

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

**Agenda for Issue Specific Hearing 4 (ISH4):
Draft Development Consent Order and Environmental Matters**

Hearing	Date	Time	Location
Issue Specific Hearing 4 (ISH4) Draft Development Consent Order and Environmental Matters	Wednesday 19 July 2023 (all day) and Thursday 20 July 2023 (morning), if required.	Virtual Room opens: 9.30am Virtual Arrangements Conference from: 9.45am Hearing starts: 10.00am	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

Attendees

The Examining Authority (ExA) would be assisted by attendance of representatives of the following parties:

- The Applicant
- City of York Council
- Leeds City Council
- North Yorkshire Council
- Northern Powergrid (Yorkshire) PLC
- Northern Powergrid (Northeast) PLC
- National Highways
- Network Rail Infrastructure Limited
- Natural England
- Yorkshire Wildlife Trust
- Environment Agency
- Ainsty Internal Drainage Board (IDB)
- Foss IDB
- Kyle and Upper Ouse IDB
- Canal and River Trust
- Mr Carruthers on behalf of occupiers of the Travellers' site at the junction of the A1(M) and A63

In addition, all Interested Parties (IP) are welcome to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the hearing. If you have not already confirmed your attendance, please do so

as soon as possible by contacting the Case Team on 0303 444 5000 or YorkshireGreen@planninginspectorate.gov.uk.

Agenda

Please note: this Agenda was issued before Deadline 5 and may be subject to change.

1. Welcome, introductions, arrangements for the hearing

2. Purpose of Issue Specific Hearing 4, and preliminary matters

To include the ExA's remarks and any procedural questions in relation to any Change Application submitted at Deadline 5¹.

Should any Change Application be accepted by the ExA, the effects of the change(s) will be considered as part of the Agenda set out below.

3. Environmental matters

a. Landscape and visual effects

- i. Replacement/ reinstatement planting;
- ii. Mitigation: outstanding issues, including construction compounds;
- iii. Management and maintenance; and
- iv. Any other outstanding matters.

b. Biodiversity effects

- i. Potential effects of bird strike in river corridors;
- ii. Biodiversity Net Gain; and
- iii. Effects of any changes on trees, hedgerows and protected species.

c. Traffic and transport effects

- i. Update on the transport workshop held in June 2023 and the status of agreement with the Councils;
- ii. Highway safety in respect of the Strategic Road Network;
- iii. Traffic and transport effects of any changes; and
- iv. Any other outstanding matters.

d. Hydrology and flood risk effects

- i. Proposed crossing of Hurns Gutter (if applied for), including updated Flood Risk Assessment expected at Deadline 5; and
- ii. Flood Risk Activity Permits.

e. Noise effects

- i. Construction noise assessment methodology;
- ii. Operational noise assessment methodology; and

¹ If a Change Application is submitted at Deadline 5, the ExA will make a Procedural Decision about whether or not to accept and examine the changed application as soon as practicable after receipt. Interested Parties will be notified in writing of any such Decision.

iii. Construction working hours.

f. Socio-economic effects

i. Potential effects on farming businesses and operations.

g. Climate change

- i. Embodied Greenhouse Gas emissions and circular economy principles during construction; and
- ii. Carbon measuring and reporting.

h. Construction effects on the Travellers' Site between the A1(M) and A63

i. Adequacy of construction stage mitigation scheme for occupiers of the Travellers' Site between the A1(M) and A63.

i. Any other environmental matters

4. The Applicant's draft Development Consent Order (dDCO)

a. Updates to the dDCO

The Applicant will be invited to make any preliminary comments regarding the revisions made to the dDCO and Explanatory Memorandum at Deadline 5 (Version D) and to highlight any notable amendments.

b. Articles of the dDCO

The ExA will ask questions and invite submissions in relation to the Articles of the dDCO in order, with a particular focus on:

- i. Matters that have been updated in Version D of the dDCO (expected at Deadline 5);
- ii. Matters not yet agreed with IPs;
- iii. Revisions sought through Action Points from ISH3 [EV-006a] and the ExA's further written questions (ExQ2) [PD-011]; and
- iv. Any matters flowing from discussions at Compulsory Acquisition Hearing 2 (CAH2) on Tuesday 18 July 2023 and Item 3 of this Agenda.

c. Schedule 1: Authorised Development

To explore the Version D changes to the description of the authorised development, specifically:

- i. Any amendments to the description of the authorised development as a result of any changes applied for at Deadline 5;
- ii. Any amendments to the definition of Associated Development; and
- iii. Inclusion of Work No. U8 following responses to ExQ2 [PD-011] and discussion at CAH2.

d. Schedule 2: Plans and Drawings

To explore any Version D amendments to the schedule of plans and drawings.

e. Schedule 3: Requirements

The ExA will ask questions and invite submissions in respect of Requirements of the dDCO in order, with a particular focus on:

- i. Matters that have been updated in Version D of the dDCO (expected at Deadline 5);
- ii. Matters not yet agreed with IPs;
- iii. Revisions sought through Action Points from ISH3 [EV-006a] and the ExA's further written questions (ExQ2) [PD-011]; and
- iv. Any matters flowing from discussions at Compulsory Acquisition Hearing 2 (CAH2) on Tuesday 18 July 2023 and Item 3 of this Agenda.

f. Schedule 4: Discharge of Requirements

To examine any Version D amendments to the provisions for discharge of Requirements and hear an update on the status of agreement with the Councils.

g. Schedules 5 to 17

The ExA will ask any questions and invite submissions on any Version D amendments to Schedules 5 to 17, as necessary. Specific points to note:

- i. Protective Provisions (Schedule 15) will be dealt with chiefly under Item 6b of CAH2. Any residual matters following CAH2 may be picked up here with the Applicant and relevant Statutory Undertakers; and
- ii. An update will be sought on the status of agreement with the IDBs in relation to the Amendment of Local Legislation (Schedule 16).

5. Planning obligations and side agreements

- i. To review the latest position on side agreements, further to any update provided at Deadline 5; and
- ii. To review progress with planning obligations further to the draft section 106 agreement [REP4-022] and any updated position at Deadline 5.

6. Review of issues and actions arising

7. Any other business

8. Close

Purpose of the ISH

This is the third hearing to consider the dDCO and related matters, the others having been held on 23 March 2023 and 26 May 2023. This hearing will continue the examination of the dDCO Articles and Schedules, and will consider:

- issues around how the dDCO is intended to work – what would be consented, the extent of the powers and what requirements and agreements are proposed;

- any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- the justification for any changes from established practice;
- the need for changes to other legislative provisions;
- the need for protective provisions and their scope; and
- the views of other IPs as to the appropriateness, proportionality or efficacy of the proposed drafting.

Discussion at the hearing will be held without prejudice to the ExA's final recommendation about whether or not the dDCO should be made.

The hearing will also examine the environmental effects of the Proposed Development, including the implications of any Change Application. The Agenda provided above is indicative and may be subject to change on the day.

Documents within the Examination Library up to and including Deadline 4 should be taken as read and need not be repeated in oral submissions, although signposting to key documents may assist. It may be that parties will not have considered all Deadline 5 submissions, so those speaking may be requested to set out key points from their written submissions. Points made at earlier hearings do not need to be repeated.

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

- Draft Development Consent Order (Revision D), to be submitted at Deadline 5;
- Explanatory Memorandum (Revision D) to be submitted at Deadline 5;
- Works Plan [REP1-004 to REP1-009] (or any updated versions received at Deadline 5);
- Plan of plans [REP1-020];
- Embedded Measures Schedule (Revision B) [REP2-018]; and
- Any Change Application documents submitted by the Applicant at Deadline 5.

Attendance

This hearing will be a fully virtual event, meaning there will be no in-person meeting and all participants should join the hearing via Microsoft Teams. The parties requested to attend are specified on page 1 of this document. If you wish to participate in the hearing and have not already confirmed your attendance, please do so as soon as possible by contacting the Case Team on 0303 444 5000 or YorkshireGreen@planninginspectorate.gov.uk.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to it using the livestream, or view and listen to the recording, after it has concluded.

Please ensure that you read our [Privacy Notice](#) before attending the hearing.

Arrangements Conference

Parties who have registered to attend and invitees will receive an email shortly before the hearing containing a joining link and telephone number to enable participation virtually as necessary. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearing to start promptly.

Procedure at Issue Specific Hearings

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with, it may be necessary to defer some matters to written questions. The evidence presented orally at ISH4 should be included in post-hearing submissions and submitted by **Deadline 6 (Friday 28 July 2023)**.