

YG-DCO-054(B)

Yorkshire Green Energy Enablement (GREEN) Project

Volume 7

Document 7.3 Details of Other Consents and Licences **(Tracked)**

Final Issue **AB**

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national**grid**

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Version History

Date	Version	Status	Description / Changes
01/11/2022	A	FINAL	First Issue
<u>11/07/2023</u>	<u>B</u>	<u>FINAL</u>	<u>Second Issue</u>

1. Introduction

1.1 Overview

1.1.1 This **Details of Other Consents and Licences** document accompanies an application for development consent (the Application) by National Grid Electricity Transmission plc (National Grid) for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN). The Project is located within the administrative boundaries of ~~Hambleton District Council~~, City of York Council, ~~Harrogate Borough Council~~, ~~Selby District Council~~, Leeds City Council and North Yorkshire ~~County Council~~¹.

1.1.2 Under section 31 of the Planning Act 2008 (the Act), development consent is required for development to the extent that it is or forms part of a nationally significant infrastructure project (NSIP). Development consent is granted by the making of a Development Consent Order (DCO) for which an application may be made under section 37 of the Act. Section 37 of the Act requires an application to be accompanied by documents and information of a prescribed description. These prescribed documents are specified in the Act and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations).

1.2 Consents within the draft DCO

1.2.1 The principal consent for the Project will be a DCO. The DCO process enables land acquisition, along with many consents and powers, to be dealt with at the same time. The DCO application may, however, need to be supplemented by applications for other consents or licences because:

- a particular consent cannot be contained in the DCO;
- a consenting authority declines to allow a consent to be contained in the DCO; or
- it is not desirable or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.

1.2.2 The majority of consents required for the Project are included within the draft DCO (**Volume 3, Document 3.1**) submitted with the Application as permitted by various provisions of the Act. These consents, for example, include:

- the consent for all permanent and temporary works for the Project, referred to as the "authorised development" and set out in Schedule 1 to the draft DCO. Article 3 of the

¹~~The local authorities' boundaries and titles are correct at the time of submission November 2022. North Yorkshire County Council, Hambleton District Council, Selby District Council, Ryedale District Council, Scarborough Borough Council, Harrogate Borough Council, Craven District Council and Richmondshire District Council are expected to form a new single council (North Yorkshire Council) on 1 April 2023 as a result of Local Government Reorganisation.~~

draft DCO is the principal power in respect of the consent for the authorised development;

- the consent to carry out street works (Article 11 of the draft DCO);
- the consent to temporarily stop up streets, cycle tracks and public rights of way (Article 14 of the draft DCO);
- the consent to alter the layout of streets and to form new, or alter or improve existing, accesses (Articles 13 and 16 of the draft DCO);
- the compulsory acquisition of land and of rights over land, and the temporary possession of land (Articles 22 to 39 of the draft DCO);
- the traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 and the Traffic management Act 2004 (Article 45 of the draft DCO); and
- the consent to remove trees and hedgerows (Article 46 of the draft DCO).

1.2.3 None of the consents sought through the draft DCO (**Volume 3, Document 3.1**) are prescribed for the purposes of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 and therefore no consent is required from a relevant body under section 150 of the Act.

1.2 Purpose of this document

1.2.4 The purpose and objective of this document is to identify the consents and licences, in addition to the DCO, which are expected to be necessary to implement Yorkshire GREEN and confirm how these consents will be obtained (subject to the Project attaining development consent).

1.2.5 Paragraph 45 of the Planning Act 2008: Application form guidance 2013² (the Application Form Guidance) requires that the Applicant briefly describe and list other consents, licences and permits that it may require to enable the Project to be constructed and operated where the Secretary of State is not the authorising body. This document is therefore submitted in accordance with regulation 5(2)(q) of the APFP Regulations as a document that National Grid considers necessary to support the application for development consent.

1.2.6 Paragraph 46 of the Application Form Guidance requires the Applicant to set out whether there are, in principle, any reasons why such consents might not be granted and should include any references received from relevant authorising bodies regarding the likelihood of such consents being granted.

1.2.7 **Table 2.1** includes a summary of those consents and licences which will or may be required to construct and/or operate the Project in addition to the DCO. National Grid has not submitted applications for these consents and licences as many will depend on the detailed design of the Project by the principal contractor(s) but, following engagement with the identified consenting / licensing bodies, National Grid foresees no impediment to their approval. A summary of relevant engagement is provided in **Table 2.1**.

² Department for Communities and Local Government, 2013. Planning Act 2008 Application form guidance.

- 1.2.8 The summary of other consents and licences reflects the current understanding of the Project. If during construction, unforeseen circumstances result in the potential need to obtain consents / licences currently not considered required, or obtain additional consents and licences not identified in **Table 2.1**, this will be discussed with the relevant local authorities.

2. Other Consents and licences

- 2.1.1 A summary of other consents, licences and permits that will or may be required is set out in **Table 2.1** below. The table also records consents and licences which are not currently expected to be required, but are subject to the results of pre-construction surveys.

Table 2.1 Summary of consents and licences

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
European Protected Species (EPS) Licensing (Bats)	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Natural England	Woodland, hedgerows, watercourses and ditches with the potential to support bats have been identified within the Order limits, and potential effects including land take/land use change, habitat fragmentation and disturbance have been considered within the assessment (Section 8.9: Assessment of effects: Bats (all species), Chapter 8: Biodiversity Volume 5, Document 5.2.8).	<p>Licence not required.</p> <p>A meeting was held with Natural England on 16 August 2022 to discuss the potential need for an EPS licence.</p> <p>It was agreed that based on survey results to date there was insufficient evidence of bats to indicate a potential breach of EPS legislation that would trigger the need for a derogation licence (and therefore no requirement to obtain a Letter of No Impediment at DCO submission). It was agreed that the licensing requirement would be re-assessed should evidence of bat roosts be recorded during ongoing bat surveys post-DCO submission (Table 8.5 Summary of statutory consultation responses and technical engagement, Chapter 8: Biodiversity, Volume 5, Document 5.2.8). The need for pre-construction surveys is secured in the Biodiversity Mitigation Strategy (Volume 5, Document 5.3.3D) which will be implemented through Requirement 5</p>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
				of the draft DCO (Volume 3, Document 3.1) .
Protected Species Licence (Great crested newt)	Conservation of Habitats and Species Regulations 2017	Natural England	Ponds and ditches with the potential to support great crested newts have been identified within the Order limits, and potential effects including habitat loss, fragmentation and mortality of great crested newts have been considered within the assessment (Section 8.9: Assessment of effects: Great crested newts, Chapter 8: Biodiversity, Volume 5, Document 5.2.8).	<p>District level licensing approach to be taken.</p> <p>A protected species licence will not be required for the Project as a district level licensing approach will be adopted (Volume 5, Document 5.3.8I Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certification).</p> <p>This approach has been subject to discussions with Natural England which were initiated on 23 June 2021 (Table 8.5 Summary of statutory consultation responses and technical engagement, Chapter 8: Biodiversity, Volume 5, Document 5.2.8).</p>
Protected Species Licence (Otter)	Schedule 5 Wildlife and Countryside Act 1981	Natural England	Evidence of otter has been recorded on the larger watercourses within the Order limits and 100m survey buffer. Potential effects including habitat loss, mortality, fragmentation of habitats and disturbance / displacement have been considered in the assessment	<p>Licence not required.</p> <p>A meeting was held with Natural England on 16 August 2022 to discuss the potential need for an EPS licence.</p> <p>It was agreed that based on survey results to date there was insufficient</p>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			(Section 8.9: Assessment of effects: Otter, Chapter 8: Biodiversity, Volume 5.2, Document 5.2.8).	<p>evidence of otter to indicate a potential breach of protected species legislation that would trigger the need for a derogation licence (and therefore no requirement to obtain a Letter of No Impediment at DCO submission) (Table 8.5 Summary of statutory consultation responses and technical engagement, Chapter 8: Biodiversity, Volume 5, Document 5.2.8).</p> <p>This position will be reviewed if pre-construction checks indicate that the proposed embedded environmental measures cannot sufficiently avoid negative effects on otters. The need for pre-construction surveys is secured in the Biodiversity Mitigation Strategy (Volume 5, Document 5.3.3D) which will be implemented through Requirement 5 of the draft DCO (Volume 3, Document 3.1).</p>
Protected Species Licence (water vole)	Schedule 5 Wildlife and Countryside Act 1981	Natural England	No evidence of water voles was found within the Order Limits, but there were some areas where access for surveys was not given, and they are a mobile species which may repopulate watercourses/ditches. The assessment considered effects	<p>Licence not required.</p> <p>This position will be reviewed if pre-construction checks indicate that the proposed embedded environmental measures cannot sufficiently avoid negative effects on water voles. The need for pre-construction surveys is</p>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			due to land take/land use change, fragmentation of habitat and disturbance/displacement (Section 8.9: Assessment of effects: Water Voles, Chapter 8: Biodiversity, Volume 5.2, Document 5.2.8).	secured in the Biodiversity Mitigation Strategy (Volume 5, Document 5.3.3D) which will be implemented through Requirement 5 of the draft DCO (Volume 3, Document 3.1) .
Badger licence	s10 of Protection of Badgers Act 1992	Natural England	<p>Evidence of badger setts and badger activity has been recorded within the Order limits and the potential effects of habitat loss, loss/damage to setts, badger mortality, habitat fragmentation, and disturbance / displacement have been considered (Section 8.9: Assessment of effects: Badgers, Chapter 8: Biodiversity, Volume 5.2, Document 5.2.8).</p> <p>The Project has embedded environmental measures into the Project to avoid significant effects on Badgers (paragraph 8.9.180 – 8.9.198, Chapter 8: Biodiversity, Volume 5, Document 5.2.8) and therefore at this stage it is not considered that a specific protected species licence is required. This position will be reviewed if pre-construction checks indicate that</p>	Licence not required.

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			<p>the proposed embedded environmental measures cannot sufficiently avoid negative effects on individual badgers.</p> <p>The need for pre-construction surveys is secured in the Biodiversity Mitigation Strategy (Volume 5, Document 5.3.3D) which will be implemented through Requirement 5 of the draft DCO (Volume 3, Document 3.1).</p>	
Flood risk activity permit (FRAP) (temporary)	(Environmental) Permit under the Environmental Permitting (England and Wales) Regulations 2016	Environment Agency (EA)	<p>FRAPs will be required for the temporary, construction related activities within flood plains, over or under an EA designated main river. For this Project, these will be required in relation to a bridge crossing and undergrounding of services across the Cock Beck. There are also numerous other working areas within flood plains that will require a FRAP, particularly adjacent to the Hurns Gutter, the River Ouse and The Foss.</p> <p>The design of the watercourse crossings (such as scaffolding) and service crossing works will be reviewed and agreed with the relevant regulator via the FRAP</p>	<p>Permits will be required.</p> <p>It has been agreed with the EA during consultation that they will be able to agree the detail of individual applications post DCO consent (meeting 17/06/2022 – recorded in Table 9.6 ES Chapter 9 Hydrology and Flood Risk, Document 5.2.9, Volume 5).</p>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			application process, post DCO consent.	
Flood risk activity permit (FRAP) (permanent)	(Environmental) Permit under the Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	<p>A FRAP may be required for the permanent flood risk associated with any activity or works specified on a flood plain, over or under a main river. For this Project, it may be required in relation to the crossing of the River Ouse.</p> <p>The design of the watercourse crossings will be reviewed and agreed with the relevant regulator via the FRAP or Land Drainage Consent application process.</p>	Permit may be required.
<p><u>Ordinary watercourse Land drainage</u> consent (ordinary watercourses outside of IDB areas)</p>	<p><u>s23 Land Drainage Act 1991 Flood and Water Management Act 2010 (FWMA, 2010)</u></p>	North Yorkshire County Council as the Lead Local Flood Authority (LLFA)	<p>Culverts and five clear span bridges will be installed across Ordinary Watercourses to provide access crossings.</p> <p>Typical bridge and culvert designs have been included in the DCO application (Construction Plans, Volume 2, Document 2.16) and the detailed design of the watercourse crossings will be reviewed and agreed with the relevant regulator via the ordinary water consent application process.</p>	<p>Consents will be required.</p> <p>It has been agreed with the LLFA during consultation that they will be able to agree the detail of individual applications post DCO consent (meeting 17/06/2022 – recorded in Table 9.6 ES Chapter 9 Hydrology and Flood Risk, Document 5.2.9, Volume 5).</p>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
Land drainage consent (ordinary watercourses)	s23 Land Drainage Act 1991 <u>IDB Byelaws as mandated by s66 Land Drainage Act 1991 (for works within specified distances of IBD maintained watercourses)</u>	Relevant Internal Drainage Board (York Consortium Drainage Boards or Shire Group of Internal Drainage Boards Ainsty or Kyle and Upper Ouse. No relevant works planned within Foss IDB district)	Culverts and five clear span bridges will be installed across Ordinary Watercourses to provide access crossings. Scaffolding over water courses may also be required. Typical bridge and culvert designs have been included in the DCO application (Construction Plans, Volume 2, Document 2.16) and the detailed design of the watercourse crossings will be reviewed and agreed with the relevant regulator via the Flood Risk Activity Permit or Land Drainage Consent application process.	Consents will be required. It has been agreed with the IDBs during consultation that they will be able to agree the detail of individual applications post DCO consent (meeting 17/06/2022 – recorded in Table 9.6 ES Chapter 9 Hydrology and Flood Risk, Document 5.2.9, Volume 5).
<u>Consent to discharge surface water to watercourses within an IDB district</u>	<u>IDB Byelaw No. 3 ‘Control of Introduction of Water and Increase in Flow or Volume of Water’, as mandated by s66 Land Drainage Act 1991.</u>	Relevant Internal Drainage Board (Ainsty or Kyle and Upper Ouse. No relevant works planned within Foss IDB district)	<u>Project construction will require the installation of temporary stone access tracks and pylon working areas, particularly in Section B of the Project. If management of surface water runoff from these areas requires a discharge to a watercourse within an IDB district, this will be subject to IDB consent under Byelaw No. 3.</u>	<u>Consents may be required.</u> It has been agreed with the IDBs during post-submission consultation that they will be able to agree the detail of individual applications post DCO consent (recorded in Statements of Common Ground to be submitted for Examination at Deadline 5: <u>Document 8.5.12 (B) Statement of Common Ground Between National Grid Electricity Transmission and Ainsty Internal Drainage Board; and</u>

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
				<u>Document 8.5.13(B) Statement of Common Ground Between National Grid Electricity Transmission and Kyle and Upper Ouse Internal Drainage Board).</u>
Permit to discharge waste water to watercourse (main river)	s118 Water Industry Act 1991/Environmental Permitting (England and Wales) Regulations 2016	Relevant drainage authority (Environment Agency or relevant Internal Drainage Board)	Consent may be required in relation to foul drainage from temporary compounds. It is expected that foul drainage will be managed through the Code of Construction Practice (Volume 5, Document 5.3.3B) secured in Requirement 5 of the Draft DCO (Volume 3, Document 3.1), but if the final construction arrangements indicate that discharge of treated effluent to watercourses or to land is required, consent would be sought from the relevant drainage authority.	Permit may be required.
Permit for dewatering	Environmental Permitting (England and Wales) Regulations 2016 (Environmental Permitting Regulations)	Environment Agency	Permits for dewatering for certain engineering works is required under the Environmental Permitting Regulations and to ensure that any impact on the environment can be mitigated. The Project is only anticipating dewatering rainwater from construction excavations. A permit is not required in relation	Permit not required.

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			to a short term, temporary discharge of uncontaminated water which is wholly or mainly rainwater, from an excavation to surface water.	
Storage of waste permit	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	It is expected that the storage of waste will be within the scope of, and comply with the requirements of one or more of the activities specified as exempt from Waste Management Licensing (Code of Construction Practice, Volume 5, Document 5.3.3B). If this position changes, an Environmental Permit will be sought from the EA.	Permit may be required.
Soil contamination (waste permit)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	The Code of Construction Practice (Volume 5, Document 5.3.3B) sets out measures to avoid the risk of soil contamination due to earthworks associated with the construction phase. If a risk which may present future harm to health or the environment is identified, it would be managed through conducting all earthworks or material movements under appropriate environmental permits, exemptions or in	Permit may be required.

Interest feature / activity	Summary of legislative Context	Consenting / licencing body	Potential need for the consent / licence	Current status
			accordance with CL:AIRE 'The Definition of Waste: Development Industry Code of Practice' ³ , to ensure proper control on the chemical suitability of these materials.	
Construction noise and vibration (control of pollution consent)	Section 61 of the Control of Pollution Act 1974	Relevant local authority	Where the construction activities may generate a significant noise and / or vibration effect, a Section 61 prior consent application will be required. This will include for works such as piling, and planned works to be undertaken outside of the established core working hours which are secured in Requirement 7 of the draft DCO (Volume 3, Document 3.1). The process that will be followed in relation to Section 61 consents is set out in the Noise and Vibration Management Plan (Volume 5, Document 5.3.3H) which is secured in Requirement 5 of the draft DCO (Volume 3, Document 3.1).	Consent may be required.

³ CL:AIRE, (2011). The Definition of Waste: Development Industry Code of Practice. (online) Available at: <https://www.claire.co.uk/projects-and-initiatives/dow-cop> (Accessed 28 June 2022).

3. Conclusions

- 3.1.1 National Grid is in discussion with all of the relevant consenting / licensing authorities in relation to the need for any other consents and licences required in addition to the DCO.
- 3.1.2 National Grid is seeking to agree with each affected body the principles against which applications for the listed consents, licences, permits etc. should be considered, in order that all relevant issues may be considered during the examination of its application for development consent. A record of the discussions undertaken to date is provided in the relevant chapters of the Environmental Statement (**Volume 5**), as referenced in Table 2.1.
- 3.1.3 The discussions with the consenting / licensing authorities remain ongoing. The continued engagement ~~will be~~ being recorded in the Statements of Common Ground which ~~will be~~ are being developed and submitted during the DCO examination phase.
- 3.1.4 National Grid has not been made aware of any impediments to the granting of the other consents and licences listed in Table 2.1 and is not aware of anything that justifies refusal of development consent and does not regard the need for other consents as a material risk to the delivery of Yorkshire GREEN.

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