



## Application by National Grid Electricity Transmission (NGET) Plc for the Yorkshire Green Energy Enablement (GREEN) Project

### The Examining Authority's further written questions and requests for information (ExQ2)

Issued on 20 June 2023

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information (ExQ2). This follows the ExA's first written questions (ExQ1) [PD-007] which were issued on 29 March 2023. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as [Annex C to the Rule 6 letter](#) of 22 February 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates to which Interested Parties (IPs) and other persons each question is directed. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [YorkshireGreen@planninginspectorate.gov.uk](mailto:YorkshireGreen@planninginspectorate.gov.uk) and include 'Yorkshire GREEN – ExQ2' in the subject line of your email.

**The deadline for responses to ExQ2 is Deadline 5: Tuesday 11 July 2023.**



## Abbreviations frequently used:

<b>BoR</b>	Book of Reference	<b>LPA</b>	Local Planning Authority
<b>CA</b>	Compulsory Acquisition	<b>NPS</b>	National Policy Statement
<b>dDCO</b>	Draft DCO	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>EM</b>	Explanatory Memorandum	<b>PA2008</b>	The Planning Act 2008
<b>ES</b>	Environmental Statement	<b>RR</b>	Relevant Representation
<b>ExA</b>	Examining Authority	<b>SI</b>	Statutory Instrument
<b>ISH</b>	Issue Specific Hearing	<b>SoS</b>	Secretary of State
<b>LIR</b>	Local Impact Report	<b>TP</b>	Temporary Possession

## The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the [Examination Library](#). The Examination Library is updated as the Examination progresses.



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ExQ1	Question to:	Question:
<b>1. General and Cross-Topic Questions</b>		
<b>1.0 Application documents: clarifications and updates</b>		
Q1.0.1	Environment Agency	<p><b>Maximum depths and Limits of Deviation</b></p> <p>Are you content with the assumptions made in the Environmental Statement (ES) about the maximum depths and Limits of Deviation that are also set out in the Applicant's response to ISH1 Action Point 15 [REP1-018]?</p>
Q1.0.2	The Applicant	<p><b>CDM drawing showing vehicular access from AP92</b></p> <p>Further to your response regarding the use of the Access Point AP92 off the A19 [REP4-027], Action Point 7, consider if the Construction Design and Management (CDM) drawing [APP-099] Overton Substation High Level CDM Plan requires amendment.</p>
Q1.0.3	The Applicant	<p><b>Embedded Measures Schedule</b></p> <p>The Applicant's response to submissions from Interested Parties about the management of construction effects (for example in relation to effects on farming operations and other construction stage effects) [REP1-015] refers to the role of the Lands Officer and Agricultural Liaison Officer as part of the mitigation strategy. However, the Embedded Measures Schedule [REP2-018] appears not to refer specifically to these roles.</p> <p>Should the Embedded Measures Schedule be updated to refer specifically to the Applicant's commitment to the roles of Lands Officer and Agricultural Liaison Officer for the construction period? Justify your response.</p>
<b>1.1 Policy context</b>		
Q1.1.1	All Interested Parties	<p><b>Implications of revised draft National Policy Statements</b></p> <p>At ISH2 Action Point 5 of [REP4-026], the Applicant has set out its view on the implications for the project of the revised draft National Policy Statements for Energy and the Powering Up Britain policy document.</p>

ExQ1	Question to:	Question:
		a) Do any Interested Parties wish to comment on the Applicant's analysis of the implications for the Proposed Development? b) Do any Interested Parties wish to comment on the Applicant's view that the proposed development would fall within the definition of 'Critical National Priority' infrastructure?
<b>1.2 Cumulative effects</b>		
Q1.2.1	Leeds City Council and North Yorkshire Council	<b>Projects scoped into the cumulative effects assessment</b> The Councils are referred to the Applicant's response to ISH2 Action Points 32 and 33 [REP4-026]. a) Are Leeds City Council and North Yorkshire Council content with the Applicant's explanation as to how the proposed Hayton House solar farm project has been dealt with in the cumulative effects assessment? b) Are Leeds City Council and North Yorkshire Council content with the Applicant's explanation as to why the East Yorkshire Solar Farm has not been included in the cumulative effects long list?
<b>1.3 Post-hearing submissions</b>		
Q1.3.1	The Applicant	<b>Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D</b> The ExA notes this is an illustrative plan, as requested. a) Is this the sort of plan which would form part of the tree and hedgerow protection strategy (THPS) for approval by the relevant planning authority? b) If so, would there be clarity on the areas for hedgerows to be removed at the time of submission for approval? c) Has this illustrative plan taken account of the Northern Powergrid undergrounding works which would precede the traffic management works, if required? d) If not, what would the process be for seeking approval from the relevant planning authority for those pre-commencement works?
Q1.3.2	City of York Council, Leeds City	<b>Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D</b> a) Is this the level of detail that you would find useful post consent as part of the THPS?

ExQ1	Question to:	Question:
	Council, North Yorkshire Council	b) If not, what else would be of use?
<b>1.4</b>	<b>Notification of Applicant's intention to submit a request for proposed changes to the DCO application</b>	
Q1.4.1	All Interested Parties	<p><b>Notification of Applicant's intention to submit a request for proposed changes to the DCO application</b></p> <p>The ExA accepted the above notification [AS-020] as an Additional Submission on Tuesday 20 June 2023. This ExQ2 document does not contain questions about the Applicant's notification, which will be the subject of separate correspondence in due course.</p>
<b>2.</b>	<b>Air Quality and Human Health</b>	
The ExA has no questions in relation to this topic at the current time.		
<b>3.</b>	<b>Biodiversity, Ecology and Natural Environment</b>	
<b>3.0</b>	<b>Potential effects of bird strike in river corridors</b>	
Q3.0.1	The Applicant	<p><b>Potential effects on whooper swan and pink-footed goose as features of designated sites</b></p> <p>Yorkshire Wildlife Trust (YWT) has made submissions about the potential collision effects on whooper swan and pink-footed goose as features of certain European designated sites.</p> <ol style="list-style-type: none"> <li>Can the Applicant provide up to date information about the existing population numbers of whooper swan and pink-footed goose at designated sites?</li> <li>What is the evidential basis for the statements in Table 6.2 of [REP4-023] that geese and swans generally fly at heights of over 150 metres during migration and that the birds would begin their migrations in good weather conditions?</li> </ol>
Q3.0.2	Yorkshire Wildlife Trust	<p><b>Potential for bird strike with overhead lines on the River Ouse</b></p> <ol style="list-style-type: none"> <li>Could YWT submit any evidence to support its position in oral and written submissions [EV-005] and REP4-043] that there is the potential for bird strike with proposed new overhead lines crossing the</li> </ol>

ExQ1	Question to:	Question:
		<p>River Ouse to cause population effects at a designated site level, specifically in respect of whooper swan associated with the Ouse and Nene Washes and pink-footed goose associated with the Wash and North Norfolk Coast?</p> <p>b) Does YWT have any survey data for whooper swan and pink-footed goose numbers during spring migration?</p> <p>c) Does YWT wish to comment on the Applicant's survey data for the River Ouse in [APP-130 and APP-131] and summarised in Table 6.2 of [REP4-023]?</p> <p>d) Does YWT consider that the proposed new overhead line in this location would have a greater potential effect on these bird species than the existing overhead line that is proposed to be dismantled? If so, why?</p>
Q3.03	Yorkshire Wildlife Trust and the Applicant	<p><b>Potential for bird strike: records</b></p> <p>Do YWT or the Applicant have any records of bird strike with existing overhead lines on the River Ouse or River Wharfe? If so, provide this material.</p>
Q3.04	Natural England	<p><b>Potential effects on bird features of designated sites as a result of bird strike</b></p> <p>The ExA notes Natural England's response to ExQ1 3.5.1 [REP2-080] in which it states agreement with the Applicant's approach to scope out increased strike risk on bird migration and its agreement with the conclusion of the Applicant's No Significant Effects Report [APP-200].</p> <p>For the avoidance of doubt, can Natural England comment on the submissions from YWT [REP4-043] regarding the potential for bird collision as an impact pathway to whooper swan and pink-footed goose of the listed European sites?</p>
Q3.05	Yorkshire Wildlife Trust	<p><b>Potential for bird strike: River Wharfe</b></p> <p>a) In light of its written submission [REP4-043], can YWT confirm whether or not it considers that the proposed works in the vicinity of the River Wharfe could affect bird features of European designated sites?</p>

ExQ1	Question to:	Question:
		<p>b) Could YWT submit any evidence to support its view that the proposed modification to overhead lines in the River Wharfe corridor could result in bird strikes amongst local populations of goosander, mallard, grey heron and mute swan?</p> <p>c) Does YWT consider that the existing overhead line in this location would have a greater potential effect on these bird species once modified (as proposed) than it currently does? If so, why?</p>
Q3.06	The Applicant	<p><b>Potential for bird strike: River Wharfe</b></p> <p>Can the Applicant provide an evidence-based response to YWT's concerns that the proposed overhead line could lead to effects on local populations of goosander, mallard, grey heron and mute swan as a result of bird strike?</p>
Q3.07	Yorkshire Wildlife Trust and the Applicant	<p><b>Proposed mitigation: effectiveness of bird diverters</b></p> <p>YWT states in [REP4-043] that bird diverters installed on the proposed overhead lines where they cross the River Ouse and River Wharf would be effective mitigation against potential bird strike effects.</p> <p>Do YWT or the Applicant hold any evidence about the effectiveness of bird diverters in minimising or avoiding the risk of bird strike in relation to the species identified by YWT, namely: whooper swan, pink-footed goose, goosander, mallard, grey heron and mute swan?</p>
Q3.08	The Applicant	<p><b>Proposed mitigation: post-construction installation of bird diverters</b></p> <p>The Applicant states in [REP4-023] that bird diverters may be considered as a mitigation solution where, once operational, there is evidence of collisions having occurred.</p> <p>a) What does the Applicant consider to be the likely source of such evidence and what threshold would trigger the need to consider additional mitigation?</p> <p>b) What provision is there in the dDCO or Biodiversity Mitigation Strategy for post-construction monitoring that would capture this evidence and remedial action should collisions be detected?</p> <p>c) Comment on YWT's suggestion that information on bird collisions could be sought from York Ornithological Club.</p>



ExQ1	Question to:	Question:
<b>3.1 Biodiversity Mitigation Strategy</b>		
Q3.1.1	The Applicant	<p><b>Updates to Biodiversity Mitigation Strategy</b></p> <p>Further to its summary in Table 6.4 of [REP4-023], can the Applicant explain how the Biodiversity Mitigation Strategy will be updated to reflect the ES Addendum [REP3-010]?</p>
<b>3.2 Biodiversity Net Gain</b>		
Q3.2.1	The Applicant	<p><b>Status of agreement in respect of Biodiversity Net Gain measures</b></p> <p>Can the Applicant provide an update on the status of agreement with North Yorkshire Council, City of York Council, Leeds City Council, Natural England and the Environment Agency in relation to Biodiversity Net Gain measures? Where this is reported in Deadline 5 updates to Statements of Common Ground, cross-reference to those documents would suffice.</p>
<b>4. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>		
<b>4.0 General: Compulsory Acquisition, Temporary Possession, Book of Reference, CA and TP Objections Schedule</b>		
Q4.0.1	The Applicant	<p><b>Plots D2-03 and D2-04</b></p> <p>a) Check the Book of Reference (BoR) freehold owners or reputed freehold owners and occupiers or reputed occupiers of Plots D2-03 and D2-04 (access splays on Warren Lane) as these are located in the Leeds City Council administrative area but are shown as North Yorkshire Council (as highways authority) interests.</p> <p>b) If this interest transpires to be that of Leeds City Council, engage with the relevant highways authority over these plots as required.</p>
Q4.0.2	The Applicant	<p><b>CA and TP Objections Schedule</b></p> <p>Does the North Yorkshire Council Highways Authority need to be added to the CA and TP Objections Schedule?</p>

ExQ1	Question to:	Question:
Q4.03	The Applicant	<p><b>Tadcaster CSECs/ response to ExQ1 4.9.1</b></p> <p>You refer to three Affected Persons (AP) from whom the Applicant is seeking to acquire freehold land [REP2-038.], response to ExQ1 4.9.1</p> <p>Confirm that these are Mr R. Ingram, Mr P Watson and Samuel Smith Old Brewery (Tadcaster).</p>
Q4.04	The Applicant	<p><b>Unknown rights/ response to ExQ1 4.2.3</b></p> <p>Provide any update on plots where an interest or right in land has been identified but that the holder of that interest was stated as unknown [REP2-038], response to ExQ1 4.2.3, and your ongoing steps to identify unknown rights.</p>
<b>4.1</b>	<b>Alternatives</b>	
Q4.1.1	Stephensons Rural LLB on behalf of the Rab family	<p><b>Holford Rules and alternative locations for the Shipton Cable Sealing End Compounds</b></p> <p>Further to your points regarding alternatives [EV-007b] and [REP4-030] and the Applicant's responses [REP4-026] and [REP4-027] do you have any further comments to make about the Applicant's case regarding compliance with the Holford Rules?</p>
<b>4.2</b>	<b>Statutory Undertakers</b>	
Q4.2.1	Canal and River Trust, National Gas Transmission plc, National Highways, Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited, Northern Gas Networks Limited,	<p><b>Sustained objections/ Protective Provisions</b></p> <p>The Applicant's updated Protective Provisions Progress Schedule [REP4-016] indicates that it is unlikely that all Protective Provisions will be agreed and ready for inclusion in the dDCO to be submitted at Deadline 5 (the Deadline agreed by the Applicant for completion of Protective Provisions at ISH1).</p> <p>In instances where agreement cannot be reached by D5, the Applicant has been requested to submit its wording and any alternative wording under discussion from Statutory Undertakers.</p> <p>a) If it is clear that you will not reach agreement with the Applicant on Protective Provisions by Deadline 5, submit an explanation of the areas of disagreement, reasons why and your preferred wording. Submit this at Deadline 5.</p>

ExQ1	Question to:	Question:
	Northern Powergrid (Northeast) PLC, Northern Powergrid (Yorkshire) PLC.	<p>b) It is clear from some parties' submissions that agreement of Protective Provisions would not resolve all outstanding objections. Confirm here whether all your outstanding objections can be resolved through agreement of Protective Provisions or not.</p> <p>c) These matters will be explored further at hearings during the week commencing 17 July 2023, at which your presence will be requested. At Deadline 6, the ExA requires an update on progress, either in response to this question or as a written submission of oral representations given at a relevant hearing(s).</p>
Q4.2.2	The Applicant	<p><b>Planning Act 2008 (PA2008) s127 and s138 cases to satisfy the Secretary of State</b></p> <p>As you indicated at Compulsory Acquisition Hearing 1 (CAH1), submit s127 and s138 cases where objections have not been withdrawn from Statutory Undertakers.</p>
Q4.2.3	Canal and River Trust, National Gas Transmission plc, National Highways, Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited, Northern Gas Networks Limited, Northern Powergrid (Northeast) PLC, Northern Powergrid (Yorkshire) PLC.	<p><b>PA2008 s127 and s138 cases to satisfy the Secretary of State</b></p> <p>These matters will be explored further at hearings during the week commencing 17 July 2023, at which your presence will be requested. At Deadline 6, either in response to this question or as a written statement of oral representations given at a relevant hearing:</p> <ul style="list-style-type: none"> <li>a) provide any update with regards to agreeing matters with the Applicant; and</li> <li>b) provide any comments you may wish to make, with reasoning, on the s127 and s138 cases (as appropriate) that will have been submitted by the Applicant.</li> </ul>
Q4.2.4	Canal and River Trust	<p><b>Canal and River Trust's Code of Practice</b></p> <p>Your Deadline 4 submission is clear about the areas of difference, which we read as being on Protective Provisions (covered above) and articles in the dDCO (for which we await the revised Deadline 5 dDCO).</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) Confirm that this is the case.</li> <li>b) Is it correct that the references to the Canal and River Trust's (CRT) Code of Practice are proposed to be in the Protective Provisions?</li> <li>c) If there are still differences between you and the Applicant over the reference to the CRT's Code of Practice, set out examples of circumstances where you think that the Code of Practice should prevail, where the Order is silent.</li> </ul>
Q4.25	National Highways, City of York Council	<p><b>Land interests within the local highway network</b></p> <p>National Highways (NH) post hearing submission from CAH1, says that the objection extends to NH land interests located within the local highway authority network and that the local highway authority shares NH concerns around uncontrolled powers being granted in, on, over or adjacent to the highway network [REP4-029], para 4.5.</p> <p>North Yorkshire Council has confirmed this is an objection for its administrative area [REP4-041].</p> <ul style="list-style-type: none"> <li>a) National Highways: From your point of view, is this also the case for plots in which NH has an interest which lie in the administrative boundary of City of York Council?</li> <li>b) National Highways: Are plots B3-07, B3-08, B3-09, B3-11, B3-66, B3-74 and B3-75, in which NH has an interest, part of the strategic road network (SRN), or are they on a de-trunked section of the A19?</li> <li>c) National Highways: Does this point just refer to the possibility of any interests being extinguished, or is it also in connection with the safety implications of the local road network as well as the SRN?</li> <li>d) City of York Council to confirm its position with regards to whether it has an objection.</li> </ul>
Q4.26	National Highways	<p><b>SRN/ local highway networks</b></p> <p>List the plots in which NH has an interest which are:</p> <ul style="list-style-type: none"> <li>a) part of the SRN; and</li> <li>b) part of local highway networks.</li> </ul>

ExQ1	Question to:	Question:
Q4.2.7	National Highways	<p><b>Extinguishment of National Highways' interests</b></p> <p>Further to NH contribution at CAH1 and its post hearing submission [REP4-029], what NH interests which are planned for extinguishment have the potential to cause NH significant problems and could make it impossible for NH to fulfil its statutory and Licence obligations?</p>
Q4.2.8	The Applicant	<p><b>Protective Provisions Progress Schedule/ National Highways</b></p> <p>What is the meaning of the following statement contained in the column titled 'envisaged impediments to securing such agreements'; <i>“National Grid is only able to agree Protective Provisions which are reflective of the scale of impacts on the Strategic Road Network.”</i> [REP4-016].</p>
Q4.2.9	The Applicant	<p><b>Compulsory acquisition of rights/ National Highways and local highway authorities</b></p> <p>Comment on NH's view, shared by North Yorkshire Council, that compulsory powers are unnecessary and that either private agreements could be entered into, or potentially New Roads and Street Works Act 1991 (NRSWA) powers could be relied upon.</p>
Q4.2.10	Addleshaw Goddard LLP on behalf of Network Rail and the Applicant	<p><b>Deeds of Easements, Framework Agreement, Asset Protection Agreement</b></p> <p>The SoCG with the Applicant states that precise terms of easements and precise form of the framework agreement are still outstanding [REP3-026], Table 5.1. Your WR also refers to a private agreement to regulate the manner in which rights over railway property are acquired and works carried out and to safeguard Network Rail's statutory undertaking [REP2-081].</p> <ol style="list-style-type: none"> <li>a) Can the Applicant and Network Rail provide an update on the progress of these agreements, setting out any areas of continued disagreement.</li> <li>b) What is your opinion on the likely timescale for their agreement and completion?</li> <li>c) As this is a private agreement of which the ExA has not had sight, explain how the ExA can be satisfied that it would have sufficient information in order to be able to report on this matter should agreement not be reached between the two parties by the close of this Examination?</li> </ol>

ExQ1	Question to:	Question:
Q4.2.11	National Gas Transmission plc	<p><b>Side Agreement</b></p> <p>The SoCG with the Applicant states that you are in the process of negotiating a side agreement with the Applicant [REP1-039], Table 5.1. Your WR also refers to the side agreement [REP2-078].</p> <ol style="list-style-type: none"> <li>Provide an update on progress of this agreement, setting out any areas of continued disagreement.</li> <li>What is your opinion on the likely timescale for their agreement and completion?</li> </ol>
<p><b>4.3 Individuals' objections, issues and voluntary agreements</b></p> <p>Note: where objections have been withdrawn, there is no need to respond to the questions in this section (4.3) of questions, but confirmation of withdrawal of objection must be provided.</p>		
Q4.3.1	The Applicant	<p><b>Access to Shipton Cable Sealing End Compounds</b></p> <p>Further to the alternative access suggested by the Rab family's Land Agent to the cable sealing end compound [REP4-030], point 5 and the Applicant's CAH1 action 2 [REP4-027]:</p> <ol style="list-style-type: none"> <li>Provide an update on discussions with Mr Stephenson and the Rab family, which should include working with the Rab family and/ or their Land Agent to establish the feasibility of the alternative access proposed, together with relevant plans identifying the Order limits.</li> <li>If the technical feasibility of such an alternative access would require additional land outside of the Order limits, set out the implications of this.</li> </ol>
Q4.3.2	The Applicant	<p><b>Limits of Deviation around Shipton North Cable Sealing End Compound</b></p> <p>Further to the ExA's request to consider limiting the Limits of Deviation (LoD) to the north of Shipton North CSEC and your response [REP4-027], action 3:</p> <ol style="list-style-type: none"> <li>Provide a plan/ sketch which illustrates limiting the LoD; and</li> <li>If possible, in the time, discuss such limits to the LoD with Mr Stephenson/ the Rab family to establish their views and report back in response to this question.</li> </ol>

ExQ1	Question to:	Question:
Q4.3.3	Stephensons Rural LLP for the Rab family	<p><b>Limits of Deviation round Shipton North Cable Sealing End Compound</b></p> <p>The Applicant has indicated that it could reduce the LoD required to the north of the Shipton North CSEC [REP4-027], action 3, which could restrict the extent of the Proposed Development in the direction of the farming activities.</p> <p>Provide your views on this.</p>
Q4.3.4	The Applicant	<p><b>Access to construction compounds within Work No.2</b></p> <p>Respond to Mr Stephenson's suggestion on behalf of his clients, the Rab family, that construction access to construction compounds could be limited to the southern end of Newlands Lane; the access track to Newlands Farm, thereby limiting access other than for Pylons 2TW169 and 2TW168 [REP4-031], point 2 iii).</p> <ol style="list-style-type: none"> <li>What, if any, would be the implications to: rights over land, Land Plans, Works Plans, and the Construction Traffic Management Plan?</li> <li>Would there be any other implications to the Order and certified plans and documents?</li> <li>How could a restriction on construction traffic up Newlands Lane other than for Pylons 2TW169 and 2TW168 be secured?</li> </ol>
Q4.3.5	Stephenson Rural LLB for the Rab family	<p><b>Rab family interest in land: update on matters not agreed</b></p> <p>The Applicant has set out its position over agreement in its Updated CA and TP Objections Schedule [REP4-020], objection 18. The Applicant restated its position regarding the use of easements in response to ExA questions at CAH1 [REP4-024], Table 2.5, item 7c and provided further information [REP4-027], Appendix C.</p> <p>Provide an update on any other matters not specifically questioned above, including any further points regarding the proposed use of easements, which was raised at CAH1.</p>
Q4.3.6	The Applicant	<p><b>Rab family interest in land: update on matters not agreed</b></p> <p>Provide an update on meetings with the Land Agent/ landowner and report progress with the voluntary agreement mentioned in the Updated CA and TP Objections' Schedule [REP4-020], objection 18.</p>

ExQ1	Question to:	Question:
Q4.3.7	Lister Haigh on behalf of Mr J. Bell	<p><b>Mr J. Bell interest in land at proposed Overton Substation</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-023] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 1.</p> <ul style="list-style-type: none"> <li>a) Are the concerns that you raised in your RR regarding access, traffic management, justification of powers sought, easements, and existing trees now resolved?</li> <li>b) If not, set out the matters which are still subject to resolution.</li> <li>c) Do you agree with the Applicant's statement that it is confident that agreement will be reached before the end of the Examination.</li> </ul>
Q4.3.8	Stephenson Rural LLB for Mr P Bulmer, Ms G Eves and Ms P Husband	<p><b>Skelton Springs: Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D</b></p> <p>At ISH2, the ExA requested an illustrative plan as an exemplar showing hedge removal, using the access point from the A19 along Church Lane as a sample location. This should not be interpreted as the final design, which would need to be submitted to the planning authority for approval post-consent if the passing bay and bellmouth requirements became necessary.</p> <p>Do you have any comments on this illustrative layout?</p>
Q4.3.9	Stephenson Rural LLB for Mr P Bulmer, Ms G Eves and Ms P Husband	<p><b>Mr Bulmer, Ms Eves and Ms Husband interest in land</b></p> <p>The Applicant's response to suggested additional planting to fill gaps is contained in its response to ISH2 actions [REP4-026], Action Point 17 in which it confirms that it is contacting the relevant landowners.</p> <ul style="list-style-type: none"> <li>a) If your meeting(s) with the Applicant have shed more detail on this, set out your views on what, if anything, is proposed.</li> <li>b) If there is no further information to date, this matter will form part of the agenda at hearings in the week commencing 17 July 2023, and the ExA would welcome your comments there and/ or at Deadline 6 (Friday 28 July 2023).</li> </ul>



ExQ1	Question to:	Question:
Q4.3.10	The Applicant	<p><b>Planting to fill gaps in current screening near Hurns Gutter</b></p> <p>Provide an update to your actions regarding additional planting to fill gaps [REP4-026], Action Point 17.</p>
Q4.3.11	Stephenson Rural LLB for Mr P Bulmer, Ms G Eves and Ms P Husband	<p><b>Alternative construction access for Pylon SP005</b></p> <p>The Applicant's response to your suggested alternative routing to access Pylon SP005 and [REP2-132] is contained in its response to ISH2 actions [REP4-026], Action Point 25, in which it confirms that accessing Pylon SP005 for construction from Pylon SP004 is a feasible alternative within the current Order limits.</p> <p>a) Confirm if the suggestions set out by the Applicant meet the concerns you had raised.</p> <p>b) If not agreed, set out any sustained objections and/ or further suggestions.</p>
Q4.3.12	Stephenson Rural LLB for Mr P Bulmer, Ms G Eves and Ms P Husband	<p><b>Mr P Bulmer, Ms G Eves and Ms P Husband interest in land</b></p> <p>The Applicant has set out its position over agreement in its Updated CA and TP Objections Schedule [REP4-020], objections 19 and 20.</p> <p>Provide an update on any other matters not specifically questioned above and on progress towards voluntary agreement.</p>
Q4.3.13	Lister Haigh for Mr D Blacker/ Ms M Blacker and/ or Mr D Blacker and/ or Ms M Blacker	<p><b>Mr D Blacker/ Ms M Blacker interest in land in vicinity of Pylon SP006</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-022] and [RR-024] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 5. At CAH1, the ExA also requested continued engagement over the reasoning for Pylon SP006's location. The Applicant indicated it is arranging to meet with your Land Agent.</p> <p>Also note that the Applicant has indicated in its response to ISH2 actions [REP4-026], Action Point 25, confirming that accessing Pylon SP005 from Pylon SP004 for construction is a feasible alternative within the current Order limits. It is stated that this would negate the need for undergrounding Work No. U4, although the access track past New Farm would still be required to construct a temporary bridge over Hurns Gutter and for ongoing maintenance during operation.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) Would the concerns that you raised in your RR regarding access affecting agricultural activities be resolved with this proposal to access construction of Pylon SP005 from Pylon SP004?</li> <li>b) Would that mean that you no longer suggest an alternative access point off the A19 from a point further north?</li> <li>c) Has the Applicant met with you/ your Land Agent to explain the reasoning for the location of Pylon SP006 and the lack of potential for flexibility with the current alignment?</li> <li>d) Is this matter still subject to disagreement and are there any other matters which are still subject to resolution?</li> <li>e) Do you agree with the Applicant's statement that it is hopeful that agreement will be reached before the end of the Examination.</li> </ul>
Q4.3.14	The Applicant	<p><b>Pylon SP006</b></p> <ul style="list-style-type: none"> <li>a) At what stage in the optioneering process for routeing did you commence discussions with the landowners regarding the current proposed location of Pylon SP006?</li> <li>b) Was the decision not to replace Pylon SP007 taken before landowner discussions took place regarding Pylon SP006?</li> </ul>
Q4.3.15	George F White on behalf of Mr M Godliman	<p><b>Mr M Godliman interest in land/ Marston Moor Farm</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-016] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 11. At CAH1, the Applicant also gave an update on a potential voluntary agreement regarding a different access arrangement.</p> <ul style="list-style-type: none"> <li>a) Would the concerns that you raised in your RR regarding access, be resolved via such a voluntary agreement? Are you satisfied with such an arrangement?</li> <li>b) Do you agree with the Applicant's statement that it is confident agreement will be reached before the end of Examination?</li> <li>c) If not, set out the matters which are still subject to resolution.</li> </ul>
Q4.3.16	George F White on behalf of the Midgely Family	<p><b>The Midgley Family interest in land/ Marston Moor Farm</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-017] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP</p>

ExQ1	Question to:	Question:
		<p>Objections' Schedule [REP4-020], objection 12. At CAH1, the Applicant also gave an update on a potential voluntary agreement regarding a different access arrangement.</p> <ul style="list-style-type: none"> <li>a) Would the concerns that you raised in your RR regarding access, damage and long-term restrictions be resolved via such a voluntary agreement? Are you satisfied with such an arrangement?</li> <li>b) Do you agree with the Applicant's statement that it is confident agreement will be reached before the end of Examination?</li> <li>c) If not, set out the matters which are still subject to resolution.</li> </ul>
Q4.3.17	The Applicant	<p><b>Mr M Godliman and the Midgely family interest in land</b></p> <p>Provide an update on the outstanding matter of the alternative access via voluntary arrangement following the meeting on 5 June 2023.</p>
Q4.3.18	Lister Haigh on behalf of C Lister	<p><b>C Lister interest in land</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-021] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 14.</p> <ul style="list-style-type: none"> <li>a) Have the concerns that you raised in your RR regarding access been resolved?</li> <li>b) Do you agree with the Applicant's statement that it is confident agreement will be reached before the end of Examination, albeit with possible delays to legal related to issues of title?</li> <li>c) If not, set out the matters which are still subject to resolution.</li> </ul>
Q4.3.19	Lister Haigh on behalf of Mr R Elliott	<p><b>Mr R Elliot interest in land</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-025] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 13. At CAH1, the Applicant also gave an update on a potential voluntary agreement regarding an alternative access [REP4-024], page 14.</p> <ul style="list-style-type: none"> <li>a) Would the concerns that you raised in your RR regarding access, be resolved via such a voluntary agreement? Are you satisfied with this arrangement?</li> <li>b) Are matters relating to undergrounding Work No. U7 now resolved satisfactorily in your view?</li> </ul>

ExQ1	Question to:	Question:
		<p>c) Do you agree with the Applicant's statement that matters are agreed subject to the construction matters?</p> <p>d) If not, set out the matters which are still subject to resolution.</p>
Q4.3.20	The Applicant	<p><b>Mr R Elliot interest in land/ Work No. U7/ Alternative access</b></p> <p>Provide an update on:</p> <p>a) discussions with Northern Powergrid regarding Work No U7; and</p> <p>b) securing the voluntary agreement for access which would avoid the High Moor Farm stabling.</p>
Q4.3.21	Carter Jonas LLP for Mr P Watson	<p><b>Mr P Watson interest in land at the Tadcaster CSECs/ location of western CSEC</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-006] at Deadline 1 [REP1-015] and to your points made at the Issue specific Hearing 1 (ISH) [EV-003b] and [REP1-017], Table 2.3. It has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 3. On the ASI [EV-001b] and at CAH1, the Applicant also indicated a possible reorientation of the western CSEC and submitted an indicative plan in this regard [REP4-024], Table 2.3, item 5e. and [REP4-027], Appendix B.</p> <p>a) Would the concerns that you raised in your RR and at the OFH regarding the location of the western CSEC and its impact on farming activities be resolved by the proposed CSEC reorientation? Would you be you satisfied with this arrangement?</p> <p>b) If not, set out the matters which are still subject to resolution.</p>
Q4.3.22	Carter Jonas LLP for Mr P Watson	<p><b>Mr P Watson interest in land at the Tadcaster CSECs access to land</b></p> <p>As above, and additionally the Applicant has responded to questions at CAH1 regarding alternatives which would enable the access track currently shown for extinguishment of rights to be retained [REP4-027, Action Point 10.</p> <p>Do you have any further points to make in connection with the proposed extinguishment of rights and access to your land from the A659.</p>

ExQ1	Question to:	Question:
Q4.3.23	Charles Waite and Co for Mr R Ingham	<p><b>Mr R Ingham interest in land at the Tadcaster CSECs</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-013] at Deadline 1 [REP1-015] and to your points made at ISH1 [EV-003b] and [REP1-017]. The Applicant has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 4, which indicates that it considers that reaching agreement is imminent.</p> <ul style="list-style-type: none"> <li>a) Are the matters you raised in objections covering adverse effects on residents, potential blight, severance, the taking of land still points of difference, or are they resolved?</li> <li>b) If not, set out the matters which are still subject to resolution.</li> </ul>
Q4.3.24	The Applicant	<p><b>Tadcaster CSECs</b></p> <p>Provide any updates on matters relating to the Tadcaster CSECs land and rights.</p>
Q4.3.25	Lister Haigh on behalf of Mr S Mills	<p><b>Mr S Mills interest in land</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-026] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 8.</p> <p>The ExA notes that objections have been withdrawn by others who have an interest in many of the same plots of land [REP4-033].</p> <ul style="list-style-type: none"> <li>a) Are the matters you raised in objections covering the construction phase access resolved?</li> <li>b) If not, set out the matters which are still subject to resolution, specifying on which access route you have concerns.</li> </ul>
Q4.3.26	Mr P Swales	<p><b>Mr P Swales interest in land</b></p> <p>The Applicant responded to the points made in your Relevant Representation [RR-033] at Deadline 1 [REP1-015] and has set out its view on progress to reaching agreement in the Updated CA and TP Objections' Schedule [REP4-020], objection 6.</p> <ul style="list-style-type: none"> <li>a) Are the matters you raised in objections covering the construction phase damage to crops resolved?</li> <li>b) If not, set out the matters which are still subject to resolution, specifying on which access route you have concerns.</li> </ul>

ExQ1	Question to:	Question:
<b>4.4 Other consents and contractual arrangements</b>		
Q4.4.1	The Applicant	<p><b>Undergrounding, Work No. U8</b></p> <p>a) Which plots of land (if any) would not be required should the Secretary of State take a different view from that presented by you at CAH1 and ISH3 [REP4-024] and [REP4-025] regarding the need for land associated with Work No. U8.</p> <p>b) What would be the required changes to the Land Plans, Book of Reference, Works Plans, dDCO etc.</p> <p><i>See also questions under Section 5.2.</i></p>
<b>4.5 Human Rights and Public Sector Equality Duty</b>		
Q4.5.1	Mr Carruthers on behalf of landowners at the Travellers' Site at the junction of the A1(M) and A63	<p><b>Travellers' Site at the junction of the A1(M) and A63</b></p> <p>a) Further to your contributions at hearings in May 2023 on behalf of the landowners, provide any update on matters that relate to the construction effects and mitigation on the Travellers' Site.</p> <p>b) Your response to the new requirement which the Applicant will submit at Deadline 5 in its revised dDCO would be appreciated, either by attendance at the virtual hearings in the week commencing 17 July 2023 and/ or in written form at Deadline 6 (28 July 2023).</p>
Q4.5.2	The Applicant	<p><b>Travellers' Site at the junction of the A1(M) and A63</b></p> <p>Ensure that Mr Carruthers is signposted to, and/ or sent a copy of, the revised dDCO requirement, which we understand will require the submission of a site-specific construction mitigation plan for the Travellers' Site, and any other relevant Deadline 5 Applicant submissions.</p>
<b>5. Draft Development Consent Order (dDCO)</b>		
<b>5.0 Issue Specific Hearing 3</b>		
Q5.0.1	Issue Specific Hearing 3 (ISH3), held on Friday 26 May 2023, considered Revision C of the Applicant's draft Development Consent Order [REP3-004] and Explanatory Memorandum [REP3-006]. The oral submissions made at ISH3 and written submissions made at Deadline 4 are noted. An updated version of the dDCO is due to be submitted at Deadline 5.	

ExQ1	Question to:	Question:
	The following questions cover matters that:	<ul style="list-style-type: none"> <li>• were not covered at ISH3 because the relevant parties were not present, and</li> <li>• have arisen further to submissions made up to and including Deadline 4.</li> </ul>
<b>5.1 Matters not agreed / outstanding with Interested Parties</b>		
Q5.1.1	The Applicant	<p><b>Matters not agreed with Northern Powergrid</b></p> <p>Section 4.2 of the latest Statement of Commonality [REP3-017] notes two main matters not yet agreed between the Applicant and Northern Powergrid (Yorkshire) Plc and Northern Powergrid (Northeast) Plc.</p> <ul style="list-style-type: none"> <li>a) Can the Applicant provide an update on the status of agreement with Northern Powergrid (Yorkshire) Plc and Northern Powergrid (Northeast) Plc, ideally through the submission of an updated Statement of Common Ground at Deadline 5?</li> <li>b) Has the Network Impact Statement referred to in para. 4.2.30 of [REP3-017] been agreed with Northern Powergrid (Yorkshire) Plc and Northern Powergrid (Northeast) Plc and does it need to be submitted into the Examination?</li> </ul>
Q5.1.2	The Applicant	<p><b>Matters outstanding with Network Rail</b></p> <p>Can the Applicant provide an update on the status of agreement with Network Rail further to [REP3-027] and paras. 4.2.31-4.2.35 of [REP3-017]?</p>
Q5.1.3	The Applicant	<p><b>Works potentially affecting the Strategic Road Network (SRN)</b></p> <p>National Highways at ISH3 [EV-006b] and [EV-006d] and in [REP4-029] has listed a number of Articles that it objects to in their current form. These are as follows:</p> <ul style="list-style-type: none"> <li>• Article 11(1), 11(2) and 11(3);</li> <li>• Article 12(3);</li> <li>• Article 13(1), 13(2), 13(4) and 13(5);</li> <li>• Article 14(1), 14(2), 14(4), 14(5) and 14(8);</li> <li>• Article 16(1) and 16(2);</li> <li>• Article 19(1), 19(3), 19(4) and 19(9);</li> <li>• Article 21(1), 21(3), 21(5) and 21(8);</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Article 26(1) and 26(3);</li> <li>• Article 35(1);</li> <li>• Article 36(1);</li> <li>• Article 37(1);</li> <li>• Article 38(1);</li> <li>• Article 39(1); and</li> <li>• Article 45(1), 45(2) and 45(8).</li> </ul> <p>a) Can the Applicant respond to the concerns of National Highways, and in particular justify the powers that it is seeking that in the view of National Highways could impact on the SRN in terms of highway safety.</p> <p>The ExA notes the Applicant's intention to regularise the notification periods in terms of the receipt/submission of information in its updated version of the dDCO to be submitted at Deadline 5.</p> <p>b) Can the Applicant justify the notification periods it proposes, beyond which deemed consent would apply.</p>
Q5.1.4	Ainsty Internal Drainage Board, Foss Internal Drainage Board, Kyle and Upper Ouse Internal Drainage Board	<p><b>Response to Action Point from ISH3</b></p> <p>Further to Action Point 19 of the ISH3 Action Points [EV-006a], to which no response has yet been received, provide any additional comments you may wish to make in regard to any matters that are relevant to your interests that were included on the agenda for ISH3 [EV-006] and discussed at ISH3 [EV-006b] and [EV-006d]. Alternatively, if you have no further comments to make then confirm that is the case.</p>
<b>5.2 Schedule 1: Authorised Development</b>		
Q5.2.1	The Applicant	<p><b>Work No. U8 - Undergrounding</b></p> <p>The Applicant has indicated the need to retain undergrounding Work No. U8 in the Order in case the undergrounding has not been effectively achieved and in case Northern Powergrid decided to restrung this line on wooden poles [REP4-023] and [REP4-024].</p>



ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) Clarify the powers under which Northern Powergrid could operate to take such a course of action.</li> <li>b) What if any, indication has there been from Northern Powergrid to suggest that it would restrict the line on poles?</li> <li>c) Is there any real possibility that such a course of action would be taken, and if so, why?</li> <li>d) What, if any, indication do you have that the undergrounding has not been satisfactorily delivered?</li> <li>e) What is the scope for achieving a side agreement with Northern Powergrid to the effect that the line would remain underground?</li> </ul>
Q5.2.2	Northern Powergrid (Yorkshire) Plc	<p><b>Work No. U8 - Undergrounding</b></p> <p>As above, the Applicant has indicated the need to retain undergrounding Work No. U8 in the Order in case the undergrounding has not been effectively achieved and in case you decided to restrict this line on wooden poles [REP4-023] and [REP4-024].</p> <ul style="list-style-type: none"> <li>a) What if any would be the circumstances under which you would restrict the line on poles prior to the commencement of works under this Order, should consent be granted, and is there any real possibility that such a course of action would be taken, and if so, why?</li> <li>b) Do you have powers to take such a course of action?</li> <li>c) Do you agree with the Applicant that there could be aspects of the delivered undergrounding which would need adjustment to accommodate the Proposed Development?</li> <li>d) What is the scope for achieving a side agreement with the Applicant to the effect that the line would remain underground?</li> </ul>
<b>5.3 Schedule 3: Requirements</b>		
Q5.3.1	The Applicant	<p><b>Requirement 1: Interpretation: pre-commencement works</b></p> <p>Further to discussions at ISH1 and ISH3 regarding the extent of the pre-commencement powers:</p> <ul style="list-style-type: none"> <li>a) Give consideration as to how tree and hedgerow protection would be secured for pre-commencement works that might affect trees and hedgerows such as R1(1)(i) diversion and laying of underground apparatus and utilities, and others; and</li> <li>b) Do some of the pre-commencement works need to be categorised differently or would amendments to Requirements 5 and 6 ensure pre-commencement hedgerow protection prior to Requirement 6 becoming effective after commencement?</li> </ul>

ExQ1	Question to:	Question:
Q5.3.2	The Applicant	<p><b>Requirements 8, 9 and 10: Landscaping and mitigation planting and retention and protection of trees</b></p> <p>Linked to ISH3, Action Point 28 [REP4-028]:</p> <ul style="list-style-type: none"> <li>a) Provide a full explanation for the re-worked requirements, which will cover retention and protection of existing vegetation and landscape, replacement and mitigation planting.</li> <li>b) In this, respond to the point made by Leeds City Council regarding the need for definition of the terms used relating to planting, including protection, reinstatement, mitigation, enhancement and BNG provision [REP4-037], page 2. Indicate whether these will be included in the interpretation in the dDCO.</li> </ul> <p><i>(These are requested because the timescale between publication of material received at Deadline 5 and ISH4, at which the dDCO will be considered further, is tight).</i></p>
Q5.3.3	The Applicant	<p><b>Requirement 18: Design Approach for Site Specific Infrastructure</b></p> <p>Acknowledging your views on substation and CSEC fencing [REP4-025], but further to Leeds City Council's comments regarding surface finishes and colour for fences, with a balance of screening mitigation in response to ISH3 agenda item 4(e)(xviii) [REP4-037], page 3 and North Yorkshire Council's comments on the DASSI and its proposed drafting for Requirement 18 [REP4-041], Appendix B:</p> <ul style="list-style-type: none"> <li>a) review which of the components of the DASSI would be secured via Requirement 18 and incorporate in the dDCO submitted at D5; and</li> <li>b) review whether the option for screen planting along substation fence lines should be a matter for inclusion.</li> </ul>
<b>5.4 Schedule 4: Discharge of Requirements</b>		
Q5.4.1	City of York Council, Leeds City Council and North Yorkshire Council	<p><b>Timescales for discharge of Requirements</b></p> <p>Would the Service Level Agreement provisions of the draft section 106 agreement, if completed, address your concerns in relation to the timescales for the discharge of Requirements specified in Schedule 4 of the dDCO [REP3-004]? If not, explain the extent to which your previously stated position on the timescales specified in Schedule 4 is maintained and why.</p>

ExQ1	Question to:	Question:
<b>5.5 Schedule 15: Protective Provisions</b>		
Questions in relation to Protective Provisions can be found under Section 4.2 of this document.		
<b>5.6 Schedule 16: Amendment of Local Legislation</b>		
Q5.6.1	Ainsty Internal Drainage Board and Kyle and Upper Ouse Internal Drainage Board	<p><b>Disapplication of byelaws</b></p> <p>Appendix B of [REP3-007] sets out the Applicant's justification for disapplication of each of the local enactments and byelaws listed in Schedule 16 of the dDCO [REP3-004], including the Ainsty (2008) Internal Drainage Board Byelaws 2022 and the Kyle and Upper Ouse Internal Drainage Board Byelaws 1996.</p> <p>Do Ainsty Internal Drainage Board or Kyle and Upper Ouse Internal Drainage Board wish to comment on the Applicant's justification?</p>
<b>5.7 Explanatory Memorandum</b>		
Q5.7.1	The Applicant	<p><b>Other made Orders</b></p> <p>The Explanatory Memorandum [REP3-006] refers to a number of made Orders which have been drawn upon in the drafting of the dDCO.</p> <p>Can the Applicant provide a list of all made Orders (including Statutory Instrument nos.) that have influenced the drafting of the dDCO.</p>
<b>5.8 Planning obligations</b>		
Q5.8.1	The Applicant	<p><b>Submission of final section 106 agreements</b></p> <p>The ExA notes that the draft section 106 agreement [REP4-022] does not reflect the latest views of the relevant local authorities. The Applicant's cover letter at Deadline 4 [REP4-001] states that final section 106 agreement(s) will be submitted before the end of the Examination.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>a) In order to allow an opportunity for other IPs to comment, any section 106 agreements (which must be signed and dated) should be submitted no later than Deadline 7 (6 September 2023).</li> <li>b) Where the section 106 agreement(s) are not finalised by Deadline 5, the updated Statements of Common Ground due at that deadline should explain the extent of the disagreement.</li> </ul>
<b>6. Flood Risk, Water Quality and Resources</b>		
Q6.0.1	Kyle and Upper Ouse Internal Drainage Board	<p><b>Suggested alternative construction access to pylon SP005 crossing Hurns Gutter</b></p> <p>In written submission [REP2-132], the agent representing nearby property owners / occupiers suggests an alternative construction access route which would involve crossing Hurns Gutter to the south-east of pylon SP004. The Applicant is currently considering the suggestion and it is not, at the time of writing, a proposal before the ExA.</p> <p>Can the Kyle and Upper Ouse Internal Drainage Board comment on the statements in paragraphs 9 and 10 of [REP2-132] regarding its position in relation to the crossing of Hurns Gutter?</p>
<b>7. Good Design</b>		
Q7.0.1	The Applicant	<p><b>Content of the Design Approach for Site Specific Infrastructure (DASSI) Document</b></p> <p>NYC has provided comments on the DASSI [REP4-041], Appendix B suggesting additions, with site specific justifications and LCC has proposed the addition of fencing and screen planting to be added to matters for approval.</p> <ul style="list-style-type: none"> <li>a) Provide a track changed version of the DASSI showing changes that have been made in response.</li> <li>b) Provide explanatory commentary if changes have not been included.</li> <li>c) Comment on whether there is any difference between the locations where fencing is proposed in terms of visibility and juxta positioning with other fencing/ infrastructure.</li> <li>d) The DASSI says in connection with fencing outside the substation compounds that it is important that any fencing or gates are suitable for the surrounding landscape and are in keeping with the aesthetic of the area [REP2-049], para 4.1.26. Explain why this is not the case for the substations.</li> </ul>

ExQ1	Question to:	Question:
		<p>e) Has consideration been given to materials other than galvanised steel which might blend in with rural locations, and which would not require the ongoing maintenance required for painted metal to which you referred – e.g. corten steel?</p> <p>f) Provide evidence that powder-coated, coloured fencing gives rise to ongoing maintenance issues.</p>
<b>8. Green Belt</b>		
Q8.01	North Yorkshire Council	<p><b>Green Belt assessment</b></p> <p>At ISH2 [EV-005b], North Yorkshire Council confirmed that its response to ExQ1 8.0.1 [REP2-128] applies only to the former Selby District Council planning area, which covers the southern portion of the Proposed Development falling within the Leeds Green Belt but not the northern portion of the Proposed Development falling within the York Green Belt. For the avoidance of doubt:</p> <p>a) Does North Yorkshire Council consider that the proposed new substation at Overton would constitute inappropriate development in the Green Belt? Provide the justification for your position.</p> <p>b) Does North Yorkshire Council's view [REP2-128] that new pylons (excluding conductors) would constitute inappropriate development in the Leeds Green Belt also apply to new pylons in the York Green Belt? Provide the justification for your position.</p> <p>c) Does North Yorkshire Council's view [REP2-128] that the proposed Cable Sealing End Compounds (CSECs) at Tadcaster would constitute inappropriate development in the Green Belt also apply to proposed new CSECs within the York Green Belt at Shipton North? Provide the justification for your position.</p>
Q8.02	The Applicant	<p><b>Green Belt purposes: safeguarding the countryside from encroachment</b></p> <p>Can the Applicant comment on Leeds City Council's response to ISH2 Action Point 9 [REP4-036], in relation to the cited example of additional development being attracted by the presence of pylons?</p>

ExQ1	Question to:	Question:
<p><b>9. Historic Environment</b></p>		
<p>Q9.01</p>	<p>Historic England</p>	<p><b>Historic England submissions</b></p> <p>The ExA is aware of the letter dated 16 February 2023 (reference: PL000792043) that was appended by the Applicant to the draft Statement of Common Ground [REP1-028]. However, the ExA is not aware of any formal representations you have provided to the Examination.</p> <ul style="list-style-type: none"> <li>a) For completeness, the ExA requests that you submit this letter into the Examination and/or provide any other submissions that you may wish to make.</li> <li>b) As discussed at ISH2 [EV-005b], the Statement of Common Ground between Historic England and the Applicant should be signed by both parties and dated in order to give it full weight.</li> </ul>
<p>Q9.02</p>	<p>City of York Council</p>	<p><b>Impact on the setting of designated heritage assets</b></p> <p>In paragraphs 9.3 and 9.4 of your Local Impact Report [REP1-047] you refer to the potential impacts of the proposed works to the north of Poppleton including the realigned section of overhead line being further away from the village of Poppleton but that cumulatively this would be offset by the works to link the CSEC north of Corban Lane to the proposed substation at Overton, which would lead to a net gain in equipment being installed.</p> <p>For the avoidance of doubt, confirm whether or not you are content that overall the Proposed Development would not adversely affect the significance of any designated heritage asset.</p>
<p><b>10. Land Use</b></p>		
<p>The ExA has no questions in relation to this topic at the current time.</p>		

ExQ1	Question to:	Question:
<b>11.</b>	<b>Landscape and Visual</b>	
<b>11.0</b>	<b>General information on landscape and visual assessment and mitigation</b>	
Q11.0.1	The Applicant and North Yorkshire Council	<p><b>Updating matters outstanding in the SoCG</b></p> <p>Ensure that responses to questions below by North Yorkshire Council are carried through to the next update of the SoCG with NYC (if not already done).</p>
<b>11.1</b>	<b>LVIA methodology, drawings and photomontages</b>	
Q11.1.1	North Yorkshire Council	<p><b>Soil bunding movement at Monk Fryston Substation</b></p> <p>Further to the Applicant's submission of the illustrative plan showing indicative soil bunding for construction and permanent phases - Monk Fryston [REP4-026], Appendix C as requested by the ExA in response to your comments on Viewpoint (VP) E:</p> <ol style="list-style-type: none"> <li>Has this alleviated your concerns over the accuracy of the photomontage from VP E?</li> <li>If not, set out any further concerns.</li> </ol>
Q11.1.2	North Yorkshire Council	<p><b>Expanded LVIA methodology statement for photomontages/ SoCG outstanding matters</b></p> <p>The ExA takes NYC's response [REP4-041], Action Point 12 to be confirmation that the wording set out in the Applicant's actions from ISH2 [REP4-026], Action Point 12 is now agreed and that its addition to the LVIA methodology document (via an ES Errata Document at Deadline 5) would provide satisfactory explanation for the level of detail/ sophistication provided in the Applicant's photomontages supporting the LVIA.</p> <ol style="list-style-type: none"> <li>Confirm that this is the case.</li> <li>Does this mean that all matters under the 'matters outstanding' category in the most recent SoCG [REP3-018], section 5.2, which relate to photomontages/ visualisations are now agreed?</li> <li>If not set out what is not agreed, whether there is likelihood of agreement, and if there is, what further actions are required.</li> </ol>

ExQ1	Question to:	Question:
Q11.13	The Applicant	<p><b>LVIA Addendum for receptors at the Travellers' site</b></p> <p>It is noted from the explanation at ISH2 [EV-005d], the written submission of that hearing [REP4-023] and an action from CAH1 [REP4-027], action point 20 that the construction stage assessment would result in an adverse significant effect whether the traveller community receptor is assessed as medium or high. The ExA had anticipated that the evaluation of visual effects as set out in the LVIA methodology [APP-110], Table 6C.9 would be reported in response to the action point.</p> <p>a) On a without prejudice basis, set out the equivalent assessment shown in the Addendum [REP1-013], Table 2.1 that would arise should the sensitivity of the traveller community as a receptor be assessed as high. Set this out, as in Table 2.1 for construction, operation Year 0 and operation Year 15.</p>
<b>11.2 Landscape and visual mitigation and enhancement</b>		
Q11.21	North Yorkshire Council	<p><b>Visual mitigation for users of Public Rights of Way (National Cycle Network Route 65 and Jorvic Way long distance footpath (River Ouse to Shipton) and Public Rights of Way east of Shipton and near Newlands Farm</b></p> <p>Further to your response to ISH2 [REP4-041], Action Point 11, but bearing in mind that the Applicant is revisiting Requirements 8, 9 and 10 to be submitted at Deadline 5:</p> <p>a) Confirm if these are the only two locations/ receptors outside the substations and CSECs where you consider mitigation should be more explicit than that currently set out in Requirement 8(1)(a).</p> <p>b) Give an indication of the sort of mitigation that you would consider appropriate in these locations.</p>
Q11.22	North Yorkshire Council	<p><b>Continuing dialogue over landscape and visual mitigation</b></p> <p>You indicated at ISH2, that a meeting held with the Applicant on Friday 19 May 2023 had found a way forward to deal with future exchanges of detail information for the outline landscape mitigation strategies, which would not result in any further submissions during the Examination [EV-005d].</p> <p>a) What, if any, further input on landscape and visual mitigation outside the substations and cable sealing end compounds do you envisage taking place during the Examination?</p> <p>b) Do you anticipate any further submissions being necessary from the Applicant?</p>



ExQ1	Question to:	Question:
Q11.23	City of York Council, Leeds City Council, North Yorkshire Council	<p><b>Replacement planting</b></p> <p>At ISH3, Leeds City Council indicated that its policy for replacement planting is three new for every one lost [EV-006d].</p> <p>a) Leeds City Council: – provide the policy that was referred to in ISH3.</p> <p>b) City of York Council and North Yorkshire Council: do you have similar policies and if so, submit a copy, or refer to one that has already been submitted into the Examination.</p>
Q11.24	The Applicant	<p><b>Replacement planting</b></p> <p>Set out how the proposed mitigation planting would meet policies such as that mentioned by Leeds City Council in terms of replacement planting being three new for every one lost [EV-006d].</p>
Q11.25	The Applicant	<p><b>Planting scenarios/ key drawings, location etc</b></p> <p>In response to questions at ISH2 regarding any additional information that they would find helpful for use in dealing with post-consent approvals, the Councils mentioned key drawings, planting scenarios etc [EV-005d]. Whilst recognising that changes to Requirements 8, 9 and 10 together with the CoCP may address this:</p> <p>a) set out a response to the points made regarding additional information; and</p> <p>b) indicate how this would be achieved.</p>
<b>11.3</b>	<b>Landscape management and maintenance</b>	
Q11.31	The Applicant	<p><b>Ongoing management and maintenance beyond five years</b></p> <p>Respond to Leeds City Council's suggestion that a s106 agreement with landowners to cover ongoing management would be a way of ensuring that the purpose of the mitigation or replacement planting was not undermined, in the interests of sustainability and climate change objectives [REP4-037], page 2.</p>
Q11.32	The Applicant	<p><b>Management and maintenance periods</b></p> <p>There remain differences between the Councils and the Applicant and the Councils and each other in connection with the time periods that they consider appropriate for ongoing management and maintenance</p>

ExQ1	Question to:	Question:
		<p>and replacement planting. At ISH2 [EV-005f], we asked if there are ever landowner discussions regarding the sustained maintenance of the mitigation planting on land not in the control of the Applicant. We also clarified that we see a difference between planting on land under the control of the Applicant, for which there could more easily be a commitment beyond five years for maintenance. In this regard we recognise that the revised Requirements 8, 9 and 10 may address this.</p> <ul style="list-style-type: none"> <li>a) Provide a note on what if any discussions/ agreements take place with landowners regarding the ongoing maintenance of planting which has been implemented on their land after the five years maintenance undertaken by your contractors.</li> <li>b) As set out in the written summary of oral case [REP4-023], page 27, the Applicant agreed to give further consideration to management and maintenance beyond five years. Provide your updated views here, as they relate to any changes to dDCO requirements in connection with land permanently under the control of the Applicant.</li> </ul>
<p><b>12. Noise and Vibration</b></p>		
<p>Q120.1</p>	<p>North Yorkshire Council</p>	<p><b>Construction noise assessment methodology</b></p> <p>In pages 42 and 43 of its Written Summary of Oral Representations made at ISH2 [REP4-023] the Applicant has commented that: <i>“NYC confirmed they were content with the construction noise assessment methodology. Noise levels reported within Chapter 14, Noise and Vibration, of the Environmental Statement (Documents 5.2.14) [APP-085] at Table 14.2.6 shows dominant construction noise. NYC stated that the Table does not account for maximum levels and shows an average over the whole day. For example, maximum levels from reversing alarms were not shown. NYC considered that this would result in noise impacts in quiet areas such that construction works should not take place on Sundays and Bank Holidays”</i> and that, <i>“National Grid also noted that methodology for assessing construction noise impacts is agreed with NYC, and that BS5228 was accepted to be the approved code of practice.”</i></p> <p>Having regard to these comments, can North Yorkshire Council confirm whether or not it is satisfied with all aspects of the Applicant’s construction noise assessment methodology, even if it may still disagree with the Applicant’s proposed construction working hours?</p>

ExQ1	Question to:	Question:
Q12.02	North Yorkshire Council	<p><b>Operational noise assessment methodology</b></p> <p>The ExA is aware that an updated SoCG is due to be submitted at Deadline 5 and at Issue Specific Hearing 2 you stated that your position on operational noise assessment would be reflected in the updated SoCG. However, at ISH2 [EV-005f] and in Table 8.2 of its Written Summary of Oral Representations made at ISH2 [REP4-023] the Applicant has provided further details regarding its assessment methodology for operational noise.</p> <p>Respond to the Applicant's justification for its assessment methodology for operational noise, including the Applicant's view that whilst you do not agree with the methodology you are in agreement regarding the conclusions that have been drawn.</p>
<b>13. Socio-Economic Effects</b>		
Q13.0.1	Mr Stephenson on behalf of the owners of Newlands Farm	<p><b>Economic impacts of the Proposed Development at Newlands Farm</b></p> <p>In your representation [REP2-131] you have made reference to proposals to increase the number of cows at Newlands Farm and the implications of the proposed CSECs in terms of relocating the third of the silage pits and also implications for 'building No 3' and any other expansion plans for the farm. At the Accompanied Site Inspection [EV-001b] you indicated the locations of your preferred alternatives.</p> <p>The ExA notes that an Agricultural Land Classification for Shipton North and South CSEC Area is provided in [APP-144], impacts on agriculture and soils are considered in ES Chapter 11 [APP-083] and socio-economic impacts are assessed in ES Chapter 16 [APP-088].</p> <ol style="list-style-type: none"> <li>a) Can you explain what the economic implications of the Proposed Development would be for Newlands Farm if the CSECs were constructed in the Applicant's currently proposed locations?</li> <li>b) What would be the economic implications if either of your proposed alternatives as set out in Plan 2 of [REP2-131] were to be undertaken?</li> </ol>

ExQ1	Question to:	Question:
Q13.02	The Applicant	<p><b>Minimising effects on farming operations at Newlands Farm</b></p> <p>Can the Applicant provide an update as to its consideration of the potential for restricting the Limits of Deviation at the Shipton North and Shipton South Cable Sealing End Compounds with a view to minimising effects on farming operations at Newlands Farm?</p>
Q13.03	Lister Haigh on behalf of David Blacker	<p><b>Economic impacts of the Proposed Development for New Farm</b></p> <p>Further to your Relevant Representation [RR-022], at the Accompanied Site Inspection [EV-001b] you indicated a preferred location for the proposed pylon SP006 to be sited in a different part of the same field (i.e. moved to the north to be located closer to the existing footbridge).</p> <ol style="list-style-type: none"> <li>a) What would be the operational and economic benefits to the farming operations of relocating proposed pylon SP006 to the north? Where possible, provide evidence to support your response.</li> <li>b) Your [RR-022] states that pylon SP006 should be moved to reduce the impact on the use of the field. Can you explain in more detail what the practical impacts on the use of the field would be, should pylon SP006 be constructed in the position currently proposed?</li> </ol>
Q13.04	The Applicant	<p><b>Assessment of socio-economic effects on farming operations</b></p> <p>The ExA notes that, as recorded in Table 16.4 of [APP-098], socio-economic effects in terms of direct permanent loss of agricultural land was scoped out of the ES, albeit that the position was to be kept under review. Table 16.8 of the same document includes farm businesses with the potential to be indirectly or directly affected by the project in the north-west of York local study area as potential receptors but no such businesses appear to have been taken forward for detailed assessment in Table 16.9. Line 3 of Table 16.10 sets out the reasons why, in general, individual farm businesses were scoped out of further assessment.</p> <ol style="list-style-type: none"> <li>a) Can the Applicant provide a more specific explanation of the reasons for scoping out the socio-economic effects of the Proposed Development on New Farm and Newlands Farm, given the submissions made on behalf of the farmers in those locations [RR-022 and REP2-131].</li> <li>b) Does the Applicant maintain the view that the socio-economic effects on New Farm and Newlands Farm do not require detailed assessment?</li> </ol>

ExQ1	Question to:	Question:
<b>14. Transportation and Traffic</b>		
Q14.01	North Yorkshire Council, City of York Council and Leeds City Council	<p><b>Construction Worker Travel Plan</b></p> <p>National Highways in its submission [REP2-079] has requested the inclusion of a Requirement in the dDCO in relation to a Construction Worker Travel Plan (CWTP). In response [REP3-032], the Applicant has indicated that it does not consider that this would be feasible due to the nature of construction activities but that measures were contained in the Construction Traffic Management Plan [APP-099].</p> <p>Can North Yorkshire Council, City of York Council and Leeds City Council explain why they consider that a Requirement for a CWTP should or should not be provided and, if so, how this should be secured in the dDCO?</p>
Q14.02	North Yorkshire Council	<p><b>Highway safety in the vicinity of Access Points 89 and 90</b></p> <p>Is North Yorkshire Council content with the visibility splay that would exist at Access Point 90 (junction of Overton Road and Station Lane) for construction traffic exiting Overton Road and also for traffic heading southbound along Station Lane Road past The Sidings towards the junction with Overton Road and the A19? If not then specify what, if any, additional traffic management measures you consider should be undertaken.</p>
Q14.03	The Applicant and City of York Council	<p><b>Highway visibility at proposed alternative access to the north of Skelton Springs Cottages</b></p> <p>At the Accompanied Site Inspection [EV-001b], a potential alternative route to gain access to pylon SP005 was indicated that would be located directly off the A19 to run along the boundary of the field that lies approximately 200m to the north of Access Point 93 and Skelton Springs Cottages.</p> <p>Can the Applicant and City of York Council comment on the acceptability of the visibility splays and any other highway safety matters that would exist should an alternative access point to/from the A19 be undertaken at this location?</p>

ExQ1	Question to:	Question:
Q14.04	National Highways	<p><b>Parts of the Strategic Road Network potentially affected by the Proposed Development</b></p> <p>Further to your comments in [REP2-079] and [REP4-029], and having regard to the Applicant's comments in [REP4-025], indicate by means of a plan (if possible) specifically which parts of the Strategic Road Network you consider could be affected by the Proposed Development in terms of highway safety and how any effects might occur.</p>
Q14.05	Addleshaw Goddard LLP on behalf of Network Rail	<p><b>Rail safety concerns</b></p> <p>Can Network Rail expand on the particular safety concerns that are summarised in [RR-001] and [REP2-081] in terms of which particular locations and types of operation are the focus of its concerns.</p>
Q14.06	The Applicant and North Yorkshire Council	<p><b>Traffic and transport workshop</b></p> <p>The ExA understands that a Traffic and Transport Workshop has taken place on 7 June 2023 as detailed in [REP4-023] to discuss North Yorkshire Council's areas of outstanding concern.</p> <p>Can the Applicant and North Yorkshire Council provide either the agreed minutes from this workshop or an agreed summary document outlining areas of agreement and any areas of disagreement that remain outstanding following the workshop? For any outstanding areas provide an assessment of whether or not this matter is likely to be resolved before the close of the Examination.</p>
Q14.07	North Yorkshire Council	<p><b>Response to Action Points from ISH2</b></p> <p>Further to its submission in [REP4-041], can North Yorkshire Council provide a full response to ISH2 Action Points 27 and 28 [EV-005a] that were due at Deadline 4 and also Action Points 23 and 24 that are due at Deadline 5.</p>