

YG-DCO-121

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.23.5 Applicant's Response to CAH1 Hearing Action Points

**Final Issue A
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Version History

Document	Version	Status	Description / Changes
06/06/2023	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 Action Points addressed to the Applicant arising from Compulsory Acquisition Hearing (CAH) 1 held on Thursday 25 May in respect of the Yorkshire Green Energy Enablement Project (Yorkshire GREEN) (the Project).
- 1.1.2. Responses to actions addressed to the Applicant are provided in **Section 2** below.

2. The Applicant's Response to CAH1 Action Points

Table 2.1 – Response to CAH1 Action Points

Action No.	ExA description	Party	Deadline	Response
1	Update [REP2-039], Appendix H with most recent information.	Applicant	D4	Nation Grid has updated Tables 1.3 and 1.4 of Appendix H of the Applicant's Response to Examining Authority's First Written Questions (ExQ1) Appendices Final Issue A (Document 8.9.2) [REP2-039]. The updated document can be found in Appendix A to this document.
2	Update on continuing negotiations over alternative access to Shipton CSECs at Newlands Farm, whether this can be accommodated within the Order limits.	Applicant	D4	National Grid had a meeting with the agent on 25 May 2023 to further discuss this proposal raised. National Grid has asked the agent to provide a detailed plan setting out the location of proposed alternative access, this has not yet been received but may be submitted at Deadline 4. National Grid are currently reviewing what they understand the alternative access to be. Based on our understanding, National Grid consider that this may be accommodated within the Order limits and formal confirmation will be provided once the detailed plan is received from the agent.
3	Consider whether the extent of the northern part of the Shipton North CSEC can be limited or moved to accommodate farming activities better.	Applicant	D4	National Grid have considered the limits of deviation on the Shipton North Cable Sealing End compound and associated working areas, and would be able to accommodate a reduction to the limits of deviation for the cable sealing end compound to reduce interaction on the future farm development. This still retains some flexibility in the construction of the cable sealing end compound. The reduction would be to allow 5m limits of deviation surrounding the cable sealing end compound.
4	Set out the Holford Rules case in full for the selection of the sites for the Shipton CSECs, as referred to in [REP2-023].	Applicant	D4	National Grid has set out a response on the alternative proposals put forward regarding the location of the cable sealing end compounds in the Applicant's comments on Written Representations and other Interested Parties Deadline 2 Submissions (Document 8.20) [REP3-032]. Both alternative site 1 and 2 proposed by the owner are less compliant with the Holford Rules, with Holford Rule 3 stating "other things being equal, choose the most direct line, with no sharp changes of direction and thus with fewer angle towers". The note to Rule 3 also states "Where possible choose inconspicuous locations for angle towers, terminal towers and sealing end compounds." Alternative site 1 is less compliant as it is not as straight and direct, and alternative option 2 would have at least 4 angle pylons in a short section of overhead line. A full copy of the Holford Rules are set out in Appendix B of Applicant's Response to ISH2 Hearing Action Points (Document 8.23.4) .
5	Set out whether the response to ExQ1.4.9.1 would differ following more recent submission from Mr and Mrs Rab.	Applicant	D4	The response to ExQ1 4.9.1 would remain the same as the more recent submission from Mr and Mrs Rab [REP2-131] had already been presented to National Grid. National Grid met with the agent and Mr and Mrs Rab on 16 May 2022 where these points were raised, with subsequent development plan for the farm issued to National Grid on 7 June 2022. Based on that information the design of Shipton North CSEC and the temporary diversion was amended as shown in National Grid's application. This sought to mitigate the effect of the proposal to further develop the farm. This was set out in the Applicant's response to the land agents written representation [REP2-131] and responded to in Table 2.10 (Document 8.20) [REP3-032]. Following the recent request for the access road change raised at the Accompanied Site Inspection and at CAH1 hearing, National Grid has asked the agent to provide a detailed plan setting out the location of proposed alternative access, this has not yet been received but may be submitted at Deadline 4. National Grid are currently reviewing what they understand the alternative access to be. Based on our understanding, National Grid consider that this may be accommodated within the Order limits and formal confirmation will be provided once the detailed plan is received from the agent.

				To conclude National Grids response ExQ1.4.9.1 would not differ. National Grid considers the impacts on the wider farming enterprises to be minimal. The property extends to 322 acres, with National Grid seeking to acquire permanently 3.84 acres, of which the landowners will utilise the access track for their development. The amendments to the design of the Project prior to submission enables the farm to continue to develop in the linear fashion as required to optimise farming efficiencies.
7	Confirm if the access AP92 off the A19 is for access on foot or with a vehicle.	Applicant	D4	<p>The purpose of access point AP92 is to provide National Grid with future access to the watercourse (Hurns Gutter) location at which the surface water drainage discharge point is proposed. This access is envisaged to be used for inspection of the outfall to ensure no blockages or leaks of the drainage system are present. The frequency of this activity is not known, however based on other National Grid sites, it is likely to be required a small number of times throughout the life of the asset (approx. once a year on average).</p> <p>Inspection of the outfall can be completed by a person on foot, where they can drive to the proposed access entrance (off A19) to the field, park their car, and then walk along the watercourse for inspection. However, a requirement for a small jet vacuum/pump type vehicle to drive into the field and along the watercourse would be necessary only in the case where there was a blockage/leak in the outfall. For this reason, it is not deemed necessary to improve or widen the existing access as it is considered sufficient for the proposed use in its current state. Therefore, to confirm the access would primarily be used for on foot access, with the potential for vehicular access as detailed above in limited circumstances, but no improvement or widening of the access is proposed.</p>
8	Continue discussions and negotiations with Mr Blacker. Consider whether any minor adjustments to location or LoD of SP006 would help.	Applicant	D4	<p>There are a number of constraints that limit the ability to move SP006, as set out in the Applicant's response to relevant representations, Table 2.21 and Table 2.23 (Document 8.3) [REP1-015].</p> <p>National Grid have considered restricting the limits of deviation, however in this location the limits of deviation are already restricted for SP006 so cannot further be reduced as some flexibility is required by the main works contractor. Any further reduction in the limits of deviation could also restrict any potential for movement of the pylon in detailed design that could be done to better meet the landowners requirements, although at this point National Grid do not consider there is much greater potential for movement of the pylon due to the technical constraints already set out in detail.</p> <p>National Grid emailed the agent on 30 May 2023 to arrange a site meeting so that National Grid can explain the constraints and continue discussions in person and are awaiting confirmation of dates back.</p>
9	Provide the plan that the Applicant has sent to Mr Watson regarding reorientating the western CSEC at Tadcaster.	Applicant	D4	A copy of the plan provided to Mr Watson on 10 January 2023 regarding the proposal to reorientate the western CSEC at Tadcaster is appended to this document at Appendix B .
10	Provide further justification for not progressing alternatives of retaining wall or northern route for access where extinguishment of rights is proposed at Tadcaster East CSEC site.	Applicant	D4	<p>Northern Access Route: In respect of whether an alternative route could be delivered entirely to the north, National Grid do not consider this to be an appropriate alternative as this would move the track onto third party land, which while in principle the access could go across this land, National Grid do not consider it appropriate to acquire this right on behalf of the landowner to secure continued use of an access to a field where an existing access is already in place. National Grid do not consider that this is justifiable or consider this is proportionate in Compulsory Acquisition terms. If the site was land locked it may be something that could be considered but because it is not there is no justification for going onto another third party's land.</p> <p>Retaining Wall: Due to the sloped nature of the existing site, and the current level of the overhead line pylon base, a maximum level difference of approximately 3.3m is required at the south west corner of the future compound. Currently this is proposed to be accommodated via new sloped embankments, consisting of suitable engineered fill. A retaining wall option would need to be of 3.3m height. The installation options for a new structural retaining wall would include driven steel sheet piles, a cast-in-situ reinforced concrete wall or a pre-cast concrete wall.</p> <p>The constraints faced in the area include the following:</p>

				<ul style="list-style-type: none"> Existing live overhead line conductors. The highway embankment, located to the south of the proposed compound location. The medium pressure gas main - diverted route to place this in the corridor between the highway embankment and the new CSEC. <p>A retaining wall solution was considered during the development of the option, but is not considered as an option to be taken forward, based on a number of issues summarised below:</p> <ul style="list-style-type: none"> Any new retaining wall option will require a new underground foundation to ensure stability. This would give additional interface with the newly diverted gas main. Installation of sheet piles would also introduce vibrations near the gas pipe during installation. The current proposed sloped embankment option would have no requirement to excavate and install below ground structures in this area. A retaining wall solution would mean further interface with the highway, as this would impose additional surcharge on the crest of the embankment. The use of sheet piles would add additional risk to this item, with the sheet pile potentially cutting the stability plane of the embankment slope at depth. Depending on required depths, the use of sheet piles requires lifting of the sections and driving these into position. The installation of precast concrete walls would also need lifting into position. Both installation techniques would introduce potential clearance infringements of the existing overhead lines. Installation of a retaining wall to allow for an access road diversion to the south would mean any new wall would need to consider additional surcharge from anticipated vehicle loading. The proximity of a structural wall to a new access road would also need to be considered when assessing potential for collision or impact from vehicles. In addition to the high number of road users along the A64, the Project is located within the Locally Important Landscape Area designation covered by Preferred Approach NE3 of the Selby Draft Local Plan – preferred options (2021). The policy states: "...development must give particular attention to design, layout, landscaping of development and use of materials and landscaping in order to minimise its impact and to enhance landscape in the area". National Grid assess that the current proposals for reinforced 1:2 slopes and native scrub planting would recognise Local Plan policy, whilst an alternative engineered concrete or timber crib-lock wall would not. Furthermore, a retaining wall would have additional maintenance and cost implications (with economic cost being a valid part of the assessment) that National Grid considered outweighed the extinguishments of rights where an alternative route has been provided. <p>In summary, there are a number of additional constraints for the implementation of a solution that utilises a retaining wall that would mean that National Grid do not consider this a viable alternative solution and form the basis as to why a retaining wall solution was not taken forward as part of the Proposal.</p>
11	Update on alternative routing to second 'step' of access route off AP40 through High Moor Farm stead to access overhead line in vicinity of Pylon XC479.	Applicant	D4	A meeting with the tenant of the land for the alternative track took place on 19 May 2023 and the proposed access would appear to be feasible. National Grid will discuss this alternative access with the landowner at a meeting on 5 June 2023, and will seek to utilise this alternative access through a voluntary agreement.
12	Provide an update on agreement with Pelagic Energy regarding Yorkshire Water assets.	Applicant	D4	This is provided in the Applicant's Written Summary of Oral Submissions made at Compulsory Acquisition Hearing 1 Document (8.23.2) .
13	Objections Schedule at D4 to provide more detail on how close objections are to resolution/ being withdrawn and more detail on outstanding issues.	Applicant	D4	National Grid have edited the Objection Schedule to include 'Likelihood of Agreement' and identified the 'Outstanding Issues' so further detail can be noted. This is submitted at Deadline 4 as Compulsory Acquisition and Temporary Possession Objections Schedule (Document 8.14(B)) .
16	Submission of areas of disagreement over any Protective Provisions that are not fully agreed, to include the	Applicant, National Highways	D5	Section 127 and Section 138 Statements will be submitted at Deadline 5 for any protective provisions not agreed with relevant statutory undertakers. This will include reasoning for the approach taken by National Grid as well as confirmation of the preferred wording of both the relevant statutory undertaker and National Grid. Notwithstanding any submissions made at Deadline 5, engagement is continuing with a view to reaching agreement with each statutory undertaker before the close of the examination.

	preferred specific wording of both parties, if that is not agreed.			
17	Submission which brings together the places where the Applicant's responses have been made to regard given to Articles 8 and 6 of the European Convention on Human Rights (ECHR) and Article 1 of the First Protocol.	Applicant	D5	National Grid will provide a response to this Action at Deadline 5 as requested.
18	Clarification of the difference between wayleaves and the easement rights being sought by the Applicant.	Applicant	D4	The assessment why easements are preferred over wayleaves is set out in Appendix C to this document.
19	Update to travellers' site engagement schedule, to include all recent activity.	Applicant	D4 and ongoing	The updated Summary of Actions and Engagement in Relation to Traveller Community (Document 8.13(B)) is submitted at Deadline 4.
20	Provide statement on visual assessment of travellers site, with methodology clearly set out to demonstrate no difference in outcome if high sensitivity is attributed.	Applicant	D4	<p>To clarify, National Grid consider the traveller encampment to be of medium visual sensitivity, as detailed in the Environmental Statement Addendum (Document 5.2.20) [REP1-013]</p> <p>However, if it was deemed by the ExA that the Travellers are of High visual sensitivity to the Project, this would not materially change the Construction Phase conclusions where a significant visual effect has already been assessed. This is demonstrated with reference to Table 6C.9 in Appendix 6C Landscape and Visual Impact Assessment Methodology (Document 5.3.6C) [APP-110].</p> <p>In relation to operational effects at Year 1, if the sensitivity of the Travellers was deemed by the ExA to be High, then in accordance with Table 6C.9 in Appendix 6C Landscape and Visual Impact Assessment Methodology (Document 5.3.6C) [APP-110] the medium to low magnitude of change predicted would result in moderate to major effects which could result in a significant effect.</p> <p>However replacement pylon XC522, although up to 15m taller than the existing pylon, would be further away from most of the caravans. The removal and reduction of vegetation, whilst noticeable, would not, combined with the visibility of the replacement pylon, constitute a significant change in visual effects. Therefore National Grid consider the conclusion of 'significant adverse visual effects' in this location to not be an accurate reflection of the effects.</p>
21	Submission of both a clean and tracked changes version of the final Funding Statement.	Applicant	D7	<p>National Grid confirms it will submit an updated clean and tracked change version of the Funding Statement at Deadline 7.</p> <p>This will reflect the latest position regarding ASTI (Accelerated Strategic Transmission Investment) if it is formally implemented during this examination period. There will also be an update to reflect the latest position through the current LOTI (Large Onshore Transmission Investments) process, with the need for the project having been supported by Ofgem, most recently through their positive minded-to position for the Final Needs Case on 10 March 2023 (which is conditional on obtaining a positive DCO decision). However, it should be noted that the next stage of Project Assessment is expected to be the final stage in which Ofgem sets the funding allowances for all construction activities to execute the Project regardless of whether the project is in the LOTI or ASTI framework at the point of submission.</p> <p>Determination of the Project Assessment will not take place by Ofgem until after planning decision as detailed in Section 3.5 of the Funding Statement (Document 4.2) [APP- 070].</p>

Appendix A Updated version of Appendix H Response to Q4.4.2 [REP2-039]

1.1 Introduction

1.1.1 This document provides the response to written question Q4.4.2 by National Grid made by the Examining Authority (ExA) during Examination. National Grid has submitted this document in the belief that it will clarify matters currently before the Examining Authority.

1.2 Response to Written Question 4.4.2

1.2.1 The factors considered in weighing the public benefits versus private loss include identifying the public benefits which will be introduced by, or available as result of, the construction and operation of the Project. The key benefits (both public and private) are described at Paragraph 4 Conclusions of the **Updated Needs Case (Volume 7, Document 7.4) [APP-205]**. This summarises that there is an urgent need to reinforce the network in the Yorkshire area by 2027 in order to enable connection of three contracted customers, ensuring future connections of renewable generation can be connected without incurring significant constraint costs, facilitating the UK Government’s legal commitment to reduce greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050, and to meet National Grid’s transmission licence obligations.

1.2.2 The Planning Context is set out in the **Planning Statement (Volume 7, Document 7.1) [APP-202]** and the balance between public benefit and private loss is described in the **Statement of Reasons (Volume 4, Document 4.1) [APP-069]**.

1.2.3 To aid with the cross referencing of these documents, the key themes are tabulated below.

Table 1.1 – Table cross-referencing the Updated Needs Case, Planning Statement and Statement of Reasons

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
2.14 Under the terms of the Transmission Licence, National Grid is required to provide an efficient, economic and co-ordinated transmission system in England and Wales. The transmission infrastructure needs to be capable of maintaining a minimum level of security of supply and of transporting electricity from and to customers. National Grid is required to ensure that its transmission system	The Planning Statement also reflects the need for the project, in line with the Needs Case (particularly sections 2.1.8 and 2.1.9). The Drivers for change are consistent across all documents, this is summarised in Table 3.1 of the Planning Statement. At Section 3.4.8, the Planning Statement describes the aspects that are considered when planning major infrastructure	The Statement of Reasons describes the relevant policy background for the scheme and summarises some of the benefits, consistent with the Needs Case and the Planning Policy documents. 2.1.6 EN-5 refers back to EN-1 for the strategic needs case and highlights that the UK needs new electricity generating infrastructure to move to a low carbon economy, while maintaining security of supply and will be

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
<p>remains capable as customer requirements change.</p> <p>2.16 Recently, a large volume of applications have been made to National Grid for connection at locations that are more remote from the existing transmission system or which are in the vicinity of parts of the transmission system that does not have sufficient capacity available for the new connection.</p>	<p>works, e.g. <i>‘National Grid review how the required reinforcement could be delivered, considering different strategic options, and assessing the options identified. This takes into account environmental, socio-economic, cost and technical considerations’.</i></p>	<p>heavily dependent on the availability of an electricity network which is fit for purpose and robust.</p> <p>2.1.8 Furthermore, paragraphs 3.3.56 to 3.3.58 of draft EN-1 then go on to state (emphasis added): <i>‘Moreover, given the crucial role of networks in connecting all of the other kinds of electricity infrastructure described in paragraph 3.3.15, it is especially important that the Secretary of State consider[s] network projects as elements of a coherent and strategically necessary system...’</i></p>
<p>3.3 The existing transmission network infrastructure in the Yorkshire area was not originally designed to transfer the growing volumes of generation capacity from the North. The network will require significant reinforcements to provide capacity for these connections and customers to ensure that power can be transferred securely to the onshore demand centres to meet the needs of Great Britain electricity consumers.</p> <p>3.14 Table 3.2 demonstrates the future transfer and shortfall across the B7, B7a and B8 boundaries by 2027. Boundaries B7, B7a and B8 exceed their post fault capacity by greater than circa 4,000 MW on every boundary. This means there can be no further unconstrained connections</p>	<p>5.1.1 National Grid’s statutory obligations are set out in the Electricity Act 1989 (the Electricity Act) and in the terms of its Transmission Licence (regulated by Ofgem). Under the Electricity Act, National Grid Electricity System Operator (NGESO) and National Grid must develop transmission network proposals in an efficient, coordinated and economical way, whilst having regard to the desirability of preserving amenity. This means that, when National Grid considers options to deliver additional network capability, it must balance the need to develop the network in a way that is efficient, coordinated and economical and minimises impact on people and places. 5.1.2 In demonstrating these responsibilities and in order to provide transparency over</p>	<p>EN-1 also states that <i>‘...where possible the preference should be for coordination of onshore transmission, offshore transmission, and offshore generation and interconnector developments. This coordinated approach is likely to provide the highest degree of consumer, environmental, and community benefits.’</i></p>

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
<p>above boundary B8 until the shortfalls are resolved.</p>	<p>the design process, National Grid has published “Our Approach to Consenting”. The guidance was written to explain the steps National Grid follow when developing proposals, including identifying strategic proposals, followed by options identification which includes the application of the Holford Rules. The Holford Rules are the accepted basis within the electricity transmission industry for overhead line routeing. Section 5.3 of this Planning Statement sets out in detail how the Holford Rules have been applied to the Project by National Grid.</p>	
<p>3.20 As part of the ESO annual ETYS (Ten Year Statement) and FES (Future Energy Scenarios) assessment, the ESO have established that the constraints described in this Report would add constraint costs exceeding the costs of reinforcement of the network. These costs feed through ultimately to consumer and business energy bills.</p> <p>3.22 Failure to deliver reinforcements to resolve the need set out in this Report would result in commercial restrictions for these contracted generators, and limit future flows from northern areas of Great Britain. This restriction is in conflict with National Grid’s obligations to deliver connections and maintain the system to the</p>	<p>5.1.3 National Grid’s Approach to Consenting guidance states that: “whether the preferred route corridor is predominantly overhead, underground or subsea, detailed survey and assessment work is carried out to find the alignment of the transmission line which best satisfies all of our obligations and the needs of stakeholders. In doing this we seek to avoid as far as practical impacts on people, communities, environmentally sensitive areas and any other important receptors.”</p>	<p>2.4.1 The Strategic Proposal stage identified the ‘need’ for a project, and reviewed the ways in which the Project could be delivered. Several different strategic options were considered, including the use of different technologies and different connection points. A technical filter was then applied to ensure strategic options being considered would work in practice.</p>

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
requirements of the NETS SQSS.		
<p>4.5 This assessment is supported by both the Network Options Assessment (NOA) and the Future Energy Scenarios (FES) which are undertaken by the Electricity System Operator, independently of National Grid as the transmission owner. The FES identified that from 10,000 MW to between 20,000 MW to 30,000 MW is required in increased capacity by 2040 driven by generation to achieve net zero targets.</p>	<p>The Planning Statement refers to the Statement of Reasons: 2.2.3 In order to be able lawfully to install, inspect, maintain, repair, adjust, alter, replace or remove an electric line (above or below ground) and any related equipment such as poles, pylons/transmission towers, transformers and cables, network companies need either to own the land on, over or under which construction is to take place or to hold sufficient rights over, or interest in that land (typically in the form of an easement), or to have permission from the current owner or occupier to install their electric lines and associated equipment and carry out related works (usually referred to as a “wayleave”). The rights of access are set out in the Draft Development Consent Order (Volume 3, Document 3.1) and the Statement of Reasons (Volume 4, Document 4.1).</p>	<p>Cross Reference to Updated Needs Case: 2.2.9 Establishing the need for reinforcement, as summarised above, is the first step in National Grid’s project development process. For the Project, this is detailed in the Updated Need Case Document (Volume 7, Document 7.4). On the basis of the need case established, National Grid review how the required reinforcement could be delivered, considering different strategic options, and assessing the options identified. This takes into account environmental, socio-economic, cost and technical considerations. The strategic proposal is then considered further through options identification and selection, taking into account feedback received. The design and assessment of the project in environmental terms is the subject of statutory consultation, with feedback considered, before the project taken forward is finalised and submitted in the DCO application.</p>
<p>4.6 The National Grid (ESO) manages shortfalls in boundary capacity by reducing power flows and constraining generation. This is achieved by paying generators to reduce their outputs, known as ‘constraint costs’. Ultimately, constraint costs are passed</p>	<p>Refers to Needs Case at 7.3.13: Whilst the measures above would not reduce all effects to not significant, the number of receptors affected has been minimised as far as possible, and the urgent and compelling needs case in terms of the shift in national energy need, the</p>	<p>Cross Reference to Updated Needs Case: 2.2.1 The need for the Project has been established in the Planning Statement (Volume 7, Document 7.1) and the Updated Need Case Document (Volume 7, Document 7.4) and is underpinned by NPS EN-1.</p>

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
<p>on to consumers and businesses through electricity bills. When constraint costs become higher than the cost of investment required to reinforce the network (and remove the need for constraint costs) it is considered right to proceed with investment for reinforcement. Without reinforcement by 2027 there can be no further unconstrained connections above boundary B8.</p>	<p>requirement to meet Net Zero by 2050, and the support that Yorkshire GREEN provides for the movement of energy from renewable sources is considered to outweigh the limited significant effects remaining on landscape and visual amenity.</p>	
<p>4.7 In addition, the following three contracted customers have connection offers which are reliant on reinforcement of the network:</p> <ul style="list-style-type: none"> • Continental Link – A 1.8GW Interconnector between England and Norway to connect in the Creyke Beck Substation, close to Hull, by 2027 • The Atlantic Superconnection - A 1GW Interconnector from Iceland expected to connect in the Creyke Beck Substation, close to Hull, by 2027 • Hornsea Offshore P4 - 2 phased connection application for 2.6GW (1.5GW in 2027 and 1.1GW in 2028) of offshore wind generation with an offer to connect in the North East in April 2027 and October 2028 for each phase respectively. 	<p>Refers to Needs Case at 7.3.82: The preferred Strategic Proposal identifies the solution to the needs case as being a new overhead line connecting the existing 400kV Norton – Osbaldwick overhead line and the existing 275kV Poppleton – Monk Fryston overhead line, together with associated siting of new infrastructure in the North west of York Area, Tadcaster and Monk Fryston.</p>	<p>Cross Reference to Updated Needs Case: 6.2.2 With regard to the condition set out in section 122(3), Chapter 3 of this Statement and the Updated Need Case (Volume 7, Document 7.4) explain how there is a national need for the provision of new energy infrastructure. The requirement for compulsory acquisition powers will ensure timely acquisition of the necessary land and rights needed to construct and maintain the Project.</p>
<p>4.8 Therefore, there is an urgent need to reinforce the network in the Yorkshire area by 2027 in order to enable connection of three</p>	<p>Refers to Needs Case at 7.4.13: In terms of the effects on landscape character, whilst operational effects could not be reduced</p>	<p>Cross Reference to Updated Needs Case: 6.3.1 The need for the Project is established in the Updated Need Case (Volume 7, Document 7.4)</p>

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
<p>contracted customers; ensure future connections of renewable generation can be connected without incurring significant constraint costs; facilitate net zero ambitions; and meet National Grid's transmission licence obligations.</p>	<p>to a magnitude that is not significant, the number of receptors affected has been minimised as far as possible. In addition the urgent and compelling needs case in terms of the need to reinforce the network in the Yorkshire area by 2027, ensure future connections of renewable generation can be connected without incurring significant constraint costs, meeting National Grid's transmission licence obligations, assisting in combatting the climate emergency, contributing to the Net Zero Target and meeting the national energy need, is considered to outweigh the limited significant effects remaining on the landscape.</p>	<p>and the various purposes for which the interests in the land are required are set out in this Statement and in the Planning Statement (Volume 7, Document 7.1), which further explains how the evolution of the Project has followed an iterative design process.</p>
	<p>Refers to Needs Case at Table 8.1: As set out in the Needs Case (Chapter 4) above, the Project supports the national need for reinforcement of the electricity infrastructure network to avoid constraint costs and support the national net zero carbon ambition. And: In this case, the urgent and compelling needs case in terms of the shift in national energy need, the requirement to meet Net Zero by 2050, and the support that Yorkshire GREEN provides for the movement of energy from renewable sources, is considered to amount to very special circumstances that outweigh the limited</p>	<p>Cross reference to Needs Case: 6.4.2 The need for the Project has been established in the Updated Need Case (Volume 7, Document 7.4). The compulsory acquisition of land and rights in land is necessary to deliver this Project.</p>

Updated Needs Case (Document 7.4) [APP-205]	Planning Statement (Document 7.1) [APP-202]	Statement of Reasons (Document 4.1) [APP-069]
	harm to the Green Belt that would arise from the Project.	
		Cross reference to Needs Case: 8.1.11 The need for the Project that will be brought about by the proposed development is well established and is of national importance, particularly in respect of meeting electricity demands and net zero targets, as detailed in the Updated Need Case (Volume 7, Document 7.4) and Planning Statement (Volume 7, Document 7.1), Second, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and the Applicant has the resources to provide such compensation.
	Refers to Needs Case at 9.1.10: Taking into account the conclusions of the ES, whilst significant effects during operation would occur on landscape character, visual amenity and best and agricultural land (due to the loss of best and most versatile land) and socio-economics, these effects have been minimised as far as possible, and are considered to be outweighed by the urgent and compelling needs case in terms of the shift in national energy need, the requirement to meet Net Zero by 2050, and the support that Yorkshire GREEN provides for the movement of energy from renewable sources.	

1.3 Other Relevant Documents

- 1.3.1 As part of the application process, there was significant statutory and non-statutory consultation on the Project **Consultation Report (Volume 6, Document 6.1) [APP-195]**. National Grid listened to stakeholders including landowners and those with an interest in the land and undertook assessments to balance the public and private benefits as well as technical feasibility, impact on the environment and cost. As part of the project development process, there is also a robust Strategic Back-Check and Review process if required which balances public and private benefits of the scheme **Strategic Proposals Back Check and Review 2020 (Document 7.6) [APP-207]**.
- 1.3.2 The principle need for new electricity infrastructure is established in National Policy Statement NPS EN-1. The costs / benefits of installation of new overhead lines and infrastructure are directed by the Horlock and the Holford rules (see National Policy Statement, EN-5, Section 2.8.5). These require a balance to be struck, particularly the rules shown below:
- Horlock, Section III:
- Rule 1: In the development of system options including new substations, consideration must be given to environmental issues from the earliest stage to balance the technical benefits and capital cost requirements for new developments against the consequential environmental effects in order to keep adverse effects to a reasonably practicable minimum.
- Rule 3: areas of local amenity value, important existing habitats and landscape features including ancient woodland, historic hedgerows, surface and ground water sources and nature conservation areas should be protected as far as reasonably practicable.
- Holford Rules:
- Rule 1: avoid altogether, if possible, the major areas of highest amenity value, by so planning the general route of the first line in the first place, even if the total mileage is somewhat increased in consequence.
- Rule 7: approach urban areas through industrial zones, where they exist;, and when pleasant residential and recreational land intervenes between the approach line and the substation, carefully assess the comparative costs of undergrounding.
- 1.3.3 The Supplementary notes also state that National Grid should “avoid routeing close to residential areas as far as possible on grounds of general amenity”.
- 1.3.4 Underpinning the routing process is the National Grid publication ‘Our Approach to Consenting’, which clearly sets out the considerations addressed through the planning process (**Appendix 2A Our Approach to Consenting (National Grid) (Document 5.3.2A) [APP-092]**)

1.4 Key Benefits of the Scheme

- 1.4.1 Aside from the broader public benefits described in the extracts in the table above, there are several non-technical benefits of the scheme, these include. Biodiversity Net Gain of at least 10% across the project (although this is not secured under the **draft DCO (Document 3.1(B)), [AS-011]**) which will be secured through a s.106 agreement. These are more fully described in the **Biodiversity Net Gain Report (Document 7.9) [APP-210]**.

1.4.2 While the scheme requires the installation of new infrastructure, where possible, opportunities have been taken to remove infrastructure. Examples of these are provided below:

In the city of York

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable

In the district of Hambleton

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable

The dismantling and removal of existing pylon XCP013, including removal of conductors, insulators, fittings, fibre optic earthwires, and foundations to 1.5m

In the district of Hambleton, City of York and borough of Harrogate

The dismantling and removal of existing pylons XCP012 to XC429T, including removal of 14 pylons, conductors, insulators, fittings, fibre optic earthwires and foundations to 1.5m;

In the district of Selby

The removal of a section of the existing distribution overhead electric line and its replacement with the installation of an underground cable.

1.4.3 These descriptions are not exhaustive. A full description of the works is included in the Project Description which is provided in several documents (for example, **Section 3 of the Statement of Reasons (Document 4.1) [APP-069]**). The Socio-economic assessment is described fully in the **Socio-Economics Chapter of the Environmental Statement Chapter 16 (Document 5.2.16) [APP-088]**.

1.5 Private Loss

1.5.1 National Grid has considered the private loss that will be consequential on the construction and operation of the Project by itemising all of the affected and summarising the nature of loss that will be caused as a result of the Project. This is set out in the table below.

Table 1.2 – Private Loss

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Darrington Quarries Limited (Company No 00579409)	Existing OHL			Y	1								

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Don Green (Farms) Limited (Company No 02693335)	Existing OHL			Y	1								
Holloway Timber Company Limited (Company No 03443163)	New OHL					Y							
Hutton Wandesley Estate LLP (Company No OC392042)	Existing OHL			Y	4								
J H McCloy & Co Limited (Company No 02088224)	Existing OHL			Y	1								
Manor Farm Machinery Limited (Company No 07380277)	Existing OHL and New OHL			Y	1	Y							
Northern Gas Networks Limited (Company No 05167070)	Rights during construction											Y	
Smoothstorm Limited (Company No 03150486)	Rights during construction											Y	
Squires Café Bar Limited (Company No 06027382)	Existing OHL						Y						
Start Trading Ltd (Company No 03079938)	Existing OHL			Y	1								
The University of Leeds (Company No RC000658)	Existing OHL			Y	5								
York Christmas Trees Limited (Company No 09531168)	New OHL					Y							

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Thomas Edward Fielden	Rights during construction											Y	
Alan Robert Aspinall	Existing OHL						Y						
Allan Pinkerton	Existing OHL						Y						
Christopher Marcus Patrick Lister	Existing OHL						Y						
David Keith Wood	New OHL	Y	1					Y					
John Norman Fawcitt	New OHL	Y	1					Y					
Joseph Whittaker	New OHL					Y							
Matthew Paul Adamson	Rights during construction											Y	
Nicholas Anthony Barker	Existing OHL						Y						
Nigel Guy Pears	Existing OHL			Y	4								
Pamela Jane Husband	Rights during construction, operation, maintenance of the Project											Y	
Philip Richard Barnitt	Existing OHL			Y	4								
Executors of Rex Greenwood deceased	Existing OHL						Y						
Robert John Hurren	Existing OHL			Y	1								
Thomas Francis Fawcett	Rights during construction											Y	

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Richard George Arthur Burniston	Existing OHL			Y	5								
Susan Patricia Kedie	Existing OHL						Y						
Ann Denise Lawday	Rights during construction											Y	
Jean Elizabeth Beavers	Existing OHL			Y	1								
John Anthony Riley-Smith	Existing OHL			Y	2								
Joseph Donald Ross	Existing OHL			Y	1								
Sheila Margaret Hawking	Existing OHL						Y			Y			
Christine Shepherd	New OHL					Y							
FB Properties (York) Limited – (Company No 13016664) – Frank Buck	Rights during construction											Y	
Yorkshire Water Services Limited	New OHL					Y							
Simon Nicholas Mills	Existing OHL			Y	3								
Barnett Waddingham	Existing OHL			Y	1								
Castlegate Trustees Limited (Company No 04559961) & Richard Henry Strawson & William Henry Strawson & William Robert Strawson	Existing OHL			Y	3								

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
MJF SSAS Trustees Limited (Company No 04089958) 2906975 & William Francis Condon Richard Condon	Existing OHL and New OHL			Y	1	Y							
PA Trustees Limited (Company No 07355244)	New OHL	Y	3					Y					
Sustrans (Company No 01797726)	Existing OHL						Y						
Timespan Properties Limited (Company No 03396096)	Existing OHL					Y							
Patricia Roach & Peter Dennis Roach, Christopher Peter Roach & Oakland Farms Limited (Company No 01010065)	Existing OHL			Y	1								
Alan John Wilson & John Foster Wilson	Existing OHL			Y	2								
Alan Pinkerton & Elspeth Heskey	Existing OHL			Y	1								
Antoinette Vanessa Wilkin & Jonathon Kenneth Wilkin	Existing OHL			Y	1								
Christine Pears & Richard Guy Pears	Existing OHL						Y						

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
David Charles Hardisty & Sheila Hardisty	Existing OHL			Y	1					Y			
Frances Margaret Newby & Richard Ernest Newby	Existing OHL						Y						
Geoffrey Blaken & Matthew Blaken	Existing OHL			Y	1					Y			
Geoffrey Robinson & Patricia Ann Robinson	Existing OHL												
Gillian Catherine Ann Hewitt & Stephen Neil Hewitt	New OHL					Y				Y			
Gillian Eves & Paul Bulmer	Rights during construction and operation, maintenance of the Project											Y	
Joseph Edward Hirst & Sandra Hirst	Rights during construction											Y	
Joyce Batty & Stephen Batty	Existing OHL			Y	2								
Karen Asquith & Stephen John Asquith	New OHL			Y	2					Y			
Linda Jane Foster & Peter Duncan Foster	Existing OHL			Y	1								
Guy Jonathan Hirst, Henry Lockwood Hirst, Margaret Hirst & William St John Hirst	Existing OHL			Y	5								

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Ian Needham & Deborah Bonney	Existing OHL			Y	1								
Richard Douglas Elliott	Existing OHL						Y					Y	
Richard Stanley Pearson-Adams & Robert Neil Brian Scott	Existing OHL						Y						
Sarah Jane Foster & Andrew David McCloy	Existing OHL						Y						
Alison Jane Clark & Charles John Douglas Clark	Existing OHL						Y						
Andrew Michael Hill & Margaret Joyce Hill	Existing OHL			Y	1								
David James Aspinall	Existing OHL			Y	1								
James Brook Barker, Julie Heather Barker, Nicholas Anthony Barker & Jack Anthony Barker	Existing OHL						Y						
Jillian Marie Midgley & Jonathan Paul Midgley	Existing OHL						Y						
John Barnes & Susan Barnes	Existing OHL			Y	1								
Malcolm David Ambler & Stella Margaret Ambler	Rights during construction											Y	
Jeremy Guy Daniel Whiting & Samantha Jane Whiting	Existing OHL						Y						
Carol Gooch & Jacqueline Peacock	New OHL	Y	1					Y		Y			

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Robert James Silvester Lister & Sarah Wentworth Jane Phillips	Existing OHL			Y	7								
Daniel Dundon, John Mongan, Johnny Quinn & Martin Cleary	New OHL					Y							
Healagh Farm (Company No 02391640)	Existing OHL			Y	7								
Newlands (York) Limited (Company No 11217225)	Freehold, OHL and UC	Y	2	Y	2			Y			Y		Y
Oxton Farm (Company No 11217225)	Existing OHL			Y	3								
W S Bayston & Son Limited (Company No 01875965)	Existing OHL			Y	5								
Christopher James Bell	Freehold and OHL	Y	6							Y	Y		Y
Douglas Mackenzie Frazer	Existing OHL											Y	
Elizabeth Angela Bayston	Existing OHL			Y	2								
Roger Ingham	Freehold and OHL						Y						Y
Philip John Chapman & Richard Thomas Chapman	Existing OHL			Y	3								

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
George Thomas Ventress Pindar, Henry Scott, James Frederick Fenwick, James Gideon Finlay, Pauline Ann Woodhead, The Parish Estate (Charity No 232810) & Robert William Miers	Existing OHL			Y	1				Y				
William Westaby & Sheila Burton	Existing OHL			Y	2								
Jacqueline Karen Midgley & Joseph Richard Midgley	Existing OHL			Y	1								
Mark Godliman & Tracy Ann Godliman	Existing OHL			Y	2								
Bay Horse Farm Limited (Company No 07182493)	Existing OHL			Y	1								
Andrew Jeremy Barrowman	New OHL	Y	4	Y	1					Y			
Philip John Procter	Existing OHL											Y	
Samuel Smith Old Brewery (Tadcaster) (Company No 00188027)	Freehold, OHL and UC	Y	1	Y	1				Y				Y
Marion Anita Blacker & David Michael Blacker	Existing OHL	Y	3	Y	2					Y			
Paul Robert Swales & Peter David Swales	Existing OHL	Y	3	Y	1			Y		Y			
Simon Robert Carr, Oliver Richard Carr & Peter William Carr	Existing OHL											Y	

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Steeton Farm (Company No 01768423)	Existing OHL			Y	1								
Jayne Louise Fairburn & Jeffrey Fairburn	Existing OHL						Y						
David Hills, Leslie Hills & Kathleen Ann Cunningham	Existing OHL						Y						
William Ritchie	New OHL					Y							
Philip James Watson	Freehold and OHL			Y	1		Y			Y			Y
Stephen Geoffrey Makin	Tenancy surrender												Y
Stephen Geoffrey Makin and Executors of Reginald Geoffrey Makin, Deceased	Freehold												Y
Executors of Reginald Geoffrey Makin, Deceased (David Makin, Stephen Geoffrey & Allyson Makin)	Freehold and OHL									Y			Y
Network Rail Infrastructure Limited (Company No 02904587)	Existing OHL					Y							
Benjamin Atlay Cleminson	New OHL					Y							
National Highways Limited (Company No 09346363)	Existing OHL						Y						Y
Andrew Frazer	New OHL	Y	4										
David Michael Venables & Susanna Venables	Existing OHL						Y						

PIL Reference	Impact type	Rights New Towers	Number New Towers	Rights Existing Towers	Number Existing Towers	Rights New Over sail	Rights Existing Over sail	Rights Temporary Towers	Rights Temporary Masts	Rights Temporary Oversail	Temporary Const. Compound	Rights Access	Freehold Acquisition
Reginald Edward Foster Stephenson & Rosemary Cordingley Executors of Gillian Stephenson	Existing OHL						Y						
Raymond Charles & Stella Smith	Existing OHL			Y	1								
Jonathan Andrew & Lynda Jane Graves	Rights during construction						Y						
North Yorkshire Council	Existing OHL						Y						

- 1.5.2 Of the 112 affected parties, 9 are Category 1 interests affected by freehold acquisition of land, and 24 are affected by new or relocated infrastructure (towers and or over-sail). The remaining interested parties are affected as follows: 81 parties are affected by pre-existing rights for existent infrastructure, 9 parties are affected by rights National Grid requires during construction phase as well as during the operation of the Project and for maintenance.
- 1.5.3 One of the main factors that National Grid has considered in relation to the potential for private loss, is that no affected party with land within order limits, and listed in the Book of Reference will be displaced as a consequence of the construction, operation or maintenance of the Project. 81 out of 112 affected parties are already subject to existing rights in connection with pre-existing infrastructure which National Grid seeks to formalise under the Project. Out of the 9 Category 1 interests, there are none that require 100% of that party's ownership, and so no cases requiring re-location or extinguishment of a business.
- 1.5.4 Details of the limited cases where freehold acquisition of land is required is set out in the table below.

Table 1.3 – Freehold Acquisition of Land

PIL Reference	Detailed Mitigation Measure
Newlands (York) Limited (Company No. 11217225)	Voluntary terms have been issued and are being reviewed by the Landowner's agent. The design has been reviewed following conversations with the Landowner as part of the consultation process with the aim being to reduce the extent of private loss. Changes to the design were subsequently made and discussions held to assist in

PIL Reference	Detailed Mitigation Measure
	<p>avoiding interference with the Landowner's development proposals. Following the CAH1 hearing National Grid are making further assessments of the proposed design to reduce any potential impacts on the farming practices of the holding. National Grid are awaiting feedback following the actions from the CAH1s from the agent. If a voluntary agreement is not possible with the landowner, losses incurred will be compensated in line with the Compensation Code. The land take is not thought to be significant based on the farming practices of the holding. This is based on the size of the holding, the amount of land affected and the mitigation of the design.</p>
<p>Christopher James Bell</p>	<p>Voluntary terms have been issued and have been commented on by the Landowner's agent. Legal details have been exchanged and commercial negotiations are nearing completion. The design has been led through detailed conversations with the Landowner. The design has been reviewed following those conversations as part of the consultation process with the aim being to reduce the extent of private loss. Changes to the design were subsequently made and discussions held to assist in reducing interference with the Landowner's agricultural operations and these are understood to be acceptable. If a voluntary agreement is not possible with the landowner, losses incurred will be compensated in line with the Compensation Code. The land take is not thought to be significant based on the farming practices of the holding.</p>
<p>Roger Ingham</p>	<p>Voluntary terms have been issued and the Landowner's agent and are now at an advanced stage and it is anticipated that agreement will be reach imminently. The design has been reviewed following those conversations as part of the consultation process with the aim being to reduce the extent of private loss. Changes to the design were subsequently made and discussions held to assist in reducing interference with the Landowner's landholding. If a voluntary agreement is not be possible with the landowner, losses incurred will be compensated in line with the Compensation Code. The property is not a commercial holding and it is not anticipated to have a significant impact upon the residential amenity.</p>
<p>Samuel Smith Old Brewery (Tadcaster) (Company No. 00188027)</p>	<p>Voluntary terms have been issued and the Landowner has instructed an agent with a meeting completed on the 5 June 2023. The design has been reviewed following conversations with the Landowner as part of the consultation process with the aim being to reduce the extent of private loss. Changes to the design were subsequently made to assist in reducing interference with the Landowner's landholding. If a voluntary agreement is not possible with the landowner, losses incurred will be compensated in line with the Compensation Code. The land take is not thought to be significant based on the farming practices of the holding.</p>
<p>Philip James Watson</p>	<p>Voluntary terms have been issued and the Landowner has instructed an agent and National Grid are awaiting feedback on the voluntary terms following a meeting on 15 May 2023. National Grid has considered all consultation feedback and sought to explain the design included in the DCO application. If a voluntary agreement is not possible with the landowner, losses incurred will be compensated in</p>

PIL Reference	Detailed Mitigation Measure
	line with the Compensation Code. The land take is not thought to be significant based on the farming practices of the holding.
Stephen Geoffrey Makin and Executors of Reginald Geoffrey Makin deceased (David Makin Stephen Geoffrey Makin, Allyson Makin)	Voluntary terms have been issued and one of the joint Landowners is in communication with National Grid. National Grid is attempting to coordinate dialogue with the Executors so that negotiations can be progressed. Due to the passing of one of the joint owners the ownership of the land is currently being finalised, and so it is not currently possible to assess the impact on the wider land holding. If a voluntary agreement is not possible with the landowner, loss will be compensated in line with the Compensation Code. The land take is not thought to be significant based on the farming practices of the holding.
Executors of Reginald Geoffrey Makin deceased (David Makin, Stephen Geoffrey Makin, Allyson Makin)	Voluntary terms have been issued to the executors of the estate and National Grid is attempting to coordinate dialogue with the Executors so that negotiations can be progressed. Due to the passing of the landowner, the impact on the wider holding cannot be assessed as probate is not complete. If a voluntary agreement is not possible with the executors, loss will be compensated in line with the Compensation Code.
Stephen Geoffrey Makin	A voluntary termination of the tenanted land owned by National Grid has been completed.
National Highways	Voluntary terms have been issued to the landowner, and dialogue has been held to progress with the landowner and North Yorkshire Council.

- 1.5.5 Paragraph 4 of **Statement of Reasons (Document 4.1) [APP-069]** sets out National Grid’s proposals in relation to compulsory acquisition of land and rights in land. National Grid has always sought to try and minimise the extent of land that might be required. Wherever possible National Grid has sought to reach agreement with affected parties and sought to mitigate those impacts on those persons. National Grid confirms that through engagement with affected parties it has sought to understand the extent of the land that is required. But also, where there are occupational businesses affected have engaged with those to understand what that impact is and how they can then address that private loss.
- 1.5.6 Para 5.8 of **Statement of Reasons (Document 4.1) [APP-069]** explains National Grid’s approach to reaching voluntary agreement with affected parties. In an attempt to encourage early agreement with affected parties, the terms offered by National Grid for voluntary agreements include payments that National Grid considers exceeds entitlement under the provisions of the national compensation code, and provisions of the **Draft Development Consent Order (Document 3.1(B)) [AS-011]**.
- 1.5.7 Where it is not possible to secure a voluntary agreement with affected parties, those with a qualifying interest will be entitled to claim compensation. Where freehold land, or rights in land are acquired, compensation is payable under the provisions of the national compensation code. Where temporary occupation of land is required, provisions for losses are set out at articles 36 to 39 of **Draft Development Consent Order (Document 3.1(B)) [AS-011]**. The overriding principle of compulsory purchase

compensation is ‘equivalence’. This means that people whose land is (or rights are) acquired compulsorily should be left neither better nor worse off financially as a result of their land being acquired. The compensation payable should be neither more nor less than the value of their loss, putting them back into the same financial position had it not been for the acquisition or imposition of rights.

- 1.5.8 In the 9 freehold cases, compensation will be available and payable so to place the qualifying interest back into the same position financially as if the compulsory acquisition of land had not have occurred. In the event that National Grid is unable to secure a voluntary agreement with one of the freehold interests, and there is a dispute over the amount of compensation they are entitled to, affected parties have the right to apply to the Upper Tribunal (Lands Chamber), for determination. Should such a situation exist, National Grid’s preference would be to utilise appropriate Alternative Dispute Resolution techniques where appropriate to do so.
- 1.5.9 The same approach applies to cases where rights in land are sought for new or relocated infrastructure, as well as other rights sought in relation to access for construction and maintenance where the loss to interested parties is considered far less.
- 1.5.10 Paragraph 8.1.10 of **Statement of Reasons (Document 4.1) [APP-069]** confirms that on the basis that the DCO is made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out.
- 1.5.11 An update to the Status of Negotiations table included at paragraph 5.8.6 of **Statement of Reasons (Document 4.1) [APP-069]** is set out below:

Table 1.4 – Status of Negotiations

Status of Agreement	Total Number
Heads of Terms in Negotiation	82
Heads of Terms Agreed and with National Grid Lands for authorisation	0
Heads of Terms sent to legal	29
Option Agreement Signed and Exchanged	1

1.6 Conclusion

- 1.6.1 Chapter 3 of **Statement of Case (Document 4.1) [APP-069]**, the **Updated Need Case (Document 7.4) [APP-205]** and the **Planning Statement (Document 7.1) [APP-202]** explain how there is a national need for the provision of new energy infrastructure.
- 1.6.2 The benefits outlined above coupled with the requirement for National Grid to comply with its transmission licence obligations as well as facilitating UK Government commitments to reduce greenhouse gas emissions to net zero, provide in National Grid’s view, a compelling case in the public interest to use compulsory powers, which sufficiently outweighs the loss to landowners who will be able to claim compensation to put them back into the same position as far as money can do so, had it not have been for the compulsory acquisition of land and rights in land.
- 1.6.3 National Grid does acknowledge there may be impacts on individuals as well as part of the compelling case and balance to be weighed up by the decision maker. But its

assessment in the Statement of Reasons is that there are significant cumulative public benefits that arise which outweigh the loss to those individuals. This has already been referenced to in some agreements that have been reached in order to deal with any concerns affected persons may have. The requirement for compulsory acquisition powers will ensure timely acquisition of the necessary land and rights needed to construct and maintain the Project.

- 1.6.4 On balance it is in the interests of the community, region and nation as a whole to make the DCO over and above the interest of the individuals affected. The losses to the individuals are capable of being compensated and are therefore considered justified.
- 1.6.5 The broad public benefits of the scheme are set out in the documents referred to in this document. The most significant of which is the upgrading of the transmission system to enable greater capacity for the transmission of renewable energy efficiently across the system which will enable the Government to meet its net-zero targets at an optimal cost to the consumer.
- 1.6.6 National Grid operates robust systems to ensure that its plans are thoroughly consulted upon and that stakeholders' views are taken into account. Further, National Grid operates a well established iterative project development process, taking into the balance; impact on the environment, impacts on local communities, technical feasibility and cost. These processes are clearly set out in the application documents which are consistent in their approach to routing of new overhead lines and siting of Cable Sealing End Compounds and sub-stations. National Grid remains engaged with stakeholders and will do throughout the construction and operation of the project.

Appendix B Tadcaster West Indicative Alternative CSEC Position



TADCASTER WEST INDICATIVE ALTERNATIVE CSEC POSITION

LEGEND

DCO SUBMISSION & INDICATIVE ALTERNATIVE

- ORDER LIMITS
- PROPOSED NEW LATTICE PYLON
- EXISTING LATTICE PYLON - TO BE DISMANTLED
- EXISTING OVERHEAD LINE - TO BE MODIFIED
- PROPOSED ACCESS SWATHE
- PROPOSED ACCESS POINT
- PROPOSED CONSTRUCTION COMPOUND

DCO SUBMISSION ONLY

- PROPOSED NEW OVERHEAD LINE
- PROPOSED NEW UNDERGROUND CABLE
- PROPOSED ACCESS SWATHE
- PROPOSED CABLE SEALING END COMPOUND

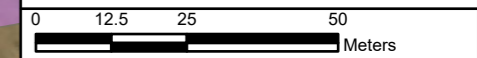
INDICATIVE ALTERNATIVE

- PROPOSED NEW OVERHEAD LINE
- PROPOSED NEW UNDERGROUND CABLE
- PROPOSED ACCESS SWATHE
- PROPOSED CABLE SEALING END COMPOUND



Notes
 This drawing is scaled at paper size A3, therefore any prints taken at smaller sizes will affect accuracy of the measurement units and should not be scaled against.

Coordinate System: British National Grid
 Sheet X Centroid Coordinate: 445948 Sheet Y Centroid Coordinate: 441687



ESRI BACKGROUND MAPPING INFORMATION HAS BEEN USED.

Issue	Date	Remarks	Drawn	Checked	Approved
A	02/12/2022	FIRST ISSUE	JDH	TF	SF

Title

TADCASTER WEST INDICATIVE ALTERNATIVE CSEC POSITION

nationalgrid

Application Number: _____

Drawing Reference: _____

Scale	Sheet Size	Sheet	Issue
1:1,250	A3	SHEET 1 OF 1	A

Appendix C Response to Action Point 18 - Wayleaves

1.1. Introduction

1.1.1. In CAH1 Mr Stephenson had sought clarification on behalf of his clients from the Applicant as to why easements were being sought as opposed to wayleaves. A number of the existing historical contractual arrangements which exist between the current landowners (or former owners) and Applicant have been secured by way of wayleaves.

1.2. Applicant's response

1.1.2. The Applicant's position on why easements are sought instead of wayleaves for the overhead lines is on the following basis:

1.1.3. A wayleave is a contractual right granted by a landowner to a third party.

1.1.4. Wayleaves can be terminable on notice requiring removal of infrastructure and are not binding on successors in title.

1.1.5. Whilst there are statutory provisions in the Electricity Act 1989 to apply for necessary wayleaves for the retention of the infrastructure the Applicant has applied for a DCO under the Planning Act 2008 and so the provisions of the Electricity Act 1989 do not apply. Even where necessary wayleaves are sought, the Upper Tribunal (Lands Chamber) has determined that "the acquisition of a wayleave under paragraph 6 of Schedule 4 to the 1989 Act does not amount to an acquisition of land, or of any right over or interest in land.¹"

1.1.6. The Planning Act 2008 does not provide for the permanent compulsory acquisition of wayleaves – only the acquisition of land or easements.

1.1.7. Easements are interests in land which bind successors in title to both the landowner's and undertaker's interest in land.

1.1.8. Where agreement is reached with landowners for the grant of an easement, it is possible to negotiate variations to deeds of easement which could provide for example for a different access route – something with which Mr Stephenson was interested to understand.

1.1.9. There is a strong preference from a policy perspective in updated draft NPS EN-52 in favour of permanent arrangements for the compulsory acquisition of rights such as easements:

1.1.9.1. Where the applicant does not own or wish to own the land in question, it should try to reach a voluntary agreement giving it sufficient rights and/or permissions to undertake the relevant work.

¹ Stynes v Western Power (East Midlands) PLC [2013] UKUT 0214 (LC)

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147384/NPS_EN-5.pdf

1.1.9.2. *Where it does not succeed in reaching the agreement that it wants, the network company may, as part of its application to the Secretary of State, seek to acquire rights compulsorily over the land in question by means of a provision in the DCO.*

1.1.9.3. *In such cases (i.e. where the compulsory acquisition of rights is sought) permanent arrangements are strongly preferred over voluntary wayleaves (which could, for example, be terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency and reflecting the importance of the relevant infrastructure to the nation's net zero goals. [emphasis added]*

1.1.10. In light of the capital investment and permanence required for the retention of the infrastructure it is the Applicant's position that easements are the appropriate interest in land to be acquired for overhead line works. The Applicant is seeking to enter into agreements for easements with landowners on a voluntary basis. Where it is not possible to reach agreement then the Applicant seeks to acquire these interests compulsorily as rights in land.

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