

The Planning Inspectorate

By 'make a submission tab'

**Our Ref: Michael Reynolds**

**Your Ref: EN020024**

**Date: 6 June 2023**

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Dear Sirs

**National Grid – Yorkshire Green Project  
Procedural Deadline 3**

**Post-hearing submissions, including written summaries of oral submissions to the hearings and any documents requested by the ExA.**

Please see appendix A and Appendix B for the Council's responses to action points from Issue Specific Hearings required for deadline 4.

**Comments on the Applicant's updated draft Development Consent Order and updated Explanatory Memorandum.**

The Council is aware that further drafts of the DCO will be submitted to the examination and looks forward to inputting into those future drafts.

**Comments on progressed Statements of Common Ground.**

The Council can confirm that further work is taking place to finalise areas of disagreement shown in the Statement of Common Ground for example the Traffic and Transport Workshop as well as areas of the draft DCO.

**Applicant's updated Compulsory Acquisition, Temporary Possession and Statutory Undertakers Schedules of Negotiations, Powers Sought and Objections.**

The Council can confirm that further work is taking place to finalise areas of disagreement. Meetings have taken place to clarify the position with regard the plots of land under National Highways ownership. Work is needed to ensure that land rights are taken under agreement and that the highways rights and responsibilities that go with them are assumed by the applicant.

National Highways have agreed wording from its submission with the Highways Authority as follows:

*This objection extends to National Highways' land interests located within the local highway authority network. The local highway authority share National Highways concerns around uncontrolled powers being granted in, on, over or adjacent to the highway network. It is considered unnecessary for the applicant to permanently acquire the freehold of such land. Discussions are ongoing with the applicant in this regard and it is hoped that agreement can be reached to control the manner in which the applicant can carry out its necessary works in these locations. Without an agreement in place, the proposals are of concern to both National Highways and the local highway authority and as such both parties object.*

**Progressed s106 agreement(s) (if required)**

The Council can confirm that matter of the s106 agreement are being progressed, particularly the possibility of a discharge of requirement's PPA and the securing of Biodiversity Net Gain.

Yours faithfully

**Michael Reynolds**  
**Senior Policy Officer (Infrastructure)**  
**North Yorkshire Council**

**Appendix A – Responses to Action Points required for Deadline 4**

Action Point	Action	Response
11	North Yorkshire Council landscape architect to explain the methodology and conclusions in relation to the magnitude of landscape and visual effects.	<p>Judgements on magnitude of change are agreed with the applicant. However, mitigation for some of the receptors is considered insufficient. Please note the Council will continue to work with the applicant on this matter.</p> <p>As per comments in the Local Impact Report (para 8.20) there are no proposals for mitigation outside the substations and CSECs and the mitigation proposed for both receptors (identified below) is considered insufficient.</p> <ul style="list-style-type: none"> <li>• <i>users of Public Rights of Way (National Cycle Network Route 65 and Jorvic Way long distance footpath (River Ouse to Shipton) (Major/Moderate Adverse and locally Significant or greater)</i></li> <li>• <i>Public Rights of Way east of Shipton and near Newlands Farm (Major/Moderate Adverse and locally Significant or greater)</i></li> </ul>
12	Agree and submit a statement (agreed with NYC if possible) to be added to the LVIA methodology, which sets out a brief explanation of the level of detail and its appropriateness which has been included in the visualisations.	<p>Please note that NYC can agree with the explanation given by the Applicant's Landscape Architect of a type 3 photomontage with reference to TGN 06/19.</p>
13	Provide a written submission of what additional information is considered to be required at this stage regarding landscape mitigation.	<p>As per Agenda item of 5.e (iii) of the hearing on environmental matters. NYC's Recommendation is that a mechanism for tree management that goes beyond 5 years. This to include management of tree canopy establishment so woodland planting provides screening, while also enhancing landscape character.</p>

		<p>Regarding the 30 year landscaping, officers mentioned at the hearing that on the Battery case at Monk Fryston 2021/0789/FULM- Landscape Architect for the Council advised a longer maintenance period and a watering plan. At the Appeal Hearing the Councils Landscape consultant made verbal comments that due to having larger tree specimens in the planting scheme there was greater risk of failure. Also with increased likelihood of hotter drier summers.</p> <p>Following this the Inspector had sufficient concern about whether the landscaping would thrive and so imposed this condition;</p> <p>5) (a) No development may commence until a detailed hard and soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the details set out in drawing number TC22068-LP.01v1 (by Tir Collective dated 20 May 2022) and the Offsite Landscape Enhancement Plan drawing number 3403-DR-LAN-102 Revision A (by Arcus dated 2 June 2021) and must include details of proposed landscape and ecology works, including: i) soft landscape details; ii) hard surfacing materials; iii) proposed finished ground levels; iv) species type, size and planting density v) vehicular and pedestrian access; vi) a landscape maintenance, management and monitoring plan, including details of seasonal watering.</p> <p>(b) The approved landscaping scheme shall be implemented in its entirety within the first available planting season following construction of the development.</p> <p>(c)The scheme shall be retained and managed in accordance with the approved landscape maintenance, management and monitoring plan for the duration of the development.</p> <p>(d) If any tree or shrub is removed, dies or becomes seriously damaged or diseased within the lifetime of the development it must be replaced with suitable replacement plants or trees to the approved details.</p> <p>The lifetime of the development was granted for 40 years.</p>
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16	North Yorkshire Council to submit any comments in relation to Requirement 8(1)(a) in the dDCO [REP3-004].	NYC understands that the applicant intends to submit a redrafting of the landscape requirement 8, 9 and 10 and we wait to comment on that draft. We agreed with the approach set out by the applicant at the Issue Specific Hearing concerning the draft DCO.
18	Provide written comments on the DASSI, and the extent to which its commitments are secured in the dDCO (New Requirement 18) [REP3-004].	Note attached at Appendix B of the North Yorkshire Councils deadline 4 submission
27	North Yorkshire Council to provide a note on change of speed limit on the A63.	Unfortunately, due to annual leave, we are unable to provide a detailed response to this query at deadline 4 and ask for the ExA's discretion to allow for a detailed response at deadline 5. In the meantime, general information on the considerations for changing speed limits is available on our website at the following address:  <a href="https://www.northyorks.gov.uk/roads-parking-and-travel/road-safety/speed-limits-speeding-and-road-safety-concerns">https://www.northyorks.gov.uk/roads-parking-and-travel/road-safety/speed-limits-speeding-and-road-safety-concerns</a>
28	North Yorkshire Council to confirm whether the pre-application discussions summarised in Table 12.5 of [APP-188] accurately reflect the discussions with the Council regarding the potential application of a speed reduction in the vicinity of the junction between A63 and Rawfield Lane and the Applicant's proposal to use a left-in / left-out arrangement.	NYC has no other formal record of the meeting and has no reason to doubt its accuracy. As above the Council would wish to submit a more detailed comment on this point at the next deadline.
32	Provide details of the location and planning status of the solar farm that was referred to as being close to the Leeds City Council boundary within the former Selby area.	The only scheme of which we are aware was a request for a screening opinion on 100.56 Hectares of Land at Hayton House, Great North Road, Aberford, North Yorkshire for a Proposed ground mounted solar photovoltaic (PV) development of 49.9MW and Battery Energy Storage System (BESS of 49.9MW with associated infrastructure. A copy of the screening opinion and screening matrix together with the applicants EIA screening report which includes site plans are attached here.

		<p>We have a current request for a scoping opinion for the same site – not yet determined.</p> <p>The proposal does not have planning permission and we have not received a planning application for it to date.</p> <p>We are not aware of any other schemes in the vicinity.</p>
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## **Appendix B – Response to Action Point 18**

### **DASSI-REP2-049**

General approach set out in sections 1., 2. and 3 is agreed.

General comments in relation to sites within North Yorkshire Council Area.

#### **Details of fencing and acoustic enclosures**

This should be added to requirement 18 of the DCO. Whilst galvanised steel panel fencing is commonly used there are locations where this would result in a harsh intrusive industrial impact. This would not be consistent with the Horlock Rules bullet point 9 set out in para 1.4.9 of the DASSI. No details are provided of the acoustic enclosures in terms of height, position or design details, other than at para 4.1.22 setting out they could be Olive Green or Grey. National Grid stated at the Hearing on 24 May that for security purposes the grey steel palisade fencing was appropriate and was the only type available. This is not the case as the LPA often negotiate the use of green palisade fencing in rural locations on other developments. It is commonly available and, whilst it may be more expensive, there are locations where it would be more appropriate and would help reduce the impact. For example, the new Overton substation is in an open green field site adjacent to woodland where no development currently exists. The use of green coated palisade fencing, would blend in better with the surroundings. At Monk Fryston, although the current substation has grey steel fencing, the two adjacent battery sites granted on appeal (details provided under cumulative impacts) were required to use green palisade fencing and green battery outer casing to reduce the visual impact and harm visually to the Green Belt. The materials and fencing which already exist at National Grid Monk Fryston substation serve to indicate how harmful and intrusive these can be. They have been there a long time and are no reason to repeat the mistakes of the past simply because it is NG policy or to keep costs down. Moreover, since these substations attract add on uses such as battery storage sites, the use of steel fencing here could undermine the LPA position to request green fencing on other surrounding sites in the future.

#### **Materials and colour for surfacing for roads and footpaths**

This should include appropriate options for different locations to be agreed under requirement 18 (provided it is acceptable to highways). Different options are mentioned in the DASSI. However, the suggestions and examples are not in accordance with the Horlock Rules. For example, the illustration of the CSE with Anchor Blocks at Figure 5. in Kingswell in the DASSI would have much less impact and blend in better with the surrounding green landscape if the fencing was green and the surfacing within the site was a more muted earth colour. This principle would also apply at all the CSE compounds as well as the substations. The white/grey aggregate mix can be a very startling contrast with the surrounding green/brown rural landscape. Aggregate stone can be a mix of more browns with grey and the maintenance characteristics would be unaffected.

### Mitigation planting

The DASSI suggests the LPA can only suggest minor changes to the planting palette. However, this could lead to a 'standardisation' of landscaping. The submission of details under the relevant requirement should not be constrained by this as there may be locations where the Local landscape Officer has greater knowledge of species

### Permanent Building Materials

A range of illustrations are provided with different building material options including red brick or cladding in green, grey and the supporting text indicates there is scope for variation within the range. This is generally acceptable provided the most appropriate choice for the individual location can be agreed. Eg. Overton Figures 25, 26, 27 & 28 and Monk Fryston Figures 35, 36, 37 and 38. However, it is unclear which buildings are meant in para 4.1.54 or what is meant by 'prefabricated buildings'. No detail is provided of their intended colour or finish. Para 4.1.46 indicates the existing workshop relocated will remain in white. It is unclear which building this is, what the white material is or where it would be re-located. However, a white building could stand out in sharp contrast to the muted colours of the surrounding rural landscape.

Further options to reflect the principles above should therefore be included in the DASSI and reflected in the wording of Requirement 18 a indicated in the tracked changes shown below.

### **Approval of external colour and surface finish of permanent buildings, boundary and acoustic fencing and surface materials having regard to the Design Approach to Site Specific Infrastructure**

**18.—(1) Any permanent buildings, boundary and acoustic fencing and surface materials at—**

- (a) Overton Substation; and**
- (b) Monk Fryston Substation,**
- (c) CSE Stations**

**must not be completed until details of the external colour and surface finish of the permanent buildings, boundary and acoustic fencing and surface materials have been submitted to and approved by the relevant planning authority.**

**(2) Any details to be approved under sub-paragraph (1) must be produced having regard to the design approach to site specific infrastructure, unless otherwise agreed by the relevant planning authority.**



**(3) Any buildings, boundary and acoustic fencing and surface materials referred to in this Requirement must be finished in accordance with the details approved under sub-paragraph (1).**