

YG-DCO-122

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.23.6 Applicant's Response to ISH3 Hearing Action Points

**Final Issue A
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Contents

1.	About this document	1
1.	Introduction	1
2.	The Applicant's Response to ISH3 Action Points	2
	Table 2.1 – Response to ISH3 Action Points	2

Version History

Document	Version	Status	Description / Changes
06/06/2023	A	Final	First Issue

1. About this document

1. Introduction

- 1.1.1. This document provides National Grid Electricity Transmission Plc's (National Grid) (the Applicant) response to Action Points addressed to the Applicant arising from Issue Specific Hearing (ISH) 3 on the draft Development Consent Order (DCO) and related matters held on Friday 26 May 2023, in respect of the Yorkshire Green Energy Enablement Project (Yorkshire GREEN) (the Project).
- 1.1.2. Responses to actions addressed to the Applicant to be provided at Deadline 4 are provided in **Section 2** below.

2. The Applicant's Response to ISH3 Action Points

Table 2.1 – Response to ISH3 Action Points

Action No.	ExA description	Party	Deadline	Response
1	New Requirement (R) for a site-specific construction stage mitigation scheme for the Travellers' Site to be inserted into the next iteration of the draft Development Consent Order (dDCO).	Applicant	D5	National Grid is working on the drafting of a new requirement in relation to site specific mitigation and an update will be provided, as requested, at Deadline 5.
2	Review and elaborate wording for community liaison officer over access arrangements in Construction Traffic Management Plan (CTMP)/ Code of Construction Practice (CoCP).	Applicant	D5	National Grid is considering the best way to update wording in relation to the community liaison officer and will provide an update, as requested, at Deadline 5.
3	Set out the process for assessing and minimising hedgerow removal at bellmouths.	Applicant	D5	National Grid will respond to this Action as requested at Deadline 5.
4	Set out in the next version of the CoCP the respective roles of the Agricultural Liaison Officer (ALO) and the Land Officer. Specify who employs each role and duration of employment.	Applicant	D5	National Grid can confirm that the Code of Construction Practice (CoCP) will be updated and submitted at Deadline 5 to provide further clarification on these roles as requested.
5	Provide commentary on the Applicant's approach to ongoing liaison during the operation and maintenance period via the Land Officer.	Applicant	D5	National Grid will respond to this Action as requested at Deadline 5.
6	Consolidate all Environmental Statement errata and addenda into one document. Any further updates to be added to the consolidated document.	Applicant	D5	National Grid can confirm that the ES Addendum Parts 1 and 2 (and any subsequent ES Addendums) will be consolidated into one consolidated ES Addendum Document, for submission at Deadline 5. The ES consolidated errata will remain in a separate document, thus providing one consolidated errata document, and one consolidated ES Addendum document. Please also refer to National Grid's response on ISH2 Action Point 3.
7	Review definition and description of temporary	Applicant	D5	National Grid will consider the definition and description of temporary construction compounds in the draft DCO and will provide an update, as requested, at Deadline 5.

Action No.	ExA description	Party	Deadline	Response
	construction compounds in the dDCO to ensure there is sufficient clarity about what they are likely to comprise.			
8	Article 5: consider 5(1)(c) whether a change in drafting is required to limit where the 6m Limit of Deviation (LoD) is relevant (new versus modified pylons).	Applicant	D5	National Grid will consider whether an update is required to Article 5(1)(c) in respect of the fact that it is only intended to apply to new pylons and will provide an update in the draft DCO or explanation in the Explanatory Memorandum, as requested, at Deadline 5.
12	Ensure that the provisions of article 13(6), i.e. requiring the provision of a statement, apply to all relevant articles of the dDCO concerning deemed consent.	Applicant	D5	National Grid will update the provisions of Article 13 and ensure consistency across the streets articles in this respect for Deadline 5, as requested.
13	Check and ensure consistency across articles specifying a timescale in relation to deemed consent as to whether timescales relate to the 'making' of an application or 'receipt' of an application.	Applicant	D5	National Grid will ensure consistency across the streets articles in this respect for Deadline 5, as requested.
14	Discuss and agree the wording of article 13(2) with North Yorkshire Council (NYC) regarding 'within or adjacent to Order limits'.	Applicant	D5	National Grid will engage with North Yorkshire Council in respect of the wording of Article 13(2) regarding 'within or adjacent to Order limits'.
15	Assess whether article 16 should also make reference to NH in addition to the relevant planning authority and update the dDCO accordingly.	Applicant	D5	National Grid will consider the position in relation to National Highways in respect of Article 16 and will provide an update, as requested, at Deadline 5.
16	Consider including in any Protective Provision with NH appropriate wording to reflect its concerns about drainage to the Strategic Road Network (SRN) (article 19) and that interest in NH land could be temporarily suspended (articles 38 and 39).	Applicant	D5	National Grid is continuing engagement with National Highways in respect of the Protective Provisions and will endeavour to include provision within the draft DCO to be submitted at Deadline 5 which resolves National Highways' concerns.

Action No.	ExA description	Party	Deadline	Response
17	Liaise over works on land in which NH has an interest which is outside the SRN.	Applicant, National Highways	D5	National Grid is engaging with National Highways in respect of land over which it has an interest.
18	Update dDCO with the Internal Drainage Board's (IDB) comments and/ or set out different positions, following meeting on 14 June 2023.	Applicant	D5	National Grid has a meeting scheduled with the York Consortium of Drainage Boards (representing the Ainsty and Foss IDBs) for 14 June 2023 and with the Shire Group of Drainage Boards (representing Kyle and Upper Ouse IDB) for 16 June 2023, and will provide any updates in respect of this at Deadline 5, as requested.
20	Continue discussions regarding in-built process for pre-application consultation before consent for approvals are lodged with regards article 45 and report back.	Applicant, NYC, City of York Council (CYC), Leeds City Council (LCC)	D5	National Grid is engaging positively with the local authorities in respect of securing an adequate pre-application process for the discharge of DCO requirements and other consents required by Articles of the DCO, which will be secured through the Section 106 Agreement. A Draft S.106 Agreement (Document 8.22) has been submitted at Deadline 4 as requested.
21	Include the Environmental Statement (ES) in the list of documents to be certified in the next iteration of the dDCO.	Applicant	D5	National Grid will list the Environmental Statement as a certified document in the next iteration of the draft DCO to be submitted at Deadline 5.
22	Confirm if assessment has covered a worst case scenario regarding birds flying in the vicinity of the River Ouse when considering night-time working and associated lighting.	Applicant	D4	<p>As set out in Table 8A.2, ES Appendix 8A Scoping of Assessment Summary (Document 5.3.8A) [APP-126] potential effects from increased noise, vibration, light and movement levels resulting in disturbance and/or displacement (up to 500m from the construction works) on wintering birds were scoped out of the assessment. This included consideration of a reasonable worst case scenario with respect to night-time working in the vicinity of the River Ouse, i.e. short periods of overnight working to facilitate overhead line works above the river (short period of time up to one hour at a time for up to eight times over the duration of the Project) as set out in Table 3.1 of Document 5.3.3G Public Rights Of Way Management Plan (Document 5.3.3G) [APP-100]. No significant or important aggregations of wintering bird species were recorded during winter transects between February to March 2021 and October 2021 to March 2022 and as embedded environmental measures (2 – Standard best practice; 3 – Minimise land take and micro-site; and 14 – Sensitive lighting design, Table 18.11, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080]) would minimise the potential for any effects at the location of the River Ouse crossing, effects on wintering birds were scoped out from further assessment.</p> <p>As non-Schedule 1 breeding bird species are not legally protected from disturbance, potential effects from increased noise, vibration, light and movement levels resulting in disturbance and/or displacement from lighting during construction have been scoped out of the assessment.</p> <p>Potential effects from increased noise, vibration, light and movement levels (up to 500m from the construction works) on Schedule 1 breeding bird species were scoped into the assessment on a precautionary basis due to the legal protection from disturbance afforded to these species. This included consideration of a reasonable worst case scenario with respect to night-time working in the vicinity of the River Ouse. As set out in paragraph 8.9.192, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080], the construction works programme would incorporate and account for all Schedule 1 species nests and avoid, amend or reduce works during sensitive periods i.e. nesting season. Where works are unavoidable during the bird nesting season, appropriate control measures would be followed including pre-works surveys and monthly update surveys during the bird nesting season to identify any nests which may be subject to disturbance and inform the appropriate mitigation measures to be implemented relevant to the species concerned. As stated in paragraph 8.9.193, ES Chapter 8 Biodiversity (Document 5.2.8) [APP-080], the effect of construction on Schedule 1 breeding birds has been assessed as Not Significant.</p>

Action No.	ExA description	Party	Deadline	Response
23	Update the description of Work No. U8.	Applicant	D5	National Grid will consider whether an update is required to the description of Work No. U8 in Schedule 1 of the Draft DCO which is proposed to be retained, and will provide an update, as requested, at Deadline 5.
24	Provide in Schedule 3 R1 a definition of 'piling operations' (as stated in R7(2)).	Applicant	D5	National Grid will consider provision of a definition for 'piling operations' in Requirement 1 and will provide an update, as requested, at Deadline 5.
25	R1: for description of 'start up and close down activities' consider removing 'audible' and tighten up definition of 'low key maintenance'.	Applicant	D5	National Grid will consider whether an update is required to the definition for 'start up and close down activities' in Requirement 1 and will provide an update, as requested, at Deadline 5.
27	R5 and R6: consider adding to definitions to clarify difference between outline soil management plan (R5(3)) and soils and aftercare management plan (R(6)(1)(a)).	Applicant	D5	National Grid will consider the drafting of the definitions of outline soil management plan (Requirement 5(3)) and the soils and aftercare management plan (Requirement 6(1)(a) in the draft DCO and provide an update at Deadline 5.
28	R8, 9, 10: in addition to Applicant's proposed changes, consider including a separate plan/ input to outline Tree and Hedgerow Protection Strategy (THPS) or additional wording in the CoCP to explain the different elements of the proposed planting.	Applicant	D5	National Grid will consider further this Action and whether this may be covered by the proposed re-drafting of Requirements 8, 9 and 10, and will provide a response as requested at Deadline 5.
30	R18: secure additional elements from DASSI (colour of all buildings, acoustic fencing and subtle variations in landform) as proposed and consider LCC's point regarding colour of peripheral fencing.	Applicant	D5	National Grid will consider the drafting of Requirement 18 and respond to this Action as requested at Deadline 5.
31	Schedule 4: consider whether those requirements for which discharge requires consultation should have different (longer) time scales.	Applicant	D5	National Grid is continuing engagement with the relevant planning authorities in respect of the proposed PPA in delivery committed to in the Draft S.106 Agreement, and will consider Schedule 4 of the draft DCO and respond to this Action as requested at Deadline 5.
33	Provide an update on the position regarding other consents and licences being	Applicant	D4	As set out in National Grid's response to Written Question Q1.0.3 [REP2-038] a bat roost was identified in the post-submission surveys. Following the identification of the roost, in accordance with the mitigation hierarchy, the access route has been reviewed. Whilst the tree will not be removed, it is not possible to confirm that some management works are not required. Although this could

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	sought further to [REP2-038].			<p>trigger the need for a derogation licence (and therefore a Letter of No Impediment), Natural England has confirmed that it is satisfied that the Project would not trigger the need for a derogation licence based on the proposed works and location of the roost (email from Natural England to WSP 9 May 2023) and therefore no amendments to Table 2.1, Other Consents and Licences, Document 7.3, [APP-204] are required in relation to this issue. This will be reflected in the Statement of Common Ground with Natural England to be updated and submitted at Deadline 5.</p> <p>The revised Arboriculture Impact Assessment (Document 5.3.3I Part 1 to 3, [APP-102 to APP-104]) and Tree and Hedgerows Potentially Affected Plans (Document 2.11.1 to 2.11.6, [APP-050 to APP-055]) are resubmitted at Deadline 4 and confirm that the status of this tree (T2244) has been changed from 'removed' to 'managed/affected'.</p> <p>With regards to hydrology, an update to the Other Consents and Licences Document (Document 7.3, [APP-204]) will be provided at Deadline 5 should ongoing engagement with the Internal Drainage Boards identify a need to update the document with regards to Land Drainage Consent requirements.</p> <p>National Grid can confirm that no changes to the Other Consents and Licence Document (Document 7.3, [APP-204]) are required in relation to waste and noise.</p>
34	For all proposed s106 agreements: - provide a note to explain why this is an appropriate mechanism to secure the commitments (rather than Requirements), and; - set out how the policy and legislative tests for planning obligations would be complied with.	Applicant	D5	A note is being prepared to provide clarity as to why the obligations contained within the draft Section 106 Agreement are appropriate as planning obligations rather than Requirements and also to confirm compliance with the Community Infrastructure Levy Regulations 2010. This note will be submitted at Deadline 5 as requested.

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