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Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

**Document 8.25.1 Applicant's Response to Examining Authority's
Second Written Questions (ExQ2)**

**Final Issue A
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Version History

Document	Version	Status	Description / Changes
11/07/2023	A	Final	First Issue

1. About this document

1.1. Introduction

- 1.1.1. This document provides National Grid Electricity Transmission plc's (National Grid) (the Applicant) response to the Examining Authority's (ExA) Second Written Questions (ExQ2) on the Yorkshire Green Energy Enablement Project (Yorkshire GREEN or the Project).
- 1.1.2. Responses to questions are provided only where a response was requested by the Applicant, unless specifically stated otherwise.
- 1.1.3. A number of appendices have been prepared to respond to specific questions, these appendices are set out **Applicant's Response to Examining Authority's Second Written Questions (ExQ2) Appendices (Document 8.25.2)**. Where an appendix is referred to in responding to a question in this document, the appendix reference alone is provided (for example, "Appendix A"). A full schedule of appendices is provided in Document 8.25.2 against the questions to which they relate.

2. Applicant’s Response to Examining Authority’s Second Written Questions (ExQ1)

2.1 General and Cross-topic Questions

Table 2.1 – General and Cross-topic Questions: Application documents: clarifications and updates

Ref No.	Respondent:	Question:
1.0	1.0 Application documents: clarifications and updates	
Q1.0.2	The Applicant	<p>CDM drawing showing vehicular access from AP92 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> <p>Applicant’s Response:</p> <p>The High Level CDM Plan does not require amendment as this drawing is not directly relevant to the Construction Traffic Management Plan or Abnormal Indivisible Load (AIL) movements. This statement applies to all CDM Drawings, which have now been removed from the revised Construction Traffic Management Plan (Document 5.3.3F(B)) submitted at Deadline 5. The plans showing the amendments to entrances and bellmouths for AIL are still included in the Construction Traffic Management Plan. Reference should be made to design drawing DCO_DE/PS/14_02, (Document 2.15(B)) [APP-064], in combination with the bellmouth improvement figures shown in Annex 3F.1.B of the Construction Traffic Management Plan, (Document 5.3.3F(B)) (submitted at Deadline 5), for accurate representation of expected access use at Overton from Access Point AP92.</p>
Q1.0.3	The Applicant	<p>Embedded Measures Schedule 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-</p>

Ref No.	Respondent:	Question:
		<p>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> <p>Applicant's Response:</p> <p>Measure AS05, which is provided in the Embedded Measures Schedule (Document 5.3.3A(B), [REP2-018]) and the Code of Construction Practice (CoCP) (Document 5.3.3B(C)) submitted at Deadline 5 makes reference to communications between the Projects Lands Team and landowners in relation to mitigating effects from temporary loss of agricultural land.</p> <p>In addition, the commitment to ensuring that a Lands Officer / Agricultural Liaison Officer are in place as part of the Project is set out in paragraph 1.3.7 of the Outline Soils Management Plan (OSMP) (Document 5.3.3E(B), [REP2-023]) as well as Section 2.2 of the updated CoCP (Document 5.3.3B(C)) submitted at Deadline 5. Both of these documents are secured by Requirement 5 of the draft Development Consent Order (Document 3.1(D)) and are certified documents listed in Article 48 of the draft DCO.</p> <p>The Embedded Measures Schedule (Document 5.3.3A(B), [REP2-018]) is a summary of all the measures listed in the 'Embedded Measures' section of the ES Aspect chapters (Documents 5.2.6 to 5.2.18, [APP-078 to APP-090]) including those embedded measures which are also included in the COCP. This sets out the measures required to ensure specific environmental effects are mitigated. The Lands Officer / Agricultural Liaison Officer forms part of the mechanism, alongside the suite of construction management plans required under Requirements 5 and 6 of the draft DCO, to ensure that the embedded measures are mitigating the likely effects of the Project during the construction phase (and where relevant for a 5 year maintenance period post construction) through communication with land owners and occupiers. For clarity the Embedded Measures Schedule will be updated at Deadline 6 to include specific reference to these roles.</p>

Table 2.2 – General and Cross-topic Questions: Post-hearing submissions

Ref No.	Respondent:	Question:
1.3	1.3 Post-hearing submissions	
Q1.3.1	The Applicant	<p>Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D</p> <p>The ExA notes this is an illustrative plan, as requested.</p> <ol style="list-style-type: none"> 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? <p>Applicant’s Response:</p> <ol style="list-style-type: none"> a) This type of plan would not form part of the THPS but is the type of detail that would inform the development of the THPS (as part of a suite of design information to allow tree loss or impacts to be finalised). The THPS would include an Arboricultural Method Statement, Tree Protection Plan (showing the final extent of tree loss/retention and position of fencing or ground protection), schedule of tree works (including pruning and removal) – e.g., an updated version of the schedule in Annex 3I.2 submitted with the Arboricultural Impact Assessment (Document 5.3.3I(B)), [REP4-009 to REP4-011]. This would take into account the final design and any other supporting information, such as that obtained from a site walkover, as required. b) The THPS would show the final extent of tree and hedgerow loss for each stage of the Project which would be the subject of approval under Requirement 9 of the DCO. If there was any change required during works following the approval of the THPS e.g. due to the flexibility in the limits of deviation, this would be discussed with the relevant LPA and consent would be obtained in advance of any additional tree works taking place, if required. This accords with the Biodiversity Mitigation Strategy (Document 5.3.3(D)) Appendix 3D [APP-097] which states in section 3.3. that <i>‘any deviations from the plan will be agreed in advance with the ECoW and relevant stakeholders (i.e. Local Planning Authority) where necessary, with advice from an appropriately experienced and qualified arboriculturist where required’</i>.

Ref No.	Respondent:	Question:
		<p>c) and d) The plan provided in Appendix D [REP4-026] assumes that any undergrounding of the Northern Powergrid lines has already been undertaken. The plan is only intended to show an illustrative view of what any bellmouth and passing places could look like, and if any hedge removal would be needed to facilitate the works.</p> <p>Should the utility works and diversions be undertaken as pre-commencement work under Requirement 1(i – diversion and laying of underground apparatus and utilities)) of the draft DCO (Document 3.1 (D)), no trees or hedges would be removed pre-commencement but could be coppiced or pruned if required. Requirement 5(3) of the draft DCO (Document 3.1 (D)) identifies that all pre commencement work must be carried out in accordance with the Construction Management Plans, including the Code of Construction Practice (CoCP) and the Biodiversity Mitigation Strategy (BMS) which are listed in Requirement 5 and therefore are secured in respect of pre commencement works. The BMS includes elements covering vegetation loss and reinstatement. In paragraph 3.3 it states that tree loss will be as per the Arboricultural Impact Assessment and Tree Removal and Protection Plan but notes that <i>‘any deviations from the plan will be agreed in advance with the ECoW and relevant stakeholders (i.e. Local Planning Authority) where necessary, with advice from an appropriately experienced and qualified arboriculturist where required’</i>.</p> <p>Tree and hedgerow removal is not anticipated pre-commencement, however in the unlikely event that tree loss was required, as per the BMS National Grid would be required to agree any deviations with the Local Planning Authority in advance.</p>

2.2 Biodiversity, Ecology and Natural Environment

Table 2.3 – Biodiversity, Ecology and Natural Environment: Potential effects of bird strike in river corridors

Ref No.	Respondent:	Question:
3.0	3.0 Potential effects of bird strike in river corridors	
Q3.0.1	The Applicant	<p>Potential effects on whooper swan and pink-footed goose as features of designated sites 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> <p>a) Can the Applicant provide up to date information about the existing population numbers of whooper swan and pink-footed goose at designated sites?</p> <p>b) 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?</p>
		<p>Applicant's Response:</p> <p>a) The YWT submissions relate to the Ouse Washes Special Protection Area (SPA) and the Nene Washes SPA (~185km and ~170km south-east of the proposed River Ouse overhead line crossing, respectively) for whooper swan; and the North Norfolk Coast SPA and The Wash SPA (~140km and ~160km south-east of the proposed River Ouse overhead line crossing, respectively) for pink-footed geese. Population numbers at these sites are as follows:</p> <p>Ouse Washes SPA Whooper swan is a qualifying feature of the Ouse Washes SPA. The SPA citation (dated 2015) indicates a wintering population of 963 individuals was recorded at the time of designation. More recently, the population has increased with the five-year peak mean (i.e., this is the mean of the annual peak counts over a five-year period) from 2013/14 to 2017/18 recorded as 6,840 (Natural England, 2019)¹, and the latest five-year British Trust for Ornithology (BTO) Wetland Bird Survey (WeBS) peak mean (2017/18 to 2021/22) recorded as 8,167 individuals.</p>

¹ Natural England (2019) *European Site Conservation Objectives: Supplementary Advice on conserving and restoring site features. Ouse Washes Special Area (SPA) Site Code: UK9008041.*

Ref No.	Respondent:	Question:
		<p>Nene Washes SPA Whooper swan is not a qualifying species of the Nene Washes SPA or listed on the updated 2015 citation, and therefore the wintering population is not stated on the citation or in the Natural England Supplementary Advice to the Conservation Objectives. However, the latest five-year BTO WeBS peak mean (2017/18 to 2021/22) recorded 2,368 individuals.</p> <p>The Wash SPA Pink-footed goose is a qualifying species of The Wash. The SPA citation (dated 2015) indicates a wintering population of 33,265. The latest five-year BTO WeBS peak mean (2017/18 to 2021/22) is 30,525 individuals.</p> <p>North Norfolk Coast SPA Pink-footed goose is a qualifying species of the North Norfolk Coast SPA. The SPA citation (dated 2015) indicates a wintering population of 23,802 was recorded at the time of designation. The latest five-year BTO WeBS peak mean (2017/18 to 2021/22) is 46,984 individuals.</p> <p>YWT have raised concerns about migrating whooper swans and pink-footed geese, which originate from the aforementioned SPAs, short stopping in the Lower Derwent Valley (taken to mean the Lower Derwent Valley SPA ~17km east of the River Ouse overhead line crossing) during spring migration, before continuing migration along the River Ouse valley.</p> <p>The peak WeBS count for whooper swan within the Lower Derwent Ings recording area (which includes the Lower Derwent Valley SPA) in the last five years is 196 individuals in winter 2019/20, with a five-year peak mean of 160 birds (2017/18 to 2021/22). The 2018/19 Yorkshire Bird Report (YNU, 2022)² cites the peak count of whooper swan at the Lower Derwent National Nature Reserve (NNR) as being 143 individuals in 2018, and 188 individuals in 2019; and the peak count during the spring migration period (March to May) was 97 in 2018, and 71 in 2019. A total of 500 individuals staged (i.e., where migrant birds stop to rest, drink, and eat) in the wider Lower Derwent Valley area in spring 2018, with approximately 1,000 individuals recorded passing through the area in March 2019.</p> <p>The peak WeBS count for pink-footed goose within the Lower Derwent Ings recording area in the last five years is 1,735 individuals (winter 2020/21), with a five-year peak mean of 782 birds (2017/18 to 2021/22).</p>

² Yorkshire Naturalists' Union. July 2022. Yorkshire Bird Report 2018/19.

Ref No.	Respondent:	Question:
		<p>For context, the UK wintering population of whooper swan is 19,500 individuals as reported in <i>Population estimates of birds in Great Britain and the UK</i> (Woodward <i>et al</i>, 2020)³. The UK wintering population of pink-footed geese has been reported as 510,000 individuals in <i>Population estimates of birds in Great Britain and the UK</i> (Woodward <i>et al</i>, 2020), although the report acknowledges this may be an overestimate.</p> <p>Further to this (and to assist the Examining Authority with a response to a question posed during ISH2 on population levels), current population trends indicate a 104% (pink-footed goose) and 244% (whooper swan) increase nationally over the 25-year period 1995/96 to 2020/21 and a 52% and 27% increase over the latest ten-year period 2010/11 to 2020/21⁴, which further supports the conclusion that population level effects at designated sites would be extremely unlikely.</p> <p>b) The stated flight heights of geese and swans during migration is based on professional ornithological experience, and scientific research including a radar study by Horton <i>et al</i> (2016)⁵ which found the average migration flight heights of birds “ranged from 119.8 to 1135.6m, with birds at inland sites flying higher during the spring than birds at coastal sites”. Migrating birds flying at high altitudes face a lower collision risk than birds making regular flights between foraging and roosting/nesting areas. However, weather conditions such as heavy precipitation, strong winds or fog may force migrants to fly at lower altitudes, especially at night; and migratory birds may be less familiar with a landscape and obstacles than local residents (Prinsen <i>et al.</i>, 2011⁶).</p>

³ Woodward, I., Aebischer, N., Burnell, D., Eaton, M., Frost, T., Hall, C., Stroud, D. and Noble, D. 2020. Population estimates of birds in Great Britain and the United Kingdom. *British Birds* 113, pp 69-104.

⁴ Austin, G.E., Calbrade, N.A., Birtles, G.A. Peck, K., Wotton, S.R., Shaw, J.M., Balmer, D.E. and Frost, T.M. 2023. Waterbirds in the UK 2021/22: The Wetland Bird Survey and Goose & Swan Monitoring Programme. BTO, RSPB, JNCC and NatureScot. British Trust for Ornithology, Thetford.

⁵ Horton, K. G., Van Doren, B. M., Stepanian, P. M., Farnsworth, A. and Kelly, J. 2016. Where in the air? Aerial habitat use of nocturnally migrating birds. *Biol. Lett.* 12: 20160591. <https://doi.org/10.1098/rsbl.2016.0591>

⁶ Prinsen, H.A.M., Boere, G.C., Pires N., and Smallie, J.J. 2011. *Review of the conflict between migratory birds and electricity power grids in the African-Eurasian region*. CMS Technical Series No. XX, AEWA Technical Series No. XX Bonn, Germany.

Ref No.	Respondent:	Question:
		<p>In terms of weather conditions at the start of migration, again the statement in Table 6.2 [REP4-023] is based on both direct professional observation and scientific research, including a study by Erni <i>et al</i> (2002)⁷ which found that favourable local weather conditions were key in triggering migration; and research by Mateos-Rodríguez and Liechti (2011)⁸ which concluded that favourable wind conditions were particularly important, but also good visibility.</p> <p>Given that the Lower Derwent Valley is ~17km from the River Ouse overhead line crossing, it is unlikely that birds setting off on migration from this location in favourable weather conditions would encounter unfavourable conditions forcing them to lower altitudes upon reaching the River Ouse valley, should they follow that route.</p>
Q3.0.3	Yorkshire Wildlife Trust and the Applicant	<p>Potential for bird strike: records 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> <p>Applicant's Response:</p> <p>National Grid is not aware of any records of bird strike at existing overhead lines on the River Ouse or River Wharfe. The River Ouse crossing oversails two public rights of way that run north-west from York along the banks of the river. The River Wharfe crossing oversails the Ebor Way, which runs north-west from Tadcaster to Newton Kyme castle, along the southern bank of the Wharfe. It would therefore be expected that significant or even occasional collision-related deaths of conspicuous species such as swans and geese would have been reported to National Grid by the public or landowners at some point during the operational period of the overhead line regardless of the level of scavenging pressure, which is not the case. This is supported by the conclusions of a study involving carcass searches following mute swan collisions with overhead lines at Abberton Reservoir SPA (Frost, 2008)⁹: "<i>swans are large species whose carcasses remain obvious for some time (more than one week). Evidence, in the form of an extensive area of plucked feathers</i></p>

⁷ Erni B., Liechti F., Underhill L. G., and Bruderer B. 2002. Wind and rain govern the intensity of nocturnal bird migration in central Europe—a log-linear regression analysis. *Ardea* 90, 155–166.

⁸ Mateos-Rodríguez M. and Liechti, F. 2011. How do diurnal long-distance migrants select flight altitude in relation to wind? *Behavioral Ecology*, Volume 23, Issue 2, March-April 2012, Pages 403–409, <https://doi.org/10.1093/beheco/arr204>

⁹ Frost, D. 2008. The use of 'flight diverters' reduces mute swan *Cygnus olor* collision with power lines at Abberton Reservoir, Essex, England. *Conservation Evidence* (2008) 5, 83-91.

Ref No.	Respondent:	Question:
		<p><i>and skeletal remains persist, even after foxes have scavenged the carcasses</i>". It is noted that smaller species with less obvious plumage colouration (e.g. mallard) are less likely to be noticed and are more easily removed by scavengers such as foxes. However, National Grid have not received any reports of collisions of smaller species during the lifetime of the overhead line, nor have any records of collisions of these species been received from York Ornithology Club (YOC).</p>
Q3.0.6	The Applicant	<p>Potential for bird strike: River Wharfe 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> <p>Applicant's Response:</p> <p>As stated in response to Q3.03, National Grid is not aware of any records of bird strike at the existing overhead line crossing of the River Wharfe.</p> <p>Mute swan, goosander, and grey heron are all Birds of Conservation Concern (BoCC) green list species (Stanbury <i>et al</i>, 2021)¹⁰. A 'green list species' is of least concern, having a relatively stable population which is not showing a moderate or severe population or range decline. Mallard is BoCC5 amber-listed because of a moderate decline in the non-breeding population (>25% but <50%) over the latest 25-year monitoring period and longer term (i.e., since 1970), however the species is still widespread and common.</p> <p>The UK populations as per Woodward <i>et al</i> (2020) are as follows:</p> <ul style="list-style-type: none"> ● Mute swan: 6,300-7,600 breeding pairs and 52,500 wintering individuals; ● Mallard: 61,000-145,000 breeding pairs and 675,000 wintering individuals; ● Goosander: 4,250-5,250 breeding pairs and 14,500 wintering individuals; and ● Grey heron: 10,000-11,000 breeding pairs and 45,500 wintering individuals.

¹⁰ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747.

Ref No.	Respondent:	Question:
		<p>Local population estimates for these species are not available, but the Yorkshire Bird Report 2018/19 (YNU 2022)² provides the following information for the area covering North, West and South Yorkshire and the East Riding of Yorkshire:</p> <ul style="list-style-type: none"> • Mute swan is “an uncommon resident breeder and winter visitor”. The breeding population is stable. Across the ten key mute swan sites, the peak count tends to occur in late summer and was 707 in 2017, 996 in 2018 and 789 in 2019. • Mallard is “a fairly common breeder, common migrant and winter visitor”. The breeding population in Yorkshire is increasing. The aggregated monthly totals for the top 15 sites in the county averaged over 4,000 birds in January and August to December in 2018. • Goosander is “an uncommon to scarce breeder, uncommon migrant and winter visitor”. The breeding population is stable / increasing. Between 2017-2019, the peak count of goosander at a single site was 118 at Fairburn Ings in December 2017. There were 30 individuals recorded at Tadcaster in 2019. • Grey heron is “an uncommon resident breeder, winter visitor and passage migrant”. The breeding population is currently stable, with a survey of 31-44 heronries between 2014-19 supporting 306-373 nests. <p>It is well documented that species with high wing loading capacity, such as wildfowl can be vulnerable to collisions with overhead powerlines in certain weather conditions and geographical locations, such as during periods of poor visibility or where powerlines lie between key roost sites and foraging areas (e.g. at Abberton Reservoir where a stretch of overhead line crosses an SPA between roosting and foraging areas) (NatureScot, 2016a)¹¹. However, this is not the case at the River Wharfe where the overhead line has been in existence for over 30 years, with no known records of collisions, and as the Project will not result in any change to its location, there is no increased risk as a result of the Project. Furthermore, local populations of birds are likely to be habituated to the presence of overhead lines and avoid them accordingly (i.e. by flying</p>

¹¹ NatureScot. 2016a. *Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds.* <https://www.nature.scot/doc/guidance-assessment-and-mitigation-impacts-power-lines-and-guyed-meteorological-masts-birds>

Ref No.	Respondent:	Question:
		above the earth wire) (EirGrid, 2016 ¹²). Should an occasional collision occur, while this may have an impact on a local scale, given the favourable conservation status of the aforementioned species which are relatively common and widespread nationally, there is negligible risk of significant population level effects.
Q3.0.7	Yorkshire Wildlife Trust and the Applicant	<p>Proposed mitigation: effectiveness of bird diverters 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> <p>Applicant's Response:</p> <p>Bird diverters have been fitted to some overhead lines at locations where the risk of collisions with key species has warranted their use as a proportional level of mitigation, for example in close proximity to internationally designated wetlands where significant populations of birds are likely to cross overhead line routes on a regular basis when flying at low level between their roosting and foraging grounds (e.g. at Abberton Reservoir and also at the River Tees crossing, where overhead lines cross the designated sites). In such circumstances, there is evidence that bird diverters may be up to 100% effective in reducing the risk of bird strike for the species concerned (Frost, 2008)¹¹.</p> <p>In contrast, the overhead line crossings at the River Ouse and River Wharfe are located very far from the internationally designated sites of concern (>140km), and movement of associated birds would be limited to the spring and/or autumn migration period, rather than on a regular basis across the winter as at Abberton Reservoir and the River Tees. Fortnightly surveys undertaken around the River Ouse crossing in February and March 2021 and between October 2021 and March 2022 did not record any whooper swans flying along the river corridor and only three flocks of pink-footed goose, which were all recorded flying above the height of the earth wire. The Lower Derwent Valley lies 17km from the proposed River Ouse crossing, which is</p>

¹² EirGrid & RPS Group. 2016. *EirGrid Evidence Based Environmental Studies Study 5: Birds. Literature review and evidence based field study on the effects of high voltage transmission lines on birds.* May 2016. <https://www.eirgridgroup.com/site-files/library/EirGrid/EirGrid-Evidence-Based-Environmental-Study-5-Birds.pdf>

Ref No.	Respondent:	Question:
		beyond the core range that whooper swan will commute from night roosts to foraging areas (<5km) and at the upper limit of the core range of pink-footed goose (15-20km) (NatureScot, 2016b ¹³).
Q3.0.8	The Applicant	<p>Proposed mitigation: post-construction installation of bird diverters 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> <ul style="list-style-type: none"> 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? 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? c) Comment on YWT’s suggestion that information on bird collisions could be sought from York Ornithological Club. <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) There is no threshold set that would trigger retrospective diverter installation, however where evidence of a sustained pattern of collisions is brought to its attention, National Grid’s approach nationally is to take advice from professional ornithologists, the relevant Statutory Nature Conservation Organisation (SNCO), and if appropriate from other relevant bodies such as the RSPB and the Local Planning Authority. If evidence suggests that installation of diverters would significantly reduce collision risk which affects statutory interests, National Grid will seek to install diverters. If non-statutory interests are affected, National Grid will seek to install diverters if it considers that the benefits outweigh the risks and costs of installation taking account of its statutory duties. National Grid’s approach to the use of bird diverters on its overhead lines is included at Appendix A to support the response to this Question. b) There is no provision within the dDCO or BMS for post-construction monitoring in respect of this Project. Natural England confirmed the scope of bird surveys (to exclude Vantage Point surveys), the scope of assessment with respect to designated sites, and agreement with findings of the Non-Significant Effects Report (NSER). The response to ExQ1 from Natural England (Q3.5.1 [REP2-080]) also confirmed its agreement to scope out increased strike risk on bird migration from the NSER. National Grid are not aware of any bird strikes at either river crossing point. Additionally, the desk

¹³ NatureScot. 2016b. Assessing Connectivity with Special Protection Areas (SPAs). Guidance. Version 3 – 2016.

Ref No.	Respondent:	Question:
		<p>study and subsequent field surveys did not report any records of bird strike at either river crossing nor during subsequent data requests with the YOC (see response below). As a result of these factors, post-construction monitoring is not considered to be required as per the assessment to date.</p> <p>c) Records of bird strike have been requested by National Grid from the YOC and a response received on 30 June 2023. YOC does not hold any records of bird strike at the overhead line crossing along the River Ouse, and the River Wharfe crossing is outside the club's recording area. The only location for which YOC provided collision records is a low-level local distribution line ~5.5km to the south-east of the River Wharfe crossing (and within ~400m of the River Wharfe), which has resulted in "a number of collisions with mute swans". The YOC goes on to explain that this overhead line crosses a pond where the farmer carries out supplementary feeding of wildfowl over winter. Therefore, this is a local situation unrelated to the Project or potential effects on migratory birds, and a change in land management would likely resolve the issues (i.e. changing the location of wildfowl feeding).</p>

Table 2.4 – Biodiversity, Ecology and Natural Environment: Biodiversity Mitigation Strategy

Ref No.	Respondent:	Question:
3.1	3.1 Biodiversity Mitigation Strategy	
Q3.1.1	The Applicant	<p>Updates to Biodiversity Mitigation Strategy 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> <p>Applicant's Response:</p> <p>As stated in Table 6.4 of [REP4-023], the Biodiversity Mitigation Strategy (BMS) (Document 5.3.3D) [APP-097] was based on the scope of works assessed in Chapter 8 of the ES (Document 5.2.8) [APP-080], which has now been supplemented by the ES Addendum (Part 2) (Document 5.2.21) [REP3-010] (note</p>

		<p>that this document has now been combined in the ES Addendum (Part 1) ((Document 5.2.20) [REP1-013]) to form one amalgamated document (Document 5.2.22) submitted at Deadline 5.</p> <p>The Addendum contains reference to the outcome of post-submission bat roost surveys which included the identification of a single confirmed bat roost. As the Project design was then reviewed and amended in line with the mitigation hierarchy in order to retain the tree, the results do not change the conclusions of the Section 8.9 of the ES (Document 5.2.8) [APP-080], or the mitigation requirements with respect to bats detailed within Section 4.6 of the BMS (Document 5.3.3D) [APP-097]. However, Section 4.6 of the BMS will be updated at Deadline 6 to include reference to the confirmed roost to ensure those responsible for implementing the BMS (as defined in Section 2 of the BMS) are fully aware of its presence should there be any change to tree management requirements prior to construction. Although very unlikely, this could for example, be triggered by branches sagging below the necessary clearance required along the access track which the tree containing the confirmed roost borders, as stated in paragraph 2.2.3 of the ES Addendum (Part 2) (Document 5.2.21) [REP3-010].</p> <p>The Addendum also includes reference to completed important hedgerow surveys. While the results do not change the conclusions of the ES (none of the potentially important hedgerows were found to be important during field surveys), or the required mitigation, the BMS will be updated at Deadline 6 to include reference to the results of the important hedgerow assessment to ensure those responsible for implementing the BMS (as defined in Section 2 of the BMS) are aware that the assessment has been carried out and that no additional mitigation is necessary.</p>
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Table 2.5 – Biodiversity, Ecology and Natural Environment: Biodiversity Net Gain

Ref No.	Respondent:	Question:
3.2	3.2 Biodiversity Net Gain	
Q3.2.1	The Applicant	<p>Status of agreement in respect of Biodiversity Net Gain measures 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>

Ref No.	Respondent:	Question:
		<p>Applicant's Response:</p> <p>The sections of the Section 106 Agreement relating to Biodiversity Net Gain (BNG) were originally circulated to the Local Planning Authorities on 16 March 2023. Comments were received from Leeds City Council and North Yorkshire Council. Following a number of updates, the last version of the S.106 (as submitted at D4) was circulated to the Councils on 6 June 2023, with a request for any comments to be received by 20 June 2023.</p> <p>Following receipt of comments from North Yorkshire Council, City of York Council and Leeds City Council, a number of further updates have been made, including the provision for an interim submission of a BNG Assessment prior to the completion of construction of the Authorised Development, in addition to confirmation that National Grid will seek to deliver Net Gain on a proportionate basis across each Local Planning Authority's administrative area (proportionate to the extent of construction of the project in each local authority administrative area) wherever that is possible and subject to land being available. Clarification has also been added that fees for the discharge of requirements and other consents will be payable to each Local Planning Authority. National Grid consider that all points have been addressed but note that the Councils will need time to review the amended version, and hence this remains an outstanding matter in some SoCGs.</p> <p>Although the S.106 will not be an agreement with Natural England, a copy of the S.106 was circulated to Natural England at Deadline 4. Natural England provided comments relating to their preference for a more phased approach. National Grid believe that the recent amendments to the S.106 (detailed above) have addressed this comment and the S106 is now confirmed as a matter agreed in the relevant SoCG (Document 8.5.5(B)). The Environment Agency have agreed that provided Natural England and the Local Planning Authorities are content with the S.106, it will not object to it. No further comments on the S.106 have been received from the Environment Agency.</p> <p>The relevant SoCGs submitted at Deadline 5 confirm the positions set out above, and provide specific detail on the points covered above, where relevant.</p>

2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 2.6 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: General: Compulsory Acquisition, Temporary Possession, Book of Reference, CA and TP Objections Schedule

Ref No.	Respondent:	Question:
4.0	4.0 General: Compulsory Acquisition, Temporary Possession, Book of Reference, CA and TP Objections Schedule	
Q4.0.1	The Applicant	<p>Plots D2-03 and D2-04</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> <p>Applicant's Response:</p> <p>a) National Grid has made enquiries with Leeds City Council and North Yorkshire Council. Leeds City Council have confirmed the plots are located within their administrative area. Subsequently, North Yorkshire Council have confirmed they hold no interest in these plots. As a result, these finding have been reflected in the Book of Reference (Document 4.3(E)) submitted at Deadline 5.</p> <p>b) Following confirmation from Leeds City Council on point a) as set out above, we will continue to engage with them as required.</p>
Q4.0.2	The Applicant	<p>CA and TP Objections Schedule</p> <p>Does the North Yorkshire Council Highways Authority need to be added to the CA and TP Objections Schedule?</p> <p>Applicant's Response:</p> <p>National Grid does not consider North Yorkshire Council Highways Authority to be an objector. However, National Grid is seeking clarity from North Yorkshire Council Highways Authority and is awaiting a response. Therefore, until National Grid receives confirmation, National Grid has added North Yorkshire Council to the</p>

Ref No.	Respondent:	Question:
		Compulsory Acquisition and Temporary Possession Objections Schedule (Document 8.14(C)) as a precautionary measure.
Q4.0.3	The Applicant	<p>Tadcaster CSECs/ response to ExQ1 4.9.1 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 Confirm that these are Mr R. Ingram, Mr P Watson and Samuel Smith Old Brewery (Tadcaster).</p> <p>Applicant's Response:</p> <p>National Grid confirm that the three Affected Persons from whom National Grid are seeking to acquire freehold land from are Mr R. Ingram, Mr P Watson and Samuel Smith Old Brewery (Tadcaster).</p>
Q4.0.4	The Applicant	<p>Unknown rights/ response to ExQ1 4.2.3 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> <p>Applicant's Response:</p> <p>There have been no updates to those interests listed as unknown in the Book of Reference (Document 4.3(E)) as submitted at Deadline 5. As noted in our response to ExQ1 4.2.3, the Applicant has completed diligent inquiry in line with the Land Referencing Methodology as set out in Appendix C of the Statement of Reasons [REP2-012]. This has been completed in line with the requirements of the Planning Act 2008 that this is completed under Section 42 as part of the Applicant's duty to consult and again under Section 57 as part of the Applicant's requirement to notify all parties under Section 56. As also noted in our response to ExQ1 4.2.3, reviews are being undertaken in relation to updates to Land Registry records and dialogue with landowners and their agents. A Land Registry update has been undertaken and the Book of Reference (Document 4.3(E)) has been updated and submitted at Deadline 5. All updates to land ownership and occupation that have been made known to the Applicant have been updated in the Book of Reference (Document 4.3(E)), but none of these affect those interests listed as unknown.</p>

Table 2.7 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Statutory Undertakers

Ref No.	Respondent:	Question:
4.2	4.2 Statutory Undertakers	
Q4.2.2	The Applicant	<p>Planning Act 2008 (PA2008) s127 and s138 cases to satisfy the Secretary of State As you indicated at Compulsory Acquisition Hearing 1 (CAH1), submit s127 and s138 cases where objections have not been withdrawn from Statutory Undertakers.</p> <p>Applicant’s Response:</p> <p>As confirmed in Applicant's Deadline 5 response to CAH1 Hearing Actions Points (Document 8.23.8) Action 16, Section 127 and Section 138 Applications have been submitted at Deadline 5 for any protective provisions not yet agreed with relevant statutory undertakers as follows:</p> <ul style="list-style-type: none"> • Network Rail Infrastructure Limited (Document 8.27.1); • National Highways (Document 8.27.2); • National Gas Transmission (Document 8.27.3); and • Northern Gas Networks (Document 8.27.4).
Q4.2.8	The Applicant	<p>Protective Provisions Progress Schedule/ National Highways 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> <p>Applicant’s Response:</p> <p>National Grid does not envisage any physical works to highways for which National Highways is the highway authority. The only listing of National Highways as an 'authority' under which works are specified within the schedules to the draft DCO (Document 3.1(D)) is within Schedule 14 (traffic regulation).</p> <p>As is further detailed in Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24), the protective provisions proposed by National Grid impose a proportionate approach for the works described in Schedule 1. Should more substantive works be undertaken on the strategic road network, pursuant to the powers afforded under the DCO, the protective provisions will adequately provide</p>

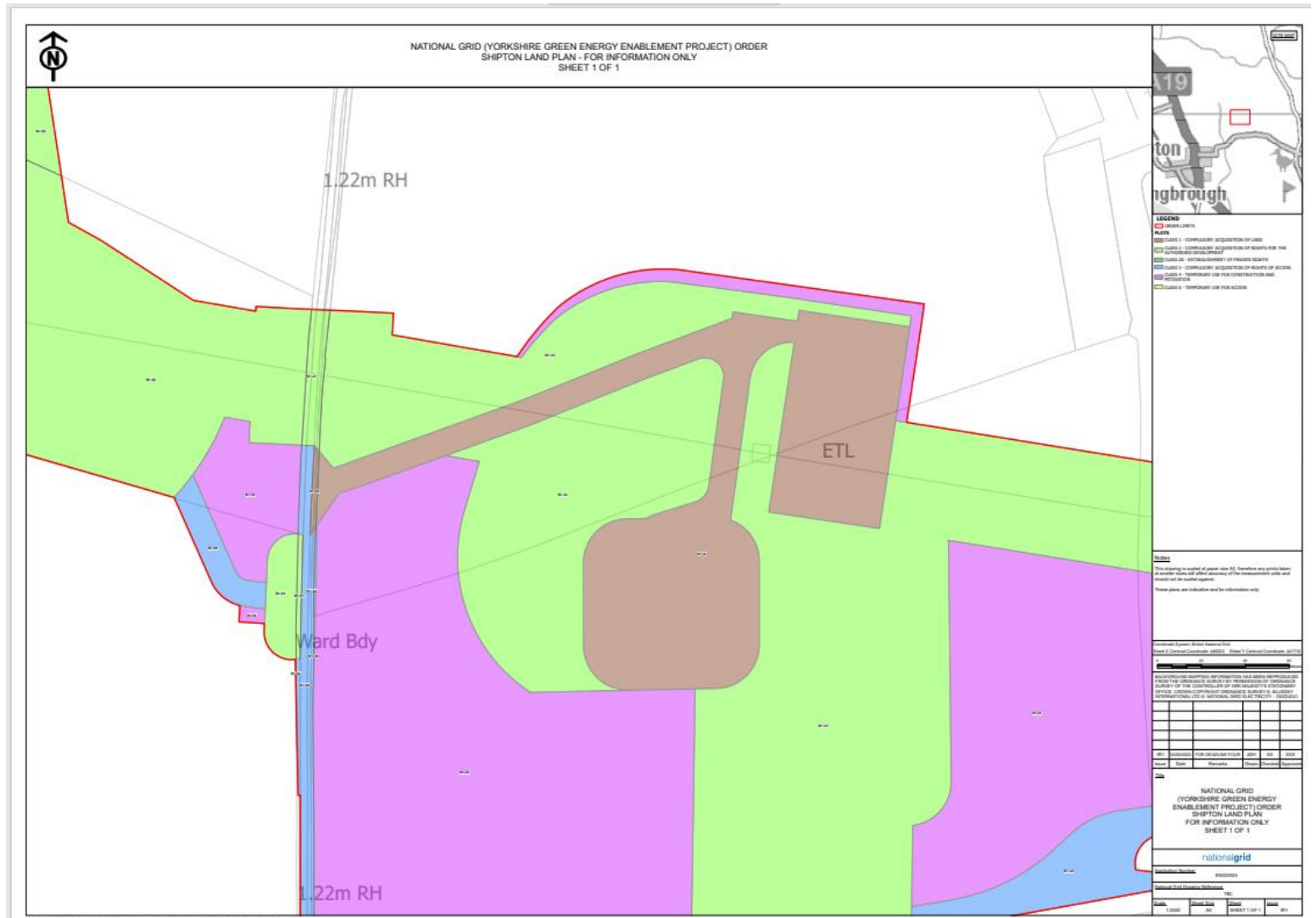
Ref No.	Respondent:	Question:
		<p>for this with the need for National Highways approval. However, it would not be appropriate to require highway engineer completion certificates when the works solely constitute an oversail of the SRN. National Grid cannot commit to standard provisions which would require a significant and involved process disproportionate to the impacts on National Highways' network. In order to address this National Grid has proposed that no works in carrying out, maintaining or diverting the authorised development may be carried out on, under or over the strategic road network at a distance within 4 metres vertically of the lowest point of the ground unless with the consent of National Highways.</p>
Q4.2.9	The Applicant	<p>Compulsory acquisition of rights/ National Highways and local highway authorities 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> <p>Applicant's Response:</p> <p>As detailed in Table 2.6 of the Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24), National Grid acknowledges National Highways' concerns, has sought to engage with National Highways and is seeking guidance from National Highways through discussion on how it would prefer to deal with National Grid under a voluntary agreement basis; whether that be by way of an easement agreement or by utilising provisions contained within the New Roads and Street Works Act 1991.</p> <p>National Highways has appointed an external firm of Chartered Surveyors to act as its agent in relation to the Project's interface with National Highways' interests and there has been initial communication between the appointed agent and National Grid's land agents.</p> <p>Compulsory Acquisition of land is a matter of last resort. National Grid's preference is to avoid acquisition and ownership of areas of highway land, which after construction would become non-operational land and National Grid remains committed to proactively engaging with National Highways to identify a mutually satisfactory outcome for both sides, where willing on both sides has already been demonstrated. It is not possible to just rely upon the NRSWA – which is the reason for the inclusion of the interests for compulsory acquisition - in circumstances where the extent of the works could extend beyond the extent of highway – either laterally or vertically downwards. The land is included so as to afford the Applicant the protection from any third party interests in the land.</p>
Q4.2.10		Deeds of Easements, Framework Agreement, Asset Protection Agreement

Ref No.	Respondent:	Question:
	Addleshaw Goddard LLP on behalf of Network Rail and the Applicant	<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"> a) Can the Applicant and Network Rail provide an update on the progress of these agreements, setting out any areas of continued disagreement. b) What is your opinion on the likely timescale for their agreement and completion? 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? <p>Applicant's Response:</p> <ol style="list-style-type: none"> a) Updates in response to a) by National Grid are detailed as follows: <ol style="list-style-type: none"> i. Progress on the Deed of Easements – National Grid has been in dialogue with Network Rail, issuing terms on the 23 May 2023. Network Rail have responded issuing their template terms on the 28 June 2023 with further discussions ongoing. The principle areas of disagreement are termination, indemnities and lift/shift clauses. ii. A Framework Agreement has been shared with National Grid by Network Rail. This is under review but is contingent on agreement of the Deed of Easements and Protective Provisions. b) Timescales for agreement and completion - National Grid is aiming to reach agreement for the main heads of terms documents before the close of examination, but there are some significant areas of disagreement to overcome. Legal negotiations are being progressed but it may not be possible to finalise drafting prior to the close of examination. c) Private Agreement - National Grid understands the private agreement referred to in the question relates to the Framework Agreement and Deed of Easement that National Grid and Network Rail are currently engaged in discussions over. Should negotiations not be concluded successfully by Deadline 7 then a position statement will be submitted at that time.

Table 2.8 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Individuals’ objections, issues and voluntary agreements

Ref No.	Respondent:	Question:
4.3	4.3 Individuals’ objections, issues and voluntary agreements	
Q4.3.1	The Applicant	<p>Access to Shipton Cable Sealing End Compounds 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"> a) 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. b) If the technical feasibility of such an alternative access would require additional land outside of the Order limits, set out the implications of this. <p>Applicant’s Response:</p> <ol style="list-style-type: none"> a) National Grid issued a letter setting out the proposed change to the landowner, occupier and a copy to the agent on the 19 June 2023 with accompanying plans. This letter sought written agreement on the proposed access change. Subsequently National Grid met with the landowner, occupier and agent on 23 June 2023 and 30 June. National Grid has received consent to the proposed change from both the landowner and occupier on 03 July 2023. This is further detailed in Change Application: Report on Proposed Changes (Document 9.1) submitted at Deadline 5. b) The proposed alternative access can be accommodated within the existing order limits, and no change to the order limits is required.
Q4.3.2	The Applicant	<p>Limits of Deviation around Shipton North Cable Sealing End Compound 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"> a) Provide a plan/ sketch which illustrates limiting the LoD; and b) 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. <p>Applicant’s Response:</p>

a) The plan shown below illustrates the reduced LoD and was presented to the Landowner, occupier and their agent on 19th June 2023.



Ref No. Respondent: Question:

		<p>b) The plan shown above was presented formally to the Landowner, occupier and their agent as an attachment to a letter dated 19th June 2023 (sent by post and a copy via email to the agent) having been previously discussed with them during a site meeting on 16th June 2023. It was also discussed, and no issues were raised, during a further site meeting with the Rab family and agent on 23rd June 2023. This is the subject of the change request notification issued to the Examining Authority (Change 1) and the change application submitted at Deadline 5.</p>
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<p>Q4.3.4</p>	<p>The Applicant</p>	<p>Access to construction compounds within Work No.2 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> <p>a) What, if any, would be the implications to: rights over land, Land Plans, Works Plans, and the Construction Traffic Management Plan?</p> <p>b) Would there be any other implications to the Order and certified plans and documents?</p> <p>c) How could a restriction on construction traffic up Newlands Lane other than for Pylons 2TW169 and 2TW168 be secured?</p>
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Applicant’s Response:

a) National Grid do not consider that the proposed suggestion by Mr. Stephenson is a change that should be taken forward and have set out a full response and justification for this position in the Applicant’s comments on interested parties’ Deadline 4 Submissions, Table 2.9, **(Document 8.24)** submitted at Deadline 5. To summarise the points, National Grid do not consider that the proposal is justifiable, as it would require the removal of more trees, more stone access track and would put additional works on another parties land. National Grid position is that there is an existing public highway that is suitable for the traffic, and National Grid are proposing to include passing places, as well as the bellmouths proposed to manage the traffic. If this change were to be taken forward it would require changes to the Land Plans to modify classes associated with any proposed access change, and the change would be required to be agreed with a additional landowner to those that have proposed the change. Updates would be required to the Construction Traffic Management Plan to state what the access arrangements would be for the lane, and use of an access through the compounds. The Works Plans should not require an update.

b) There would also be a requirement to update the schedules in the draft DCO relating to access and street works. There would also be a requirement to update the Access Rights of Way and Public

Ref No.	Respondent:	Question:
		<p>Rights of Navigation Plans, Traffic Regulation Order Plans and Trees and Hedgerows Potentially Affected Plans. In addition as the change would require the removal of a small number of trees along the tree belt between the construction compounds, there would be a requirement to update the Arboricultural Impact Assessment Report (Document 5.3.3I(B), [REP4-009] and the Tree Removal and Protection Plan (Annex 3I.3) [REP4-010] and ES Chapter 8 Biodiversity (Document 5.2.8, [APP-080]) would be updated by way of the ES Errata Document (Document 5.2.22).</p> <p>c) Any restriction on the use of the lane could be secured in the Construction Traffic Management Plan but National Grid is not seeking to restrict construction traffic on the public highway in this location.</p> <p>To note, whilst National Grid has responded to the Questions posed, for the avoidance of doubt National Grid is not proposing to make this change as detailed above.</p>
Q4.3.6	The Applicant	<p>Rab family interest in land: update on matters not agreed 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> <p>Applicant's Response:</p> <p>National Grid have continued to engage with the agent to receive feedback on the voluntary terms, including site visits on 16 May 2023, 23 June 2023 and 30 June 2023. Whilst the agent has been engaged with the proposed changes to the Application, they have noted they would not feedback on the voluntary terms until the design matters have been finalised.</p>
Q4.3.10	The Applicant	<p>Planting to fill gaps in current screening near Hurns Gutter Provide an update to your actions regarding additional planting to fill gaps [REP4-026], Action Point 17.</p> <p>Applicant's Response:</p> <p>National Grid have made contact with the landowners' agent and provisionally booked a meeting for 17 July 20223 upon the agent's return from holiday.</p>
Q4.3.14	The Applicant	<p>Pylon SP006</p> <p>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?</p>

Ref No.	Respondent:	Question:
		<p>b) Was the decision not to replace Pylon SP007 taken before landowner discussions took place regarding Pylon SP006?</p> <p>Applicant's Response:</p> <p>a) A graduated swathe, which shows a corridor in which the proposed overhead line could be routed, was shown commencing at pylon SP007 at non-statutory consultation in March 2021, and plans showing the location of the proposed pylons were shown at the statutory consultation in October 2021. As part of this process discussions with landowners were undertaken, and feedback from the consultation fed into the design process. First detailed discussions with the landowner were held on 22 October 2021.</p> <p>b) The decision not to replace SP007 was taken prior to the statutory consultation which showed proposed pylon locations. The initial proposals for a corridor were presented at the non-statutory consultation phase, at which proposals were shown that two options for the new sections of 275kV overhead line, one of which connected into SP007. The initial design principles are to re-utilise as much of the existing overhead lines as possible. An indicative proposal was developed and consulted upon. National Grid develop their initial proposals and then go out to consultation on a proposal in order to obtain feedback from relevant parties and either accommodate changes or set out the reasons why a change is not feasible. Feedback was provided by the landowners at statutory consultation, and a summary of the change made in relation to this landowner and the pylons references is set out in Consultation Report, section 7.4 and section 7.5 paragraph 7.5.4 (Document 6.1) [APP-195]).</p>
Q4.3.17	The Applicant	<p>Mr M Godliman and the Midgely family interest in land Provide an update on the outstanding matter of the alternative access via voluntary arrangement following the meeting on 5 June 2023.</p> <p>Applicant's Response:</p> <p>National Grid has considered the proposal from the landowners and consider it to be acceptable. Revised wording within the voluntary terms was issued to the landowners and accepted by their agent on 30 June 2023. Signed Heads of Terms are expected imminently.</p>
Q4.3.20	The Applicant	<p>Mr R Elliot interest in land/ Work No. U7/ Alternative access Provide an update on:</p>

Ref No.	Respondent:	Question:
		<p>a) discussions with Northern Powergrid regarding Work No U7; and b) securing the voluntary agreement for access which would avoid the High Moor Farm stading.</p> <p>Applicant's Response:</p> <p>a) National Grid and Northern Powergrid have an agreement in place for the U7 undergrounding works that reflect the comments provided by the landowner. National Grid have only included within the order limits and the DCO the section of undergrounding that is required to facilitate the project.</p> <p>b) Mr R Elliot is an occupier on the land where the alternative access is proposed. National Grid met with Mr R Elliot's landlord and their agent on 5 June 2023, where they expressed no concern with the proposal. Subsequently, National Grid chased the agent on 26 June 2023 to confirm this in writing. Subject to securing the landlord's approval this will be incorporated into the voluntary agreement with the landlord.</p>
Q4.3.22	Carter Jonas LLP for Mr P Watson	<p>Mr P Watson interest in land at the Tadcaster CSECs access to land 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> <p>Applicant's Response:</p> <p>National Grid has sought to provide clarification in response to this question, for the avoidance of doubt, to confirm that the response provided to Action 10 in the Applicant's Response to CAH1 Hearing Action Points (Document 8.23.5) [REP4-027] sets out National Grid's position in respect to not progressing the alternatives of a retaining wall or northern route for access where extinguishment of rights is proposed at Tadcaster East CSEC. To confirm, the response provided to Action 10 details the constraints for the implementation of a solution that would utilise a retaining wall and that National Grid do not consider this a viable alternative solution and as a result it has not been taken forward as part of the Proposal.</p> <p>National Grid prepared and submitted a Technical Note – Tadcaster East Cable Sealing End Access Option (included as Part 2 of Appendix I to Document 8.9.2 [REP2-039] and was shared directly with the landowner. Following feedback from the landowner this Technical Note has been updated to revise the</p>

Ref No.	Respondent:	Question:
		swept paths to align the proposed access option with the existing private right of access. This update does not change the findings and conclusion of the technical note. The updated Technical Note is submitted at Appendix B to this document. This was shared directly with the landowner on the 6 July 2023.
Q4.3.24	The Applicant	<p>Tadcaster CSECs Provide any updates on matters relating to the Tadcaster CSECs land and rights.</p> <p>Applicant's Response:</p> <p>At Tadcaster CSEC there will be three affected landowners:</p> <ul style="list-style-type: none"> a) Mr P Watson - National Grid has not received any further response in relation to the Heads of Terms issued for voluntary agreement for land and rights required by the Project. National Grid issued details of the Change application to the landowner and agent on 19 June 2023 with accompanying plans. Subsequently National Grid contacted the agent on 26 June 2023 for a response and to request feedback on the proposed change. On 04 July 2023 the landowner's agent confirmed that she had received a request from the landowner not to provide consent to the change application. b) Mr R Ingham – voluntary terms are agreed in principle, legal teams are instructed, and National Grid is awaiting final signed heads of terms to be returned. c) Samuel Smith's Old Brewery – a meeting was held with the agent on 5 June 2023 with dialogue continuing. National Grid are chasing for confirmation that voluntary terms can be signed.

Table 2.9 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Other consents and contractual arrangements

Ref No.	Respondent:	Question:
4.4	4.4 Other consents and contractual arrangements	
Q4.4.1		Undergrounding, Work No. U8

Ref No.	Respondent:	Question:
	The Applicant	<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>
		<p>Applicant's Response:</p> <p>a) Plots C9-28, C9-29, C9-49 and C9-51 would not be required, should the Secretary of State take a different view from that presented at CAH1 and ISH3 [REP4-024] and [REP4-025].</p> <p>b) The Land Plans and Book of Reference would need to be updated to remove the plots above, and to change plot C9-50 to show works for National Grid only. These changes would need to be reflected in the schedules of the draft DCO. The Works Plans would need to be updated to remove the U8 work number and re-number all remaining U work numbers, and this would need to be reflected in the draft DCO in Schedule 1. Other amendments would be needed to the ES and Trees and Hedgerows Potentially Affected Plans.</p>

Table 2.10 – Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations: Human Rights and Public Sector Equality Duty

Ref No.	Respondent:	Question:
4.5	4.5 Human Rights and Public Sector Equality Duty	
Q4.5.2	The Applicant	<p>Travellers' Site at the junction of the A1(M) and A63 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>
		Applicant's Response:

Ref No.	Respondent:	Question:
		<p>National Grid notes the ExA's comments to signpost and send a copy of the relevant documentation to the Travellers' agent and confirms National Grid will issue a link to the draft DCO highlighting Requirement 19 following Deadline 5, as per Document 8.13(C) Summary of Actions and Engagement in Relation to Traveller Community. National Grid emailed the agent informing the agent of the proposed wording of Requirement 19 Site Specific Mitigation Scheme in respect of the Travellers Encampment included in the updated draft DCO (Document 3.1(D)) on 29 June 2023.</p>

2.4 Draft Development Consent Order (dDCO)

Table 2.11 – Draft Development Consent Order (dDCO): Matters not agreed / outstanding with Interested Parties

Ref No.	Respondent:	Question:
5.1	5.1 Matters not agreed / outstanding with Interested Parties	
Q5.1.1	The Applicant	<p>Matters not agreed with Northern Powergrid 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> <p>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?</p> <p>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?</p>
		<p>Applicant's Response:</p> <p>a) An updated Statement of Common Ground between National Grid and Northern Powergrid has been submitted at Deadline 5 (Document 8.5.10(B)). This confirms that agreement has now been reached in relation to the protective provisions required for the benefit of both Northern Powergrid entities.</p> <p>b) As is also confirmed in the Statement of Common Ground submitted at Deadline 5 (Document 8.5.10(B)), the Network Impact Statement is an evolving document but this does not alter the protective measures which have been agreed between the parties in respect of the DCO.</p>
Q5.1.2	The Applicant	<p>Matters outstanding with Network Rail 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>
		<p>Applicant's Response:</p> <p>National Grid has been progressing negotiations with Network Rail in relation to the Protective Provisions and lands agreements. Neither have been capable of agreement at this stage and consequently, the associated framework agreement is not capable of agreement. National Grid has presented its position</p>

Ref No.	Respondent:	Question:
		regarding the protective provisions on the face of the draft DCO (Document 3.1(D)) submitted at deadline 5 and have set out the position in the Statement of Common Ground with Network Rail (Document 8.5.11(C)) .
Q5.1.3	The Applicant	<p>Works potentially affecting the Strategic Road Network (SRN) 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"> • Article 11(1), 11(2) and 11(3); • Article 12(3); • Article 13(1), 13(2), 13(4) and 13(5); • Article 14(1), 14(2), 14(4), 14(5) and 14(8); • Article 16(1) and 16(2); • Article 19(1), 19(3), 19(4) and 19(9); • Article 21(1), 21(3), 21(5) and 21(8); • Article 26(1) and 26(3); • Article 35(1); • Article 36(1); • Article 37(1); • Article 38(1); • Article 39(1); and • Article 45(1), 45(2) and 45(8). <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> <p>Applicant's Response:</p>

Ref No. Respondent: Question:

		<p>a) Please see Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24) which responds to each of the specific articles raised by National Highways in their [REP4-029] submission.</p> <p>b) It is critical to ensure that the Project is designed, tested and installed in sufficient time to meet the 2027 earliest in service date. Consequently, the timetable for the construction of the Project is extremely tight to meet this timeframe. Any delays to starting works associated with prolonged consenting procedures has a consequential impact on the works which follow this. Specific civil and preparatory works are required in advance of works which require outages. If the civils and preparatory works are delayed, the outage works could miss their slot and this will push the programme back considerably. Outages are booked years in advance and so the programme needs to meet the outage slots. 28 days is the tried and tested approach National Grid has used on previous projects and so this time period is linked to the framework of how the programme will be formulated.</p>
<p>Q5.1.4</p>	<p>Ainsty Internal Drainage Board, Foss Internal Drainage Board, Kyle and Upper Ouse Internal Drainage Board</p>	<p>Response to Action Point from ISH3 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> <p>Applicant's Response:</p> <p>National Grid have now removed the application of IDB byelaws from Schedule 16. This is on the basis that the provisions which have been added within Article 19 have been agreed by the relevant internal drainage boards (save in respect of consent not being required where statutory clearances are met which has not yet been agreed by the IDBs).</p> <p>The initial justification for disapplication related to the lack of a deemed consenting mechanism or obligation for approvals to be undertaken reasonably. With the amendments proposed to Section 66 of the Land Drainage Act 1991 through Article 19 of the draft DCO (Document 3.1(D)), this security is provided through an alternative means without needing byelaw disapplication.</p> <p>In relation to the provision which removes the need for byelaw consent where statutory clearances are met, discussions continue with the IDBs and the Applicant is hopeful that this wording will be agreed with the IDBs before the close of the Examination.</p>

Table 2.12 – Draft Development Consent Order (dDCO): Schedule 1: Authorised Development

Ref No.	Respondent:	Question:
5.2	5.2 Schedule 1: Authorised Development	
Q5.2.1	The Applicant	<p>Work No. U8 - Undergrounding</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> <ol style="list-style-type: none"> a) Clarify the powers under which Northern Powergrid could operate to take such a course of action. b) What if any, indication has there been from Northern Powergrid to suggest that it would restrung the line on poles? c) Is there any real possibility that such a course of action would be taken, and if so, why? d) What, if any, indication do you have that the undergrounding has not been satisfactorily delivered? e) What is the scope for achieving a side agreement with Northern Powergrid to the effect that the line would remain underground? <p>Applicant's Response:</p> <ol style="list-style-type: none"> a) As the overhead line is 11kV National Grid considers it may not require consent under Section 37 of Electricity Act 1989, as Section 37(1) of the Electricity Act does not apply in relation to an electric line which has a nominal voltage not exceeding 20 kilovolts which is used or intended to be used for supplying a single consumer. This would need to be confirmed by Northern Powergrid (NPG) and so it is possible that consent would not be required under Section 37 and therefore NPG may have the power to undertake the works under The Overhead Lines (Exemption) Regulations 2009 or permitted development rights. b) It is National Grid's understanding through discussions with NPG that there is currently no indication to restrung the line on poles. It is also National Grid's understanding from NPG that it is very unlikely that where a cable has been undergrounded that that cable would then be put back overhead. However National Grid understand that there is still the potential that future network configurations or customer requirements or demands mean that the circuits have to be reconfigured and put back overhead. It is acknowledged that there could be a situation where there is a fault or damage to the cable in which case the line is then put back overhead.

Ref No.	Respondent:	Question:
		<p>c) Covered in point (b) above.</p> <p>d) It is National Grid’s understanding that the underground works that have been carried out to date to U8 have been carried out satisfactorily and to Northern PowerGrid’s standards. However, National Grid consider it should remain in the Order Limits and DCO so that there are powers to make any amendments or undertake works to the undergrounding should it impact on the construction works for the Yorkshire Green project in any way.</p> <p>e) National Grid do not think that it is appropriate for this point to be included in a side agreement due to the potential to fetter Northern PowerGrid’s ability to operate their network.</p>

Table 2.13 – Draft Development Consent Order (dDCO): Schedule 3: Requirements

Ref No.	Respondent:	Question:
5.3	5.3 Schedule 3: Requirements	
Q5.3.1	The Applicant	<p>Requirement 1: Interpretation: pre-commencement works Further to discussions at ISH1 and ISH3 regarding the extent of the pre-commencement powers:</p> <p>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</p> <p>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 affective after commencement?</p> <p>Applicant’s Response:</p> <p>a) No trees or hedges would be removed pre-commencement but could be coppiced or pruned if required for environmental mitigation works as per National Grid’s response on Q5.4.3 in Table 2.6 (response to NYC) Applicant's Comments on Responses to Examining Authority’s First Written Questions (Document 8.19) [REP3-031].</p>

Ref No.	Respondent:	Question:
		<p>Requirement 5(3) of the draft DCO (Document 3.1 (D)) identifies that all pre commencement work must be carried out in accordance with the Construction Management Plans, including the Code of Construction Practice (CoCP) and the Biodiversity Mitigation Strategy (BMS) which are listed in Requirement 5 and therefore are secured in respect of pre commencement works. The BMS includes elements covering vegetation loss and reinstatement. In paragraph 3.3 it states that tree loss will be as per the Arboricultural Impact Assessment and Tree Removal and Protection Plan but notes that <i>'any deviations from the plan will be agreed in advance with the ECoW and relevant stakeholders (i.e. Local Planning Authority) where necessary, with advice from an appropriately experienced and qualified arboriculturist where required'</i>.</p> <p>As detailed above, tree removal is not anticipated pre-commencement, however in the unlikely event that tree loss was required, as per the BMS National Grid would be required to agree any deviations with the Local Planning Authority in advance.</p> <p>b) National Grid considers that pre-commencement works do not need to be categorized differently and that Requirement 5 currently adequately secures tree and hedgerow protection via the Biodiversity Mitigation Strategy (BMS) (Document 5.3.3(D)) Appendix 3D [APP-097] and the Code of Construction Practice (CoCP) (Document 5.3.3B(B)) [REP 2-021]. The BMS states that tree loss (and therefore tree retention) will be as identified in the Arboricultural Impact Assessment (Document 5.3.3I(B)), [REP4-009 to REP4-011] and that any deviation from <i>the plan</i> will be agreed in advance with the Local Planning Authority. The CoCP includes key principles for tree protection in Table 3.2 (these include using fencing or ground protection, maintaining existing soil levels and careful management of materials), the contractor would be required to adhere to these elements which are based on information detailed in the Outline Arboricultural Method Statement included as Annex 3I.4 of the Arboricultural Impact Assessment (Document 5.3.3I(B)), [REP4-011] which is a certified document within article 48 of the draft DCO. National Grid considers that these measures will ensure the protection of trees pre-commencement in advance of the production of the THPS.</p>
Q5.3.2	The Applicant	<p>Requirements 8, 9 and 10: Landscaping and mitigation planting and retention and protection of trees Linked to ISH3, Action Point 28 [REP4-028]:</p> <p>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.</p> <p>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</p>

Ref No.	Respondent:	Question:
		<p>provision [REP4-037], page 2. Indicate whether these will be included in the interpretation in the dDCO.</p> <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> <hr/> <p>Applicant's Response:</p> <p>a) Paragraphs 5.3.9 to 5.3.11 of the Explanatory Memorandum (Document 3.2(D)) explain the way in which Requirements 8, 9 and 10 secure retention and protection of existing vegetation and landscape, replacement and mitigation planting. For ease of reference, this explanation is copied here:</p> <p>Requirement 8 (Landscaping at Overton, Tadcaster and Monk Fryston) confirms arrangements for necessary landscaping in connection with the non-linear works at Overton, Tadcaster and Monk Fryston. It requires the provision of a landscape strategy, which accords with the outline landscape mitigation strategy, to be approved by the relevant planning authority. Paragraph 8(2) sets out the details that the landscape strategy must include. This includes provision for details of a 5-year maintenance regime, including monitoring and management, and the proposed management regime for any woodland planting in years six to fifteen. This Requirement includes a tailpiece to ensure flexibility should the landscape strategy approved under Requirement 8 need minor changes with the approval of the relevant planning authority, to ensure that the most effective landscape strategy is put in place to reflect on-site conditions at the time of construction.</p> <p>Requirement 9 (Retention and protection of existing trees) requires the preparation of a Tree and Hedgerow Protection Strategy (THPS) for each relevant stage to be submitted to and approved by the relevant planning authority. The relevant stage of the authorised development must not commence until the approved protection measures are in place. The THPS must be prepared in accordance with the Arboricultural Impact Assessment report (Document 5.3.3I) and BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees and groups of trees to be retained during each stage. Sub-paragraph (2) sets out the details that the THPS must include, and sub-paragraph (3) requires adherence to the THPS unless otherwise agreed in writing with the local planning authority.</p> <p>Requirement 10 (Replacement planting) confirms arrangements for necessary replacement planting, including a scheme for replacement planting which accords with the principles of the Code of Construction Practice. This replacement planting must replace the trees and hedgerows identified to be removed in the THPS and is subject to approval of the relevant planning authority. This requirement does not apply to the non-linear works at Overton, Tadcaster and Monk Fryston to the extent that replacement planting is included</p>

Ref No. Respondent: Question:

		<p>in the landscape strategy because relevant mitigation in this respect is secured through Requirement 8. Sub-paragraph (3) sets out the details that the replacement planting scheme must include. The replacement planting would be implemented during the first available planting season after the authorised development is first brought into operational use and a five year aftercare period applies to all replacement planting.</p> <p>b) Please refer to Document 8.21 [REP4-021] (table 2.3) for the response to the points made by Leeds City Council regarding definitions. In summary, where considered necessary, definitions will be included in an updated glossary (to supersede Document 1.4 [APP-004]). Tree protection is detailed within the Arboricultural Impact Assessment (Document 3.3.3I) [APP102-APP-104].</p>
<p>Q5.3.3</p>	<p>The Applicant</p>	<p>Requirement 18: Design Approach for Site Specific Infrastructure 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"> a) review which of the components of the DASSI would be secured via Requirement 18 and incorporate in the dDCO submitted at D5; and b) review whether the option for screen planting along substation fence lines should be a matter for inclusion. <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) National Grid have included a full response on the components of the DASSI in the Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24), and have updated the wording of Requirement 18 of the draft DCO (Document 3.1 (D)) to include the approval of the external colour of the noise enclosures by the relevant authorities. b) Consistent with other National Grid projects, National Grid consider that planting along substation fence lines is not appropriate, as this could act as a climbing aid to climb over the security fencing and could pose a security risk. In addition, mitigation planting in generally flat landscapes is more effective in screening or filtering views of infrastructure when located as close to the receptor as possible, and near the substations these receptors include people travelling on public roads. At the proposed substation sites mitigation comprises reinforcement of existing roadside and field boundary hedgerows, new hedgerows and woodland planting on earth mounding.

Table 2.14 – Draft Development Consent Order (dDCO): Schedule 16: Amendment of Local Legislation

Ref No.	Respondent:	Question:
5.6	5.6 Schedule 16: Amendment of Local Legislation	
Q5.6.1	Ainsty Internal Drainage Board and Kyle and Upper Ouse Internal Drainage Board	<p>Disapplication of byelaws 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. Do Ainsty Internal Drainage Board or Kyle and Upper Ouse Internal Drainage Board wish to comment on the Applicant’s justification?</p> <p>Applicant’s Response:</p> <p>National Grid have agreed with the Internal Drainage Boards (IDBs) that the disapplication of IDB byelaws from the DCO will be removed on the basis that Article 19 (Discharge of water) of the draft DCO will be amended to provide:</p> <ul style="list-style-type: none"> • that the IDBs cannot unreasonably withhold or delay their consent under the byelaws; and • for the inclusion of a deeming provision to a byelaw application after 28 days. <p>In addition, the Applicant has proposed that article 19 be amended with the effect that that no byelaw consent is required if it relates solely to the oversail of an overhead electric line which meets the minimum statutory clearances contained in Schedule 2 of the Electricity Safety, Quality and Continuity Regulations 2002 (measured from the top of the bank of any watercourse maintained by an IDB). The inclusion of this text has not yet been agreed by the IDBs but negotiations with the IDBs are ongoing in relation to the inclusion of this text within article 19 of the dDCO.</p> <p>Because the IDBs’ byelaws will no longer be disapplied, it is not necessary to include the without prejudice wording included within Appendix A to the Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20) [REP3-032]. In summary:</p> <ul style="list-style-type: none"> • the amendment to paragraph (5) is no longer required because Byelaw consents would attach conditions to this effect. • the addition of paragraph (6) is no longer required because Byelaw 17 provides for this consent mechanism.

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> • The addition of paragraph (11) is no longer required because Byelaw 3 provides for this consent mechanism. • The definition of 'ordinary watercourse' is no longer needed within paragraph (10) because the Land Drainage Act 1991 has been varied by the new drafting in article 19 and this already contains the defined term. • Because the internal drainage board approval mechanisms are being provided for within byelaws and not through the DCO, no amendment is required to article 50.

Table 2.15 – Draft Development Consent Order (dDCO): Explanatory Memorandum

Ref No.	Respondent:	Question:						
5.7	5.7 Explanatory Memorandum							
Q5.7.1	The Applicant	<p>Other made Orders 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> <p>Applicant's Response:</p> <p>The below table sets out the precedent Orders upon which articles of the draft DCO (Document 3.1(D)) are based.</p> <table border="1"> <thead> <tr> <th>Orders</th> <th>Statutory Instrument Number</th> <th>Article from YG DCO that used Precedent</th> </tr> </thead> <tbody> <tr> <td>The National Grid (Richborough)</td> <td>S.I.2017/817</td> <td>Article 3 Article 4 Article 5</td> </tr> </tbody> </table>	Orders	Statutory Instrument Number	Article from YG DCO that used Precedent	The National Grid (Richborough)	S.I.2017/817	Article 3 Article 4 Article 5
Orders	Statutory Instrument Number	Article from YG DCO that used Precedent						
The National Grid (Richborough)	S.I.2017/817	Article 3 Article 4 Article 5						

Ref No. Respondent: Question:

		<p>Connection Project) Development Consent Order 2017</p>		<p>Article 6 Article 7 Article 9 Article 12 Article 13 Article 14 Article 16 Article 18 Article 19 Article 20 Article 23 Article 24 Article 25 Article 26 Article 27 Article 31 Article 33 Article 34 Article 36 Article 39 Article 40 Article 41 Article 42 Article 43 Article 45 Article 48 Article 49 Article 50 Article 52</p>
		<p>The National Grid (Hinkley Point C Connection</p>	<p>S.I.2016/49</p>	<p>Article 5 Article 9 Article 14 Article 20 Article 21</p>

Ref No.	Respondent:	Question:												
		<table border="1"> <tr> <td data-bbox="546 196 808 635">Project) Order 2016</td> <td data-bbox="808 196 1373 635"></td> <td data-bbox="1373 196 2076 635"> Article 27 Article 33 Article 34 Article 39 Article 41 Article 42 Article 43 Article 45 Article 48 Article 49 Article 50 Article 52 </td> </tr> <tr> <td data-bbox="546 639 808 1007">Southampton to London Pipeline DCO</td> <td data-bbox="808 639 1373 1007">S.I. 2020/1099</td> <td data-bbox="1373 639 2076 1007"> Article 6 Article 7 Article 10 Article 11 Article 12 Article 15 Article 20 Article 21 Article 32 Article 44 </td> </tr> <tr> <td data-bbox="546 1011 808 1230">Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014</td> <td data-bbox="808 1011 1373 1230">S.I. 2014/2384</td> <td data-bbox="1373 1011 2076 1230"> Article 9 Article 10 Article 16 Article 20 Article 30 Article 35 </td> </tr> <tr> <td data-bbox="546 1235 808 1409">Sizewell C (Nuclear Generating Station) Order 2022</td> <td data-bbox="808 1235 1373 1409">S.I. 2022/853</td> <td data-bbox="1373 1235 2076 1409"> Article 12 Article 28 Article 51 </td> </tr> </table>	Project) Order 2016		Article 27 Article 33 Article 34 Article 39 Article 41 Article 42 Article 43 Article 45 Article 48 Article 49 Article 50 Article 52	Southampton to London Pipeline DCO	S.I. 2020/1099	Article 6 Article 7 Article 10 Article 11 Article 12 Article 15 Article 20 Article 21 Article 32 Article 44	Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014	S.I. 2014/2384	Article 9 Article 10 Article 16 Article 20 Article 30 Article 35	Sizewell C (Nuclear Generating Station) Order 2022	S.I. 2022/853	Article 12 Article 28 Article 51
Project) Order 2016		Article 27 Article 33 Article 34 Article 39 Article 41 Article 42 Article 43 Article 45 Article 48 Article 49 Article 50 Article 52												
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Sizewell C (Nuclear Generating Station) Order 2022	S.I. 2022/853	Article 12 Article 28 Article 51												

Ref No.	Respondent:	Question:		
		A14 Cambridge to Huntingdon Improvement Scheme DCO 2016	S.I. 2016/547	Article 17 Article 46
		River Humber Gas Pipeline Replacement Order 2016	S.I. 2016/853	Article 29 Article 51
		London Underground (Northern Line Extension) Order 2014	S.I. 2014/3102	Article 29 Article 30
		Midland Metro (Wolverhampton City Centre Extension) order 2016	S.I. 2016/684	Article 29 Article 30
		M42 Junction 6 Order	S.I. 2020/528.	Article 8
		A19 Downhill Lane Junction DCO 2020	S.I. 2020/746	Article 3
		A30 Chiverton to Carland Cross DCO 2020	S.I. 2020/121	Article 3
		King's Lynn B Power Station Connection) Order 2013	S.I. 2013/3200	Article 14

Ref No.	Respondent:	Question:		
		Silvertown Tunnel Order 2018	S.I. 2018/574	Article 15
		A303 (Amesbury to Berwick Down) DCO 2020	S.I. 2020/1297	Article 20
		North London Heat and Power Generating Station Order 2017	S.I. 2017/215	Article 31
		Testo's Junction Alteration Order 2018	S.I. 2018/994	Article 44
		North Wales Wind Farms Connection Order 2016	S.I. 2016/818	Article 46
		Norfolk Vanguard Offshore Wind Farm Order 2022	S.I. 2022/138	Article 51
		A428 Black Cat to Caxton Gibbet DCO 2022	S.I. 2022/934	Article 51

Table 2.16 – Draft Development Consent Order (dDCO): Planning obligations

Ref No.	Respondent:	Question:
5.8	5.8 Planning obligations	
Q5.8.1	The Applicant	<p>Submission of final section 106 agreements 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> <ul style="list-style-type: none"> 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). 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. <hr/> <p>Applicant’s Response:</p> <ul style="list-style-type: none"> a) National Grid are able to confirm that the S106 will be submitted at Deadline 7. It is anticipated that the version submitted at Deadline 7 will be agreed and signed between all parties as good progress is being made. b) The relevant SoCGs between National Grid and the Local Planning Authorities submitted at deadline 5 detail the progress made to date regarding the S106 agreement.

2.5 Good Design

Table 2.17 – Good Design

Ref No.	Respondent:	Question:
7.0	7.0 Good Design	
7.0.1	The Applicant	<p>Content of the Design Approach for Site Specific Infrastructure (DASSI) Document 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> <ol style="list-style-type: none"> Provide a track changed version of the DASSI showing changes that have been made in response. Provide explanatory commentary if changes have not been included. 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. 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. 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? Provide evidence that powder-coated, coloured fencing gives rise to ongoing maintenance issues. <p>Applicant's Response:</p> <ol style="list-style-type: none"> The DASSI has been updated to reflect changes proposed and a track changed version has been submitted at Deadline 5 (Document 8.18(B)). A change has been included to remove the last sentence in paragraph 5.2.4 and add new wording at paragraph 5.2.5, to state that any reused or relocated buildings would be clad to the same specification as the existing building or could be clad in a different material proposed by the local authority providing that material is compatible with the structure of the existing building. Updates have also been made to document references and Requirement numbers as per the draft DCO (Document 3.1(D)) submitted at Deadline 5.

Ref No.	Respondent:	Question:
		<p>A further change has been made to paragraph 4.1.59 in relation to the fencing at Monk Fryston. The change has been included to clarify that all fencing will be galvanized steel, not a short section of green fencing facing Rawfield Lane as previously included. This is to reflect the response set out part f) of this question highlighting issues with painted fencing, lifespan and increased maintenance issues with coloured fencing. Painting of the galvanised fence is impractical as the paint does not fully adhere to the galvanised surface and quickly flakes off, as can be seen on the fence to the existing Monk Fryston Substation that faces Rawfield Lane. The dominant structures in views of both the existing and proposed substation from Rawfield Lane comprise gantries and pylons that can only be constructed with a metal finish. A theoretical green fence to the entrance of the proposed Substation would constitute negligible visual mitigation in the context of other visible infrastructure and the overall visual impact of the Project would remain unchanged from that assessed in ES Chapter 6 Landscape and Visual (Document 5.2.6) [APP-078]. This was not identified as part of embedded mitigation for the Project, and to provide clarity this reference to green fencing has been removed from the DASSI at paragraph 4.1.59. The responses provided to part (c) and (d) of the question below explain why further changes have not been including for the approval by the local authority of the fencing and its appearance in Requirement 18.</p> <p>c) The majority of fencing around the substations and CSECs will typically not be visible from public locations as illustrated in the LVIA photomontages. Visibility of fencing would be further reduced following the growth of mitigation planting. In most locations it is the steel pylons and gantries that will be the most visible structures and where fencing is fleetingly visible it will be seen in the context of these larger metal structures.</p> <p>d) For public safety and security of electricity supply, the fencing for the substations is required to be 2.4m high palisade steel with additional electrified wires at 3.4m high. This design clearly will not reflect the typical stock proof timber post and rail agricultural fencing in the locality, where present.</p> <p>e) National Grid propose the acceptable and fit for purpose specification of a hot-dipped galvanized steel palisade fence. This product is contained within National Grid’s policy due to its durability over the required design life, as well as its availability on the market as a product which can be relied upon to perform under the anticipated loading and external conditions. Corten steel security fencing is not typically specified by National Grid, nor have National Grid used this on any other substation. The reliability of Corten steel is not confirmed, nor is it an accepted product on National Grid’s type tested items. Maintenance of Corten steel is less straight forward, due to difficulties distinguishing between</p>

Ref No.	Respondent:	Question:
		<p>the rust that acts as a protection barrier and the voluminous rust that occurs when the steel is losing significant mass and hence deteriorating in strength. The rust like barrier of the Corten steel fence is also likely to bleed into the concrete sill below, causing an unsightly finish. National Grid are aware of no other products on the market that meet the requirements of the high security specifications, upon which HV substations are built, to the level achieved by the hot-dipped galvanized fence.</p> <p>f) National Grid Policy is to specify an 85-micron thick hot dip galvanized security fence on all sites, noting this provides the most reliable and evenly distributed form of corrosion protection to meet the 50-year design life requirements for National Grid infrastructure. As per the Galvanizers Association Corrosion Map¹⁴ (see Appendix C) the life expectancy of an 85 micron thick hot dip galvanized steel is 57 years for Monk Fryston Leeds and 85 years in the York area. These comply with National Grid’s minimum design life of 50 years.</p> <p>Whilst a powder coated finish can be applied to an already galvanized steel element to provide a colour finish, this finish cannot match the durability of the galvanized alternative. A powder coated finish would be suitable for lifespans of up to 20 years and, if exposed to prolonged periods of UV, the product could deteriorate quicker than this. Please see printed webpage references for supplier information provided in Appendix D, providing evidence to the durability of powder coating versus galvanising.</p> <p>Whilst a powder coated fence would still have the basic corrosion protection of the galvanized steel fence, ensuring the National Grid design life, the product would become unsightly and require re-coating to maintain its “as installed” appearance. Based on a best-case scenario of 20 years to replace, this would mean reapplying the powder coated finish 3 times within the 50-year design life.</p> <p>The process for applying powder coated, coloured layer to an already galvanized steel fence would involve the following steps:</p> <ul style="list-style-type: none"> • Any damages or defects to the galvanized surface would need to be removed. This process is best achieved through two steps: <ul style="list-style-type: none"> – Blasting: use of fine particles to remove imperfections on the surface of the galvanized steel.

¹⁴ Galvanizers Association, Corrosion Map [Online]. [Corrosion Map \(galvanizing.org.uk\)](https://galvanizing.org.uk) (Accessed 5 July 2023)

Ref No.	Respondent:	Question:
		<ul style="list-style-type: none"> – Pre-treatment: deep cleaning process to allow for power coat adhesion • The above steps are best carried out within 12 hours of initial hot dip galvanizing for best results. <p>The process for applying powder coating is not something that can be done on site and requires factory conditions to ensure adequacy. This would mean removing fencing whilst the National Grid HV substation is in operation, jeopardising the security and safety of the site, which is not feasible for such assets.</p> <p>Based on the above information, the cost, programme, and security implications of providing a powder coated finish are demonstrably greater than the standard galvanised option and it is therefore National Grid’s proposal to proceed with galvanised only fencing for all sites. Should a powder coated application be specified, the implications of programme, cost and security will demand further cost on the project that would ultimately be borne by the end user. Further implications arising from operational safety would be introduced by the need to remove and repaint an existing fence of an operational HV substation. This would not be acceptable, even if the increased costs could be accommodated, and any maintenance would likely require bespoke and complex mitigations in place to ensure security and safety throughout.</p>

2.6 Green Belt

Table 2.18 – Green Belt

Ref No.	Respondent:	Question:
8.0	8.0 Green Belt	
Q8.0.2	The Applicant	<p>Green Belt purposes: safeguarding the countryside from encroachment 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> <p>Applicant’s Response:</p> <p>National Grid have reviewed the cited example, which related to a battery energy storage facility connecting into a pylon.</p> <p>National Grid is aware of instances where applicants for other developments (such as battery storage or solar farms) have sought to connect into lower voltage overhead lines, such as 132kV overhead lines, operated by Distribution Network Operators.</p> <p>However National Grid operates at 275kV and 400kV. A connection for development such as a solar or battery facility into an overhead line would require a new substation to be built, as well as large supergrid transformers to step down the voltage. This would be a very expensive connection which would usually mean that a connection for a project of that nature would not be financially viable. National Grid typically make connection offers at existing substations for battery or solar facility developments.</p> <p>Therefore, National Grid’s view continues to be of the view that the presence of the pylons proposed as part of the Project, will not attract additional development.</p>

2.7 Landscape and Visual

Table 2.19 – Landscape and Visual: General information on landscape and visual assessment and mitigation

Ref No.	Respondent:	Question:
11.0	11.0 General information on landscape and visual assessment and mitigation	
Q11.0.1	The Applicant and North Yorkshire Council	<p>Updating matters outstanding in the SoCG 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> <hr/> <p>Applicant's Response:</p> <p>National Grid confirm that the responses received to date by North Yorkshire Council have already been taken through to the draft update of the SoCG, although some matters in response to the ExA's questions set out below may require further updates to the SoCG that is planned to be issued at Deadline 5.</p>

Table 2.20 – Landscape and Visual: LVIA methodology, drawings and photomontages

Ref No.	Respondent:	Question:
11.1	11.1 LVIA methodology, drawings and photomontages	
Q11.1.3	The Applicant	<p>LVIA Addendum for receptors at the Travellers' site 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>

Ref No. Respondent: Question:

Applicant's Response:

The implications of different receptor sensitivity are set out in Table 4.2 Item 5b (page 18/19) of **Document 8.23.1 [REP4-023]** where it concludes as underlined below that:

“National Grid explained that even if the travellers are attributed a high susceptibility this would not change the LVIA conclusions during construction, which would remain as significant adverse effects. For operational effects at year 1, the conclusion on significance would change if a high susceptibility was used, but logically the conclusion should be not significant during operation, regardless of sensitivity, given that the new pylon will be moved further away than the existing pylon.”

As explained in Table 4.2 Item 5b (page 18/19) of **Document 8.23.1 [REP4-023]** National Grid do not assess the sensitivity of the receptor as high as by living very close to an existing pylon and overhead line, the traveller community are considered less visually susceptible than a typical residential receptor particularly during the operational phase of the Project.

National Grid's conclusions on receptor sensitivity and significance of visual effects align with Mr Caruthers' oral statement at ISH2 who confirmed that the traveller community were “content with the Project proposals being put forward by National Grid”.

The danger of over relying on matrices where there can be a simple ‘multiplication’ of sensitivity and magnitude to derive an effect is set out at paragraphs 3.35 and 3.36 of GLVIA 3 where it states that the main aim is to draw out the key issues and the scope for reducing adverse effects. Potential pitfalls are described to include an over-reliance on matrices that may not be accompanied by clear narrative descriptions. It is advised there should be more emphasis on narrative text describing the effects and the judgements made about their significance which is the approach that has been taken by National Grid.

On a without prejudice basis, a determination of the significance of effect has been considered where the sensitivity of the traveller community is high (which in National Grid's view would not align with the LVIA methodology). This high sensitivity is combined with the magnitude of change assessed at construction and operation year 1 and 15 with reference to Table 9C.9 of the **LVIA Methodology (Document 5.3.6C) [APP-110]**. This approach, as set out above, would conflict with GLVIA 3 best practice guidance as there would be an over-reliance on matrices. Notwithstanding this concern, the following theoretical effects would be recorded:

Ref No.	Respondent:	Question:
		<p>Construction Phase: High sensitivity and a High to Medium magnitude of change with a Major to Major/Moderate adverse effect that is significant.</p> <p>Operation Year 1: High sensitivity and a Medium to Low magnitude of change with a Major/Moderate to Moderate effect that would be significant for those residents closest to the proposed pylon.</p> <p>Operational Year 15: High sensitivity and a Low to Very Low magnitude of change with a Moderate to Minor adverse effect that would be not significant.</p>

Table 2.21 – Landscape and Visual: Landscape and visual mitigation and enhancement

Ref No.	Respondent:	Question:
11.2	11.2 Landscape and visual mitigation and enhancement	
Q11.2.4	The Applicant	<p>Replacement planting 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> <p>Applicant's Response:</p> <p>Tree features within the Leeds City Council (LCC) administrative boundary are shown as 'unaffected' or 'potentially affected' (not currently impacted but at risk of impact should there be a change in the design within the limits of deviation).</p> <p>To implement the current design of the Project no tree loss would be required within the LCC administrative area so this replacement ratio of 3:1 is not considered applicable as addressed in Table 1.2 of the Arboricultural Impact Assessment (Document 5.3.3I(B)) [REP4-009 to REP4-011]).</p> <p>For the other local authorities there is no defined ratio or policy regarding replacement planting. However on 21 February 2022 a stakeholder consultation meeting was held with North Yorkshire County Council and Selby District Council (Leeds City Council, Harrogate Borough Council and City of York Council were invited</p>

Ref No.	Respondent:	Question:
		<p>but did not attend, minutes were shared for review/agreement) and a summary of the meeting is detailed in Appendix 6B Technical Engagement on Landscape and Visual Assessment (Document 5.3.6B [APP-109]). At this meeting the Councils confirmed that in line with Development Plan policy they did not wish to see any net loss of trees.</p> <p>The current proposed planting at the non-linear elements of the Project delivers sufficient planting to ensure no net loss across the Project and further reinstatement planting across the Project will be ensured as part of the scheme of replacement planting secured via Requirement 10(1) of the draft DCO (Document 3.1(D)), which will further increase the level of replacement provided.</p> <p>Requirement 10 secures the replacement planting scheme and Requirement 10 (5) sets out that any replacement planting, including trees and hedgerows planted as part of an approved replacement planting scheme that, within a period of five years after planting, is removed, dies or becomes in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.</p> <p>National Grid is applying a consistent approach to replacement planting across the Project. National Grid acknowledges that local planning policies are important and relevant to decision making but notes that the Secretary of State's decision will primarily accord with National Policy Statement.</p> <p>EN-1 provides that "the applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts...where woodland loss is unavoidable...long-term management and maintenance of newly planted trees should be secured"</p> <p>National Grid's approach to landscape planting and replacement planting, as set out above therefore accords with the National Policy Statement.</p> <p>In addition, National Grid has committed to 10% Biodiversity Net Gain (BNG) secured via a S.106 agreement outside of the DCO, and this will likely deliver further planting and BNG benefit.</p>
Q11.2.5	The Applicant	<p>Planting scenarios/ key drawings, location etc</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-</p>

Ref No.	Respondent:	Question:
		<p>005d]. Whilst recognising that changes to Requirements 8, 9 and 10 together with the CoCP may address this:</p> <ul style="list-style-type: none"> a) set out a response to the points made regarding additional information; and b) indicate how this would be achieved. <p>Applicant's Response:</p> <p>Further information and clarity is provided in the amended draft DCO (Document 3.1 (D)) at Requirements 8, 9 and 10 and the Explanatory Memorandum (Document 3.2(D)) submitted at Deadline 5.</p> <p>The landscape strategy plans at Overton, Monk Fryston and Tadcaster to discharge amended Requirement 8 would be based on the final engineering design. The landscape strategy plans would be developed from the Outline Landscape Mitigation Strategy (OLMS) including the existing trees and hedgerows to be retained as detailed in the Tree and Hedgerow Protection Strategy (THPS) detailed under Requirement 6 (g) and amended Requirement 9. Detailed planting plans for the replacement planting covered by the linear works and discharged under amended Requirement 10 would reflect the THPS. The information that would be provided on the landscape strategy plans and replacement planting plans to discharge Requirements 8 and 10 respectively, are detailed in amended Requirement 8(2) and amended Requirement 10(3).</p> <p>The THPS would be developed based on the final engineering design and other relevant information on construction methodology and working space requirements. The design would be overlaid onto the Tree Constraints Plan and reviewed via desk top study (along with onsite review where necessary) and would build on the existing outline information provided such as the Outline Arboricultural Method Statement included as Annex 3I.4 [REP4-011] of the Arboricultural Impact Assessment (Document 5.3.3I(B)), [REP4-009 to REP4-011]. The THPS will include final details of tree removal, pruning and protection (which will inform the planting proposals).</p>

Table 2.22 – Landscape and Visual: Landscape management and maintenance

Ref No.	Respondent:	Question:
11.3	11.3 Landscape management and maintenance	
Q11.3.1	The Applicant	<p>Ongoing management and maintenance beyond five years</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> <p>Applicant’s Response:</p> <p>It is National Grid's view that a section 106 agreement with landowners to secure ongoing management of replacement planting is not required to ensure the purpose of replacement planting is not undermined. It remains National Grid's view that, as stated in Document 8.19 [REP3-031] (in response to Q5.4.7c), where replacement planting will be delivered on land that will not be permanently acquired by National Grid, it will be maintained by National Grid for a period of 5 years to ensure its success. By the end of that five-year period all planting delivered will be established. Following that time, the planting will be managed by the relevant landowner, as currently takes place in respect of existing planting on private land. Replacement planting is secured by Requirement 10 of the draft DCO (Document 3.1(D)).</p> <p>The sole purpose of the proposed replacement planting is to replace what is removed, in order to maintain the existing baseline. Once the replacement planting is delivered and has been established through the 5-year maintenance period the purpose of the replacement planting (and therefore this mitigation) has been achieved.</p> <p>It is National Grid’s view that there should be no additional obligation on National Grid (or private landowners) to be required to manage or maintain planting on private land which forms part of the wider baseline, in the same way as National Grid (or private landowners) would not be obliged to maintain existing baseline planting which is not affected by the Project.</p> <p>In summary, the purpose of the replacement planting will not be undermined as its sole purpose for mitigation is as replacement planting, and not as planting to be retained by National Grid.</p>

Ref No. Respondent: Question:

		<p>There is also no justification for National Grid to permanently acquire land for the management of replacement planting in perpetuity, or seek to agree long term management with a landowner, where that landowner would ordinarily be entitled to manage existing planting on their land as they consider appropriate.</p> <p>For the reasons given above it is National Grid's view that any such section 106 agreement would not meet the statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). To the extent it is necessary, any section 106 would duplicate existing proposed DCO requirements, and would therefore not be necessary to make the development acceptable in planning terms. Management of replacement or mitigation planting following the five-year period is not considered directly related to the development or necessary on the basis that the planting required will have been delivered and its establishment secured, which is the sole purpose of the replacement planting.</p>
Q11.3.2	The Applicant	<p>Management and maintenance periods</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 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"> 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. 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. <hr/> <p>Applicant's Response:</p> <ul style="list-style-type: none"> a) National Grid provided a response to Action Point 19 of ISH2 (Document 8.23.4) [REP4-026] to summarise its discussions with landowners about ongoing management and maintenance of reinstatement planting. As detailed in that response in relation to reinstatement planting on land used

Ref No.	Respondent:	Question:
		<p>temporarily, after the five-year maintenance period National Grid would cease to have any further maintenance obligation in respect of reinstatement planting. Therefore, no further discussions would take place and no agreements are sought with landowners regarding the on-going maintenance of planting which has been implemented on their land after the five-year maintenance period. As detailed above in response to Q11.3.1 after the five-year maintenance period the reinstatement replacement planting will be managed by the relevant landowner as they consider appropriate as would currently take place in respect of existing planting on that land. The only instance that would require on-going engagement would be in respect of the powers under Article 46 (Felling or lopping of trees and removal of hedgerows) in which National Grid may be required to undertake works to planting in respect of maintaining operational safety clearances to the authorised development.</p> <p>b) National Grid can confirm that Requirement 8 has been updated in the draft DCO (Document 3.1(D)). The updated requirement (Landscaping and Overton, Tadcaster and Monk Fryston) sets out that the landscape strategy that accords with the outline landscape mitigation strategy must include details of the five-year maintenance regime, including monitoring and management, and the proposed management regime for any woodland planting in years six to fifteen. This secures 15 years maintenance and management of woodland planting in connection with the land permanently under the control of National Grid at Overton and Monk Fryston (no woodland planting is proposed at Tadcaster). This extension of the management regime to include years 6 to 15 applies to woodland planting only due to the key role that the planting has in mitigating views of the substations.</p>

2.8 Socio-economic Effects

Table 2.23 – Socio-economic Effects

Ref No.	Respondent:	Question:
13.0	13.0 Socio-economic Effects	
Q13.0.2	The Applicant	<p>Minimising effects on farming operations at Newlands Farm 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> <p>Applicant's Response:</p> <p>National Grid can confirm they have reviewed the design in this location and submitted a change application which if accepted by the Examining Authority, will reduce the Limits of Deviation at the Shipton North Cable Sealing End Compound.</p>
Q13.0.4	The Applicant	<p>Assessment of socio-economic effects on farming operations 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> <p>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].</p> <p>b) Does the Applicant maintain the view that the socio-economic effects on New Farm and Newlands Farm do not require detailed assessment?</p> <p>Applicant's Response:</p>

Ref No.	Respondent:	Question:
		<p>a) At both Newlands Farm and New Farm, the issues that are highlighted in submission RR-022 and REP2-131, and the subsequent impacts that arise on the farm businesses are not considered to be significant socio-economic matters and therefore are not within the scope of the EIA.</p> <p>At Newlands Farm, National Grid has previously responded to representation REP2-131 (Applicant's Comments on Written Representations and other Interested Parties' Deadline 2 Submissions (Document 8.20) [REP3-032]). Section 2.9 of this response, and the answer to Q13.0.2, explain how communications with the landowner and agent led to the revision of both the National Grid and the landowner proposals to allow both schemes to proceed. Whilst the expansion plans at Newlands Farm have been revised from their original proposals, their proposed works can still proceed, and the silage clamps referred to have now been constructed.</p> <p>Two issues were raised by the farmers at New Farm, one relating to the use of an access track through their property and one relating to the location of pylon SP006.</p> <p>National Grid has previously responded to the access issue at response reference 22.3 of the Applicant's Response to Relevant Representations (Document 8.3) [REP1-015]. This response outlines how an alternative route suggested by the farmer would bring about additional impacts. It also confirms that the construction traffic utilising the access would not be continuous through the construction programme and that National Grid commits to working with the landowner to communicate traffic movements for working days and to allow landowner access and normal agricultural activities to continue with minimal disruption. In addition, since this response was made, further changes to the Project design have been proposed and a notification regarding this change submitted to the Examining Authority [AS-020] which addresses land owners concerns. Access to pylon SP005 would now come from Overton Substation and run south from pylon SP004 along the overhead line route, rather than using the access at New Farm. This will reduce the number of vehicles using the New Farm access, although a limited number of vehicles would still need to use the access to install and remove an additional temporary bridge needed across the Hurns Gutter.</p> <p>National Grid has previously responded to the representations on pylon SP006 in response references 22.1 and 22.2 of the Applicant's Response to Relevant Representations (Document 8.3) [REP1-015]. These responses explain how it is not possible to move pylon SP006 to the northern extent of the field it is located in. In addition, the current proposed location allows access around both the eastern and western sides of pylon SP006 so farming can continue in the northern part of the field. This northern part of the field narrows, from around 60m width where pylon SP006 is currently</p>

Ref No.	Respondent:	Question:
		<p>positioned, to around 40m width at the northern extent. Moving the pylon further north would also reduce the access space available on either side of the pylon. Once construction is complete, the permanent operational impacts will only consist of the loss of land for one pylon. This is an unavoidable feature of overhead lines and a common feature on many farms. It is considered that this pylon has been located to minimise impacts on the farming of this field and therefore it does not give rise to a significant effect.</p> <p>As detailed in Table 16.10 of the Socio-economic ES chapter (ES Chapter 16: Socio-economics (Document 5.2.16) [APP088]), where land take is required from any farm business it is apparent that there are other sources of income at the farm or the land to be lost would be a limited extent of the holding. Due to these reasons, and the low level of impact identified from the land requirements at Newlands Farm, and both the access and pylon SP006 matters at New Farm, it is not expected that any significant socio-economic effects would result and therefore socio-economic effects remain scoped out.</p> <p>b) Considering the points above and the conclusion that no significant effects would result, National Grid maintain the view that no detailed socio-economic assessment of Newlands Farm or New Farm is required.</p>

2.9 Transportation and Traffic

Table 2.24 – Transportation and Traffic

Ref No.	Respondent:	Question:
14.0	14.0 Transportation and Traffic	
Q14.0.1	North Yorkshire Council, City of York Council and Leeds City Council	<p>Construction Worker Travel Plan 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> <p>Applicant's Response:</p> <p>National Highways agree with NYC, CYC, LCC and National Grid that a Construction Worker Travel Plan is not required for the Project. This is due to the submitted Construction Traffic Management Plan (CTMP) (Document 5.3.3F) [APP-099] committing to measures to minimise the impact of construction traffic, including those related to construction worker trips, where appropriate (Section 5.1 of (Document 5.3.3F) [APP-099]).</p> <p>In order to provide greater detail on the above statement, National Grid consider the position that a Construction Worker Travel Plan is not required, has been agreed with NYC, CYC, LCC and National Highways as summarised below:</p> <ul style="list-style-type: none"> • NYC – A workshop relating the traffic and transport matters was held by NYC and attended by National Grid on 7 June 2023. During the meeting it was confirmed that NYC has only two outstanding matters relating to traffic and transport relating to routing HGVs via Butts Lane through the village of Lumby and requiring time to review the CTMP contents in detail. Appendix E to this document contains National Grid meeting notes.

Ref No. Respondent: Question:

		<p>Neither of the outstanding traffic and transport matters relate to NYC requiring the provision of a Travel Plan. It was discussed that the contractor will liaise with the highway authority during the construction phase. The commitment to ongoing liaison with and reporting to the local highway authorities, as appropriate, is outlined within the CTMP (paragraph 8.1.3, Document 5.3.3F [APP-099]) and secured by Requirement 5 of the draft DCO (Document 3.1 [REP3-004]) to agree monitoring of targets within the framework of the CTMP.</p> <p>This position will be further re-iterated in the forthcoming updated Statement of Common Ground which will supersede Document 8.5.2(B) [REP3-018] and serve to clarify the current position between NYC and National Grid.</p> <ul style="list-style-type: none"> • CYC – The submitted SoCG (Document 8.5.3(B) [REP3-020]) confirms that there are no outstanding traffic and transport matters between CYC and National Grid. • LCC – The submitted SoCG (Document 8.5.4(B) [REP3-022]) confirms that there are no outstanding traffic and transport matters between LCC and National Grid. • National Highways – Within a post hearing submission [REP4-029], relating to ISH2, ISH3 and CAH1, paragraphs 2.1 and 2.2 National Highways withdrew their previous request (outlined in [REP2-079]) for an additional requirement to be attached to the DCO requiring a Construction Works Travel Plan to be submitted and approved by the relevant highway authorities. This was as a direct result of engagement where it was agreed that National Highways’ concerns were satisfied and addressed relating to this previously outstanding point.
<p>Q14.0.3</p>	<p>The Applicant and City of York Council</p>	<p>Highway visibility at proposed alternative access to the north of Skelton Springs Cottages 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>

Ref No.	Respondent:	Question:
		<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> <p>Applicant's Response:</p> <p>As discussed within the note of the accompanied site inspection on 23 May 2023 [EV-001b] an alternative access to SP005 was raised by the land owner. This proposed alternative access related to concerns with use and volume of traffic utilising Access Point 93 and the existing access track off the A19 to pylon SP005, due to proximity to Skelton Springs Cottages and farm property.</p> <p>National Grid are not proposing that this alternative access, suggested by the land owner, be progressed [EV-001b].</p> <p>However, as noted in Document 8.23.4 [REP4-026] Table 2.1, in response to Action Point 25, National Grid have given consideration to the possibility of an alternative access track between SP004 and SP005. This proposal addresses concerns with traffic movements to/from Access Point 93 (AP93). The majority of the construction traffic, assigned to AP93 would be re-routed, via the proposed access into Overton substation, along the new track between SP004 and SP005 (via a crossing of Hurns Gutter) to SP005. This proposal would retain AP 93 for operational and construction access, particularly relating to the construction and removal of a temporary bridge over the Hurns Gutter.</p> <p>In line with this, National Grid's position remains that AP 93 be retained for operational and a construction access, however, the majority of the construction traffic will now be re-routed via the proposed access into Overton substation instead to mitigate the land owner's concerns.</p> <p>Regarding the land owner's proposed alternative access point [EV-001b] this is not proposed to be taken forward by National Grid, as it would likely require a visibility splay of 215m in line with Section 3.5 of the Construction Traffic Management Plan (CTMP) (Document 5.3.3F) [APP-099]. This would only be achievable with a change to the current order limits. Furthermore, the works to implement this would likely require the removal of an existing hedgerow with potential for increased adverse biodiversity and aboricultural effects (as the existing hedgerow would hinder the ability to deliver such visibility to the left, for vehicles egressing onto the adjacent mainline carriageway, as a result of the horizontal alignment of the road at this location).</p>

Ref No.	Respondent:	Question:
Q14.0.6	The Applicant and North Yorkshire Council	<p>Traffic and transport workshop</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> <p>Applicant’s Response:</p> <p>A workshop on traffic and transport matters was held on 7 June 2023 and attended by North Yorkshire Council and National Grid. Meeting notes are provided in Appendix E. These meeting notes have been issued to and agreed by NYC.</p> <p>In summary, National Grid provided an overview of the scheme and DCO application. Traffic and transport matters were discussed including the requirements and associated powers of the DCO, such as notice periods for street works and temporary Traffic Regulation Orders (TRO), access design including in relation to NYC Highways design guidance, and HGV routing and mitigation measures. National Grid also provided assurance of the commitment for future proactive engagement between National Grid and NYC on highways matters including during detailed design.</p> <p>As a result of the 7 June 2023 workshop, it was agreed that only two transport matters remain outstanding: firstly, NYC requested further time to review the content of the CTMP and secondly relating to the acceptability of routing HGVs along Butts Lane, Lumby, with an action on National Grid to further consider an alternative haul route.</p> <p>The position of National Grid and NYC, relating to highways matters, will be re-iterated in the forthcoming updated Statement of Common Ground, which will supersede Document 8.5.2(B) [REP3-018] and will serve to clarify the current position between NYC and National Grid. It is the intention that there will be further discussion between NYC and National Grid in order to reach agreement on the final two outstanding highways points, prior to Deadline 6.</p>

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