

**Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Yorkshire GREEN Project**

**Agenda for Issue Specific Hearing 2 (ISH2):  
Green Belt, Environmental Effects and Construction Matters**

Hearing	Date	Time	Location
<b>Issue Specific Hearing 2 (ISH2)</b>  Green Belt, Environmental Effects and Construction Matters	<b>Wednesday 24 May 2023</b> (all day) and <b>Thursday 25 May 2023</b> (morning, if required)	<b><u>On both days</u></b>  <b>Virtual Room opens: 9.00am</b>  <b>Seating available at venue from: 9.30am</b>  <b>Virtual Arrangements Conference from: 9.45am</b>  <b>Hearing starts: 10.00am</b>	<b>The Classic Suite, Delta Hotels by Marriott York, Tadcaster Road, York, YO24 1QQ</b> (free on-site day parking) and  <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

**Attendees**

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- The Applicant
- City of York Council (CYC)
- Leeds City Council (LCC)
- North Yorkshire Council (NYC)
- Environment Agency
- National Highways
- Natural England
- Yorkshire Wildlife Trust
- Occupiers of the Travellers' site at the junction of the A1(M) and A63, or their representative

In addition, all Interested Parties (IP) are welcome to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing. If you have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or [yorkshiregreen@planninginspectorate.gov.uk](mailto:yorkshiregreen@planninginspectorate.gov.uk).

## Agenda

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Purpose of Issue Specific Hearing 2**
- 3. Preliminary matters**
  - a. Issues arising from Accompanied Site Inspection**
    - i. Any matters arising from the Accompanied Site Inspection on 23 May 2023.
  - b. Matters arising from Examination submissions to date**
    - i. Statements of Common Ground
    - ii. Environmental Statement updates, addenda and errata
  - c. Policy matters**
    - i. Planning for new energy infrastructure: revised draft National Policy Statements
    - ii. Powering up Britain
- 4. Green Belt**
  - a. Green Belt assessment**
    - i. To explore the precise differences between the Applicant and the Councils (CYC, LCC and NYC) with regards the case for development in the York and Leeds Green Belts.
  - b. Effects on openness: geographical considerations**
    - i. Having regard to the varied and linear nature of the Proposed Development, to understand from the Councils whether there are particular locations within the Green Belts where the effects on openness would be particularly pronounced, and conversely, whether there are locations where effects on openness would be avoided or at the lower end of the harm scale.
  - c. Way forward**
    - i. To explore the scope for any further movement toward agreement between the Applicant and the Councils on Green Belt matters.
    - ii. For those Green Belt matters that remain not agreed, to ascertain the best way forward in terms of presenting the cases on both sides for the ExA's consideration.
- 5. Landscape and visual effects**
  - a. LVIA methodology – visualisations/ photomontages**
    - i. To understand from the Applicant if photomontages have adopted the worst-case scenario in terms of limits of deviation (LoD) for existing lattice pylons to be modified, which could result in up to 6m increase in height.

- ii. For the Applicant briefly to explain the role of visualisations in the LVIA, and its position regarding the level of sophistication and detail provided in a Type 3 visualisation (as set out in Landscape Institute Technical Advice Note TGN06/19) in response to NYC's comments on the completeness of representations of some of the infrastructure visualisations at Deadline 2 and Deadline 3.
- iii. To hear from NYC in response to the Applicant's position which is set out in detail in its comments on LIRs [REP2-040], Appendix A, page 23 to 25 and on additional photomontages and assessments [REP3-034].
- iv. For the ExA to understand if there is agreement on this matter.
- v. For NYC and CYC to give comments (if any) on:
  - the additional photomontages and viewpoint assessments submitted at Deadline 2 [REP2-045] and [REP2-046];
  - the annotated photomontages showing the Rochdale envelope [REP2-047]; and
  - the photomontages with vegetation affected [REP2-048].
- vi. To hear comments from any other IPs.
- vii. For the Applicant to respond.

**b. LVIA Addendum**

- i. For the Applicant to explain in more detail the rationale for assessing the traveller community at the junction of the A1(M) and A63 as a visual receptor having medium sensitivity (based on medium to high susceptibility to change and medium value of view) in the context of:
  - all other residential receptors in the LVIA being assessed as having high sensitivity;
  - medium to high susceptibility to change not being defined in the LVIA methodology and not being used elsewhere [APP-110] para 1.3.12 to 1.3.16 and Table 6C.6;
  - for air quality the traveller community is assessed as the same sensitivity as other residential receptors for dust emission [APP-085] para 13.9.24 to 13.9.26;
  - for noise and vibration a high sensitivity, which is greater than other residential receptors (medium) is assigned, as the traveller community is described as a vulnerable sub-group [APP-086] para 14.7.13; and
  - human health and well-being uses information from air quality and noise [APP-087].
- ii. To seek views on the LVIA addendum from others present, as appropriate, including representatives from the traveller community, the land owners and/ or their agent, the liaison officer at NYC and other relevant officer(s) from NYC.

**c. Outline landscape mitigation strategies and ongoing input to landscape mitigation proposals. Scheme for mitigation planting**

- i. To understand in what way NYC considers that the outline landscape mitigation strategies do not complement the surroundings as they should and what changes the Council is seeking [REP2-083], response to Q5.4.7.

- ii. To hear if NYC has worked with the Applicant and given further consideration to the level of detail required in the outline landscape mitigation strategies.
- iii. To seek the Applicant's view on these matters and to establish a way forward.
- iv. For the Applicant to provide a full explanation as to how the scheme for mitigation planting (Requirement 8(1)(a)) would be drawn up and on what it would be based. Reference is made to an outline tree and hedgerow protection strategy (THPS) (R6(1)(g)), which is not provided. The Code of Construction Practice (CoCP) refers to a Tree Removal and Protection Plan (Annex C of the AIA, also not found – is this Annex 3I.3?) forming the basis of the tree and hedgerow protection strategy. Annex 3I.3 comprises maps, but no other information on how it would “*minimise change to historic landscape character and setting*” and how it would address new plantings rather than retention and protection of existing as stated in the CoCP [REP2-020]. Likewise, Requirement 10 which describes the THPS refers only to protection, removal and management, not new planting.
- v. To hear from the Councils, if they are content with the response and with the information that would be available against which they would assess any post-consent mitigation planting schemes under Requirement 8(1)(a).

**d. Landscape and visual mitigation for construction phase**

- i. To hear from NYC if it is satisfied with the Applicant's response to points raised in its LIR regarding harm to landscape and views during construction phase [REP1-056], para 8.24 and [REP2-040], page 16, Reference 8, which directs to the CoCP [REP2-020], Section 3.3. Also, whether there are any specific locations where NYC considers additional mitigation should be applied.
- ii. To hear from any other IPs who have comments on the adverse landscape and visual effects of construction compounds.
- iii. To hear from the Applicant on this matter, whether there is a case for identifying certain locations for different treatment.

**e. Landscape management and maintenance**

- i. To understand from the Applicant the differences between the management, maintenance and replacement proposed for planting on a) the land it acquires, for which there are outline landscape mitigation strategies and b) other areas of ‘essential mitigation’ as described in response to NYC's LIR [REP1-056], Reference 8, page 17.
- ii. To establish LCC's opinion on the Applicant's response to its point regarding retention of mitigation planting in perpetuity [REP3-031], response to Q5.4.7c), particularly the point regarding future works which could impact the permanent mitigation planting.
- iii. To understand from NYC if its suggestion of a 30-year maintenance and replacement regime for planting is based on other projects and/ or specific growing conditions in the NYC area [REP2-083], response to ExA Q5.4.7 and Q5.4.8.

- iv. To understand the Applicant's response to the different management and replacement requirements suggested in response to ExA Q5.4.7 and Q5.4.8 by the different Councils and NYC's statement in its LIR regarding a mechanism in the draft Development Consent Order (dDCO) to secure landscape as a permanent element of the scheme [REP1-056], para 8.13.
- v. To understand from the Applicant what the ongoing management and maintenance expectations of landowners would be after its proposed five-year period and how this could be secured in order to continue to deliver the mitigation.

## **6. Good design**

### **a. Applicant's Design Approach to Site Specific Infrastructure**

- i. To examine the content of the Applicant's Design Approach to Site Specific Infrastructure (DASSI) document [REP2-049] and explore the views of the Councils on its adequacy for use in post-consent approvals.

## **7. Effects on biodiversity**

### **a. Assessment scope, methodology and assessment of effects**

- i. For the Applicant and NYC to give an update on the status of agreement in relation to the biodiversity assessment scope and methodology.
- ii. To understand areas of outstanding disagreement with NYC in respect of the updated Bat Survey Report [REP2-029].

### **b. Embedded measures: bird diverters**

- i. For Yorkshire Wildlife Trust to elaborate on its position as set out in [REP1-026] that bird diverters should be utilised within the River Ouse and River Wharfe corridors.
- ii. For the Applicant to explain its position on this matter, expanding on [REP1-026].

### **c. Important hedgerow assessment**

- i. To consider with the Applicant and Councils the effect on hedgerows in light of [REP2-027], [REP2-033], [REP2-034] and responses to ExQ1 [REP2-038].

### **d. Biodiversity Mitigation Strategy (BMS)**

- i. To explore any matters relating to the BMS with the Applicant and Councils.

### **e. Biodiversity Net Gain (BNG)**

- i. To understand the latest position with regard to agreement with Natural England and the Environment Agency on the approach to assessing BNG.
- ii. Building on Table 3.2 of [REP1-045], for the Applicant to provide an update as the status of negotiations on the draft s106 agreement.

- iii. LCC to elaborate on its comments on the draft s106 agreement [REP2-077].
- iv. NYC and CYC to provide any comments on the emerging draft s106 agreement in terms of its ability to address outstanding matters on BNG.
- v. To understand any impediments to a s106 being agreed before the close of the Examination that secures the Applicant's BNG commitments.
- vi. To understand the latest position in terms of agreement between the Applicant and Natural England in respect of BNG, with reference to Table 5.1 of [REP1-025]
- vii. To understand the latest position in terms of agreement between the Applicant and the Environment Agency in respect of BNG, with reference to [REP2-072] and [REP1-027].

## **8. Flood risk and water resources**

### **a. Flood Risk Activities Permits (FRAPs) and Water Framework Directive (WFD) compliance**

- i. For the Applicant and Environment Agency to provide an update on the current situation regarding FRAPs and WFD compliance, focussing on any outstanding matters.

### **b. Flood Risk Assessment**

- i. Whether the Flood Risk Assessment [APP-138] should specifically be secured in the dDCO.

## **9. Noise and vibration**

### **a. Proposed working hours**

- i. The Applicant and NYC to comment on the differences between their preferred construction working hours, including out of hours working, and provide justification for their positions. LCC to explain its agreement to the working hours as detailed in 3.12.6 of the latest SoCG [REP3-022].
- ii. To understand the scope for any movement towards agreement within the timescales of the Examination.

### **b. Construction and operational noise**

- i. To test the noise assessment methodology and explore approaches to securing mitigation for noise in the DCO (having regard to NYC's comments in section 7 of its LIR [REP1-056] and in the latest SoCG with NYC submitted at D3 [REP3-018]).

### **c. Noise and Vibration Management Plan (NVMP)**

- i. To examine the concerns of NYC regarding the NVMP, as stated in the latest SoCG [REP3-018,] and to consider how the NVMP is to be secured and managed/monitored, to include views from NYC, LCC and CYC.

**d. Vibration**

- i. The Applicant to provide a brief explanation of the vibration mitigation techniques that are detailed in paragraph 2.2.21 of the NVMP [APP-101].
- ii. NYC to expand on any concerns it might have regarding vibration assessment methodology or embedded measures.

**10. Air quality and health matters**

**a. Effects on local residents**

- i. Mr and Mrs Rab to provide further commentary on the health concerns that have been raised in [REP2-131] and the Applicant to respond.
- ii. Mrs Husband / Ms Eves / Mr Bulmer to elaborate on the concerns relating to dust set out in [REP2-132] and the Applicant to respond.

**11. Traffic and transport**

**a. Update on matters outstanding / not agreed in Statements of Common Ground**

Applicant to provide an update on discussions with the following:

- i. Network Rail regarding Easements and the Framework Agreement, as set out in the latest SoCG [REP3-026].
- ii. NYC regarding the CTMP and details of the proposed workshop that is referred to in the latest SoCG submitted at Deadline 3 [REP3-018].
- iii. National Highways regarding the matters set out in the SoCG [REP1-034] and any further assessment work required (having regard to the comments made in [REP3-016]).

**b. Construction traffic matters**

- i. Access to, and configuration of, the Temporary Construction Compounds. To include an explanation from the Applicant of the differences between the number and layout of TCCs that are depicted in the Works Plans versus those depicted in the Construction Traffic Management Plan (CTMP).
- ii. Development of the CTMP.
- iii. Assessment of the need for bellmouths and for passing places to be constructed, and considerations regarding their layout.
- iv. Potential for the scheduling of deliveries outside peak times, e.g. for the Monk Fryston substation to reduce conflict at the junction onto Rawcliffe Lane.

**c. Public Rights of Way (PRoWs)**

- i. Having regard to the updated PRoW Management Plan [REP2-024], the Applicant and Local Highway Authorities to provide an update on the status of discussions regarding managing the impacts on PRoWs, for example temporary closures and diversions during construction operations.

## **12. Cumulative effects**

- a. Cumulative effects with other projects ('inter-project effects')**
  - i. For the Applicant to briefly explain its D3 updates to the cumulative effects assessment [REP3-010] [REP3-011] [REP3-013].
  
- b. Interaction of environmental effects associated with the Proposed Development ('intra-related effects')**
  - i. To consider the potential for the accumulation of, and interrelationship between, effects of the Proposed Development on people and places, with reference to para 4.2.6 of NPS EN-1 and Regulation 5(2)(e) of the EIA Regulations 2017.
  - ii. To explore the potential for intra-related effects on occupiers of the Travellers' Site at the junction of the A1(M) and the A63.
  - iii. To explore the potential for intra-related effects on other particular places or communities during the construction period

## **13. Review of issues and actions arising**

## **14. Any other business**

## **15. Close**

### **Purpose of the ISH**

This hearing is being held to address matters and questions identified by the ExA through its reading and site inspections to date.

The agenda provided above is indicative and may be subject to change on the day. Documents within the Examination Library should be taken as read and need not be repeated in oral submissions, although signposting to key documents may assist.

### **Attendance**

The parties requested to attend are specified on page 1 of this document. If you wish to participate in the hearing and have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or [yorkshiregreen@planninginspectorate.gov.uk](mailto:yorkshiregreen@planninginspectorate.gov.uk).

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to it using the livestream, or view and listen to the recording, after it has concluded.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Contact the Case Team who will ensure you have access to the hearing virtually. Please ensure that you read our [Privacy Notice](#) before attending the hearing.



## **Arrangements Conference**

Parties who have registered to attend (both in person and virtually), and invitees, will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

## **Procedure at Issue Specific Hearings**

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at ISH2 should be included in post-hearing submissions and submitted by **Deadline 4 (Tuesday 6 June 2023)**.