

Jessica Powis  
The Planning Inspectorate

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Contact: Louise White  
Ref: PREAPP/23/00161

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28 July 2023

Dear Ms Powis,

**The Yorkshire Green Energy Enablement (Green) NSIP by National Grid Electricity Transmission PLC**

**Action Point 5 from ISH4.**

The Council provided comments to the applicant on its fourth draft s106 Agreement on 21.07.2023.

The Table shown below identifies the current position of our negotiations with the applicant.

Appendix A identifies the Council's fees as BNG Monitoring Body.

Kind regards

Louise White  
Team Leader for Minerals, Waste and Energy Planning.

<b>LCC comments on ds106</b>	<b>Applicants' response</b>	<b>LCC's response</b>
Definition of 'application' - to include all pre-determination amendments	We are able to accommodate this amendment	Thank you.
Definition of 'commencement' - to cite the relevant Schedule number.	We are able to accommodate this amendment	Thank you.
Definition of 'construction period' - to cite the location of 'temporary powers' within the Ddco.	'Construction period' is defined for the purpose of the S106, and does not need to be defined within the S106. As such, we don't propose accommodating this amendment	Accepted.
Definition of 'sites' – to cite that this relates to Schedule 1 of this agreement.	We are able to accommodate this amendment	Thank you.
Schedule 1- the cited NG owned site within Leeds does not present opportunities for BNG provision.	These sites have been included for the purpose of binding National Grid land for the purpose of securing the S106, and binding National Grid to its obligations under it. They have not been included for the purpose of delivering BNG within those sites. We consider that this is clear, however if you could propose any additional text suitable for the S106, we could consider this.	Accepted – no further amendment required.
V3.1 Biodiversity Metric – metric 4.0 should be used unless Natural England have stated otherwise.	This was discussed at the hearings, and we propose leaving this as V3.1 in line with Natural England guidance.	Agree on the basis of Natural England's written advice.
'Biodiversity offsetting scheme' – we would prefer a list of locations for BNG delivery. Knowing where and how many areas will require monitoring and reporting will be vital when establishing related costs.	As above, this point was discussed at hearings, specifically the fact that it's too early to provide this information and not necessary for the purpose of the S106.	Agree but we continue to ask that the locations for BNG delivery are identified as soon as possible please.
'BNG monitoring fee' - (additional word 'each' added) to say £5,000 payable to each BNG Monitoring Body to review each BNG Habitat Monitoring Report/s.	Can I clarify, are you proposing £5000 per report? We consider that disproportionate to the time taken to review these reports, and therefore don't propose making this change. £5000 per authority was the initial request, and this has been accommodated.	In the absence of information to identify the final number and type of Biodiversity Units to be delivered by the project, and where and how these would be spent, the wording of the draft legal agreement must account for all of LCC's BNG Monitoring Body sums, as identified below in Appendix A below. Please note that the sums for Scenarios 3 and 4 are > £5k.
Amendments to 'BNG monitoring body' text – to include the plural rather than singular in reference the scheme/s.	We are able to accommodate this amendment	Thank you.

Comment on 2.4 and 2.5 relating to reasonable timescales	We have already proposed 25 days here, so are unsure of your comment.	Clarification understood thank you.
2.9 - addition of text 'each' and 'first anniversary' to read 'Upon submission of <u>each</u> BNG Habitat Monitoring Report <u>at the first anniversary</u> of the biodiversity enhancements National Grid will pay the BNG Monitoring Fee to the relevant BNG Monitoring Body.	We are able to accommodate this amendment	Thank you.

## **Appendix A**

### **LCC's adopted Biodiversity Monitoring Body sums:**

	Scenario	Financial sums
1	Off-site delivered by developer or other private land (not a habitat bank)	BNG Monitoring & Reporting <u>one-off</u> sum of: Up to 10 Biodiversity Units = £2.5K Over 10 Biodiversity Units = £5K
2	Off-site delivered by private habitat bank	BNG Monitoring & Reporting <u>one-off</u> sum of: Up to 10 Biodiversity Units = £2.5K Over 10 Biodiversity Units = £5K
3	Off-site delivered by Council but not through sale of Biodiversity Units	BNG Monitoring & Reporting <u>one-off</u> sum of: Up to 10 Biodiversity Units = £2.5K Over 10 Biodiversity Units = £5K  And will need to include:  Bespoke off-site BNG Sum for implementing minimum 30 years BNG Management Plan and for BNG Habitat Monitoring.
4	Off-site delivered by Council through sale of Biodiversity Units	30-year BNG Management Plan sum and BNG Monitoring & Reporting Body sum of £5K per Biodiversity Unit  BNG Implementation and BNG Habitat Monitoring sum of £22.5K per Biodiversity Unit.