

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

**Agenda for Issue Specific Hearing 3 (ISH3):
Draft Development Consent Order and Related Matters**

Hearing	Date	Time	Location
Issue Specific Hearing 3 (ISH3) Draft Development Consent Order and Related Matters	Friday 26 May 2023	Virtual Room opens: 9.00am Seating available at venue from: 9.30am Virtual Arrangements Conference from: 9.45am Hearing starts: 10.00am	The Classic Suite, Delta Hotels by Marriott York, Tadcaster Road, York, YO24 1QQ (free on-site day parking) and By virtual means using Microsoft Teams 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
- Leeds City Council
- North Yorkshire Council
- Northern Powergrid (Yorkshire) PLC
- Northern Powergrid (Northeast) PLC
- Ainsty IDB
- Foss IDB
- National Highways
- Network Rail
- Environment Agency
- Canal and River Trust

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.

Agenda

1. Welcome, introductions, arrangements for the hearing

2. Purpose of Issue Specific Hearing 3

3. Preliminary matters

4. The Applicant's draft DCO

a. Updates to the draft DCO

- i. The revised dDCO [REP3-004] and Explanatory Memorandum [REP3-006], submitted at Deadline 3, should be taken as read. The Applicant will be invited to make any preliminary comments regarding the revisions made and to highlight any notable amendments.

b. Articles of the dDCO

The ExA will ask questions and invite submissions in relation to the Articles of the dDCO, with a particular focus on matters that have been updated in version C of the dDCO [REP3-004], revisions sought through Action Points from ISH1 [EV-003a], and any matters flowing from discussions at Issue Specific Hearing 2 (ISH2) or Compulsory Acquisition Hearing 1 (CAH1). This will include, but not be limited to, the following Articles:

- i. Article 2 Interpretation;
- ii. Article 3 Development consent etc. granted by the Order;
- ii. Article 5 Limits of deviation (to include submissions from NYC further to matters raised in [REP2-082]);
- iii. Article 12 Application of the 1991 Act (to include submissions from NYC further to matters raised in [REP2-082]);
- iv. Article 13 Power to alter layout, etc. of streets (to include submissions from NYC further to matters raised in [REP2-082] and CYC further to [REP2-057]);
- v. Article 14 Temporary stopping up of streets, cycle tracks and public rights of way;
- vi. Article 19 Discharge of water (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]);
- vii. Article 20 Protective work of land, buildings, structures, apparatus or equipment;
- viii. Article 21 Authority to survey and investigate the land (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]);
- ix. Article 36 Temporary use of land by National Grid;
- x. Article 44 Maintenance of drainage works (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]);
- xi. Article 45 Traffic regulation (to include submissions from NYC further to matters raised in [REP2-082] and CYC further to [REP2-057]);
- xii. Article 46 Felling or lopping of trees and removal of hedgerows, and deleted Article 55 Trees subject to tree preservation orders;

- xiii. Article 47 Protection of interests (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]);
- xiv. Article 48 Certification of plans, etc (to include matters raised by the Environment Agency in REP2-073).
- xv. Article 50 Procedure regarding certain approvals, etc (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]);
- xvi. Article 52 Amendment of local legislation (as raised by Ainsty IDB [REP2-050] and Foss IDB [REP2-074]); and
- xvii. Article 54 Temporary closure of, and works in, the river Ouse (to include any submissions from the Canal and River Trust).

c. Schedule 1: Authorised Development

To explore the version C changes to the description of the authorised development, specifically:

- i. Work No 8 – XC and XD overhead lines (Tadcaster);
- ii. Work No. 11 – Monk Fryston Substation; and
- iii. Other associated development (further to discussion at ISH1 and to include submissions from NYC further to matters raised in [REP2-082]).

d. Schedule 2: Plans and Drawings

To explore the version C changes to the schedule of plans and drawings, specifically:

- i. Part 2 – Design drawings; and
- ii. New Part 5 (Outline Landscape Mitigation Strategy).

e. Schedule 3: Requirements

The ExA will ask questions and invite submissions in respect of Requirements of the dDCO. This will include, but not be limited to, the following Requirements:

- i. Requirement 1 Interpretation (to include submissions from CYC further to [REP1-048], NYC further to matters raised in [REP2-082] and LCC further to [REP2-076]);
- ii. Requirement 2 Time limits (to include matters raised by NYC in [REP3-018]).
- iii. Requirement 3 Design drawings (to include matters raised by NYC in [REP3-018]).
- iv. Requirement 4 Stages of authorised development (to include submissions on practical implementation by CYC, NYC and LCC);
- v. Requirement 5 Construction management plans (to include submissions from NYC and National Highways further to [REP2-079]);
- vi. Requirement 6 Construction management plans to be approved (to include matters raised by NYC in [REP3-018]);
- vii. Requirement 7 Construction hours (to include submissions from NYC);

- viii. Requirement 8 Landscape and mitigation planting ((to include submissions from NYC further to matters raised in [REP2-082] and LCC further to [REP2-076]);
- ix. Requirement 9 Implementation of landscaping and mitigation planting (to include submissions from NYC further to matters raised in [REP2-082]);
- x. Requirement 10 Retention and protection of existing trees (to include exploration of the question of an Outline Tree and Hedgerow Protection Strategy, as covered in submissions from CYC [REP2-057] and NYC [REP2-082], together with the Applicant's comments on responses to ExQ1 5.4.10 in [REP3-031]);
- xi. Requirement 11 Reinstatement schemes (to include submissions from NYC further to matters raised in [REP2-082]);
- xii. Requirement 12 Contamination of land or groundwater and controlled waters (to include submissions from NYC);
- xiii. Requirement 13 Removal of temporary bridges and culverts (to include submissions from NYC, Ainsty IDB and Foss IDB);
- xiv. Requirement 14 Highway works (to include submissions from NYC);
- xv. Requirement 15 Removal of existing overhead line (to include submissions from NYC);
- xvi. Requirement 16 Decommissioning (to include submissions from NYC and matters raised by National Highways in [REP2-079]).
- xvii. Requirement 17 Clearance over the river Ouse (to include submissions from NYC);
- xviii. New Requirement 18 Approval of external colour and surface finish of permanent buildings having regard to the Design Approach to Site Specific Infrastructure.
- xix. All Requirements: further to [REP1-027] and [REP3-016] to understand the extent of agreement with the Environment Agency on the draft Requirements.

f. Schedule 4: Discharge of Requirements

To examine matters relating to the procedure for the discharge of Requirements, including those raised by CYC in [REP1-047] and [REP2-057], LCC in [REP2-076] and NYC in [REP1-056] and [REP2-082], and the Applicant's response.

g. Schedule 15: Protective Provisions

Following CAH1 and with reference to [REP2-042], to consider any specific matters of drafting in relation to Protective Provisions with the Applicant and relevant Statutory Undertakers, including National Highways [REP2-079].

h. Schedule 16: Amendment of Local Legislation

To understand the Internal Drainage Board byelaws to be disapplied and hear submissions from the relevant parties, including Ainsty IDB and Kyle and Upper Ouse IDB.

i. New Schedule 17: Hedgerows which may be removed

To consider the new Schedule 17 pursuant to revisions to Article 46.

5. Other consents and licences

- a. To review the latest position on other consents and licences to be sought, with reference to the update provided by the Applicant in response to ExQ1 1.0.3 [REP2-038].

6. Planning obligations and side agreements

- a. To review the latest position on side agreements, further to the position at [REP1-045] and [REP2-038].
- b. To review progress with planning obligations in respect of:
- i. Biodiversity Net Gain measures, further to discussion at ISH2;
 - ii. any Planning Performance Agreements, as referenced in [REP3-020]; and
 - iii. any other matters.

7. Review of issues and actions arising

8. Any other business

9. Close

Purpose of the ISH

This is the second hearing to consider the dDCO and related matters, the first having been held on 23 March 2023. The main purpose of this hearing is to continue the examination of the dDCO Articles and Schedules. In particular, to consider:

- issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;
- any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

Discussion at the hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made. In addition to the DCO matters requiring oral examination above, further matters pertaining to the dDCO may be the subject of further written questions from the ExA.

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.

Discussion at the hearing will be based on the following documents, an electronic or hard copy of which participants should have to hand:

- Draft Development Consent Order (Revision C) [REP3-004];
- Explanatory Memorandum (Revision C) [REP3-006];
- Plan of plans [REP1-020]; and
- Embedded Measures Schedule (Revision B) [REP2-018].

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.

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 ISH3 should be included in post-hearing submissions and submitted by **Deadline 4 (Tuesday 6 June 2023)**.