

YG-DCO-112

# Yorkshire Green Energy Enablement (GREEN) Project

**Volume 8**

**Document 8.4.6 Applicant's Deadline 3 Response to ISH1 Hearing  
Action Points**

**Final Issue A  
May 2023**

**Planning Inspectorate Reference: EN020024**

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## Version History

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Document	Version	Status	Description / Changes
10/05/2023	A	Final	First Issue

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# 1. About this document

## 1. Introduction

- 1.1.1. This document provides National Grid Electricity Transmission Plc's (National Grid) (the Applicant) response to Action Points addressed to the Applicant arising from Issue Specific Hearing (ISH) 1 **[EV-003a]** held on Thursday 22 March 2023 required to be submitted at Deadline 3, in respect of the Yorkshire Green Energy Enablement Project (Yorkshire GREEN) (the Project).
- 1.1.2. Responses to actions addressed to the Applicant required to be submitted at Deadline 3 are provided in **section 2** below.

## 2. The Applicant’s Response to ISH1 Action Points

Table 2.1 – Response to ISH1 Action Points

Action No.	ExA description	Party	Deadline	Response
8	Check that the definition of “maintain” covers all that is required for landscape maintenance.	The Applicant	D3	National Grid has further considered the definition of "maintain" following ISH1 and does not consider an update to this definition is necessary. Landscape maintenance is an obligation on National Grid secured through requirements 8 and 9 of the <b>draft DCO (Document 3.1(C))</b> . No express powers above and beyond those already provided for within the Articles of the <b>draft DCO (Document 3.1(C))</b> would be required for National Grid to comply with landscape maintenance requirements and, therefore, no additional terms are needed within the 'maintain' definition.
9	Undertake a thorough audit of the dDCO and Explanatory Memorandum (EM) to separate the works to be undertaken and benefits of the Order for Northern Power Grid (Yorkshire) plc and Northern Powergrid (Northeast) plc, including articles 2, 6, 7, and the Protective Provisions.	The Applicant	D3	National Grid has updated the definition of "NPG" and "NPG Works" to further clarify the position regarding the two NPG entities.  "NPG" has been defined to incorporate both entities relevant to the Project (Northern Powergrid (Northeast) PLC and Northern Powergrid (Yorkshire) PLC). This is tied to the relevant NPG Work to which the relevant provision of the DCO applies. "NPG Works" has been defined by reference to the specific 'U' works that each NPG entity will be undertaking.
11	Consider providing definitions of the following in the dDCO: ‘cable sealing	The Applicant	D3	National Grid has further considered whether definitions should be included in the draft DCO for ‘cable sealing end compound’, ‘supporting structure’ and ‘construction activities’. It is not

Action No.	ExA description	Party	Deadline	Response
	end compound', 'supporting structure' and 'construction activities'.			<p>considered appropriate to define these terms for the following reasons:</p> <p>"cable sealing end compound" (<b>CSEC</b>) – the Project relates solely to electricity transmission infrastructure for which the CSEC term is commonly used and understood. It has not been considered necessary to include a definition for a CSEC in a transmission-related DCO's to date, distinct from other energy projects which are predominantly concerned with, for example, energy generation. The nature and design of CSECs can vary but a high level description of the purpose of a CSEC (to transition overhead lines from overhead conductors to underground cables) and a visual example of a CSEC is already contained in <b>ES Chapter 3 Description of the Project (Document 5.2.3) [APP-075]</b>. National Grid has sought to provide the detail of the particular CSECs which will be required for this Project through information contained in the <b>Design Drawings (Document 2.15(B)) [REP2-011]</b>, which detail the features of each CSEC, as well as the descriptions within Schedule 1 of the <b>draft DCO (Document 3.1(C))</b> which link to the relevant Works Plans where the CSECs will be located. Given the level of detail for the CSECs included in the <b>Design Drawings (Document 2.15(B)) [REP2-011]</b>, and the nature of the Project being solely for electricity transmission infrastructure, it is not considered necessary to provide a definition for CSECs in the draft DCO. This approach is consistent with the Electricity Act 1989 which provides no definition of a CSEC.</p> <p>"supporting structure" – This term was used within Article 5 (limits of deviation) to the draft DCO. However, the <b>draft DCO (Document 3.1(C))</b> submitted at Deadline 3 now contains an amendment which refers to "any pylon and temporary structures...". This is consistent with the term used for such structures within the description of the Authorised Development as</p>

Action No.	ExA description	Party	Deadline	Response
				<p>set out in Schedule 1 of the <b>draft DCO (Document 3.1(C))</b>. Because this amendment has been made to Article 5, and the term 'supporting structure' is no longer used in the draft DCO no new definition is required.</p> <p>"construction activities" – due to the nature of the activities and the requirement for flexibility in the construction activities which would take place to deliver the Project, any definition of 'construction activities' would be necessarily broad so offer very limited utility in limiting the scope or nature of activities which could be undertaken. Given this it is not considered appropriate to include it as a defined term in the draft DCO. The term is used within Article 5(1)(e) of the <b>draft DCO (Document 3.1(C))</b>. It has been used in the same manner in precedented National Grid DCOs such as The National Grid (Hinkley Point C Connection Project) Order 2016 and The National Grid (Richborough Connection Project) Development Consent Order 2017.</p>
12	Remove word 'commence' from article 26.	The Applicant	D3	Article 26 has been updated accordingly in the <b>draft DCO (Document 3.1(C))</b> submitted at Deadline 3.
14	Provide clarity to the controls for height as they relate to vertical limits for LoD and the Parameter Plans.	The Applicant	D3	As explained at Deadline 2, National Grid has updated the <b>Design Drawings (Document 2.15(B)) [REP2-011]</b> and has included the finished surface levels for all non-linear works on the elevation drawings within the Design Drawings. Amendments have also been made to Article 5 of the <b>draft DCO (Document 3.1(C))</b> submitted at Deadline 3 to clarify that the maximum heights on the parameter plans must be measured from the finished site levels on the corresponding elevation drawings. The overhead line profiles already determine the heights of pylons to which the limits of deviation apply.

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16	Drawing Numbers for the Parameter Plans to be specified in article 5 of the dDCO.	The Applicant	D3	A new definition for "parameter plans" and elevation plans" has been included within the <b>draft DCO (Document 3.1(C))</b> submitted at Deadline 3. This specifies the relevant drawing numbers so that these references are tied to the use of the terms "parameter plans" and "elevation drawings" within Article 5.
18	Applicant to consider adding the Environmental Statement to the list of documents to be certified under article 48.	The Applicant	D3	As explained in National Grid's response to Question 5.4.4(c) in the <b>Applicant's Response to Examining Authority's First Written Questions EXQ1 (Document 8.9.1) [REP2-038]</b> , National Grid does not consider that the environmental statement should be certified within Article 48 of the <b>draft DCO (Document 3.1(C))</b> .
19	Consider providing the certified outline landscape mitigation plans in standalone certified document.	The Applicant	D3	As detailed in National Grid's Response to the Examining Authority's First Written Questions ExQ1 ( <b>Document 8.9.1) [REP2-038] Q6.0.4 (b)</b> National Grid does not consider it necessary that the Outline Landscape Mitigation Scheme (OLMS) should be a standalone document. The OLMS Figures 3.10 – 3.12 form part of the <b>Environmental Statement (ES) Chapter 3 Description of the Project Figures (Document 5.4.3(C)) [REP2-031]</b> . 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 <b>draft DCO (Document 3.1(B)) [AS-011]</b> . 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.

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20	Update the Explanatory Memorandum to explain why no separate consent is being sought in respect of works affecting scheduled monuments with reference to Ancient Monuments and Archaeological Areas Act 1979.	The Applicant	D3	The <b>Explanatory Memorandum (Document 3.2(C))</b> has been updated at Deadline 3 so that an explanation is now included as a new section 3.3.
27	Add an implementation clause into Requirement 4 (Stages of authorised development).	The Applicant	D3	National Grid has updated the wording of Requirement 4 in the <b>draft DCO (Document 3.1(C))</b> submitted at Deadline 3.
29	Submit final agreed versions of Protective Provisions by Deadline 5.	The Applicant and all relevant statutory undertakers	D5	<p>National Grid is currently progressing protective provisions with all relevant parties. Updates will be provided throughout the examination with the aim of finalising the agreed form of these provisions by Deadline 5.</p> <p>An update on the status of side agreements and protective provisions can be found within the <b>Applicant's planning obligations and commercial side agreements tracking list (Document 8.8) [REP1-045]</b> submitted at Deadline 1 and within <b>Protective Provisions Progress Schedule (Document 8.12) submitted at Deadline 2 (Document 8.12) [REP2-042]</b>.</p> <p>Whilst progress is being made with the bespoke protective provisions for those statutory undertakers who have requested this, these will not be added into the draft DCO until final (or near final) agreement is reached.</p>

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