil would be retained on site and utilised for landscaping, thus preserving its function. This equates to approximately 3.5ha of land, and leads to the conclusion of a loss of volume between 5 and 20ha.</p> <p>b) The volumes of permanent loss have been detailed in ES Table 11.24 of Chapter 11 Agriculture and Soils (Document 5.2.11) [APP-083]. Paragraph 11.9.4 of this chapter confirms that this loss is predominantly the result of the construction of the proposed substations at Overton and Monk Fryston. In addition, the proposed Cable Sealing End Compounds (CSEC) and foundations of new pylons will result in the permanent loss of soil functions.</p>
Q10.0.3	The Applicant	<p>Minimising potential for temporary loss of agricultural land through indirect causes ES Chapter 11 [APP-083] states that as an embedded measure to mitigate the potential for temporary loss of agricultural land through indirect causes such as field severance and separation of livestock from water</p>

Ref No.	Respondent:	Question:
		<p>supplies, feedback from landowners will be considered when managing construction works. The Code of Construction Practice [APP-095] includes this provision as good practice measure reference AS05.</p> <p>a) Is the AS05 objective to 'reduce' temporary loss of agricultural land in these circumstances sufficient, or should there be a commitment to 'avoiding as far as possible' this loss?</p> <p>b) Can the Applicant explain the process for and timing of 'landowner communications through the Project's Land Team' as per AS05?</p> <p>c) Where matters relating to temporary loss of agricultural land through indirect causes are being raised through RRs to this Examination, can mitigation be agreed? Cross-refer to your responses to RRs where relevant.</p> <p>Applicant's Response:</p> <p>a) National Grid's objective is to reduce temporary loss of agricultural land through management of the construction works as per AS05 of Appendix 3B Code of Construction Practice (Document 5.3.3B) [APP-095]. National Grid consider that the wording 'reduce' is appropriate in this instance, and this reflects that other factors may need to be taken into account depending on the specific circumstances, such as compliance with other aspects of the DCO (such as impacts on trees and habitats), reasonable construction costs, and impact on other land parcels.</p> <p>b) As detailed within ES Chapter 3 Appendix 3E Outline Soil Management Plan (Document 5.3.3E) [APP-098] the Agricultural Liaison Officer (ALO) will provide information and communications to local landowners and those with land-related interests regarding the Project's daily construction activities to reduce any conflict. High level information can be given to landowners once available with a greater level of detail provided ahead of activities being undertaken via telephone, letter or e-mail depending on timescales and circumstances. The ALO will ensure Landowners are continually updated and normal agricultural activities can continue. The main duties of the ALO are outlined at paragraph 1.3.9 of ES Chapter 3 Appendix 3E (Document 5.3.3E) [APP-098].</p> <p>c) Where it would not be safe to allow access to severed land or there is temporary loss of agricultural land, National Grid is obliged to compensate all owners and occupiers of land under the draft DCO (Document 3.1(B)) [AS-011]. This would include loss or damage arising from the exercise of rights in relation to the land as explained further at Paragraph 4.2 of the Statement of Reasons (Document 4.1) [APP-069]. Additionally, any dispute in respect of the compensation payable would be referred to the Lands Chamber of the Upper Tribunal as set out at paragraph 6.4.4 of the Statement of Reasons (Document 4.1) [APP-069]. Although not specifically related to temporary loss of land, the following</p>

Ref No. Respondent: Question:

		<p>Relevant Representations (RR) do raise general issues around the timing and nature of access to land and the potential for disruption during construction. The mitigation measures National Grid have identified in relation to these matters are set out in the Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015] (see RR-005, RR-007, RR-008, RR-009, RR-010, RR-011 and RR-012). The RR made on behalf of Christopher Lister raised the issue of potential conflict particularly during busy periods such as harvest and National Grid have set out the mitigation measures proposed in the response to this RR (see RR-021 of the Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015]). Similar comments were raised in the RR made on behalf of Simon Mills (RR-026) and responded to accordingly (see the Applicant’s Response to Relevant Representations (Document 8.3) [REP1-015] for more information).</p>
Q10.0.4	The Applicant	<p>Restoration of agricultural land Para 1.7.56 of the Outline SMP [APP-098] states that <i>“the main objective for the restoration of agricultural land is to reinstate the land to its original (pre-development) ALC grade”</i>. Whilst the restoration provisions of the dDCO in respect of land subject to Temporary Possession are noted, does there need to be a more general provision in the dDCO securing the post-construction restoration of any agricultural land to its pre-development ALC grade, given the prevalence of Best and Most Versatile land within the Order limits? If not, why not?</p> <hr/> <p>Applicant’s Response:</p> <p>Measure AS04 of the Embedded Measures Schedule (Document 5.3.3A) [APP – 094] states: <i>Where temporary land take occurs on agricultural land, land will be reinstated to the same quality (same ALC grade) or better and will be returned to agricultural use in agreement with the landowner. Facilitated by the correct management of the supporting soil resources as outlined in the Outline Soil Management Plan (Measures AS03).</i></p> <p>It is considered that the above measure adequately mandates National Grid to restore all disturbed land to its pre-development agricultural land grade for all land within the order limits and therefore an additional, more general provision in the DCO is not considered by National Grid to be required.</p>

Table 2.38 – Land Use: Soils

Ref No.	Respondent:	Question:
10.1	10.1 Soils	
Q10.1.1	The Applicant	<p>Export of soils during construction phase ES Chapter 11 [APP-083] indicates that generally soils excavated for temporary works would be stored on-site and retained in situ, with excess removed from site to a suitable facility. Soil excavated from permanent development areas would be re-used for landscaping where practicable. Paragraph 11.9.21 states that “small volumes of soil... may need to be exported from site for use elsewhere.”</p> <p>a) Can the Applicant provide an estimate of the likely volumes of waste, including soil (where not being retained in situ), that would be produced during the construction phase of the Proposed Development, or otherwise clarify what assumptions have been made in this respect, including in relation to the grade of landscape works and maximum depths of excavation (factoring in LoD specified within the dDCO)?</p> <p>b) Can the Applicant confirm that its estimate of construction vehicle movements has been informed by the worst-case scenario in respect of volumes of waste to be transport offsite?</p> <p>Applicant’s Response:</p> <p>a) The Outline Soil Management Plan in ES Appendix 3E Outline Soil Management Plan (Document 5.3.3E) [APP-098] details a framework for how soil will be reused on site. The maximum residue volume of excess soil has been estimated as approximately 7000 m3 and 4,400 m3 from the Tadcaster and Shipton proposed CSES sites respectively. There is no residue soil to be generated from the new substations (Monk Fryston and Overton) sites once landscape bunding has been completed.</p> <p>b) The above estimates have been used to inform the “worst-case” estimates in term of soils to be removed from sites.</p>
Q10.1.2	The Applicant	<p>Outline Soil Management Plan Section 1.5 of the Outline Soil Management Plan (SMP) [APP-098] states that “changes are likely to be required to the Outline SMP throughout the construction phase”, for example in response to changes to construction methodology or programming or new environmental information.</p> <p>a) Is this expectation consistent with the definition of the Outline SMP in Article 2 of the dDCO and its inclusion in the list of documents to be certified under article 48 of the dDCO?</p>

Ref No.	Respondent:	Question:
		<p>b) What certainty can there be about the standards and controls to be set out in the Soil and Aftercare Management Plan, if the Outline SMP with which it must accord under Requirement 6(2) of the dDCO, may change in the post-consent phase?</p> <p>c) What certainty can there be about the controls in the dDCO in relation to pre-commencement works (Requirement 5(3)), if the Outline SMP is likely to change in the post-consent phase?</p> <p>Applicant's Response:</p> <p>The wording in Section 1.5 of the Outline Soil Management Plan (Outline SMP) (Document 5.3.3E) [APP-098] was intended to convey that the Outline Soil Management Plan would be replaced in due course by the Soil and Aftercare Management Plan, secured by Requirement 6(1)(a) of the Draft DCO (Document 3.1(B)) [AS-011]. However, National Grid seek to clarify this by amending Paragraphs 1.1.4 and 1.5.1 as follows:</p> <p>Paragraph 1.1.4 is amended from: <i>'The Outline SMP is considered to be a 'live document' to be updated as further information becomes available. The Outline SMP will be revised (to the Detailed Soil and Aftercare Management Plan) prior to commencement of construction operations and will be informed by information provided through the detailed pre-construction soil surveys secured through DCO requirement 6.'</i></p> <p>To: <i>'The Outline SMP sets out the principles of soil management. Further detail based on construction methodology and environmental information will be provided in the Detailed Soil and Aftercare Management Plan prior to commencement of construction operations which will be informed by information provided through the detailed pre-construction soil surveys secured through DCO requirement 6.'</i></p> <p>Paragraph 1.5.1 is amended from: <i>'As discussed above, the Outline SMP is considered to be a 'live document' as changes are likely to be required to the Outline SMP throughout the construction phase of the Project for one or more of the following reasons:</i></p> <ul style="list-style-type: none"> • a new environmental sensitivity is identified as a consequence of changing environmental conditions, or following additional survey work; • changes are introduced to construction methodology or programming.' <p>To:</p>

Ref No.	Respondent:	Question:
		<p><i>'The Outline SMP sets out the principles of soil management, and further detail based on construction methodology and environmental information will be detailed within the Soil and Aftercare Management Plan, secured through Requirement 6(1)(a)'.</i></p> <p>The amended Outline SMP is submitted at Deadline 2.</p> <p>As per Requirement 6 (2) of the draft DCO (Document 3.1(B)) [AS-011], the Soil and Aftercare Management Plan must be <i>'substantially in accordance with the outline soil management plan'</i> and this will therefore limit and control the scope of the further detailed Soil and Aftercare Management Plan to be submitted and approved under Requirement 6.</p> <p>a) As detailed above, National Grid seeks to clarify that the Outline Soil Management Plan itself will not be changed but replaced in due course by the more detailed Soil and Aftercare Management Plan to be submitted and approved under Requirement 6. National Grid considers the inclusion of the Outline SMP as a certified document to be appropriate, as this will be the Management Plan controlling any pre-commencement works prior to the commencement of a Stage, following discharge of relevant requirements.</p> <p>b) As per Requirement 6(2) of the draft DCO (Document 3.1(B)) [AS-011], the Soil and Aftercare Management Plan must be <i>'substantially in accordance with the outline soil management plan'</i>. This will limit the scope of any changes. National Grid trusts the above clarification, confirming that further detail would be provided within the Soil and Aftercare Management Plan (rather than the Outline SMP), adds further clarity on this point.</p> <p>c) In terms of pre-commencement works, these must be carried out in accordance with the Outline SMP as submitted, and therefore National Grid consider sufficient controls to be in place for pre-commencement works. National Grid trusts that the additional clarification to be added into the Outline SMP (detailed above) stating that detail would be provided within the Soil and Aftercare Management Plan (which must accord with the Outline SMP) demonstrates sufficient controls are in place for works both pre- and post-commencement.</p>

2.11 Landscape and Visual

Table 2.39 – Landscape and Visual: General information on landscape and visual assessment and mitigation

Ref No.	Respondent:	Question:
11.0	11.0 General information on landscape and visual assessment and mitigation	
Q11.0.1	The Applicant	<p>Navigation / signposting document for landscape and visual effects and mitigation To assist IPs, provide a simple, tabular navigation document, which lists all relevant parts of the application relevant to landscape and visual impact assessment (LVIA) and mitigation. This should include the arboricultural impact assessment (AIA).</p> <p>Applicant's Response:</p> <p>See Appendix M in response to Q11.0.1.</p>

Table 2.40 – Landscape and Visual: LVIA methodology, drawings and photomontages

Ref No.	Respondent:	Question:
11.1	11.1 LVIA methodology, drawings and photomontages	
Q11.1.2	The Applicant	<p>Photomontages a) Explain the way the panoramic photomontages are to be used in the field. It appears from Viewpoint 5 [APP-169] that some of the 90° panoramas contain overlap (Figures 6.30 and 6.31) whereas there is no overlap between others (Figures 6.31 and 6.32). b) Set out how, as stated, these accord with Landscape Institute Guidance TGN06/19.</p> <p>Applicant's Response:</p> <p>a) The difficulty of using panoramic photos in the field is acknowledged but not prescribed in TGN 06/19. At paragraph 7.1.8 in Appendix 7 it states “...<i>paper-based media will provide the most reliable impression of scale. However, manageability of paper may be an issue, and it is for competent authorities to determine their requirements accordingly.</i>”</p>

Ref No. Respondent: Question:

Four options are set out below related to the viewpoints that are selected to be visited in the field:

- **Option A:** The A1 length visualisations would be folded to A3 and secured in an A3 ring binder. At the viewpoint locations the sheet would be extended and secured to a rigid A1 length board with bull-dog clips, noting this requires amenable weather conditions to be most effective.
- **Option B:** each A1 length photomontage view would be laminated with non-reflective plastic and carried in an A1 folder.
- **Option C:** photomontages would be reproduced at A3 length with no overlap. As it would not be acceptable to shrink the panoramic images to fit an A3 sheet the 'A3 viewpoint pack' would need to be prepared with images at the correct enlargement factor for each viewpoint presented as multiple frames (that would be viewed sequentially by turning the sheet).
- **Option D:** provide the images in electronic format on iPads, noting it can be difficult to adequately see small details on a screen in sunlight.

At Viewpoint 5 there is a minor error with an approximate 10 degree overlap between Figures 6.30 and 6.31 (**Document 5.4.6 [APP-169]**). The photography in Figures 6.31 and 6.32 about each other. Given that there is no duplication or omission of pylons or other built infrastructure, the LVIA assessment is unaffected.

In terms of using panoramic images in the field the ExA are invited to confirm the viewpoints to be visited in the field as part of the accompanied visit and the preferred presentation method option as set out above.

- b) There is no specific guidance in Landscape Institute Guidance TGN 06/19 on how overlaps at viewpoints with more than a single 90-degree cylindrical projection as a Type 3 photomontage view should be presented. Advice on overlap for Type 4 planar photomontages at 4.5.21 indicates separate pages for wide panoramic views may be butted (i.e., no overlap) or overlapped.

Ref No.	Respondent:	Question:
		<p>The Visual Representation of Windfarms, Version 2.2 (2017) published by Scottish Natural Heritage⁶ is relevant as a) it is a source document on which TGN 06/19 is based, and b) both overhead lines and wind farms are vertical infrastructure that can cover a wide horizontal extent. The NatureScot Guidance advises no overlap, setting out the requirements for photomontages at Annex E i.e., cylindrical projection 90, 180, 270 or 360 degrees printed on A1 length sheet(s).</p>
Q11.1.3	The Applicant	<p>Photomontages of substations and cable sealing end compounds</p> <p>a) Do the photomontages illustrate the maximum substation and cable sealing end compound parameters (ie worse case) from the Rochdale envelope?</p> <p>b) If not what do they represent?</p> <p>c) Submit the photomontages of Viewpoints VP9, VP15, VP23, VP25 and VP26 [APP-171], [APP-175], [APP-180], [APP-181] with the Rochdale envelope extent marked on with a coloured dashed line.</p> <p>d) What assumption has been made in the photomontages about platform levels for Overton and Monk Fryston Substations?</p> <p>Applicant's Response:</p> <p>a) and b) As set out in paragraph 6.8.20 of ES Chapter 6: Landscape and Visual (Document 5.3.6) [APP-078] the photomontages reflect the current engineering design but not the LoD. The photomontages of the substations and cable sealing end compounds include infrastructure up to 15m tall, noting that not all elements are illustrated at the maximum height as they reflect the current engineering design. Horizontal LoD is not relevant at the Monk Fryston substation, as none are proposed (Works Plan Section F, Document 2.6.6, [APP-025]). The LoD for the CSECs (up to 25m) and Overton substation (up to 20m) (refer paragraph 3.4.4, ES Chapter 3: Description of the Project, Document 5.2.3 [APP-075]) are relatively small considering the overall scale of the infrastructure with the pylons having the greatest contribution to potentially significant effects. The horizontal LoD at the CSECs and Overton substation have been accounted for in the LVIA assessment conclusions as set out in paragraph 6.8.19, ES Chapter 6 Landscape and Visual (Document 5.3.6) [APP-078]</p>

⁶ Scottish Natural Heritage. Visual Representation of Wind Farms. [online] Available at: [REDACTED] (Accessed 25 Apr. 2023).

Ref No.	Respondent:	Question:
		<p>c) The photomontages requested with the Rochdale envelope extent marked with a magenta dashed line are contained in Annotated Photomontages for the purposes of ExQ1 Q11.1.3 (Document 8.16), submitted at Deadline 2.</p> <p>d) The platform levels for the Overton and Monk Fryston substations used in the photomontages reflect the levels indicated on the Outline Landscape Mitigation Strategy in Figures 3.10 and 3.12 (Document 5.4.3) [APP-164].</p>
Q11.1.4	The Applicant	<p>Photomontages and utility undergrounding</p> <p>a) Do the photomontages illustrate the removal of existing distribution overhead electrical lines as described in the dDCO as Work No. U1 to U9 and U11 to U15? For example, Work No. U3 from VP6 [APP-170], Figure 6.55b.</p> <p>b) If not, why not?</p> <p>c) If not, it is not necessary to update the photomontages, but provide a list of which figures of which photomontages fall into this category, using Examination Library referencing.</p> <p>Applicant's Response:</p> <p>a) To confirm the photomontages do not illustrate the removal of existing distribution overhead electrical lines as described in the dDCO as Work No. U1 to U9 and U11 to U15.</p> <p>b) The removal of existing overhead electrical lines on wooden poles have no potential to influence the likely significant landscape and visual effects, representing a modest beneficial change at most.</p> <p>c) See Appendix N, which is a list of figures and photomontages and includes Examination Library referencing for ease.</p>
Q11.1.5	The Applicant	<p>Photomontages and trees and hedgerows affected/ to be removed</p> <p>What is included on the photomontages for the following:</p> <p>a) trees and hedgerows to be removed;</p> <p>b) trees and hedgerows affected/ managed; and,</p> <p>c) trees and hedgerows potentially affected?</p> <p>Applicant's Response:</p> <p>a) Trees and hedgerows to be removed are removed from the images shown in the photomontages.</p>

Ref No. Respondent: Question:

		<p>b) Trees and hedgerows affected and managed are not shown on the photomontages as the extent of management required is unclear; however, potential management (such as coppicing) where it has the potential to influence the significance of the effect is reflected in the ES Appendix 6H, Viewpoint Assessment (Document 5.3.6H) [APP-115].</p> <p>c) Trees and hedgerows potentially affected are not shown on the photomontages as details are uncertain. Vegetation potentially affected reflects the LoD which in some locations could result in other changes e.g., vegetation may be retained that is currently shown as being removed.</p>
Q11.1.6	The Applicant	<p>Photomontages at Overton Substation Looking at Photomontages for VP14 and VP15 [APP-174] and [APP-175] and the outline landscape mitigation strategy for Overton substation [APP-164], Figure 3.10:</p> <p>a) Submit a copy of Viewpoints VP14 and VP15 photographs with the trees and hedges to be removed and trees and hedgerows affected indicated/ circled in colour.</p> <p>b) Explain what is meant by ‘hedge reinforcement’ and how this is illustrated on VP15 photomontages.</p> <p>c) What size are the hedgerow trees proposed to be planted? There is a discrepancy between the drawing and the Schedule as to whether they are standard or heavy standard.</p> <p>d) What growth rate has been assumed for the planted hedgerow trees, the woodland edge and woodland planting in Year 15?</p> <p>e) How does the height they achieve compare with the height of the existing, (potentially affected) oak tree in the hedge [APP-051], Sheet 2 of 5?</p> <p>f) Would the planting proposals change if trees shown as affected/ managed and/ or potentially affected needed to be removed? If so, how?</p> <p>Applicant’s Response:</p> <p>a) See Annotated Photomontages for the purposes of ExQ1 Q11.1.6 (Document 8.17), submitted at Deadline 2.</p> <p>b) Hedge reinforcement would comprise the infilling of any gaps and/or thickening of thin sections with new planting. The target note and legend in Sheet 1 of Figure 3.10C and the Sheet 2 Softworks specification, Document 5.4.3(B), identifies new tree planting every 10m (as an approximate guide) which together with hedgerow reinforcement is illustrated on the updated Year 15 photomontage at Viewpoint 15 in Figure 8.16.2, Document 5.4.6(B) . The planting of hedgerow trees would be limited</p>

Ref No.	Respondent:	Question:
		<p>by underground service easements or above ground infrastructure easements. The requirements are to be determined based on the final engineering design where the extent of removal and management of hedgerows and trees can be determined and is secured under Requirements 8 and 9 of the DCO Document 3.1(B), [AS-011].</p> <p>c) The trees are to be heavy standard (12-14cm girth) as set out in the planting schedules included as part of Figure 3.10 (ES Chapter 3: Description of the Project Figures (Document 5.4.3(B)) [AS-017]). The mention of ‘standard trees’ under the planting operations notes, references standard trees in a generic sense, however this has been updated in the revised figures within ES Chapter 3: Description of the Project Figures (Document 5.4.3(C)) submitted at Deadline 2.</p> <p>d) Hedgerow trees, woodland edge and woodland planting are shown up to 7-8m high at Year 15 which reflects the tree growth rates assumed in the AIA of 0.55cm a year Arboricultural Impact Assessment (Paragraph 1.8.7, Document 5.3.3I, [APP-102]). The woodland edge would be lower in places; however this planting is located on the slopes rather than the top of the earthworks so the lower height would not have a significant influence on the screening function of the planting overall.</p> <p>e) The Oak tree in the hedge (T822) in Viewpoint 15 [APP-175] is estimated to be 16m high in the AIA (Tree Survey Schedule, Arboricultural Impact Assessment (Document 5.3.3I, [APP-103])). The proposed trees have been mistakenly shown at a similar height and have been amended in the revised Year 15 photomontage submitted at Deadline 2 in Annotated Photomontages for the purposes of ExQ1 Q11.1.3 (Document 8.16).</p> <p>f) Trees potentially affected are identified as such because they lie within the LoD. The Outline Landscape Mitigation Strategy in Figure 3.10 (ES Chapter 3: Description of the Project Figures, Document 5.4.3(B), [AS-017]) identifies the hedgerows where new tree planting could be accommodated, subject to consideration of service easements and any overhead clearances. Target Note 2 on Figure 3.10 indicates new tree planting at 10m centers in order to secure a notable level of new tree planting within the specified hedgerows. Following completion of the detailed engineering design, the vegetation to be removed and managed would be confirmed and the THPS secured in accordance with the AIA under Requirement 10.1 of the DCO Document 3.1(B), [AS-011]. The detailed landscape design would be based on the Outline Landscape Mitigation and the THPS and would be secured under Requirement 8 of the DCO Document 3.1(B), [AS-011]. In conclusion, subject to the final engineering design, in the event that existing trees potentially affected were to be</p>

Ref No.	Respondent:	Question:
		removed there is sufficient flexibility and detail in the Outline Landscape Strategy to ensure replacement as part of the detailed landscape design.
Q11.1.7	The Applicant	<p>Landscape and visual assessment and photomontages at Monk Fyston Substation</p> <p>a) Consider whether the landscape assessment, or visual assessment and photomontage at VP23 need to be expanded to cover different scenarios as a result of any determined applications or appeals in the general area of the Proposed Development at Monk Fyston?</p> <p>b) If so, provide the information, clearly indicating which represents the worst-case scenario and whether different mitigation would be required under different scenarios.</p> <p>Applicant's Response:</p> <p>a) The LVIA considers the cumulative landscape and visual impacts of the determined applications and appeals in the general area of the Proposed Development at Monk Fyston in Table 18.10 of ES Chapter 18 Cumulative Assessment (Document 5.2.18) [APP-090], as if all developments were to be constructed. Given the modest height of the developments above ground level and the relationship to the proposals, additional photomontages are not considered necessary to understand the potential cumulative effects of the Proposed Development.</p> <p>b) The worst-case scenario is for all four developments to be constructed. The mitigation proposed to the south of the proposed substation within the Order Limits in Figure 3.12 (ES Chapter 3: Description of the Project Figures, Document 5.4.3(B), [AS-017]) associated with the Project already accounts for both of the Battery Storage projects (2021/0633/FULM and 2021/0789/FULM) that are now consented. The proposed developments located to the north of the proposed Monk Fyston substation i.e., the quarry scheme (NY/2022/0102/ENV) and the proposed motorway services (2019/0547/EIA) would have some adverse visual impact on users of the A63, however the future construction of these schemes would not change the Outline Landscape Mitigation Strategy illustrated in Figure 3.12 [AS-017] for the proposed substation, comprising a 3.5m high earth mound with woodland planting to the north of the substation.</p>
Q11.1.8	The Applicant	<p>Recreational and Transport Visual Receptors and Viewpoint Locations Plans [APP-167], Figures 6.19, 6.21, 6.23.</p> <p>a) Resubmit these three plans using different colours such that long-distance footpaths and locations where two long-distance footpaths overlap are clearly differentiated from indicative new OHL and indicative new underground cable.</p>

Ref No.	Respondent:	Question:
		<p>b) Review the routes shown on the plans for the long-distance footpaths, in particular that of the Jorvic Way south of Overton, and through Nether Poppleton [APP-167], Figure 6.19.</p> <p>c) Confirm whether there are any long-distance footpaths in the Monk Fryston area [APP-167], Figure 6.23.</p> <p>d) Confirm whether visual impact has been assessed for public rights of way (ProW) that would be subject to closure for any period during the construction stage.</p>
		<p>Applicant's Response:</p> <p>a) Plans have been updated as requested as Figures 6.19(B) and Figure 6.21(B) in ES Chapter 6 Landscape and Visual - Figures (Part 1 of 15) (Document 5.4.6 (Part 1 of 15)(B)). Figure 6.23 does not require updating as the Study Area does not cover long distance footpath routes.</p> <p>b) Long distance footpath routes have been reviewed as requested and labels updated on revised versions of Figures 6.19B and 6.21B in ES Chapter 6 Landscape and Visual - Figures (Part 1 of 15) (Document 5.4.6 (Part 1 of 15)(B)).</p> <p>c) Another search of the Long Distance Walkers Association website has been undertaken which does not indicate the presence of any long-distance routes in the Monk Fryston LVIA Study Area.</p> <p>d) The temporary closure of PRow set out in Table 3.1 of Appendix 3G Public Rights of Way Management Plan (Document 5.3.3G) [APP-100] has been reflected in the visual impact assessment in Appendix 6G Visual Receptor Assessment (Document 5.3.6G) [APP-114].</p>

Table 2.41 – Landscape and Visual: Landscape Effects

Ref No.	Respondent:	Question:
11.2	11.2 Landscape Effects	
Q11.2.1	The Applicant	<p>Ash dieback Has the potential effect of ash dieback been considered in the LVIA?</p>
		Applicant's Response:

Ref No. Respondent: Question:

Ash dieback is not specifically considered in the LVIA. However **paragraph 6.5.77 of Chapter 6 of the ES: Landscape and Visual Impact Assessment (Document 5.2.6) [APP-078]** considers the future baseline and acknowledges that the nature of the landscape can change over time due to a range of factors and that this process would continue across the Study Area irrespective of the Project.

Paragraph 1.5.27 to paragraph 1.5.29 of the Arboricultural Impact Assessment, (Document 5.3.3I) [APP-102] considers the impact of tree disease such as ash dieback.

As stated in **Paragraph 1.5.4 of the Arboricultural Impact Assessment, (Document 5.3.3I) [APP-102]** of all of the individual trees surveyed, 27% are ash and this is representative of the proportion of ash trees regionally. Ash dieback is thought to have the potential to result in mortality of up to 80% of affected trees, however some trees may be resilient. There is evidence that more mature and open grown trees are typically less or more slowly affected.

No ash is to be planted as part of Outline Landscape Mitigation Strategy in **Figures 3.10(B) to 3.12(B), Document 5.4.3(C)**. New planting provides an opportunity to increase species diversity to help to mitigate the risk of ash dieback locally.

If ash dieback was to occur across the study area in line with the likely reasonable worst-case scenario, no material changes to the assessment levels recorded in **ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])** are predicted to occur.

This conclusion is reached following a review of the distribution of ash recorded in the arboricultural survey as existing woodland that potentially have an important screening role, within and adjacent to the Order limits. Individual hedgerow trees typically have a very limited role in reducing the visual effects of new infrastructure given a) the scale of the Project and b) most public views of the Project are experienced along recreational or transport routes where individual hedgerow trees have a modest impact on screening new infrastructure.

The presence of ash in key areas of woodland and tree groups within the LVIA Study Areas is set out below. Whilst some evidence of ash dieback was recorded in the wider survey area, no specific evidence of ash dieback was recorded in the following key woodland areas or tree groups that have a limited role in screening potentially significant views of the Project from sensitive receptors.

Section B: North West of York Area:

- W867 north of Shipton CSEC – no ash recorded.
- G807 Hurns Gutter Tree Belt south of Overton Substation and close to A19 and New Farm Cottages. Mixed species group that includes some ash. Partially located within the Order Limits. Ash dieback of this group would not affect the conclusions set out in **ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])**.
- W536 Overton Wood – Mixed species group that includes some ash. Ash dieback within this block of woodland would not affect the conclusions set out in **ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])**.

Section D: Tadcaster Area:

- G2447, G2448, G2449 – woodland north of CSECs close to Red Brick Farm – no ash recorded except in G2449 which is a mixed species group containing ash. Ash dieback within this group would not affect the conclusions set out in **ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])**.

Section F: Monk Fryston Area:

- Woodland north of Travellers Site:
 - G726 and G729 (no ash).
 - G724 and G731-733. Mixed species group that includes some ash. Within Order Limits – majority of this planting affected by proposed infrastructure works and covered by reinstatement planting and management in Requirements 8 to 10 of the **Draft Development Consent Order (DCO) (Document 3.1(B)) [AS-011]**. Ash dieback in these groups would not affect the conclusions set out in **ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])**.
- Woodland near Pollums House Farm.
 - W230: Mixed species group that includes some ash.
 - G228 – mixed species group that includes some ash.
 - All planting within Order Limits – some impacts from infrastructure works and covered by reinstatement planting and management in Requirements 8 to 10. Ash dieback in these groups would

Ref No.	Respondent:	Question:
		<p>not affect the conclusions set out in ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078])</p> <ul style="list-style-type: none"> • Woodland near Monk Fryston Lodge – G2385 - Mixed species group that includes some ash. – New woodland planting without ash on earth mounding within Order Limits would increase level of screening from Monk Fryston Lodge and nearby dwellings. Ash dieback in this group would not affect the LVIA conclusions set out in ES Chapter 6: Landscape and Visual (Document 5.2.6, [APP-078]).

Table 2.42 – Landscape and Visual: Visual effects

Ref No.	Respondent:	Question:
11.3	11.3 Visual effects	
Q11.3.1	The Applicant	<p>Woodstock Lodge Wedding Venue: additional measures</p> <p>The ES methodology explanation states that assessment of residual effects after additional measures are implemented is provided only as an indication of whether additional measures could potentially mitigate significant adverse effects [APP-076], para 4.7.45.</p> <p>ES residual effects assessment states that adverse effects would reduce from significant to not significant if additional measures of offsite planting were deployed and would further reduce after five years assuming optimum planting aftercare [APP-078], Sections 6.15 and 6.16.</p> <p>a) Explain why mitigation has not been included in the Order.</p> <p>b) Set out what alternatives were considered to address the significant adverse visual and socio-economic effects and cumulative inter-related adverse visual and socio-economic effects and why options other than one resulting in significant adverse effects were not taken forward.</p> <p>c) Bearing in mind NPS EN-1, para 5.9.23, how would it be determined if these additional measures are necessary?</p> <p>d) What is the latest position on agreeing an approach with the receptor for both installation and management and maintenance?</p> <p>(See also questions under socio-economic effects and cumulative effects)</p>

Applicant’s Response:

- a) Please refer to the response to Written Question 1.2.3 for full details of the assessment conclusions relating to Woodstock Lodge Wedding Venue, and the evolution of the offsite planting proposed in this location. **Appendix B** shows the general location of the proposed offsite planting as discussed with the landowner, which comprises predominantly ornamental planting.

From an early stage of the Project, positive engagement has taken place between National Grid and the landowners at Woodstock Lodge wedding venue, facilitated by a number of site visits. The landowners operate the Woodstock Lodge wedding venue business and own the land within which the business and proposed planting is located. They are also live in a residential property on the site. Both parties have been working together to agree a planting strategy that suits the landowners’ requirements as a wedding venue, including the desire of the landowners to screen key views from the southern elevation of the wedding venue through the glazed doors of the ceremony room. Elsewhere, including views from the external terrace, the landowners have requested that a sense of openness and countryside setting is retained. It is important to National Grid to prioritise the landowners’ business objectives, rather than aiming to ‘eliminate’ all potential views of the pylons, and to enable the landowners to be in control of how planting would be delivered on their land to mitigate impacts on their business operations in the most sensitive and appropriate way. National Grid believe this will best be achieved and secured via a separate voluntary agreement with the landowners. Securing the planting outside of the DCO process gives the wedding venue more flexibility to adapt the planting approach as they see fit and to reflect the evolution of the design of the Project, and control this in the future in line with their business needs.

The planting proposed lies very close to the Woodstock Lodge Wedding Venue (see **Appendix B** proposed offsite planting location). Unless considered absolutely necessary, National Grid would not seek to compulsorily acquire a small, isolated slither of a much wider parcel of land offsite solely to mitigate visual impacts for the landowner from whom the land was being acquired. In this instance it was considered that the delivery of planting could be achieved via a separate voluntary agreement with the landowners. This was considered preferable to securing the landscaping in the DCO which would also necessitate securing compulsory powers over that land to ensure what had been secured was deliverable, and therefore, would not undermine the deliverability of the wider Project.

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b) In terms of alternatives, the **Corridor and Preliminary Routeing and Siting Study (Document 7.8) [APP-209]** sets out how the corridor for the overhead line in this location was established. As detailed within **Chapter 2** of the **ES Project Need and Alternatives (Document 5.2.2) [APP-074] (Section 2.7.10)**, the Woodstock Wedding Venue was considered as a visual and socio-economic receptor when considering the route alignment of the new 400kV overhead line. At statutory consultation, a route was presented that kept the overhead line equidistant between Woodstock Lodge wedding venue and Hall Moor Farm cottages (south-east of pylon YN004). This was subsequently amended in light of arboriculture surveys which identified a number of veteran trees along the access road to Hall Moor Farm cottages (between pylon YN003 and YN004). Further design work was undertaken to avoid impacts on veteran trees, while minimising impacts on the residential receptors and the wedding venue (see **Section 2.8.8 of Chapter 2, Project Need and Alternatives (Document 5.2.2) [APP-074]**). This resulted in the route being aligned closer to Hall Moor Farm cottages, and then the location of YN004 was amended to reflect feedback from the owners/ occupiers of the cottages. This was subject to targeted consultation (see **Section 8 of the Consultation Report (Document 6.1) [APP-195]**). Given the other constraints within this part of the route and the wider area, an alternative alignment which reduced the significance of impacts at the Wedding Venue was not considered feasible.

c) In accordance with Paragraph 5.9.23 of NPS EN-1, National Grid have considered whether it would be appropriate to undertake landscaping off site to mitigate significant effects for receptors at Woodstock Lodge. For the reasons explained at (a) above and in discussions with the landowners of Woodstock Lodge, it was not considered appropriate to include the off-site mitigation within the Order limits or seek to secure a scheme of off-site mitigation planting through the DCO process. Instead, a separate voluntary agreement is proposed to be negotiated with the landowners for the implementation and management of the off-site planting. Furthermore, National Grid consider that the need for and benefits of the Project outweigh the significant adverse effects on the receptors of Woodstock Lodge, such that development consent should be granted in the event that a voluntary agreement for off-site landscaping is not entered into and, therefore, that it is not necessary for the off-site planting to be secured through the DCO process.

Prior to the Application being submitted, National Grid's landscape and visual consultant attended a site visit at Woodstock Lodge Wedding Venue, and developed a proposed landscape strategy following discussion with the landowners. This was sent to the landowners for their comments. Following submission of the Application, National Grid received comments from the landowners, and

Ref No.	Respondent:	Question:
		<p>another site visit was undertaken to discuss amendments to the proposed landscape strategy to further reflect the landowners' specific requirements (covered in response to part a) above). This amended strategy has since been sent to the landowners, and National Grid are awaiting comments (as detailed in response to Q1.2.3).</p> <p>Once a strategy is agreed, National Grid will undertake further engagement with the landowners to document the landscape strategy by way of a voluntarily agreement. It is proposed that National Grid will provide the funding for the landowners to implement and maintain the landscaping proposals, as they feel fit.</p>

Table 2.43 – Landscape and Visual: Landscape and visual mitigation and enhancement

Ref No.	Respondent:	Question:
11.4	11.4 Landscape and visual mitigation and enhancement	
Q11.4.2	The Applicant	<p>LVIA Addendum to be submitted at Deadline 1 to include the travellers' site at the junction of the A1(M) and A64</p> <p>The initial ES Addendum findings were presented at ISH1 [EV-003b]. It was explained that at construction and immediately after there would be significant adverse landscape and visual effects, but that the mitigation planting, when mature, would result in non-significant adverse effects.</p> <p>a) Is there a case for this area to be subject to an outline landscape mitigation strategy drawing, rather than being based on the AIA?</p> <p>b) Would it be possible to implement this mitigation planting earlier than the first planting season after bringing into operational use?</p> <p>c) If so how could this be secured?</p> <p>Applicant's Response:</p> <p>a) An outline landscape mitigation strategy would not notably influence the level of adverse landscape and visual effects as significant effects would only result from the construction phase activities of the Project. It would also not be possible to implement planting during the construction phase (see response to part b below). The significant adverse effects of the Project on the Traveller Encampment</p>

Ref No.	Respondent:	Question:
		<p>primarily derive from the visibility of the temporary scaffolding, erection of the new XC522 pylon, followed by the dismantling of the existing XC522T pylon in proximity to the Travellers' Encampment (ES Addendum, (Document 5.2.20) [REP1-013]). The provision of reinstatement planting, secured under Requirement 8 in the draft DCO (Document 3.1(B)), [AS-011] would closely reflect the AIA and THPS (secured under Requirement 10 in the draft DCO) and both the THPS and reinstatement planting are based on the final engineering design. Reinstatement planting is predicted to largely comprise replacement planting in situ, taking account of the safety clearance requirements under the XC overhead line.</p> <p>b) There are no opportunities to implement early planting given the comments under answer a) above and the fact that Pylon XC522T is to be dismantled only when pylon XC522 is operational. The principal opportunities for reinstatement planting as a result of the losses incurred from the temporary scaffolding, access and construction of pylon XC522 are in the vicinity of dismantled pylon XC522T and the location of the scaffolding needed for constructing and dismantling the pylons. Planting could only be implemented at these locations once the dismantled pylon and scaffolding have been removed.</p> <p>c) It is not relevant to secure advance planting as it would not be possible to implement it before the scheme was operational as explained above.</p>
Q11.4.3	The Applicant	<p>Landscape and visual mitigation over time Review other areas where the planting would provide mitigation over time, and review whether any of these areas would also benefit from: a) an outline landscape mitigation strategy; and b) Planting earlier than the first planting season after bringing into use.</p> <p>Applicant's Response:</p> <p>a) The Project design was reviewed prior to the assessment reported in the Preliminary Environmental Information Report (PEIR), and again prior to the landscape and visual assessment (reported in ES Chapter 6: Landscape and Visual (Document 5.2.6) [APP-078]) to identify any areas where potentially significant landscape and visual effects could occur as a result of the Project. It is in these locations where mitigation planting was considered, and it was proposed where it would be both reasonable and practical to mitigate potentially significant landscape and visual effects. As a result of these reviews, an outline landscape mitigation strategy was proposed at PEIR and then modified at</p>

Ref No. Respondent: Question:

		<p>environmental assessment stage to present an Outline Landscape Mitigation Strategy at the Monk Fryston and Overton Substations and at the Tadcaster CSECs as described in ES Chapter 3: Description of the Project (Document 5.2.3) [APP-075] and as illustrated in Figures 3.10 and 3.12 (ES Chapter 3 Description of the Project Figures (Document 5.4.3(B)) [AS-017]). No other areas were identified as benefiting from an outline landscape mitigation strategy. Reinstatement planting would reduce the visibility of the Shipton Tee CSECs from the ORPA that follows the track to Newlands Farm. All other localised tree and hedgerow removal associated with the construction of new pylons, dismantling of existing pylons and associated access would be covered by the scheme for mitigation planting secured under Requirement 8(1)(a) of the draft DCO (Document 3.1(B)), [AS-011]). This scheme for mitigation planting reflects the Tree and Hedgerow Protection Strategy (THPS) secured under Requirement 10 of the draft DCO and is based on the final detailed design. It has been agreed with PINS that the impact on landscape elements and consequently reinstatement planting can be scoped out of the ES as set out in detail at ID 4.1.3 of Appendix 4A Scoping Opinion (Document 5.3.4A) [APP-105].</p> <p>ES Chapter 6: Landscape and Visual (Document 5.2.6) [APP-078] states at 6.9.50 that <i>“the long-term adverse effect of 45m to 60m high pylons within the LCAs and LCTs that, in the main, comprise relatively open agricultural landscapes, where the growth of new planting would typically have a limited role in reducing pylon visibility across the landscape”</i> This conclusion is supported by the City of York Council Local Impact Report [REP1-047] that reaches similar conclusions at section 8.6.</p> <p>b) Earth mounding at Overton and Monk Fryston has been identified for advance woodland planting on selected mounds as illustrated in the Outline Landscape Mitigation Strategy Figures 3.10 and 3.12 (ES Chapter 3 Description of the Project Figures (Document 5.4.3(B)) [AS-017]). This planting would be implemented earlier than the first planting season after the Project is brought into operational use. Further information is provided in the Applicants Response to Open Floor Hearing 1 and Issue Specific Hearing 1 Hearing Action Points (refer to Appendix C, ISH1 Action Point 6, (Document 8.4.2, [REP1-018])). Woodland and woodland edge planting in other areas would not be possible earlier than the first planting season after bringing into operational use because the planting is to be located on permanent earth mounds that can only be formed later in the construction phase in areas that would be occupied by construction compounds and temporary soil mounds. The hedgerows that are identified for reinforcement would be surrounded by fixed protection fencing during the construction period making maintenance of new planting problematic during the construction phase. New hedgerows and areas of species rich grassland are located in areas that are</p>
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Ref No.	Respondent:	Question:
		<p>either to be re-graded near the end of the construction phase or are considered vulnerable to damage from construction phase activity.</p>
Q11.4.4	The Applicant	<p>Ongoing work on detailed aspects of the landscape and visual mitigation a) Do you anticipate submitting further information to address the mitigation of adverse effects on landscape and visual receptors, as suggested by the Councils, during the course of the Examination? b) If so what and when.</p> <p>Applicant's Response:</p> <p>National Grid's Response to Relevant Representations (Document 8.3) [REP1-015] provides a detailed response to the comments raised in RR-018 (now North Yorkshire Council). Table 2.18 of Document 8.3 provides a detailed response in respect of landscape matters including the comments raised on mitigation of adverse effects on landscape receptors and visual receptors.</p> <p>National Grid considers that the Outline Landscape Mitigation Strategy provided in Figures 3.10 to 3.12 (Document 5.4.3(B)) [AS-017] and described in ES Chapter 3: Description of the Project (Document 5.2.3) [APP-075] comprises reasonable outline mitigation that is sufficiently detailed in the absence of a detailed engineering design, to demonstrate that likely significant landscape and visual effects would be mitigated where possible and appropriate in line with paragraph 5.9.8 of NPS EN-1. A detailed landscape strategy that accords with the Outline Landscape Mitigation Strategy (Document 5.4.3(B)) [AS-017] and a scheme for mitigation planting that accords with the arboricultural impact assessment that the Tree and Hedgerow Protection Strategy (THPS) is required to be prepared in accordance with are secured under Requirements 8 and 10 in the draft DCO (Document 3.1(B)) [AS-011] and will be submitted to discharge those requirements once the detailed engineering design has been completed.</p> <p>The development of a detailed landscape design at this stage of the Project, if developed in line with the Outline Landscape Mitigation Strategy, would not identify measures that would have a material difference to the significant landscape and visual effects identified in the ES. In addition, detailed landscape design in the absence of a detailed engineering design would represent abortive work.</p>
Q11.4.5	The Applicant	<p>Advance mounding and planting The indicative construction programme [APP-075], Table 3.2 does not identify advance mound creation and advance planting. It is not clear from the programme why advance planting could not be installed during the November 2025/ March 2026 planting season, rather than a year later [APP-164], Figures 3.10 and 3.12.</p>

Ref No.	Respondent:	Question:
		<p>a) Explain the reason for the timing shown on the outline landscape mitigation strategies.</p> <p>b) Consider if it would be more appropriate to link the advance mounding and planting to a construction activity(s) rather than specifying a particular planting season.</p> <hr/> <p>Applicant's Response:</p> <p>a) In the majority of locations planting is to be located on permanent earth mounds that can only be formed later in the construction phase in areas that would be occupied by construction compounds and temporary soil mounds. In addition, time is required for settlement, prior to mounds being planted. However, in some locations it may be possible to undertake earlier planting of earth mounds, and National Grid will consider this further, in consultation with the LPA.</p> <p>b) The note on Figures 3.10 and 3.12b (Document 5.4.3(C)) has been revised to link the advance mounding and planting.</p>
Q11.4.6	The Applicant	<p>Construction Compounds</p> <p>a) Having listened to the description of indicative timelines for the construction compounds at ISH1, do you consider that there is a case for pre-commencement, temporary, fast growing, planting to be used, as well as fencing, to mitigate adverse effects at some of the construction compounds which are visible to sensitive receptors?</p> <p>b) If so where and how could this be secured?</p> <hr/> <p>Applicant's Response:</p> <p>a) The siting of construction compounds away from settlements and scattered dwellings has minimised the potential visual impact of construction activity upon fixed views experienced by residents. Transient views of the construction compounds would be experienced at close range from localised sections of long-distance recreational routes representing high sensitivity recreational receptors including National Cycle Network (NCN) 65 and Way of the Roses cycleway that would pass in close proximity to the temporary construction compounds west of Overton Substation. The ORPA along the track to Newlands Farm passes the Shipton CSEC construction compounds. More fleeting views from medium sensitivity road users would be experienced at the A659 west of the Tadcaster construction compound. Solid timber fencing is proposed along the edge of construction compounds where there is the potential for views into the compounds from sensitive receptors at close range, as outlined at paragraphs 2.3.10 to 2.3.11 in the ES Appendix 3B, Code of Construction Practice (CoCP) (Document 5.3.3B) [APP-095]. In addition, temporary grass seeded soil storage mounds would be</p>

Ref No.	Respondent:	Question:
		<p>implemented to screen views into the construction compounds as described in Measure LV01, Table 3.2 of the Code of Construction Practice (Document 5.3.3B) [APP-095]. It is assessed that the solid fencing and temporary grass seeded earthmounding provides reasonable mitigation. The addition of temporary fast-growing planting would have a negligible role in reducing adverse visual impacts of the construction compounds both at close range and from more distant locations for the construction period. In addition, the inclusion of temporary planting would in many places require the additional loss of agricultural land and/or the expansion of the Order Limits or reduction in compound size that may not be feasible and is considered disproportionate given the limited additional benefit. Maintenance access also has to be considered, and in some locations, this would have the potential to conflict with tree and hedgerow protection fencing.</p> <p>b) As stated above National Grid considers that the current measures comprising solid fencing and temporary grassed soil mounds adjacent to the temporary construction compounds comprise reasonable and appropriate mitigation measures.</p>

2.12 Noise and Vibration

Table 2.44 – Noise and Vibration

Ref No.	Respondent:	Question:
12	12. Noise and Vibration	
Q12.0.1	The Applicant	<p>Noise and Vibration Management Plan [APP-101]</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it has been commented that your proposed construction working hours of 07:00-19:00 Mon to Fri and 08:00-17:00 Sat/Sun/Bank Holidays are not aligned to those that the joint Local Authorities consider would be needed to safeguard residential amenity during evenings and weekends (ie 08:00-18:00 Mon to Fri, 08:00-13:00 Sat, and not at all on Sundays and Bank Holidays). Further to discussion at ISH1:</p> <p>a) Can you provide an update as to the status of discussions with all of the host local authorities in relation to core hours of construction.</p> <p>b) Where disagreement remains, provide further justification for the longer core construction hours sought.</p> <p>c) Are there any other potentially noisy activities apart from piling operations that could have reduced hours imposed?</p> <p>d) Explain the procedures for staff to arrive on site and set up in order for construction works to commence (be that at 07:00 or 08:00). How would this be monitored and managed?</p> <p>Applicant's Response:</p> <p>a) North Yorkshire Council (NYC) – National Grid is continuing to engage with NYC on this matter, and will continue to do so throughout examination.</p> <p>Leeds City Council (LCC) – LCC had no specific concern about core hours at the time of relevant representations, but adopted a position in their Local Impact Report (LIR) [REP1-053] where LCC have stated the following:</p> <p><i>“Leeds City Council consider that working hours should be restricted to 08:00 -18:00 Monday to Friday and 08:00 - 13:00 Saturdays, and not at any other time. The Council consider these restrictions to be necessary due to potential noise impacts, flare or lighting impacts, and/or impacts associated with vehicle movements, all of which could impact the living conditions of occupants of nearby properties in Leeds.”</i></p>

Ref No.	Respondent:	Question:
		<p>A response to this position is provided in response to reference 21-22 in Table 2.2 of Applicant's Comments on Local Impact Reports (Document 8.10).</p> <p>There are no predicted significant noise effects within the LCC area at any time. As such, National Grid is continuing to engage with LCC on this matter, and will continue to do so throughout examination.</p> <p>City of York Council (CYC) – has agreed with the working hours, reserving the right to comment further on any amendments to draft DCO requirements and any revisions to the Noise and Vibration Management Plan (Document 5.3.3H) [APP-101]. Working hours are not raised as a matter of concern within the City of York Local Impact Report.</p> <p>b) The main area of disagreement relates to the working hours restrictions that NYC and LCC consider necessary to safeguard residential amenity during evenings and weekends (ie. 08:00-18:00 Mon to Fri, 08:00-13:00 Sat, and not at all on Sundays and Bank Holidays).</p> <p>National Grid’s approach for the core working hours is prepared in accordance with British Standard 5228 part 1 :2009 +A1:2014 (BS 5228-1), the approved code of practice for construction environmental noise (approved under the Control of Pollution Act 1974 .</p> <p>The local authorities have been in broad agreement with the working hours proposed by the Applicant during the stakeholder engagement process. For instance, CYC consider that where works are carried out in accordance with the Noise and Vibration Management Plan (NVMP), (Document 5.3.3H), [APP-101] receptors should be prevented from experiencing significant noise and vibration. . The NVMP is secured through Requirement 5 (f) of the draft DCO (Document 3.1(B)) [AS-011]. CYC have acknowledged in the LIR, the time sensitive nature of the Project and notes the ‘go live’ date is arrived at as a result of other projects being activated elsewhere within the wider transmission network. Provided that exclusions relating to works outside of core hours are not abused, CYC welcome the inclusion of defined construction hours within the dDCO and have no specific objections to raise in this regard.</p> <p>With respect to hours of work at “noise-sensitive premises” (NSPs), BS 5228-1 (section 6.3c and 6.3d) states:</p> <p><i>“c) Duration of site operations. In general, the longer the duration of activities on a site, the more likely it is that noise from the site will prove to be an issue, assuming NSPs are likely to be</i></p>

Ref No. Respondent: Question:

significantly affected. In this context, good public relations and communication are important. Local residents might be willing to accept higher levels of noise if they know that such levels will only last for a short time. It is then important that construction activities are carried out in accordance with the stated schedule and that the community is informed of their likely durations. (See also 8.5.2.3.)

d) Hours of work. For any NSP, some periods of the day will be more sensitive than others. For example, levels of noise that would cause speech interference in an office during the day would cause no problem in the same office at night. For dwellings, times of site activity outside normal weekday and Saturday morning working hours will need special consideration. Noise control targets for the evening period in such cases will need to be stricter than those for the daytime and, when noise limits are set, the evening limit might have to be as much as 10 dB(A) below the daytime limit. Very strict noise control targets might need to be applied to any site which is to operate at night; this will depend on existing ambient noise levels. The periods when people are getting to sleep and just before they wake are particularly sensitive. (See also 8.5.2.4.)”

Paragraphs 8.5.2.3 and 8.5.2.4 of BS 5228-1, that are referenced in the quote above, refer to duration and hours of work that relate specifically to piling. These paragraphs state:

“8.5.2.3 Duration of piling works

The duration of piling work is usually short in relation to the length of construction work as a whole, and the amount of time spent working near to noise-sensitive areas might represent only a part of the piling period. Furthermore, the noisiest part of the pile construction process might occur at each individual pile location only for a short period of time.”

“8.5.2.4 Hours of work

When noise impacts are to be controlled by imposing restrictions on working hours the specialized nature of some piling works should be considered, which might necessitate a longer working day. This is especially necessary for large diameter concrete bored piles...

...Additionally, the acceptable hours for the residents and occupiers of a particular area should also be considered.

Developers should have regard to likely restrictions to be placed on them when considering piling techniques, and should liaise with local authorities at an early stage.”

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It should be recognised that although the main body text of BS 5228-1 does not specifically define daytime, evening, night-time, or weekend periods, the standard does provide an example of how to consider these periods with respect to construction noise, in the informative Annex E, Table E.1 “Example threshold of potential significant effect at dwellings”.

The assessment periods specified in Table E.1 are shown in Table 12.0.1a below as follows:

Table 12.0.1a – Construction noise assessment time periods

Daytime	07:00 - 19:00	Weekdays
	07:00 - 13:00	Saturday
Evening	19:00 - 23:00	Weekdays
Weekend	13:00 - 23:00	Saturday
	07:00 - 23:00	Sunday
Night-time	23:00 - 07:00	All days

Bank holiday hours are not specifically mentioned but are usually considered to be equivalent to Sunday hours.

BS5228-1 includes further discussion of suitable hours at Section 7 which states that:

“The intention throughout any construction programme should be to minimize levels of site noise whilst having due regard to the practicability and economic implication of any proposed control or mitigation measures.

Planners, developers, architects, engineers and environmental health officers can all assist in preventing excessive noise levels. Prevention can be achieved by giving careful consideration to the plant, processes, activities and programme associated with any construction project...”

“...Developers, architects and engineers will need to know whether the processes they intend using are likely to result in excessive noise and/ or vibration levels. Therefore early consultation should be made with local authorities in order to ascertain the limits or restrictions, if any, likely to be imposed; before seeking consultation, the expected levels of site noise should be determined...”

“...Local authorities should ensure that any noise level limits or restrictions being imposed are necessary and practicable.”

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		<p>With respect to the proposed working hours, all routine construction activity from which the majority of noise will be generated, will be conducted within the core hours. The proposed core working hours as set out in Section 7 paragraph 1 of the draft DCO (Document 3.1(B)) [AS-011] are as follows:</p> <p>07:00 – 19:00 Mondays – Fridays; and 08:00 – 17:00 Saturdays, Sundays, and bank holidays.</p> <p>In accordance with Paragraph 2 of Requirement 7 of the draft DCO (Document 3.1(B)) [AS-011], piling works will only be carried out:</p> <ul style="list-style-type: none"> • Monday to Friday, between the hours 08:00 and 17:00 • Saturdays, between the hours 09:00 and 14:00. • No piling works will be carried out on Sundays or on bank holidays. <p>Therefore, the proposed core hours broadly align with the daytime hours and the special requirements for piling works set out in BS 5228-1.</p> <p>The principal area of disagreement with NYC and LCC relates specifically to Saturdays 13:00 to 17:00, Sundays 08:00 to 17:00, and bank holidays.</p> <p>Noise from all proposed construction activity has been assessed at representative noise sensitive receptors and summarised in Table 14.22 of the EIA noise and vibration chapter (Chapter 14, Document 5.2.14) [APP-086]. The assessment used precautionary assumptions of the type and number of construction plant required to undertake the work as detailed in Appendix 14B (Document 5.3.14B) [APP-151] and 14C (Document 5.3.14B) [APP-152].</p> <p>Worst-case construction activity sound levels have been assessed in the relevant BS 5228-1 Annex E Table E1 time periods, using the lowest, most stringent (Category A), ambient noise thresholds.</p> <p>Assessments have been undertaken with respect to the sound levels considered in BS 5228-1 to represent the onset of significance for construction noise in the respective time periods.</p> <p>The various thresholds of significance from Table E.1 Annex E, of BS 5228-1 take account of the differing attitudes to construction noise evident during the daytime, evening, weekends and night-time</p>

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periods and incorporate the more stringent noise limits as discussed in section 6.3d of the standard and reproduced above.

In addition to the scheduling of noisy work to within the core working hours, there is also the overriding requirement to follow the Best Practicable Means (BPM) to keep noise levels to a minimum and, where possible, below the respective threshold of significance. This is set out in the **NVMP (Document 5.3.3H) [APP-101]** and secured under Schedule 3, requirement 5 f) of the **draft DCO (Document 3.1(B)) [AS-011]**.

The assessment is summarised here. The identifiers relating to representative sensitive receptors used in the assessment are as Table 12.0.1b below:

Table 12.0.1b – Receptor Identifiers from ES Noise and Vibration Chapter

ID	Community/receptor	British National Grid Reference	
		X	Y
SEL09	Red Brick Farm House west, Moor Lane	446416	441766
SEL16	Traveller camp, A63/A1(M) roundabout west	447561	429768
SEL17	Traveller camp, A63/A1(M) roundabout east	447620	429776
SEL19	Pollums House Farm	447916	429485
SEL20	The Bungalow, Monk Fryston Lodge	448922	429407
HAR01	Barley Mow, East Lane	451283	456768
HAR03	Thickpenny Farm	453244	456048
HAR06	Jesmond Cottage, Tockwith Road	449347	451882
YOR03	North Hall Moor	457014	459595
YOR05	Hall Moor Farm Cottages	456807	458792

Weekday daytime, Saturday 08:00 to 13:00

During the standard working day, i.e. weekdays 7:00 to 19:00 and Saturday 07:00 – 13:00, noise effects assessed at all receptors were found to be not significant. Noise will be controlled through the

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NVMP (Document 5.3.3H) [APP-101], secured through Requirement 5 f) of Schedule 3 of the draft DCO (Document 3.1(B)) [AS-011].

Weekday evening, Saturday afternoon and evening, Sunday all day

Construction noise levels at the majority of residential receptors, are predicted to be below the Monday – Friday 19:00 – 23:00, Saturday 13:00 – 19:00 and Sunday 07:00 – 23:00 threshold of significance.

Small exceedances of the “evening and weekends” threshold of significance are predicted at the following representative receptors based on worst-case assessments:

- HAR01, HAR03 and SEL19 (pylon works)
- HAR06 (works covered by exclusion in DCO Requirement 7 para 3)
- SEL20 (Temporary Construction Compounds [TCCs])
- YOR03 and YOR05 (Shipton CSEC works, TCC, and pylon works)

With screening of certain sources assumed to be in place as detailed in Annex 3H.1 of the **NVMP (Document 5.3.3H) [APP-101]** and secured under Schedule 3, Requirement 5 f) of the **draft DCO (Document 3.1(B)) [AS-011]**, all sound levels predicted at these receptors during “core hour” Saturday afternoon and Sunday working times are not significant.

Residual effects at SEL09 related to the longer duration Cable Sealing End Compound (CSEC) works are below the threshold of significance. However, short term works related to HDD construction activity and activity related to pylon XC481 are predicted to be high for a short duration (i.e. a few days) there may be the need for plant to run over the evening and weekends but the noisier aspects of this activity will not be likely to extend past a single weekend period, and further investigations into how such works can be carried out with minimal impact will be undertaken once Main Works Contractors are appointed.

SEL16 and SEL17 (the Monk Fryston Travellers’ camp receptor locations) are predicted to experience construction levels much higher than the threshold level (more than 10dB) over a period of a few days. This is due to the proximity of the camp to the existing and new pylon works at XC522 and XC522T. The type of works that will give rise to the exceedance are those that cannot be safely undertaken at any other time and the methods of working will be reviewed once Main Works Contractors are appointed and ground investigations have taken place. It is likely that the high noise

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		<p>levels will be experienced over a very short duration such that these activities do not trigger the temporal criteria and as such the effects are not significant. However, screening and a review of construction methods will be undertaken in accordance with the NVMP (Document 5.3.3H) [APP-101], as secured under Requirement 5 (f) of the draft DCO (Document 3.1(B)) [AS-011], to mitigate the impacts at these sensitive locations.</p> <p>c) The programme requires all remaining activities to be included within the core hours. The Applicant considers that the controls within the Noise and Vibration Management Plan (NVMP) (Document 5.3.3H) [APP-101] secured under Requirement 5 (f) of the draft DCO (Document 3.1(B)) [AS-011], are suitable and will adequately protect the amenity of the nearby sensitive receptors even during the most sensitive time periods.</p> <p>The control of noise from these activities will be considered and reviewed in the implementation of the NVMP (Document 5.3.3H) [APP-101], and in the use of the BMP generally, so as to ensure that the potential for disturbance is minimised.</p> <p>The Applicant’s contractual agreements with Main Works Contractor and the inclusion of a complaints management procedure in the NVMP (Document 5.3.3H) [APP-101] are considered to prevent exceptionally noisy activity being carried out near sensitive receptors without adequate mitigation during the sensitive core hours whilst balancing the needs of the Project to meet the programme without adding significant costs to the Project, and impacting the Project’s viability.</p> <p>d) “start up and close down activities” are defined in the “interpretation” section 1, of Schedule 3, Requirements in the draft DCO (Document 3.1(B)) [AS-011] as being:</p> <p><i>“general works that will not create an audible disturbance to local residents, including but not restricted to -</i></p> <ul style="list-style-type: none"> <i>(a) arrival and departure of workforce and staff at site and movement to and from places of work;</i> <i>(b) general refuelling of plant;</i> <i>(c) site inspections and safety checks;</i> <i>(d) site meetings (daily briefings and quiet inspections/walkovers);</i> <i>(e) site clean-up (site housekeeping that does not require the use of plant);</i> <i>(f) general site maintenance; and</i> <i>(g) low key maintenance and safety checking of plant and machinery”</i>
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		<p>With respect to vehicle arrivals and departures, as referenced in ES Chapter 3 Appendix 3F - Construction Traffic Management Plan (Document 5.3.3F) [APP-099], ES Chapter 3 Appendix 3B - Code of Construction Practice (Document 5.3.3B) [APP-095] and ES Chapter 3 Description of the Project, Figure 3.14 (Document 5.2.3) [APP-075], monitoring of traffic and ensuring compliance with the measures laid out in the respective chapters will be undertaken by Transport Coordination Officers (TCOs). Monitoring will be in place to cover all working hours including weekends and Bank Holidays.</p> <p>Typically start up will involve staff arriving to site in light vehicles, plant and vehicle checks prior to operations, safety briefings, security handovers and site safety walks.</p> <p>The hour after core hours conclude will involve contractors manually tidying up work areas, completing safety documentation, completing security handovers and vacating site.</p> <p>The Main Works Contractor will ensure that no noisy work (not covered by exemptions detailed in requirement 7 paragraphs 3 a – i of the draft DCO) are undertaken in the start-up and close down periods. This will be further managed with monitoring by the Applicant to ensure compliance.</p>
Q12.0.3	The Applicant	<p>Noise Assessment Methodology The Non-Technical Summary [APP-072] explains that some receptors would experience greater noise levels, which would exceed the thresholds, however, this would be over a very short duration (less than 10 consecutive days) and effects are therefore assessed as not significant.</p> <p>Can you clarify how the methodology set out in ES Chapter 14 [APP-086] includes an assessment of peak noise levels arising from impact noise from construction activities such as moving and handling of metal components and other construction material, tipping of materials and doors closing.</p> <p>Can you provide an assessment of such noise impacts and explain why short durations of noise over 10 consecutive days is considered to be not significant?</p> <p>Applicant’s Response:</p> <p>Peak noise levels from specific activities</p>

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The impact assessment methodology does not assess peak noise events or levels as discrete entities, although the adopted sound level thresholds are specifically intended for construction noise, so it can be assumed that they intrinsically account for acoustic characteristics that are typical of construction activities. Section 6.3.f of BS 5228-1 states:

“f) Noise characteristics. In some cases, a particular characteristic of the noise, e.g. the presence of impulses or tones, can make it less acceptable than might be concluded from the level expressed in terms of $L_{Aeq,T}$. This is because these characteristics are likely to make the noise more disturbing than a noise with the same $L_{Aeq,T}$ level that does not have these characteristics. Examples would be impulsive noise from driven piling, rattling type noise from vibratory rollers, machine reversing alarms, etc.”

BS 5228-1 does not provide an assessment methodology to penalise the sound level for particular characteristics in the same way that penalties may be applied to operational noise based on BS 4142 :2014+A1:2019 although it does reference the Wilson Report which first proposed the approach of penalising sound levels based on their acoustic characteristics.

It is not possible to provide a quantitative assessment of instantaneous or very short-term tonal or impulsive sounds based on BS 5228-1. However, these sources are considered below in a qualitative assessment.

It is considered unlikely that the noise from the banging of doors would be sufficient to draw attention when compared with typical noise generation at the various worksites for both static sites (such as temporary construction compounds (TCCs), Cable Sealing End Compounds (CSECs) and substations), and the linear works (reconductoring, pylon construction and demolition, cable trenching etc), where plant noise will be of a significantly higher magnitude of noise generation.

Moving of material is included in the derivation of the sound power for all materials handling activity published in Annex C of BS 5228-1 which has been used to derive the levels in the construction noise assessment. Again, it is considered that noise from general materials handling, including tipping, would not stand out from general construction noise at receptor locations.

Notwithstanding the scope of BS 5228-1, it is recognised that impulsive noises, particularly metal-on-metal, could be more impactful than most other noise sources. However, the locations of worksites where the

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impulsive or metallic noises will be prevalent over a long period (i.e., the TCCs) will be protected by acoustic screening as detailed in Annex 3H.1 of the Noise and Vibration Management Plan (**Document 5.3.3H**) [**APP-101**] and will benefit from reasonable separation between site and sensitive receptors.

The Application of a temporal threshold in the determination of significance for construction noise

The temporal criterion, and determination of “not significant” on that basis, is embedded within the construction noise significance method discussed in Annex E of British Standard 5228-1.

Although the Noise and Vibration chapter (**Chapter 14, Document 5.2.14**) [**APP-086**] methodology has applied the “ABC method” described in Annex E, Section E.3.2 of the standard and the ABC method does not specifically mention a temporal threshold, the equivalent “5dB(A) change” method described in E.3.3 introduces the concept of the temporal threshold.

“E.3.3 Example method 2 - 5 dB(A) change

*Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5 dB or more, subject to lower cut-off values of 65 dB, 55 dB and 45 dB $L_{Aeq, T}$ from site noise alone, for the daytime, evening and night-time periods, respectively; **and a duration of one month or more, unless works of a shorter duration are likely to result in significant effect.**”*

The temporal threshold applied for the Project is taken from section E.4 of the standard, which details the thresholds to determine eligibility for noise insulation and temporary rehousing.

“Noise insulation, or the reasonable costs thereof, will be offered by the developer or promoter to owners, where applied for by owners or occupiers, subject to meeting the other requirements of the proposed scheme, where the construction of the development causes, or is expected to cause, a measured or predicted airborne construction noise level that exceeds either of the following at property lawfully occupied as a permanent dwelling:

- the noise insulation trigger levels presented in Table E.2 for the corresponding times of day;
- a noise level 5 dB or more above the existing pre-construction ambient noise level for the corresponding times of day;

whichever is the higher;

and for a period of 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months.”

Ref No.	Respondent:	Question:
		<p>Although predicted levels do not trigger noise insulation requirements, the temporal threshold in E.4 is considered to be more conservative than the alternative 1 month reported in E.3.3 which would otherwise apply.</p> <p>This is why high magnitude impacts from construction noise over short durations have not been considered to be significant. Notwithstanding that, where sound levels are predicted to be significantly above (i.e., 10dB or more than) the threshold of significance at a sensitive receptor, screening shall still be applied in any event.</p>
Q12.0.4	The Applicant	<p>Noise Assessment Methodology Paragraph 4.1.1 of Appendix 14c Construction Modelling Results Text [APP-152] refers to night-time source contributions for each receptor. It explains that although stringing is listed as an activity during the night, “the night-time activity will be drawing bonds over scaffolding”. Can you clarify the nature of this work or activity and how it relates to the proposed working hours as set out in Requirement 7 of the dDCO [AS-011].</p> <p>Applicant’s Response:</p> <p>This activity needs to be undertaken over navigable rivers, roads and railways at night-time as it requires traffic management on roads, river navigation closure, or rail possession so as not to endanger traffic, or inhibit travel networks at key times.</p> <p>The activity involves pulling bonds between scaffolds which are then used to draw scaffold wires and safety netting between the two.</p> <p>Primarily this activity will be undertaken using relatively quiet plant items (such as a winch) and is not considered to give rise to significant noise levels. As a worst-case for noise, a gas gun may be needed to fire the bonds between the two scaffolds, but this would likely only be done once and although impulsive, this would be unlikely to give rise to adverse levels of noise and as such would not be significant.</p> <p>Other than the winch or the gas gun, the only other noise source will be the generators associated with lighting (which will be shrouded, in locations within 350m of a residential receptor). This activity is covered by Requirement 7(3)(b) of the draft DCO (Document 3.1(B)) [AS-011]:</p>

Ref No.	Respondent:	Question:
		<p>“3) The following operations may take place outside the core working hours referred to in paragraph (1) and (2) —</p> <p>...</p> <p>(b) installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses”</p>
Q12.0.5	The Applicant	<p>Acoustic Fencing Table 14.9 of ES Chapter 14 [APP-086] and the Noise and Vibration Management Plan [APP-101] include the erection of acoustic fences around the proposed construction sites as a mitigation measure and the use of acoustic enclosures for Super Grid Transformers (SGTs). Can you provide evidence for the effectiveness of such enclosures in reducing noise effects.</p> <p>Applicant’s Response:</p> <p><u>Construction acoustic screens</u> It should be recognised that a range of screening solutions are proposed for different situations and their effectiveness will vary accordingly.</p> <p>The most effective screening planned is the plywood hoarding that will be installed at the temporary construction compounds. At other locations where the barrier usage needs more flexibility, high density barrier pads that affix to wire fencing and overlap to form a barrier are proposed and it is assumed that the query from the ExA relates to this type of barrier specifically.</p> <p>The temporary fencing type provided by suppliers such as Heras or Echo Barrier contains a dense core material sheathed in a weatherproof covering. The barriers tend to have Sound Reduction Index (SRI) performances of 20dB or higher, which means that when they are installed in accordance with manufacturers’ instructions that Insertion Loss (IL) performances of up to 10dB are possible, but the overall performance is a function of many parameters including workmanship, height of sound source, height of receiver, distance of source to barrier, distance of barrier to receptor, length of barrier, whether source is mobile or static, and position of intervening structures (amongst others).</p>

Ref No.	Respondent:	Question:
		<p>Such screens are commonly deployed across the construction sector and therefore, this approach is seen as being industry standard practice.</p> <p>With regards to Acoustic Screening, BS5228-1:2009 +A1:2014 (which is the approved code of practice for construction noise), states that: <i>“If noisy processes can be avoided, then the amount of noise reaching the noise-sensitive area will be reduced. Alternative ways of doing this are either to increase the distance between the noise source and the sensitive area or to introduce noise reduction screens, barriers or bunds.”</i></p> <p>and</p> <p><i>“On sites where it is not possible to reduce a noise problem by increasing the distance between the source and receiver, screening might have to be considered. For maximum benefit, screens should be close either to the source of noise (as with stationary plant) or to the listener. Careful positioning of noise barriers, such as bunds or noise screens, can bring about significant reductions in noise levels, although account should be taken of the visual impact of such barriers.”</i></p> <p>On the effectiveness of barriers, BS5228 Annex F states: <i>“In the absence of spectral data, as a working approximation, if there is a barrier or other topographic feature between the source and the receiving position, assume an approximate attenuation of 5 dB when the top of the plant is just visible to the receiver over the noise barrier, and of 10 dB when the noise screen completely hides the sources from the receiver. High topographical features and specifically designed and positioned noise barriers could provide greater attenuation.”</i></p> <p>The plywood hoardings will provide attenuations at the higher end of this range, subject to a good standard of workmanship, and the temporary fence-mounted barriers providing attenuations somewhere between 5 and 10 dB depending on the location of the barrier relative to the sound sources that they are positioned to mitigate.</p> <p>The deployment of barriers is part of an integrated approach to noise reduction that primarily involves the management of noise at source and employment of best practicable means (BPM) delivered and secured through the NVMP (Document 5.3.3H) [APP-101].</p>

Ref No.	Respondent:	Question:
		<p>It should also be recognised that the assessments of construction noise are considered on a worst-case basis (i.e., they are precautionary), with all potential activity assumed to be happening at the same time, with downwind conditions to each sensitive receptor and maximum plant numbers and operating times (as a proportion of an assessment period).</p> <p>The construction plant assumptions, being worst-case, allow for possible deficiencies in the in-situ performance of the temporary barriers to occur without such performance drops critically affecting sensitive receptors. It is still considered that there would be no significant impacts.</p> <p><u>SGT Enclosures</u></p> <p>The minimum performance of the Super Grid Transformer (SGT) enclosure is a contractual requirement. The assumed insertion loss is 20dB to the dominant tank noise (at the dominant 100Hz frequency band) for a transformer enclosure. However the insertion loss is predicted by design and cannot be derived by measurement as it would not be possible to get a before and after measurement, as the enclosure will be integral to the design.</p> <p>It should also be recognised that there is more noise mitigation than necessary built into the substations, as the enclosures are a typical design to meet the specification, rather than being designed to meet performances specific to Monk Fryston and Overton.</p> <p>Considering the worst-case assessment for both substations as reported in Table 14.31 and Table 14.32 of ES Noise and Vibration Chapter 14 (Document 5.2.14) [APP-086]:</p> <ul style="list-style-type: none"> • SEL 22, for Monk Fryston could experience a 9dB performance drop and still meet the -5dB Project substation design level. (Table 14.31). • HAM08 for Overton could experience a 5dB performance drop and still meet the -5dB Project substation design level. (Table 14.32). <p>The -5dB design level is a conservative position that would not give rise to significance, even if the SGTs exceeded their stated sound power by up to 5dB.</p> <p>Furthermore, the rating level contains a +6dB tonal correction which is the highest that can be applied and is likely to be an overestimation.</p>

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		<p>The SGT enclosures will be mounted on vibration-isolating pads to minimise flanking. Therefore, although there is confidence in the performance of SGT insulation, there are many degrees of conservativity built into the prediction and mitigation performance to justify the selection of this mitigation measure.</p> <p>Furthermore, should any obvious defects be apparent (i.e should the 100Hz tone be breaking out from the enclosure) in the SGT enclosures, these would be investigated and addressed during the commissioning phase.</p>
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2.13 Socio-economic Effects

Table 2.45 – Socio-economic Effects

Ref No.	Respondent:	Question:
13	13. Socio-economic Effects	
Q13.0.1	The Applicant	<p>Woodstock Lodge Wedding Venue ES Chapter 16: Socio-economics [APP-088] concludes that, with additional measures, socio-economic effects would be not significant. Paragraph 6.15.1 of ES Chapter 6 [APP-078] states that the additional measures would likely comprise landscape planting outside of the Order limits, and therefore would not be secured under the dDCO.</p> <p>Assuming that the additional measures remain outside of the Order limits, can you explain your conclusions regarding likely significant socio-economic effects to the Woodstock Lodge Wedding Venue? (See also questions on landscape and visual and cumulative effects)</p> <p>Applicant's Response:</p> <p>The approach to the assessment of environmental effects is set out in ES Chapter 4 Approach to preparing the ES (Document 5.2.4, [APP-076]). Paragraph 4.7.17 explains that the assessment of likely significant effects is based on the assumption that the identified embedded environmental measures are implemented as part of the Project and these measures are taken into account when drawing conclusions regarding the significance of effects. Paragraph 4.7.45 explains the approach to the assessment with regards to 'additional measures' and that typically these are measures which cannot be implemented as part of the Project and/or within the Order Limits. This includes instances such as the off-site planting proposed at Woodstock Lodge Wedding Venue, where planting needs to take place in privately owned land and for which a voluntary agreement needs to be reached with the landowner in order to implement the planting. The assessment gives consideration to these additional measures, however the assessment of residual effects is only provided as an indication as to whether additional measures could potentially mitigate significant effects.</p> <p>In the absence of these additional measures, ES Chapter 16: Socio-Economics (Document 5.2.16) [APP-088] identifies significant adverse effects on Woodstock Lodge Wedding Venue (Paragraphs 16.8.12-14 and Table 16.15). This is due to the nature of the business and the importance of views from the venue.</p>

Ref No.	Respondent:	Question:
		<p>Further detail on this matter is provided in the response to Q1.2.3 and Q11.3.1. The response to Q11.3.1 explains how discussion regarding the off-site planting at Woodstock Lodge Wedding Venue is still on going with the owners and operators of the business, and the current proposals would screen views from the ceremony room, but not from the open terrace area. The operators of the business wish to retain open views across the nearby countryside from the outdoor terrace area of the venue. This would mean that views from the terrace area would still be subject to a significant, adverse visual impact from the pylons. However, given the importance of open countryside views to the terrace area and the operator's preference for this approach, it is considered that these impacts would not lead to a significant adverse effect on the business. The socio-economic assessment of the additional measures and residual effects assessment ES Chapter 16: Socio-Economics (Document 5.2.16) [APP-088], sections 16.11 and 16.12 would therefore remain valid, concluding they would lead to no significant socio-economic effects.</p>

2.14 Transportation and Traffic

Table 2.46 – Transportation and Traffic

Ref No.	Respondent:	Question:									
14	14. Transportation and Traffic										
Q14.0.1	The Applicant	<p>Definitions of vehicle movements</p> <p>For the sake of clarity please confirm the meanings you have applied to the following terms that you have used at various times in ES Chapter 12: Traffic and Transport [APP-084] and Appendix 12A [APP-148]: “total vehicles”, “two-way traffic generation”, “two-way HGV movements”, “two-way HGVs”, “two-way HGV trips”, “HGVs per day”, “HGVs per hour”, “LV movements” and “Estimated Daily Vehicle Movements”. For example, in Table 12.30 of ES Chapter 12 [APP-084] you refer to “... two additional HGVs per hour (four total vehicles per hour)”. How does this relate to the two-way HGV figures that are provided elsewhere? In addition, confirm that these terms have been applied consistently throughout the various submitted documents.</p> <p>Also, explain the TEMPro growth rates that are set out in paragraph 12.5.62 of [APP-084], and is it correct that the growth rate given for York contains an erroneous decimal point?</p> <p>Applicant’s Response:</p> <p><u>Terminology</u></p> <p>A journey between an origin and a destination point on the local or strategic road network is referred to as either a ‘vehicle movement’ or a ‘vehicle trip’, throughout the ES Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084] and Appendix 12A Traffic Modelling Tables (Document 5.3.12A) [APP-148]. These terms are outlined in the below table for clarity.</p> <table border="1"> <thead> <tr> <th>Term used in Document 5.2.12 [APP-084] and/or Document 5.3.12A [APP-148].</th> <th>Description</th> <th>Example in text of the ES Chapter 12 Traffic and Transport in Document 5.2.12 [APP-084] or in Document 5.3.12A [APP-148]</th> </tr> </thead> <tbody> <tr> <td><i>Total vehicles</i></td> <td>Total number of vehicle movements in either direction on a road.</td> <td>Table 12.9 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>Estimated daily vehicle movements</i></td> <td>Total number of vehicle movements per day in either direction on a road.</td> <td>Table 12A.1 (Document 5.3.12A) [APP-148]</td> </tr> </tbody> </table>	Term used in Document 5.2.12 [APP-084] and/or Document 5.3.12A [APP-148].	Description	Example in text of the ES Chapter 12 Traffic and Transport in Document 5.2.12 [APP-084] or in Document 5.3.12A [APP-148]	<i>Total vehicles</i>	Total number of vehicle movements in either direction on a road.	Table 12.9 (Document 5.2.12) [APP-084]	<i>Estimated daily vehicle movements</i>	Total number of vehicle movements per day in either direction on a road.	Table 12A.1 (Document 5.3.12A) [APP-148]
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		<table border="1"> <tr> <td><i>Two-way traffic generation</i></td> <td>Total number of vehicle movements in either direction on a road generated by the development.</td> <td>Table 12.24 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>Two-way HGV movements</i></td> <td rowspan="3">Total number of two-way HGV movements in either direction on a road.</td> <td>Paragraph 12.8.45 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>Two-way HGVs</i></td> <td>Paragraph 12.6.80 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>Two-way HGV trips</i></td> <td>Paragraph 12.8.91 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>HGVs per day</i></td> <td>Total number of HGV movements in either direction on a road per day.</td> <td>Table 12.9 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>HGVs per hour</i></td> <td>Total number of HGV movements in either direction on a road per hour.</td> <td>Table 12.31 (Document 5.2.12) [APP-084]</td> </tr> <tr> <td><i>LV movements</i></td> <td>Total number of LV movements in either direction on a road.</td> <td>Paragraph 12.8.43 (Document 5.2.12) [APP-084]</td> </tr> </table> <p>The use of the terms outlined above, is consistent throughout the submitted documents, notably within: ES Chapter 12 Traffic and Transport (Document 5.2.12) [APP-084], Appendix 12A Traffic Modelling Tables (Document 5.3.12A) [APP-148], ES Chapter 13: Air Quality (Document 5.2.13)[APP-085], ES Chapter 14 Noise and Vibration (Document 5.2.14)[APP-086] Appendix 3F Construction Traffic Management Plan (Document 5.3.3F) [APP-099] and Appendix 3G Public Rights of Way Management Plan (Document 5.3.3G) [APP-100].</p> <p>It is worth noting that Table 12A.2 of the Appendix 12A Transport Modelling Tables (Document 5.3.12A) [APP-148] contains explicit reference to number of vehicles which was used to derive vehicle movements.</p> <p><u>TEMPro Growth Rates</u> The TEMPro growth rates, set out in paragraph 12.5.62 (Document 5.2.12) [APP-084], were used to growth 2019 DfT traffic flow data (as outlined in Table 12.9 (Document 5.2.12) [APP-084]) to 2022 traffic flows, for LVs only.</p> <p>Please note that the growth rate was erroneously stated as 2019-2021 in paragraph 12.5.62. Paragraph 12.5.62 should read: The TEMPro growth rates are as follows:</p>	<i>Two-way traffic generation</i>	Total number of vehicle movements in either direction on a road generated by the development.	Table 12.24 (Document 5.2.12) [APP-084]	<i>Two-way HGV movements</i>	Total number of two-way HGV movements in either direction on a road.	Paragraph 12.8.45 (Document 5.2.12) [APP-084]	<i>Two-way HGVs</i>	Paragraph 12.6.80 (Document 5.2.12) [APP-084]	<i>Two-way HGV trips</i>	Paragraph 12.8.91 (Document 5.2.12) [APP-084]	<i>HGVs per day</i>	Total number of HGV movements in either direction on a road per day.	Table 12.9 (Document 5.2.12) [APP-084]	<i>HGVs per hour</i>	Total number of HGV movements in either direction on a road per hour.	Table 12.31 (Document 5.2.12) [APP-084]	<i>LV movements</i>	Total number of LV movements in either direction on a road.	Paragraph 12.8.43 (Document 5.2.12) [APP-084]
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		<ul style="list-style-type: none"> • 2019 – 2022: <ul style="list-style-type: none"> – Selby – 1.025; – Harrogate – 1.023; and – York - 1.029 <p>Growth rates were derived, from TEMPro version 7.2, for each area of interest (Selby, Harrogate and York) with the selection criteria as follows: GB; Yorkshire and the Humber; North Yorkshire:</p> <ul style="list-style-type: none"> • Selby and all sub levels (Selby 001-010) • Harrogate and all sub levels (Harrogate 001-021) • York and all sub levels (York 001-024) <p>Each area’s locally adjusted growth rate, for 2019 – 2022, was calculated per the methodology in the Department for Transport’s Transport Analysis Guidance Chapter 9 of TAG Unit M4, with the NTM calculation based on ‘all roads’ and local adjustment based on county and authority.</p> <p>It is acknowledged that there is an erroneous decimal point in the 2019-2022 growth factor for York, which should be stated as 1.029, in paragraph 12.5.62 (Document 5.2.12) [APP-084]. The typo in paragraph 12.5.62 does not impact the traffic calculation presented within Document 5.2.12 [APP-084], and will be corrected within the ES Errata document at Deadline 3.</p>
Q14.0.2	The Applicant	<p>Activity/Duration Figures in Table 12A.2 of Appendix 12A [APP-148]</p> <p>In Table 12A.2 of Appendix 12A: Traffic Modelling Tables [APP-148] you have provided figures in relation to the various activities and durations for elements of the Proposed Development.</p> <p>For example, in relation to Monk Fryston under the first row “Construct bellmouth”, the final columns read as follows: Total Weeks 6, HGV 19 and LGV 10. Whilst these represent averaged figures over the entire duration of the predicted operations, in reality activities are likely to fluctuate significantly over the entire period rather than being equally spread out.</p> <p>Consequently, how has the worst-case scenario been assessed in terms of predicted vehicle movements associated with these various activities?</p> <p>Applicant’s Response:</p> <p>The traffic generation during the construction period used for the assessment of traffic and transport impacts within the ES Chapter 12 (Document 5.2.12) [APP-084] and detailed with the tables in the Appendix 12A: Traffic Modelling Tables (Document 5.3.12A) [APP-148], has utilised each receptors’ peak week traffic based on average construction traffic movements. The average construction traffic</p>

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		<p>movements are associated with construction activities per week and per day for the duration of the construction activity (using a seven-day working week as outlined in paragraph 12.8.113 of Document 5.2.12 [APP-084]). This is a robust approach for generating a forecast of the worst-case construction traffic movements given the currently known information regarding traffic movements and the detail level of the construction programme.</p> <p>It is acknowledged that week to week and day to day fluctuations in construction traffic for specific activities may occur within the duration of a construction activity however, variation would be anticipated to be minimal, within the capacity of the network and would not have a significant impact on the assessment of significant transport effects.</p> <p>The movement of construction traffic is mitigated and regulated by the Construction Traffic Management Plan (Document 5.3.3F [APP-099]) which is secured by Requirement 5 of the Draft DCO (Document 3.1(B) [AS-011]). Potential mitigation measures are outlined within Section 7 of the CTMP and includes measures such as implementation of Delivery Management Systems (DMS) which can be used to schedule delivery movements and thus enable variation in week to week and day to day construction traffic movements for a construction activity to be minimised where possible and take into account relevant route specific requirements.</p> <p>Additionally, the assessment of transport impacts is based on a reasonable worst-case scenario of traffic generation, and it would be anticipated that traffic generation levels may be lower than the presented forecast.</p>
Q14.03	The Applicant and Local Highway Authorities (North Yorkshire County Council, City of York Council and Leeds City	<p>Traffic Management: Abnormal Loads</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] reference is made to the likely requirement that some large items delivered to the site will be classed as abnormal loads and discussion with the Local Highway Authority will be required. The ExA also notes that an Abnormal Indivisible Load Assessment has been provided in Annex 3F.1 of the Construction Traffic Management Plan (CTMP) [APP-099]. Having regard to this:</p> <p>To Applicant and Local Highway Authorities:</p> <p>a) When is it envisaged that such discussions will take place?</p> <p>b) What mechanism will there be for public consultation and notification regarding the timing and routing of abnormal loads beyond that set out in Section 3.6 of [APP-099]?</p> <p>To Local Highway Authorities:</p>

Ref No.	Respondent:	Question:
	Council)	<p>c) Are you content with the measures set out in the CTMP or should an Outline Abnormal Loads Management Plan be submitted into this Examination in order to provide more detailed information on this matter?</p> <p>Applicant's Response:</p> <p>a) As stated within Section 3.6 of the Construction Traffic Management Plan (Document 5.3.3F) [APP-099], the National Highways Electronic Service Delivery for Abnormal Loads (ESDAL) system will be used to notify National Highways, the local highway authorities and the Police of AIL movement details, times, types and route at the appropriate time (once the appointed Contractor has finalised the detailed construction programme of works) and additionally, prior to AIL deliveries a full road condition survey will be undertaken in agreement with the relevant highway authority (HA).</p> <p>The use of the ESDAL system has been agreed with National Highways, as outlined in SoCG ID 3.2.7 of the Statement of Common Ground between National Grid and National Highways (Document 8.5.14) [REP1-034].</p> <p>Discussions with National Highways regarding AILs have been ongoing since November 2022. National Highways and the respective HA and National Grid are reviewing the routes. Identified routes have been submitted on the ESDAL system. Discussions around infrastructure crossings are in regular review, and a meeting is planned between National Highways and National Grid in May.</p> <p>b) As outlined in Section 3.6 of the CTMP (Document 5.3.3F) [APP-099], leaflet drops will be undertaken at key sections along the AIL delivery routes to inform residents and, as previously discussed, the ESDAL system will notify the local highway authorities and National Highways. Beyond the commitments in Section 3.6, notification will be provided to the relevant local and parish councils at the appropriate time (once the appointed Contractor has finalised the detailed construction programme of works) prior to AIL movements. This information can then be provided at a local level by these parties as appropriate.</p>
Q14.0.5	The Applicant and North	<p>Access: design standards</p> <p>In the joint Local Authorities' RR [RR-018], [RR-019], [RR-032] and [RR-034] it is stated that "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</p>

Ref No.	Respondent:	Question:
	Yorkshire County Council, or its successor body	<p>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:</p> <p>a) 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:</p> <p>b) Has the Applicant been made aware of your preferred design standards and are these publicly available?</p> <p>c) For the sake of clarity, confirm whether your concerns are only in regard to accesses on to the public highway or whether you also have concerns regarding the design of internal construction access roads.</p> <p>Applicant's Response:</p> <p>a) Technical engagement has been undertaken with North Yorkshire Council (who were the relevant Highway Authority for the various Districts at the time of submissions) to agreed that accesses will, where relevant, comply to Design Manual for Roads and Bridges (DMRB) standards, as summarised in Table 12.5 within the ES Chapter 12 Traffic and Transport (Document 5.2.12) [APP-084] and identified within SoCG ID 3.9.2 of the Statement of Common Ground Between National Grid and North Yorkshire Council (Document 8.5.2) [REP1-022]. The DMRB is a nationally applicable design standard which is frequently updated.</p> <p>National Grid welcomes to opportunity for continued proactive engagement with the HA over future access considerations and have contacted Officers to discuss the points raised. Requirement 14 of the Draft DCO (Document 3.1(B) [AS-011], details that no vehicular access construction can commence until the access layout and design has been submitted to and approved by the local highway authority.</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</p> <p>Figure 3F.4 Sheet 11 of 11 (e-page 64) of the Construction Traffic Management Plan [APP099] indicates the routeing strategy to access overhead line works north of the A63 and west of Lumby. Access is shown to be gained via Lumby Village and then via a long access track running west towards the A1(M).</p> <p>To the Applicant:</p> <p>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>

Ref No.	Respondent:	Question:
		<p>b) Comment upon the consideration of alternative access options for the construction of Works Nos. 9 and 10.</p> <p>c) Provide the predicted vehicle movements associated with the construction of this part of the Proposed Development, and explain the engineering works to be carried out to the access track to ensure it is fit for purpose to facilitate the Proposed Development.</p> <p>To North Yorkshire County Council:</p> <p>d) What are your views on the suitability of this route having regard to the nature of Lumby village and the configuration and design of the highway from the A63 to the proposed construction access path?</p> <hr/> <p>Applicant's Response:</p> <p>a) An assessment of the traffic and transport impacts due to construction traffic is presented within the ES Chapter 12 Traffic and Transport (Document 5.2.12) [APP-084] and summarised in Table 12.36. No significant traffic and transport effects were identified within the transport study area.</p> <p>All construction HGVs routing from the Strategic Road Network and then along Butts Lane will approach Butts Lane from the A1 (M) Junction 42, which will result in all construction traffic turning left into Butts Lane (as specified in Table 4.2 Document 5.3.3F [APP-099]). Thus, construction vehicle movements into Butts Lane will not obstruct the ability for traffic to egress safely from Butts Lane (from Lumby Village).</p> <p>As noted in the ES Chapter 12 Traffic and Transport paragraph 12.5.8 (Document 5.2.12) [APP-084], Butts Lane is a single-track road with a 7.5 tonne HGV restriction except for loading and routes through Lumby. Through Lumby the speed limit is 30mph and the majority of the route has adjacent pedestrian footway and streetlights. However, only one access point is served by this route (access point 8) and the anticipated number of vehicles utilising the route via Lumby will be minimal (anticipated vehicle numbers are outlined in this response part c), in both daily flows and duration of construction traffic movements along this link throughout the construction period which is temporary in nature. A review of personal injury collision data presented in the ES Chapter 12 Traffic and Transport at Table 12.11 (Document 5.2.12) [APP-084] demonstrated that only two incidents were recorded on Butts Lane (between the A63 and Redhill Lane) over the 5 year period between Jan 2015 and December 2019. This indicates that the geometric layout and design of the road network is suitable to support an appropriate quantum of vehicular trips and access for the proposed construction use.</p>

Ref No.	Respondent:	Question:
		<p>b) The methodology for determination of access routes is presented in Section 4 of the Construction Traffic Management Plan (Document 5.3.3F) [APP-099] with refinement of access routes per specific location.</p> <p>Access point 8, via Lumby village and Red Hill Lane, serves Work no.9 for pylon XC520 only. This access route is from the east, via an existing track which has historically been used to access the existing pylon. The track is suitably wide for the proposed works and, if required, upgrade works to the track would be undertaken or, trackway can be laid on the track's surface.</p> <p>Access to this pylon cannot be gained from the west due to the physical constrain of the A1 (M) and access from the north, to this location, would be via a long access which would have greater impacts on the fields/land crossed resulting in the potential for greater environmental impacts. Therefore, the access to pylon XC520 in Work no. 9, via access point 8, is considered the most suitable access option. Other towers within Work no. 9 are accessed via other access routes.</p> <p>Access to Work no. 10 is not served via Lumby and is instead served via access points from the A63 and Rawfield Lane.</p> <p>c) Weekly Heavy Goods Vehicle (HGV) and Light Vehicle (LV) traffic is identified in Table 12A.3 and Table 12A.4 in Document 5.3.12A [APP-148]. Therefore, the maximum daily construction vehicle movement (during the peak week for construction traffic on this road) routeing from the A63 along Butts Lane (Lumby) to the existing track from Red Hill Lane (Access Point 8), is anticipated to be up to eight HGV movements and 12 LV movements. This equates to less than one HGV and one LV movement per hour. Typically, four or fewer HGV and LV movements per day will route along Butts Lane for the very few weeks (approximately 8 weeks) during the construction period that Butts Lane is used.</p> <p>No access upgrades are envisaged on Red Hill Lane. If the condition of the existing track is poor at the time of works, if required, upgrade works to the track would be undertaken or trackway may be used over the surface of the existing track, or any remedial works undertaken as required</p>
Q14.0.8	The Applicant	<p>Enforcement of the Construction Traffic Management Plan Paragraph 8.2.3 of the CTMP [APP-099] states that “National Grid will ensure that appropriate measures are taken to ensure contractor behaviours and performance is monitored...”</p>

Ref No.	Respondent:	Question:
		<p>Provide further explanation as to how the monitoring and corrective measures would work in practice and how this is to be secured in the dDCO.</p> <p>Applicant's Response:</p> <p>An overarching transport coordination officer (TCO) will be appointed by National Grid to implement the CTMP (Document 5.3.3F) [APP-099] and each principal contractor will have a TCO to liaise with the overarching TCO. This is detailed within the CTMP, and secured via Requirement 5(2)(d) of the Draft DCO (Document 3.1(B) [AS-011].</p> <p>The overarching TCO will be employed prior to commencement of the construction of the Project and will monitor contractor obligations under the CTMP and liaise with the contractors TCOs. They will liaise with, and report to, the local highway authorities (HA) and National Highways on mitigation and remedial measures as required, update the CTMP as required and resolve any issues through the liaison with relevant stakeholders.</p> <p>Monitoring by National Grid and the respective TCOs of the Principal contractors will be undertaken throughout the project lifecycle, this will be informed by the Delivery Management system (DMS) (as detailed within the CTMP (Document 5.3.F) [APP-099] produced by contractors and spot checked for compliance.</p> <p>Weekly meetings shall be held, reviewing forthcoming vehicle movements to ensure routing, timing and any specific issues are addressed. National Grid will also ensure any stakeholder requirements such as the emergency services and key stakeholders such as Royal Mail, are being adequately considered by contractors.</p> <p>Management of visibility splays, bellmouths, road cleaning (as required) and signage shall also be monitored by the contractors and checked for compliance by National Grid.</p> <p>The TCOs will check compliance of vehicle types, frequency/use is in line with the CTMP, banksmen are in assigned and in place where being required in the CTMP (Document 5.3.3F) [APP-099] and the Public Right of Way Management Plan (PRoWMP) (Document 5.3.3G) [APP-100] and monitor the condition of the road network being utilised.</p>

Ref No.	Respondent:	Question:
		<p>TCOs shall ensure all those who have driving responsibilities on the project have been briefed and received an induction pack as detailed in Section 7.3.13 of the CTMP (Document 5.3.3F) [APP-099].</p> <p>Compliance with speed restrictions and any other measures on temporary access roads shall be monitored, by checking vehicles are keeping within designated areas, not trafficking on reinstated soil (topsoil or subsoil) and ensuring vehicles are not idling unnecessarily.</p> <p>TCOs will support and encourage sustainable travel (public transport, cycling, walking, and car-sharing).</p> <p>Any corrective action required shall be dealt with in a timely manner and utilising mechanisms under the contract to ensure compliance is implemented and acted upon appropriately. Should any complaints be received (either in person or via our External affairs for example) these will be reviewed and acted upon.</p> <p>Non-compliance shall be dealt with promptly utilising the contractor’s disciplinary procedures. Resolution of any issues that arise shall be dealt with utilising the contract between National Grid and its Contractors. Where appropriate corrective measures will be taken to resolve, redress and enhance service performance.</p> <p>The weekly meetings shall also review / check compliance of the following:</p> <ul style="list-style-type: none"> ● Adherence of the use of the Strategic Access Routes on figures 3F.3 Strategic Access Routes in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099] ● Adherence of the use of the Local HGV Access Routes on figures 3F.4 Local HGV Access Routes in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099] ● Adherence of the use of Light Vehicles entry/exit points on figures 3F.6 LV Distribution Network Entry/Exit Points in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099] ● Adherence of the use of Temporary Construction Access routes on figures 3F.7 Temporary Construction Access Routes in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099] ● Adherence of the use of Highway crossing points on figures 3F.8 Highway Crossing Locations in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099]

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> Adherence of the use of rail crossing points on figures 3F.9 Rail Crossing Locations in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099]
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 postconstruction to the same condition or better.</p> <p>To the Applicant: a) Can the PRoWMP 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: b) Do you consider that there is sufficient clarity in the PRoWMP regarding the expected locations, timing and frequency of condition surveys and timescales for reinstatement work (if required) post-construction to adequately secure this commitment?</p> <p>Applicant's Response:</p> <p>The Public Rights of Way Management Plan (PRoWMP) has been revised to clarify details of the PRoW condition survey and reinstatement post-construction and an updated version is submitted at Deadline 2 (Document 5.3.3G(B)). It is noted that the ES Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084] Table 12.12 specifies that condition surveys will be undertaken before, during and after construction for affected sections of PRoWs and post-construction PRoWs will be returned to their pre-construction condition or better. Reinstatement of PRoWs is set out within Article 36 (Temporary Use of Land by National Grid), Article 37 (Temporary Use of Land by NPG) and Article 38 (Temporary Use of Lands by NGN) and secured by Schedule 3 Requirement 11 of the draft DCO (Document 3.1(B)) [AS-011].</p> <p>As outlined within Table 12.12 of the ES Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084] and committed within the updated PRoWMP Section 3, particularly Section 3.5, (Document 5.3.3G(B)) and thus secured by Requirement 5 of the Draft DCO (Document 3.1(B)) [AS-011], at the</p>

Ref No.	Respondent:	Question:								
		appropriate time (for example, once the appointed Contractor has finalised the detailed construction programme of works) specific details and requirements of PRoW management, condition surveys and reinstatement will be discussed and agreed with the relevant authorities' Rights of Way Officers.								
Q14.0.10	The Applicant and North Yorkshire County Council, or its successor body	<p>Construction Management Plan discussions 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. 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>Applicant's Response:</p> <p>National Grid is in regular communication with North Yorkshire Council, through monthly project meetings and ongoing technical engagement. Based on engagement to date, National Grid is not aware of any amendments required to the Management Plans. However, in order to confirm this, on 11 April 2023 National Grid proposed the following timeline for discussions with the Council, via email. National Grid are yet to receive a response from North Yorkshire Council as to whether the proposed dates are suitable from their perspective.</p> <p>National Grid are confident that issues can be resolved before the close of examination.</p> <table border="1"> <tbody> <tr> <td>All LPAs to send comments on the construction Management Plans, Identifying specific areas for further discussion</td> <td>Before 28 April 2023</td> </tr> <tr> <td>National Grid to review comments, and provide responses where relevant</td> <td>2 May 2023-12 May 2023</td> </tr> <tr> <td>If necessary, meeting to be held (via Teams) to discuss comments</td> <td>w/c 15 May 2023</td> </tr> <tr> <td>All LPAs confirm if they are satisfied with updates or not</td> <td>w/c 22 May 2023</td> </tr> </tbody> </table>	All LPAs to send comments on the construction Management Plans, Identifying specific areas for further discussion	Before 28 April 2023	National Grid to review comments, and provide responses where relevant	2 May 2023-12 May 2023	If necessary, meeting to be held (via Teams) to discuss comments	w/c 15 May 2023	All LPAs confirm if they are satisfied with updates or not	w/c 22 May 2023
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Q14.0.12	The Applicant	<p>Notification of road closures 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>								

Ref No.	Respondent:	Question:
		<p>Applicant's Response:</p> <p>As detailed in Section 7.2 of the Construction Traffic Management Plan (Document 5.3.3F) [APP-099], National Grid does not anticipate any road closures associated with the Project, and instead traffic management (such as the use of traffic lights) would be utilised where required. In the unlikely event that a road closure was required, this would require National Grid to go through the standard procedure of making a Traffic Regulation Order (TRO) to the relevant Highway Authority (HA). This would be done outside of the powers granted by the DCO as currently drafted. This would require National Grid to inform the HA of the location of the closure being sought, the timescales and duration proposed, and diversion routes proposed. Typically, HAs require 6-12 weeks advance notice to process and prepare for a TRO.</p> <p>As part of the TRO application process, National Grid and the HA would agree the approach to providing notice, and this would typically include erecting information signs at the location of the closure, and giving the public and businesses advance warning of the proposed closure. The design of signs would be agreed with the HA, and they would need to be erected at least ten days before the commencement of the road closure. The HA may request appropriate media publicity in a local paper, in advance of the road closure. They may also require businesses to be notified individually, and residents to be informed via a letter drop.</p> <p>The exact approach to informing businesses and residents would depend on the location and duration of road closure. Closure of a lightly trafficked road, for a short duration, would likely require less notice than closure of a heavily trafficked road for a longer duration. As National Grid does not anticipate any road closures, the exact approach would be considered only if required, and in consultation with the HA.</p> <p>In addition to the measures required under a TRO, Section 2.2.9-2.2.11 of the Code of Construction Practise (Document 5.3.3B) [APP-095] sets out National Grid's approach to liaising with the local community, including local businesses. Any road closures would be detailed on the Project website, and details provided as part of regular community liaison activities.</p>
Q.14.0.13	The Applicant	<p>National Cycle Network An alternative NCN65 cycle route is to be created to mitigate safety concerns from construction activities at the Overton substation site. Can you explain how the provision of this alternative route would be phased in relation to the works to create the construction compounds to ensure the safety of cyclists?</p> <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>It is proposed that following granting of the DCO, works to facilitate the alternative route for the NCN65 would proceed. To minimise impact on the network for all road users it is proposed the contractor would create a construction compound in the field that will eventually be the OHL construction compound off Overton Lane. Access will be taken off Overton Lane at the designated access points 88 (Existing field entrance) as referenced on Figures 3F.7 Temporary Construction Access Routes in ES Appendix 3F Construction Traffic Management Plan (Document 5.4.3) [APP-099]</p> <p>Enabling works to provide access at the location, creation of hardstanding to facilitate the works for materials laydown, deliveries and welfare etc. will be undertaken by the main works contractor once all relevant surveys have been undertaken.</p> <p>Prior to the works to create the alternative route and in line with the requirements of Sustrans, advance notification signage shall be placed at key locations on NCN65. Timing of the placement of the signage will be discussed with Sustrans.</p> <p>The key aim of starting these works in advance of the main civil works is to provide a safe, accessible alternative to the users of NCN65 prior to vehicle movements required for the main works starting in July / August 2024. This is detailed in the Public Rights of Way Management Plan (PRoWMP) (Document 5.3.3G) [APP-100] secured under Requirement 5 of the draft DCO (Document 3.1(B)) [AS-011].</p> <p>The alternative route will be in place for the cyclists to use for the duration of the construction works in the area and construction of the alternative route will take place prior to the wider construction works.</p>

National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152