

YG-DCO-137

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

**Document 8.29.2 Applicant's Written Summary of Oral
Representations made at Issue Specific Hearing 4**

**Final Version A
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Version History

Document	Version	Status	Description / Changes
28/07/2023	A	Final	First Issue

1. About this document

1.1 Introduction

- 1.1.1 This document summarises the case put by the Applicant, National Grid Electricity Transmission plc (National Grid), at Issue Specific Hearing 4 on Wednesday 19th July 2023 for the Yorkshire Green Energy Enablement (GREEN) Project (referred to as the Project or Yorkshire GREEN throughout).
- 1.1.2 The virtual hearing opened at 10.00am on 19 July 2023 and closed at 4.32pm on 19 July 2023. The agenda for the hearing [EV-009] was published on the Planning Inspectorate's website on 5 July 2023.
- 1.1.3 In what follows, National Grid's submissions on the points raised broadly follow the items set out in the Examining Authority's agenda.

1.2 Attendees on behalf of the Applicant

- 1.2.1 Richard Turney, Counsel instructed by Womble Bond Dickinson (UK) LLP appeared on behalf of National Grid Electricity Transmission plc, the Applicant.
- 1.2.2 The following expert witnesses also made submissions throughout the hearing:
- Emer McDonnell, National Grid Electricity Transmission plc (Senior Project Manager);
 - Steve Fowler, National Grid Electricity Transmission plc (Engineering);
 - Bethany Kington, National Grid Electricity Transmission plc (Consents Officer);
 - Elizabeth Tones, Womble Bond Dickinson (UK) LLP (Legal);
 - Neil Furber, Landscape Consultant (Landscape and Visual);
 - Andy Wakefield, ACOM (Arboriculture);
 - Jo Mosley, WSP (Biodiversity);
 - Ben Warren, WSP (Climate Change);
 - Chris Appleton, WSP (Traffic and Transport);
 - Stephen Anderton, WSP (Hydrology and Flood risk);
 - Giles Hine, WSP (Noise and vibration).

2. The Applicant's Summary of Case on Item: Matters arising from CAH2

2.1 Item Matters arising from CAH2

Table 2.1 – Item Matters arising from CAH2

Issued Discussed	Summary of oral case
i. Change Application	
<p>The ExA confirmed they have accepted the change application submitted by the Applicant.</p> <p>The ExA asked if the dDCO will only include updates from the change application.</p>	<p>National Grid confirmed that an updated version of the draft DCO would be submitted at Deadline 6 containing the changes required as a result of the change application. National Grid explained that the draft DCO submitted at Deadline 6 would also include any updates as a result of discussions at ISH4 or to reflect further negotiations in respect of Protective Provisions. The ExA welcomed the submission of an updated draft DCO at Deadline 6.</p>

3. The Applicant's Summary of Case on Item 3a: Landscape and Visual

3.1 Item 3.a. Landscape and Visual

Table 3.1 – Item 3.a. Landscape and Visual

Issued Discussed	Summary of oral case
i. Replacement/reinstatement planting	
The ExA noted ES addendum and errata: general update	<p>The ExA noted Document 5.2.22 Environmental Statement Addendum [REP5-014] and Document 5.2.19 (c) Environmental Statement Consolidated Errata [REP5-012] submitted by the Applicant.</p> <p>The ExA noted National Grid's response at Table 2.4 of [REP5-082] to Leeds City Council's comments in relation to clarification of certain terminology. The ExA asked where the definitions would be included within the application documentation. National Grid confirmed that certain definitions would be added to the Glossary (Document 1.4) [APP-004] of the DCO</p>
'Reinstatement' and 'Replacement'	<p>National Grid explained its approach for use of the different terms 'replacement' and 'reinstatement' which are used interchangeably within the Environmental Statement (ES) and Management Plans. Generally, the term 'reinstatement' is used to cover the restoration of hedgerows and trees in-situ to replicate the baseline. Replacement planting can include reinstatement planting but also covers the planting of new hedgerows and trees to compensate removals that may not be in the same location e.g. due to infrastructure easements and may be to a different specification e.g. not replanting ash due to disease susceptibility. Consequently, the term 'replacement' is used in requirement 10 of the draft DCO. Replacement planting may also improve the baseline e.g. where more suitable and/or diverse species are planted and on maturity may represent an enhancement relative to the baseline. The terms in the ES including the certified plans are used interchangeably as explained in the Glossary to be submitted at deadline 6 (Document 1.4(B)).</p>

Issued Discussed	Summary of oral case
	<p>The ExA asked Leeds City Council (LCC) if it was content with the definitions. LCC noted that use of different terms in the documents was slightly confusing and could be simplified, but confirmed that the intention was sufficiently clear and it was content if others were also content. North Yorkshire Council confirmed it had no comments.</p>
<p>ii. Mitigation: outstanding issues, including construction compounds;</p>	
<p>SoCG between National Grid and North Yorkshire Council an outstanding item</p>	<p>The ExA queried whether the revised Overton Substation outline landscape mitigation strategy to be submitted at Deadline 6 would address North Yorkshire Council's concerns on lessening the divide between the woodland edge and woodland trees, to increase the screening along Overton Road as part of NCN65 and the Jorvic Way.</p> <p>National Grid explained that on reflection no amendment to the outline landscape mitigation strategy would be required and that NYC's concerns could be addressed through approval of the relevant requirements in the draft DCO including the landscape strategy detailed in Requirement 8. National Grid do not consider that additional planting beyond that already proposed is necessary. Instead, existing hedgerows and planting already proposed would be allowed to grow to a taller height, and this could be achieved under the existing outline landscape mitigation strategy. This approach to management would also result in lessening the rigidity of the boundary.</p> <p>In response to the ExA, North Yorkshire Council confirmed National Grid's proposal was acceptable in this regard and it would be content if this was a matter that was dealt with through the landscape strategy. However, North Yorkshire Council still had concern in relation to mitigation of linear routes for long distance receptors, particularly along the NCN65 and the Jorvic Way.</p> <p>In response, National Grid summarised its response to the ISH3 action points [REP5-081]. National Grid explained that significant effects experienced by public rights of way users, including the Jorvic Way, during the construction phase have been mitigated to some extent by not locating a construction compound within the River corridor and no further planting is necessary. National Grid acknowledged that, inevitably, there would be visual clutter from the temporary pylons and overhead line works, but considered that there were limited options to mitigate this. National Grid considered that reasonable mitigation had been undertaken for construction effects. For operational effects, inevitably, there would be significant effects where people would walk close to and underneath a new overhead line. However, it should be recognised that part of the overhead line was being decommissioned, and that the overall visual effect should be considered from the</p>

Issued Discussed	Summary of oral case
	<p>experience of a person walking the whole section of the Jorvic Way alongside the river, where there was no opportunity to divert from this. Therefore, because one crossing is effectively being replaced by another, and albeit the pylons would be slightly taller in height, the impact is considered neutral relative to the baseline situation. In terms of reasonable mitigation, National Grid do not believe it is an appropriate option to try to restrict views in this location with new planting . This planting would spoil the amenity of receptors looking at the river views and across open farmland.</p> <p>North Yorkshire Council (NYC) accepted National Grid's position on the Jorvic Way along the river, but had concerns in relation to the NCN65 as it routes its way around the substation. NYC consider it to be preferable to provide mitigation closer to the receptor, providing this is in keeping with local character. NYC acknowledged that this would mean planting on third party land, outside of the Order Limits. NYC confirmed that it had not identified any specific locations for planting, but considered there may be opportunities for planting as part of the 'White Rose Community Forest' ' initiative which is being undertaken in the local area.</p> <p>National Grid explained that engagement had previously taken place with the White Rose Forest but no specific opportunities had been identified at that time. White Rose Forest had described to National Grid its difficulty in identifying suitable sites for tree planting due to the large amount of best and most versatile agricultural land in the area and competing infrastructure projects seeking similar mitigation sites. Therefore, as it stands, National Grid do not have a high degree of confidence that additional planting could be delivered. National Grid reiterated that where a public footpath passed underneath an overhead line, inevitably there would be significant effects and planting that could be included to screen open views could be out of character with the local landscape.</p> <p>National Grid referred to viewpoint (A) on Document 8.15 Additional Photomontages [REP2-045] to illustrate this point. In order to mitigate or screen views of the new pylons from this location, it would be necessary to plant tall hedgerows alongside the footpath route on agricultural land to create a double hedgerow. National Grid do not consider this would be reasonable mitigation given the public right of way also crosses underneath the overhead line at other points.</p> <p>NYC acknowledged National Grid's comments regarding constraints for additional planting. NYC understood that the White Rose Forest was undertaking mapping for planting, and therefore opportunities may have been identified since National Grid's previous conversations with the White Rose Forest.</p>

Issued Discussed	Summary of oral case
	<p>The ExA asked if planting in the White Rose Forest area could assist with mitigating some adverse effects of the Project. National Grid confirmed that the context of the previous conversations with the White Rose Forest related to the provision of Biodiversity Net Gain, albeit any planting would have a multi-purpose function. Since those discussions, the outline landscape design had been developed and, in terms of tree cover, there will be more trees replaced than removed, and almost double the amount of trees once the outline landscape mitigation strategy is taken into account. This is recorded in the Landscape and Visual Impact Assessment chapter of the Environmental Statement [APP-110]. National Grid consider that this would contribute to and meet the objectives of the White Rose Forest initiative given planting is proposed in the same geographical area. Public access is not the priority or design objective for planting around the sub-stations. National Grid's proposals focus on mitigation of the Project and in development of the design, the point has been reached where sufficient replacement tree planting will be provided. As a post-meeting action National Grid have recontacted the White Rose Community Forest to clarify if any opportunities for tree planting close to the Project have arisen, since the last contact was made in the Spring of 2022 (NYC were copied into this correspondence).</p> <p>National Grid confirmed its commitment to delivering BNG as would be secure in the Section 106 Agreement. Whether that comes forward by way of tree planting or other measures is not clear at this point. However, National Grid are not proposing to make specific tree based contributions in the Section 106 Agreement. Subject to any requirement for off-site planting which would be delivered under the Section 106 obligation to provide BNG, National Grid do not consider there is any policy basis for requiring offsite planting. National Grid confirmed that planting through the White Rose Community Forest initiative was not out of the question, but noted that BNG might be delivered through measures other than tree planting if, indeed, off-site planting was required following BNG calculations.</p>
Construction Compounds	<p>The ExA urged National Grid to reconsider whether it would be appropriate to include fast growing planting as screening along the northern boundary of the western compound on Rawfield Lane, within Work No.19, to address views from Butts Lane and the A63. National Grid agreed to consider this further.</p>

Issued Discussed	Summary of oral case
iii. Management and Maintenance	
Mitigation replacement	<p>The ExA invited National Grid to clarify its response to the ExA's second written questions [REP5-083] at 11.3.1 in relation to the purpose of replacement planting. The ExA considered that the statement that replacement planting is intended to replace what is removed to maintain the existing baseline did not align with the design intentions in the Arboricultural Impact Assessment (Document 5.3.3I(b) Parts 1-3) [REP4-010 to REP4-012] which refer to longer term enhancement, the Design Approach to Site Specific Infrastructure (Document 8.18 (B)) [REP5-077] which refers to strengthening landscape character and the ExA's first written questions [REP2-038] which refer to meeting green infrastructure policies.</p> <p>National Grid confirmed that the reinforcement of hedgerows was included in the strategy to increase the multi-layered screening of views. The term replacement had been used to better explain the potential reality of not being able to replant in the exact same location, for example due to operational requirements, or of an exact same species or quantum. Reinstatement could be interpreted to replace exactly what was removed in the exact same location, which is not what is proposed. The term replacement is considered to better allow for flexibility as outlined in the Code of Construction Practice (Document 5.3.3B(B)) [REP2-020]. National Grid confirmed that the revised wording of Requirement 8 acknowledges replacement planting at both linear and non-linear works and this replacement planting has the potential to be considered improvement, relative to the baseline.</p> <p>National Grid explained the use of the word enhancement in the Arboricultural Impact Assessment (Document 5.3.3I(b) Parts 1-3) [REP4-010 to REP4-012] could include replacement with different species for example, to increase the diversity and resilience of the replacement planting, and not just provide a like for like replacement.</p>
The ExA asked the local authorities for any comments.	No comments were made.
iv. Any outstanding matters	
	None.

4. The Applicant's Summary of Case on Item 3b: Biodiversity effects

4.1 Item 3.a. Biodiversity effects

Table 4.1 – Item 3.a. Biodiversity effects

Issued Discussed	Summary of oral case
i. Potential effects of bird strike in river corridors	
	<p>National Grid confirmed comments would be provided on Yorkshire Wildlife Trust's responses to the ExA's second written questions [AS-023] submitted on 19 July 2023 at Deadline 6.</p> <p>National Grid explained that its ornithological expert was in attendance and able to answer any questions from the ExA. The ExA confirmed it had no further questions for National Grid at this stage. The ExA confirmed they did have a question for Natural England in relation to HRA matters, but that this could be dealt with as an Action Point. The ExA confirmed the potential effects of bird strike will be dealt with in the ExA's Report on the Implications for European Sites to be issued in due course. This would give all parties an opportunity to comment at Deadline 7.</p>
Updates made to ES addendum	<p>National Grid explained the ES Addendum [REP5-014] included reference to the completed important hedgerows surveys for which National Grid had since secured access. This updated the assessment for two hedgerows which, from the desktop assessment, were considered potentially important but following subsequent surveys had been confirmed as not important. The figure had been updated to reflect this. National Grid also confirmed that a new hedgerow which had previously been omitted in error, HE-106 at Monk Fryston, had been included as important in cultural heritage terms and the figure updated accordingly.</p>
ii. Biodiversity Net Gain	

Issued Discussed	Summary of oral case
Summary of current position in relation to securing BNG	National Grid confirmed comments had been received from all Local Authorities on the latest version of the draft Section 106 Agreement. National Grid has responded to these and asked for the Local Authorities to provide their final comments in advance of Deadline 6 to enable National Grid to provide an update to the ExA at Deadline 6. National Grid consider the remaining points to resolve are minor in nature and that agreement will be reached between the parties by Deadline 7. National Grid understand that Natural England are content with the Section 106 Agreement, as are the Environment Agency provided it is agreed by the Local Authorities.
BNG report refers to Biodiversity metric 3.1 – does this need to be updated to metric 4.0.	National Grid confirmed that Natural England's guidance indicates that the metric used for the original BNG assessment should be applied throughout the life of the development. This was appropriate given the metric may change again. Therefore, National Grid intended to retain metric 3.1 unless legislation requires otherwise. National Grid agreed to provide details of the guidance which confirmed this to the ExA.
Any changes to BNG report as per change application.	National Grid confirmed the change application would not necessitate any update to the Biodiversity Net Gain Report [APP-210] given the very minor changes in affected habitat and that the Metric calculations are due to be updated post-consent based on detailed design.
Mechanism for securing BNG measures	National Grid confirmed that one of the reasons for securing BNG by a Section 106 Agreement and not a requirement of the DCO was that BNG may need to be delivered outside of the Order Limits. A Section 106 Agreement was also considered appropriate given that the precise details of what will be delivered is to be determined following progression of the design and further use of metric. A Section 106 Agreement allows for a mechanism to be put in place to ensure that this can be provided at a later stage.
North Yorkshire Council Update	North Yorkshire Council explained it is not far away from reaching agreement on the draft Section 106 Agreement. There is a question about the monitoring fee, and how that would work in practice, but they have no other comments.
Leeds City Council Update	<p>Leeds City Council (LCC) explained that it had been considering its scheme of delegation for NSIPs. LCC was satisfied that the Chief Planning Officer has delegated authority in relation to NSIPs, and that the authority could be further delegated to LCC planning officers. As such, LCC considered that there should not be any delay in completing the Section 106 Agreement once in an agreed form. LCC caveated that internal clarification is being sought that this also applies to highway officers in relation to the discharge of relevant requirements or the provision of consents and approvals under articles of the DCO.</p> <p>LCC confirmed that it wishes to secure that a proportion of the committed BNG is delivered in the Leeds area and has recommended that National Grid scope out how this could be achieved. The Bramham</p>

Issued Discussed	Summary of oral case
	<p>Neighbourhood Plan identifies an area in which BNG could be delivered. Bramham is a neighbouring village to the Project and LCC considered this would offer benefits to the local community.</p> <p>National Grid explained that it is not necessary to undertake a scoping exercise prior to signing the Section 106 Agreement. National Grid aims to deliver BNG onsite, and will then move through the hierarchy to biodiversity credits as set out in the process under the draft Section 106 Agreement. Delivering BNG at Bramham would fall in the third tier of BNG delivery. National Grid explained it is willing to engage further with LCC in relation to this issue, but it is not a matter that needs to be resolved during the examination because that would pre-empt a process which would deliberately be undertaken post consent.</p> <p>National Grid explained provision is included in the Section 106 Agreement for BNG to be delivered proportionately across the local authority areas where possible. The offsetting scheme would be submitted for approval by the local authorities and so there is scope for further discussion at that stage.</p> <p>National Grid confirmed it is still the intention that a signed and completed Section 106 Agreement will be submitted at Deadline 7. LCC confirmed that there should be no impediment to achieving this deadline.</p>

Issued Discussed	Summary of oral case
iii. Effects of any changes on trees, hedgerows and protected species.	
Report on proposed changes and correspondence with Natural England.	National Grid confirmed that no comment had been received from Natural England in relation to the proposed changes to the application.
Change 1	<p>The ExA confirmed Document 9.1 Change Application: Report on Proposed Changes [REP5-091] identifies no change in effects on biodiversity receptors.</p> <p>No comments were raised.</p>
Change 2	<p>The ExA confirmed Document 9.1 Change Application: Report on Proposed Changes [REP5-091] identifies some changes to the assessment previously reported as a result of Change 2, but no change to the conclusions of the ES in terms of likely significant effects.</p> <p>No comments were raised.</p>
Change 3	<p>The ExA explained that Document 9.1 Change Application: Report on Proposed Changes [REP5-091] identifies a small net increase in permanent hedgerow loss, but that this would not change the conclusions of the ES. The ExA queried, if passing places are to be provided, whether there would be further hedgerow removal to those shown on the Trees and Hedgerows Potentially Affected Plan [APP-050 to APP-055 and REP4-004 in respect of Section C].</p> <p>National Grid explained the trees and hedgerows which would be affected are identified as 'potentially affected' on the relevant plan. Whether there would be tree and hedgerow removal would depend on the particular location of the passing places. National Grid confirmed the location of the passing places would be confirmed during detailed design.</p> <p>No other comments were raised.</p> <p>The ExA noted that Document 9.1 Change Application: Report on Proposed Changes [REP5-091] states that there were no trees suitable for bat roosting within the hedgerow which would be affected. The ExA asked</p>

Issued Discussed	Summary of oral case
	<p>whether the applicant had considered any potential effects on foraging or commuting as a result of the change.</p> <p>National Grid confirmed that this had been considered and the conclusion on effects for bats would be unchanged.</p>

5. The Applicant's Summary of Case on Item 3c: Traffic and transport effects

5.1 Item 3.c. Traffic and transport effects

Table 5.1 – Item 3.c. Traffic and transport effects

Issued Discussed	Summary of oral case
i. Update on the transport workshop held in June 2023 and the status of agreement with the Councils.	
	<p>National Grid confirmed a productive workshop took place on 7 June 2023, where a number of points were discussed and agreed between the parties. North Yorkshire Council (NYC) agreed historical engagement had taken place with regards to speed survey. There was full agreement on the work conducted to date and on the outcomes and conclusion within the Traffic and Transport chapter of the ES. Future engagement, prior to undertaking temporary street works required as part of the Project, was discussed. The parties were content that an appropriate strategy could be agreed.</p> <p>Engagement on the detailed design of access points was discussed. There was a general consensus on this. The HGV routing arrangements within the Document 5.3.3F(B) Construction Traffic Management Plan [REP5-018] were discussed, specifically in relation to North Yorkshire Council's concern in relation to the A19. National Grid had explained that HGVs are not proposed to be routed through East Lane and so it was agreed that there was no requirement to revise any parameters at that junction.</p> <p>The junction at Rawfield Lane and the A63, and the potential need to reduce the speed limit was discussed at the workshop. National Grid explained the historical discussions with NYC, the previous accident records that had been logged and National Grid's view on the general necessity and appropriateness of a speed reduction. Both parties agreed that a speed reduction was not appropriate. Instead, both parties agreed the more appropriate solution is that proposed in the application of a left in left out arrangement.</p>

Issued Discussed	Summary of oral case
	<p>HGV routing along Overton Road and the Station Lane junction was discussed. NYC is in full agreement with National Grid that the visibility offered at these junctions is appropriate and should not cause highway safety concerns due to the horizontal alignment constraints which typically reduces traffic speeds to around 25mph.</p> <p>National Grid explained that there are only two outstanding points remaining. NYC had requested more time to review Document 5.3.3F(B) Construction Traffic Management Plan [REP5-018]. Subsequently, NYC has raised questions on the routing strategy, and sought clarification that National Grid has fully considered the impact of using ALLs..</p> <p>The second outstanding point related to HGV routing and the expected use of Butts Lane through Lumby. NYC requested National Grid to consider an alternative to this route. National Grid have done so, and have proposed a schematic which would allow them to avoid the use of Butts Lane for HGV movements only should this be agreed with the landowner and a signed option agreement in place. This requires the use of land outside of the Order Limits and National Grid are currently discussing this with the relevant landowner to see whether agreement can be reached to facilitate this. National Grid confirmed these matters had been reflected in the Statement of Common Ground (SoCG) with NYC submitted at Deadline 5 [REP5-031].</p> <p>National Grid confirmed it had responded in full regarding NYC's concerns relating to dis-application of the New Roads and Street Works Act provisions, and this response had also been submitted as part of the SoCG [REP5-031]. NYC have since confirmed it is content with these matters and National Grid believes there are no outstanding matters to resolve in relation to traffic and transport matters, and the articles of the draft DCO.</p> <p>National Grid confirmed it was committed to facilitating monthly meetings with transport officers. No details for these meetings had been agreed, National Grid had intended to hold separate meetings with each authority but was content to meet with all local authorities together if this was the preferred approach.</p>
NYC Update on workshop	<p>North Yorkshire Council agreed with National Grid's summary. A formal response will be provided on the outstanding matter in relation to Document 5.3.3F(B) Construction Traffic Management Plan [REP5-018]. NYC confirmed that the routeing of HGV traffic through Lumby remained an outstanding issue.</p>
Routeing of HGV traffic through Lumby	<p>North Yorkshire Council confirmed it would explain its concerns in relation to the routeing of HGV traffic through Lumby and any appropriate mitigation measures, should it not be possible to avoid routeing HGVs through Lumby, at Deadline 6. Generally, given that Lumby was a small village, it was not considered</p>

Issued Discussed	Summary of oral case
	<p>appropriate to route HGV traffic through Lumby. Restricting HGVs during certain times may help to address concerns.</p> <p>National Grid confirmed that 52 HGV movements were proposed to be routed through Lumby per week for a duration of 4 weeks, which equated to a maximum of 4 HGVs per day (and 8 HGV movements). National Grid explained there are measures that could be proposed to overcome local residents concerns in principle (e.g. use of a banksman), these had been discussed at previous hearings. For example, National Grid and its contractors could manage the arrival and departures of trips and traffic movements through its delivery management system.</p> <p>National Grid confirmed the alternative routeing proposal would utilise AP7 and an existing access track. The proposal would be the continuation of the existing access track, through a field gateway to connect into an access track proposed as part of the Project. Track matting would be used and there would be no requirement for additional vegetation removal. No formal change request would be submitted if the alternative was taken forward and the Land Plans would not be changed. As an existing access track and field gateway would be used, no development is proposed and its use would be subject to reaching a private agreement with the relevant landowner. If agreement could be reached, a commitment would be added to Document 5.3.3F(B) Construction Traffic Management Plan [REP5-018] restricting the use of AP8 by HGVs, however, this is dependant on a signed option agreement being in place with the landowner.</p> <p>National Grid confirmed AP8 would be retained and still used for LGV movements and as a maintenance access during operation, which would typically involve yearly maintenance with minimal use.</p> <p>National Grid emphasised that in progressing this alternative it is trying to accommodate a local concern, but National Grid's position is that the use of the road through Lumby and AP8 is acceptable and satisfactory given the low levels of HGVs required for the Project.</p>
<p>ii. Highway safety in respect of the Strategic Road Network</p>	
	<p>No comments.</p>
<p>iii. Traffic and transport effects of any changes.</p>	

Issued Discussed	Summary of oral case
<p>Any effects from changes in change application. In particular any potential traffic impacts due to removing the access past Skelton Springs and replacing that.</p>	<p>National Grid briefly explained the traffic impacts of the proposed changes to the application:</p> <ul style="list-style-type: none"> • Change 1 would have no traffic or transport impacts. • Change 2 relates to AP93, located on the A19, which provides a direct route to SP005. In response to concerns previously raised, National Grid gave consideration to the use of an alternative track between SP004 and SP005 which would require the crossing of Hurns Gutter. Change 2 would result in the majority of construction traffic being re-routed further north up to AP89 which is the proposed access to Overton substation and then to SP005. AP93 would be retained for the construction of the temporary bridge over Hurns Gutter and as an operational access. The re-routeing of the traffic would not change the significant effects reported for traffic and transport in the ES. • Change 3 would create a new access point, so would result in some change to the assessment but would have no change to the conclusions on significance. <p>In response to the ExA, National Grid confirmed that there would be 6 two way HGV trips to construct the temporary bridge over Hurns Gutter and 6 two way HGV trips when the temporary bridge is removed. In addition, Change 2 would not affect the overall number of HGV movements, but these would come from the north rather than the east.</p>
<p>NYC comments on impact</p>	<p>North Yorkshire Council (NYC) confirmed it has no comments on Change 1 or Change 2, where it is agreed that there is no change to impacts or the change is considered to be beneficial. NYC will confirm any comments on Change 3 at Deadline 6, but don't expect to have any comments on this.</p>
<p>LCC comments on impact</p>	<p>No comments were made.</p>
<p>iv. Any outstanding matters.</p>	
	<p>None raised.</p>

6. The Applicant's Summary of Case on Item 3d: Hydrology and flood risk effects

6.1 Item 3.d. Hydrology and flood risk effects

Table 6.1 – Item 3.d. Hydrology and flood risk effects

Issued Discussed	Summary of oral case
i. Proposed crossing of Hurns Gutter (if applied for), including updated Flood Risk Assessment expected at Deadline 5.	
	National Grid confirmed it is confident that a final design for Hurns Gutter could be submitted to Kyle and Upper Ouse IDB post-consent that would be acceptable to the IDB. National Grid have been provided with the standard conditions for the IDBs Land Drainage Consents and believe its requirements can be met.
SoCG with Ainsty REP5-051 outstanding matters relating to minimum statutory clearances	National Grid confirmed there have been further discussions and further detail has been shared regarding minimum overhead line clearance heights above the top of bank of Ainsty IDB-maintained watercourses. AIDB is requesting a minimum 10.5 metre (m) clearance between top of bank of their maintained watercourses and any overhead line. This exceeds the statutory minimum clearance that National Grid is working to of 7m for 275kV overhead lines. For existing crossings of Ainsty IDB-maintained watercourses where reconductoring is taking place, existing clearances are improved upon in all cases, and, in all but one location, the 10.5m clearance required by AIDB’s internal guidance is met. For two new crossing locations, the 10.5m requirement from AIDB’s internal guidance is met. National Grid have designed the Project to meet statutory clearances, whereas the clearances required by Ainsty IDB are significantly greater. If these clearances were to be met in all cases, this would mean that pylon heights would have to be increased. National Grid's position is that by designing to statutory clearances, all safety requirements would be met and this would not prevent the IDB from undertaking any maintenance works. National Grid confirmed that whilst this was a point of disagreement, discussions with Ainsty IDB were ongoing. National Grid confirmed it would submit a copy of the statutory clearances at Deadline 6.
Canal and River Trust	The Canal and River Trust (CRT) explained that following previous meetings, numerous discussions have been held with National Grid, and CRT are now generally satisfied and content with the latest position.

Issued Discussed	Summary of oral case
ii. Flood Risk Activity Permits.	
	<p>National Grid confirmed that all matters relating to the scope of Flood Risk Activity Permits for the Project have been agreed with the Environment Agency.</p> <p>National Grid confirmed the existing infrastructure diversion works that cross Cock Beck may require a FRAP, but this is contingent on the final design to be produced by the Distribution Network Operator.. National Grid also confirmed that there may be a requirement for a FRAP for temporary protection scaffolding at the River Ouse and the River Wharfe during construction. Any applications for FRAPs would be sought post consent, outside of the DCO process.</p>

7. The Applicant's Summary of Case on Item 3e: Noise effects

7.1 Item 3.e. Noise effects

Table 7.1 – Item 3.e. Noise effects

Issued Discussed	Summary of oral case
i. Construction noise assessment methodology.	
	North Yorkshire Council (NYC) explained that it would confirm whether there was agreement on the noise methodology at Deadline 6. National Grid explained that it understood NYC did agree with the methodology and that the SoCG [REP5-031] does not reflect the latest position in this respect.
ii. Operational noise assessment methodology.	
The ExA noted that in the latest SoCG it is stated NYC do not agree with the operational noise assessment, however it is stated in [REP5-117] that NYC agree with the conclusions drawn. The ExA asked NYC if National Grid could provide anything to assist with NYC's residual concerns.	<p>North Yorkshire Council (NYC) confirmed that it does not agree with the operational noise methodology, and explained that other than changing the approach taken by National Grid, there is nothing which would assist with its concerns. However, NYC does agree that irrespective of the approach taken, the same outcome would be reached, so this is agreed. NYC will confirm at Deadline 6 whether anything else can be done to satisfy its concerns.</p> <p>National Grid noted that a screening exercise had been undertaken. Should an assessment have been required, this would have been undertaken in the manner requested by NYC. The outcome is negligible and therefore it was not necessary to undertake a full assessment. National Grid had previously explained why a screening approach had been adopted due to the sheer length of the areas involved and the large numbers of receptors which would need to be assessed. National Grid's methodology was aligned with the BS4142 methodology preferred by NYC. The screening has been undertaken in line with many other assessments that have previously been undertaken, but using an updated version, and National Grid consider this approach is appropriate.</p>

Issued Discussed	Summary of oral case
iii. Construction working hours.	
Sunday and bank holiday working.	<p>North Yorkshire Council (NYC) confirmed it has both an objection in principle to working hours and concerns over specific operations at specific locations. It explained it is NYC's position that there should be no Sunday and bank holiday working but also consider this would be harmful in certain locations. There is a particular concern at Monk Fryston substation and a reduction in hours on these days would not address NYC's concerns. NYC is considering whether the matters in dispute with National Grid on this point can be narrowed and will confirm the position at Deadline 6.</p> <p>National Grid understands there is no written policy which restricts working hours in the way described by NYC, but this is simply the general approach that NYC has adopted to date.</p> <p>The ExA questioned whether National Grid would agree to a restriction for alternative weekend working as included in the Richborough and Hinkley DCOs.</p> <p>National Grid explained the need to deliver the Project as a matter of urgency and for this reason National Grid do not want time constraints on the construction of the Project that cannot be justified. The restriction NYC has sought would be unjustified. NYC has not provided any clear justification for such a restriction. In contrast, National Grid have demonstrated that the effects of construction noise would be acceptable in planning terms. Richborough and Hinkley are comparable projects but there is a particular urgency for this Project. Yorkshire GREEN needs to be in operation by 2027. National Grid agreed to confirm at Deadline 6 the implications on the overall programme of construction if a restriction for alternate weekend working was imposed. The ExA suggested that a delay of a number of months to the decision by the Secretary of State was not shown to have an impact which implied a degree of flexibility in the construction programme however National Grid later clarified that this was not the case. The ExA requested that the final position statement include the implications for the construction programme of no Sunday working, Sunday working, and alternate Sunday working.</p> <p>National Grid explained there is one further outstanding issue on the matter of working hours. The draft DCO contains a restriction on piling hours on Saturdays. The proposed working hours are 9am to 2pm. However, British Standard 5228 Part 1 Annex E gives typical working times and for Saturdays the standard daytime working hours are between 8am and 1pm. National Grid consider the starting piling operations at 9am instead of 8am will be preferable for residents amenity in the vicinity, but this would mean piling could continue until 2pm. National Grid have sought agreement from the local authorities that the standard working hours are</p>

Issued Discussed	Summary of oral case
	<p>relaxed. However, if this is not agreed the piling hours during Saturdays in the draft DCO could revert to 8am to 1pm, which National Grid believe would be a worse outcome for receptors.</p> <p>The ExA asked NYC to consider this and comment on both scenarios at Deadline 6. National Grid agreed to send a written summary of this to NYC.</p>

8. The Applicant's Summary of Case on Item 3f: Socio-economic effects

8.1 Item 3.f. Socio-economic effects

Table 8.1 – Item 3.f. Socio-economic effects

Issued Discussed	Summary of oral case
i. Potential effects on farming businesses and operations.	
	The ExA confirmed that there were no further questions on this matter, as the issue had been fully covered at the CAH on the previous day.

9. The Applicant's Summary of Case on Item 3g: Climate change

9.1 Item 3.g. Climate change

Table 9.1 – Item 3.g. Climate change

Issued Discussed	Summary of oral case
i. Embodied Greenhouse Gas emissions and circular economy principles during construction.	
What would happen to pylons that would be dismantled.	National Grid explained that dismantled pylons would not be re-used as part of the Project. The existing pylons have been in situ for a number of years and will be specific sizes which would not lend them to re-use. They would be removed and taken to a recycling centre or waste facility. National Grid noted that requirement 6 includes reference to a Site Waste Management Plan in this respect.
Ensuring relevant parts of infrastructure has adequate security measures	National Grid explained that design principles take into account safety and security matters and the Project is designed to be SQSS compliant. National Grid can explain this in more detail in writing but matters such as how a substation would accommodate the loss of a circuit are considered. National Grid confirmed this is fundamental to the design approach and the way solutions are delivered. National Grid confirmed that each site is also secured, for example, to prevent unauthorised access by the use of certain specified fencing and CCTV, which are all subject to strict standards. National Grid emphasised the broader context of the Project, and its purpose to support energy security.
ii. Carbon measuring and reporting.	
	National Grid explained its approach to carbon measuring and reporting. In the initial stage, when a design is developed, there is an assessment of its carbon footprint. This is submitted as the baseline for the tender stage. The contractor is tasked with improving this assessment through a focus on sustainability using a carbon interface tool. The design is inputted into the carbon interface tool so it is measured and reported throughout delivery. This is reviewed on a quarterly basis with sustainability workshops held to capture changes in carbon. On completion of construction, the final carbon calculation is completed. National Grid

Issued Discussed	Summary of oral case
	agreed to include more detail on this in the Code of Construction Practice (Document 5.3.3B(B)) at Deadline 6.

10. The Applicant's Summary of Case on Item 3h: Construction effects on the Travellers' Site between the A1(M) and A63

10.1 Item 3.h. Construction effects on the Travellers' Site

Table 10.1 – Item 3.h. Construction effects on the Travellers' Site

Issued Discussed	Summary of oral case
i. Adequacy of construction stage mitigation scheme for occupiers of the Travellers' Site between the A1(M) and A63.	
	The ExA noted Mr Carruthers was not present and had no further questions for National Grid or the other parties in attendance.

11. The Applicant's Summary of Case on Item 3i: Any other environmental matters

11.1 Item 3.i. Any other environmental matters

Table 11.1 – Item 3.i. Any other environmental matters

Issued Discussed	Summary of oral case
i. Cultural/heritage matters	
	The ExA are content that they have received Historic England's formal position on heritage matters.
Green Belt	The ExA noted National Grid and the Local Authorities' commitment in the SoCGs to submit a final position statement on Green Belt matters at Deadline 7.

12. The Applicant's Summary of Case on Item 4a: Updates to the dDCO

12.1 Item 4.a. Updates to the dDCO

Table 12.1 – Item 4.a. Updates to the dDCO

Issued Discussed	Summary of oral case
i.	The Applicant will be invited to make any preliminary comments regarding the revisions made to the dDCO and Explanatory Memorandum [REP5-007] at Deadline 5 (Version D) and to highlight any notable amendments
	National Grid explained in brief the updates to the draft DCO, which dealt with a number of issues already discussed in the examination. For example, certification of the Environmental Statement and amendments to the landscape requirements. There were few substantive changes to the main body of Articles. There has been an update of the protective provisions and some new or amended requirements.

13. The Applicant's Summary of Case on Item 4b: Articles of the dDCO

13.1 Item 4.b. Articles of the dDCO

Table 13.1 – Item 4.b. Articles of the dDCO

Issued Discussed	Summary of oral case
i. Matters that have been updated in Version D of the dDCO (expected at Deadline 5);	
	National Grid confirmed a table will be produced for Deadline 6 which lists each DCO provision that is not agreed, set out the relevant party's objection to it, and National Grid's response to this.
Article 2	The ExA confirmed it was grateful for the change to reflect that the Environmental Statement would be certified. The ExA noted the change to the temporary construction works definition which reflected National Grid's commentary in response to the ISH3 action points [REP5-081].
Article 5	National Grid confirmed text had been included in the Explanatory Memorandum (Document 3.2D) [REP5-007] to clarify limits of deviation for pylons being reconducted.
Article 11	<p>The ExA noted the minor amendments regarding timescales for determining approvals.</p> <p>National Highways acknowledged the amendments made to the draft DCO, but this did not address National Highways' concern regarding deemed consent. National Grid had included some protective provisions for National Highways, but these did not address all of National Highways' concerns and its objection still stands. National Highways confirmed that a meeting had been proposed to try and reach agreement on the outstanding matters.</p> <p>National Grid responded that this is a matter to be addressed through protective provisions and not through amendments to the articles or Schedule 1 of the draft DCO.</p>

Issued Discussed	Summary of oral case
Article 12	The ExA noted the point of disagreement with National Highways remained.
Article 13	North Yorkshire Council (NYC) confirmed its objection to this article was withdrawn. The ExA noted the change regarding notices.
Article 16	The ExA noted the addition at paragraph (3) in relation to notices.
Article 19	<p>National Grid confirmed the addition of paragraphs (11) and (12) which had replaced the previous provisions for disapplication of the IDB byelaws. In principle, these paragraphs are agreed with all internal drainage boards, save that paragraph 12 is not agreed with Ainsty IDB. National Grid explained that Ainsty IDB's concerns relate to the minimum statutory clearances which the overhead lines will achieve over watercourses. National Grid confirmed it is committed to further discussion with Ainsty IDB to seek to reach agreement. National Grid are providing statutory design clearances, and most works are reconductoring or replacement with increased clearances compared to existing. National Grid explained that there is further dialogue to be had in terms of reconciling National Grid's standards with Ainsty IDB's internal safety guidelines. The ExA requested that Ainsty IDB respond on Article 19 by Deadline 6.</p> <p>National Highways confirmed this is unlikely to remain controversial. There is some ambiguity in the drafting, but if protective provisions can be agreed, National Highways' concern would fall away. Alternatively, National Highways suggested that omitting SRN drainage from Article 19 would remove the issue in its entirety. National Grid confirmed the issue should be dealt with in the protective provisions rather than through an amendment to the articles.</p>
Article 33	National Grid confirmed that a typographical error had been corrected at Article 33.
Article 46	The ExA noted that the LPA was afforded consultation but not an approval right where hedgerows not listed in the schedule were to be removed within the Order Limits. National Grid agreed to confirm at Deadline 6 the implications if an LPA did not agree with National Grid's proposal and if there is anything else to prevent removal.
Article 51	The ExA noted that a similar article for removal of human remains had been removed from the DCO granted by the Secretary of State for the Longfield Solar Farm. National Grid agreed to consider the Secretary of State's rationale for doing so and whether this applied equally to the Project, and to make submissions on this at Deadline 6. Whilst there are no known burial grounds within the Order Limits, the Project does cross a series of battlefields. National Grid also considered this to be a standard provision for a linear scheme of this nature.

Issued Discussed	Summary of oral case
Article 54	Canal and River Trust confirmed it was content with Article 54 on the basis that protective provisions had been agreed.
ii. Matters not yet agreed with IPs	
	Discussed above.
iii. Revisions sought through Action Points from ISH3 [EV-006a] and the ExA's further written questions (ExQ2) [PD-011]	
	Discussed above.
iv. Any matters flowing from discussions at Compulsory Acquisition Hearing 2 (CAH2) on Tuesday 18 July 2023 and Item 3 of this Agenda	
	Discussed above.

14. The Applicant's Summary of Case on Item 4c: Schedule 1: Authorised Development

14.1 Item 4.c. Schedule 1: Authorised Development

Table 14.1 – Item 4.c. Schedule 1: Authorised Development

Issued Discussed	Summary of oral case
i. Any amendments to the description of the authorised development as a result of any changes applied for at Deadline 5	
	None proposed.
ii. Any amendments to the definition of Associated Development	
National Highways Assets	<p>National Highways noted that if protective provisions can be agreed, its concern will fall away. National Highways explained its concern is not addressed by the watered-down version of the protective provisions included by National Grid.</p> <p>National Grid confirmed it will submit a response to National Highways alternative proposal to amend the Schedule 1 description at Deadline 6. National Grid emphasised that National Highways are one of several statutory undertakers whose land is affected. Therefore, the approach should not be to carve the SRN out from the works, but to protect National Highways' network through protective provisions.</p>
iii. Inclusion of Work No. U8 following responses to ExQ2 [PD-011] and discussion at CAH2.	
	National Grid explained that there was no proposal to remove Work No. U8 from Schedule 1. The undergrounding works had been undertaken as advance works. Over the course of the coming months, there may be further undergrounding completed but this should not necessitate a change to Schedule 1. National Grid are keen not to have rolling amendments to Schedule 1 in circumstances where advance works are being undertaken. National Grid understand the ExA's point, but generally speaking do not consider there is a need to remove Work No. U8. National Grid have taken the view that it should maintain the powers even

Issued Discussed	Summary of oral case
	though the work has been undertaken. However, National Grid are removing compulsory acquisition powers in respect of Work No. U8, and this is considered to strike the appropriate balance.

15. The Applicant's Summary of Case on Item 4d: Schedule 2: Plans and drawings

15.1 Item 4.d. Schedule 2: Plans and drawings

Table 15.1 – Item 4.d. Schedule 2: Plans and drawings

Issued Discussed	Summary of oral case
i. To explore any Version D amendments to the schedule of plans and drawings.	
	The ExA noted that no amendments had been made to this schedule.

16. The Applicant's Summary of Case on Item 4e: Schedule 3: Requirements

16.1 Item 4.e. Schedule 3: Requirements

Table 16.1 – Item 4.e. Schedule 3: Requirements

Issued Discussed	Summary of oral case
i. Matters that have been updated in Version D of the dDCO (expected at Deadline 5)	
Requirement 1	The ExA noted the addition of 'Travellers encampment' to the definitions.
Requirement 7	<p>The ExA noted the potential to insert alternate weekend working. The ExA also noted National Grid's explanation for not changing the definition of start-up and close down activities.</p> <p>National Grid noted that the ExA had suggested that a slippage in decision making would not affect delivery of the Project. National Grid confirmed that this was not National Grid's position. National Grid had previously sought to explain the overall timetable for progressing with detailed design and the appointment of a contractor. The answer that National Grid thought it had given was that it would be continuing with that process even if there was some slippage in decision making. National Grid would not delay the procurement process for contractors if it became clear that decision making would be delayed. That is not to say the Project could tolerate two or three months slippage in decision making. In fact, it would be problematic if there was such a delay.</p> <p>The ExA asked NYC for a copy of the document which explained the general restriction on weekend working. North Yorkshire Council confirmed there is no policy in its local plan regarding working hours and this is more a matter of its general practice. National Grid understood this was NYC's de facto position to avoid Sunday and bank holiday working. However, from National Grid's perspective, there is an in principle justification for working on Sundays and no proper justification has been provided by NYC to restrict this.</p>

Issued Discussed	Summary of oral case
Requirements 8, 9 and 10	<p>The ExA noted that the Embedded Measures Schedule (Document 5.3.3A) [APP-094] needed to be updated to reflect the amended requirements. National Grid confirmed this was being done for deadline 6.</p> <p>National Grid noted that the original drafting had scope for confusion and had changed the drafting to attempt to clarify the approach. First, requirement 8 had been drafted to deal with landscaping at the substations and Tadcaster CSEC. For non-linear works the requirement is to submit details of the landscape mitigation strategy and not to commence works in those locations until those details have been approved. The strategies then have to be delivered. One point of discussion was the period for monitoring and management of areas of planting. In terms of areas of woodland planting, this period has been extended to include a management regime between year 6 and year 15.</p> <p>There is then some consolidation, newly numbered Requirement 9 is concerned with provisions for protection and retention of trees that will be identified in the submitted tree and hedgerow protection strategy. This applies to, but is not limited to, the linear works. National Grid consider the separation of this provision adds clarity.</p> <p>The new Requirement 10 concerns replacement planting, the definition of which was explained earlier. National Grid have already discussed that reinstatement (that is covered by the term replacement) is referred to elsewhere. Replacement is the accurate word for the purposes of the draft DCO. The replacement provision is again subject to approval through a replacement planting scheme and that must accord with the principles contained in the Code of Construction Practice (Document 5.3.3B(B) [REP2-020]). A maintenance period of 5 years is considered satisfactory for the reasons already provided and has not been amended.</p> <p>National Grid explained the distinction between replacement planting (where the primary purpose was to ensure when trees and hedgerows are lost, these are replaced) and planting which is concerned with mitigation of landscape and visual effects of permanent infrastructure. That is the distinction National Grid has tried to draw.</p> <p>Replacement planting is not necessarily in its form and nature going to be a like for like. National Grid confirmed that there are various benefits that can be delivered through replacement planting which go beyond like for like binary replacement.</p>

Issued Discussed	Summary of oral case
	<p>National Grid added that when looking at replacement of woodland planting, it may be that vegetation being removed is of low quality and what is put back is many more trees and of a higher quality. National Grid considered it was necessary to look beyond a quantum analysis. National Grid confirmed a note would be submitted to explain this and consideration would be given as to whether any explanation provided should be included in a certified document.</p> <p>National Grid confirmed that where hedgerows to be retained fall within the permanent land take they will be retained by the undertaker and therefore maintained by the undertaker as part of its usual estate maintenance practice during operation. However, the requirements would not in and of themselves require any maintenance or management beyond 5 years. However, National Grid had included management up to a 15 year period, for woodland planting noting it will continue to mature in that period and so was appropriate. Whilst this will remain land within National Grid's control and subject to the ordinary maintenance approach beyond the 15 years but the DCO will not require this.</p> <p>In National Grid's view Requirement 8, the Embedded Measures Schedule and the Outline Landscape Mitigation Strategy is consistent. National Grid confirmed it would not plant outside the planting season (November to March inclusive). It would not be sensible if works were finished earlier to plant in the Summer. National Grid will consider whether there is any inconsistency in these documents.</p> <p>In response to the ExA asking about the word proposed in relation to ongoing maintenance of woodland in Requirement 8(2), National Grid confirmed the word 'proposed' could be deleted, and this would be included in the updated draft DCO to be submitted at Deadline 6.</p>
Leeds City Council comments on Requirements	<p>Leeds City Council confirmed it is content with all three requirements. There is one query regarding Requirement 10 which does not include replacement planting on a 3:1 ratio.</p> <p>National Grid commented that there is no planting proposed to be removed within Leeds' administrative area. There are small amounts potentially affected vegetation, but they are largely tree belts and hedgerows overhanging the Order Limits. Even if trees are affected, this would most likely require management rather than removal. Further National Grid are replacing more trees than are being removing across the Project.</p> <p>In addition, National Grid noted that the 3:1 ratio was not a policy requirement for other local authorities.</p>

Issued Discussed	Summary of oral case
	National Grid explained the reference to monitoring relates to monitoring by the undertaker to check, for example, that replacement planting has established.
North Yorkshire Council's comments on requirements	NYC welcomed the comments that replacement planting would not necessarily be like for like. NYC understands the requirement for National Grid to maintain its operational sites and are generally content.
Requirement 18	<p>In response to the ExA's query as to whether there is a need for a tailpiece given there is no requirement to accord with the Document 8.18 (B) Design Approach to Site Specific Infrastructure) [REP5-077], National Grid will respond at Deadline 6. The important point is that the DASSI does not seek to prescribe but rather to inform.</p> <p>North Yorkshire Council confirmed it would respond with any comments on Requirement 18 at Deadline 6.</p> <p>Leeds City Council commented that the Requirement should include any type of fencing, not just acoustic fencing. However it noted that the relevant works do not lie within its administrative area. National Grid confirmed its firm position on fencing is set out in its Deadline 5 submissions at [REP5-083] Question 7.1 and [REP5-084].</p> <p>In relation to permeability of materials and surfacing for substation areas, National Grid confirmed that drainage strategies for both Overton and Monk Fryston Substations are included as annexes to the Flood Risk Assessment [REP5-095] and for both sites reliance is placed on permeable surfacing.</p>
Requirement 19	<p>National Grid explained it has not been suggested there is a requirement to restrict the working hours in this location and the site-specific mitigation scheme would not look to do this, the specific measures in relation to noise and vibration related to the type of piling required at that location.</p> <p>In the Code of Construction Practice (Document 5.3.3B) National Grid will include a new paragraph on community liaison which will refer to hard to reach groups, making sure there is appropriate communication with those groups, and this would include the traveller community. This would also seek to include engagement on the site specific mitigation scheme through appropriate means in advance of submission for discharge of the requirement. Including a consultation requirement for a particular group on the face of a statutory order would be unusual and therefore it is not considered appropriate to amend requirement 19, however the point can be accommodated in the Code of Construction Practice (Document 5.3.3B) to be submitted at deadline 6.</p>

Issued Discussed	Summary of oral case
	National Grid confirmed that justification for the tailpiece has been included in the Explanatory Memorandum (Document 3.2 (D)) [REP5-006] . If provision for a specific construction approach at the site, but the circumstances of occupation subsequently changed, National Grid would require the flexibility for some variation. National Grid will confirm this explanation at Deadline 6.
ii. Matters not yet agreed with IPs	
	As above.
iii. Revisions sought through Action Points from ISH3 [EV-006a] and the ExA's further written questions (ExQ2) [PD-011]	
	As above.
iv. Any matters flowing from discussions at Compulsory Acquisition Hearing 2 (CAH2) on Tuesday 18 July 2023 and Item 3 of this Agenda	
Requirement 5	National Grid confirmed wording will be added at deadline 6 to the Code of Construction Practice (Document 5.3.3B) in respect of liaison with Mr and Mrs Blacker for micro siting of pylons SP005 and SP006. The wording is likely to include generalised wording about engagement with affected landowners where necessary for alterations within limits of deviation should unforeseen or unknown constraints arise in construction. National Grid explained it would potentially be able to apply in respect of the final design for the Tadcaster West CSEC, but sounded a note of caution that National Grid has sought to accommodate the landowner's request and designs are now being finalised such that it may not be possible to accommodate any further change within the Limits of Deviation. National Grid reiterated that it is not in its interest to cause more disturbance to farming operations than is absolutely necessary. National Grid confirmed the Code of Construction Practice (Document 5.3.3B) would be updated with the proposed wording at Deadline 6.
	National Grid sought clarification on the temporary planting suggested by the ExA in the Monk Fryston area and the ExA confirmed this was intended to screen the temporary fencing.

17. The Applicant's Summary of Case on Item 4f: Schedule 4: Discharge of Requirements

17.1 Item 4.f. Schedule 4: Discharge of Requirements

Table 17.1 – Item 4.f. Schedule 4: Discharge of Requirements

Issued Discussed	Summary of oral case
i.	<p>To examine any Version D amendments to the provisions for discharge of Requirements and hear an update on the status of agreement with the Councils.</p>
	<p>National Grid explained that its focus in addressing the Local Authorities' concerns had been in terms of the drafting of the Section 106 Agreement, and the use of a Service Level Agreement (SLA). The use of an SLA would be secured via the S106, and details appropriate pre-application engagement periods.</p> <p>The overall timescale for discharge of requirements would cover a period of at least 11 weeks, comprised of a 6 week pre-application and 35 day formal determination period under Schedule 4. National Grid consider that is appropriate and would not want to have a longer period than that due to the urgent need to deliver the Project. National Grid believe there is no benefit to the authorities in spending more time on the determination process. The reason is that for these sorts of approvals, the choice when the application comes to be determined is going to be relatively binary whereas in the pre-application stage, there is an opportunity to engage and discuss proposals. National Grid think the allocation between the pre-application discussion and determination period is the right one. The Service Level Agreement would also address resource implications for authorities.</p> <p>National Grid explained there is little difference between a Planning Performance Agreement (PPA) and a Service Level Agreement. Both achieve a similar outcome of providing funding for certain activities to be undertaken with a certain level of service. Generally, a PPA is more concerned with pre-application processes before a DCO is made. Therefore, National Grid are proposing a SLA for the post-determination process.</p>

Issued Discussed	Summary of oral case
<p>NYC comment on Schedule 4</p>	<p>North Yorkshire Council (NYC) explained an agreement is being progressed and it is content for this to be a Service Level Agreement (SLA). NYC are working through the detail of the SLA and proposed work packages and it is hoped that agreement can be reached.</p> <p>National Grid explained it has had positive discussions with City of York Council who broadly agree with the approach. The draft Section 106 Agreement is with them for comment and National Grid are hoping to receive any comments prior to Deadline 6 so a further update can be provided to the ExA.</p>
<p>Term 'application' in paragraph (5) does this need to be defined.</p>	<p>The ExA noted National Grid's response to the need to define 'application', and considered there were arguments in favour of including such a definition to clarify that requirements could be discharged in whole or in part. National Grid confirmed this would be considered for Deadline 6.</p>

18. The Applicant's Summary of Case on Item 4g: Schedules 5 to 17

18.1 Item 4.g. Schedules 5 to 17

Table 18.1 – Item 4.g. Schedules 5 to 17

Issued Discussed	Summary of oral case
<p>i. Protective Provisions (Schedule 15) will be dealt with chiefly under Item 6b of CAH2. Any residual matters following CAH2 may be picked up here with the Applicant and relevant Statutory Undertakers</p>	
<p>National Highways</p>	<p>National Grid confirmed that as it is National Grid's draft DCO, it is more appropriate for National Highways to comment on the wording which National Grid propose. However, before that task gets too far, National Grid explained that a meeting had been arranged in an attempt to bring the drafting closer together.</p> <p>National Highways noted National Grid's acknowledgement of its concerns in relation to Schedule 1. National Highways explained that its standard protective provisions were based on its Section 278 Agreement process. National Highways explained it cannot be certain that the only works undertaken will be minor and so cannot agree to deviations from its standard approach. National Highways stated it does not oppose the principle of the development but consider it must be risk free for National Highways. National Highways consider the Protective Provisions proposed in the draft DCO to have been considerably watered down compared to its standard Protective Provisions, such that National Highways would suffer detriment if the Project is taken forward on that basis. For example, National Highways noted the indemnity had been deleted as had the requirements for security. National Highways stated that it had been told that it will need to expedite the Project, but National Grid has not agreed to pay National Highways fees in advance. National Highways stated that the certification process was required to sign off the works, regardless of how minor they are. National Highways considers that a road closure will be required to erect scaffolding and nets and that an inspection would be required before the road could be re-opened. National Highways concluded that there is distance between the parties but a meeting had been arranged to attempt to seek agreement.</p>

Issued Discussed	Summary of oral case
	<p>National Grid explained it will consider the points made by National Highways and seek to reach agreement with National Highways where possible. National Grid explained that full road closures had not been anticipated, but rather rolling road blocks, but these points can be taken forward in the ongoing engagement. In terms of payment of National Highways' fees, National Grid did not see this as being an impediment to progress. National Grid had understood that National Highways was seeking to recover costs incurred and therefore that an invoice would be raised once the costs were incurred, however National Grid could consider a flat fee payment if this was considered to be more appropriate.</p> <p>In terms of the overall approach National Grid accepts that there is a minor interference with the operation of the Strategic Road Network and it is necessary to deal with the consequences of that. However, there needs to be an allocation of risk between the parties. The reasons for doing so are the substantial public benefits of the Project. National Grid will continue to engage with National Highways to see whether agreement can be reached.</p>
Canal and River Trust	The Canal and River Trust confirmed agreement has been reached with National Grid on the form and content of the protective provisions.
<p>ii. An update will be sought on the status of agreement with the IDBs in relation to the Amendment of Local Legislation (Schedule 16).</p>	
	The ExA noted the amendments to remove disapplication of the byelaws and to include the further, related amendments at Article 19.
Schedule 17	The ExA noted the updates to hedgerows as previously discussed.

19. The Applicant's Summary of Case on Item 5: Planning obligations and Side agreements

19.1 Item 5. Planning obligations and Side agreements

Table 19.1 – Item 5. Planning obligations and Side agreements

Issued Discussed	Summary of oral case
i. To review the latest position on side agreements, further to any update provided at Deadline 5	
	National Grid confirmed there were no matters of substance to update on but offered to provide an update on negotiations. National Grid agreed to provide a substantive update at Deadline 6 if any material progress was made or, if not, at Deadline 7.
ii. To review progress with planning obligations further to the draft section 106 agreement [REP4-022] and any updated position at Deadline 5	
	The ExA noted the final date for submission of the completed Section 106 Agreement was Deadline 7.
iii. Other consents and licences	
	National Grid confirmed that the changes to Document 7.3 Details of other consents and licences [REP5-025] submitted at Deadline 5 related to consents from the IDB now that the IDB's byelaws were no longer being dis-applied (save in respect of minimum statutory clearances).

20. The Applicant's Summary of Case on Item 6: Review of issues and actions arising

20.1 Item 6. Review of issues and actions arising

Table 20.1 – Item 6. Review of issues and actions arising

Issued Discussed	Summary of oral case
i. Review of issues and actions arising	
	The ExA confirmed that written summaries of oral submissions were requested by Deadline 6. Final position statements should be submitted at Deadline 7.

21. The Applicant's Summary of Case on Item 7: Any other business

21.1 Item 7. Any other business

Table 21.1 – Item 7. Any other business

Issued Discussed	Summary of oral case
	<p>i. The need case presented in applicants s127/s138 cases [REP5-087]</p>
	<p>Paragraph 1.2.8 of (Document 8.27.1 Application under s127 and 138 Planning Act 2008 National Highways Limited) [REP5-087] includes a list of three major projects that rely on re-enforcement of the network. The ExA requested National Grid to provide an update on the planning status of projects referenced in [REP5-087]. National Grid emphasised that these schemes form only part of the Project need case. However these are contracted connection offers, and they have to be delivered from National Grid's perspective. Regardless of how the connections themselves are progressing, National Grid nonetheless need to make that grid connection available to meet National Grid's contractual obligations.</p>
	<p>ii. Closing Statements</p>
	<p>National Grid confirmed its intention to submit a Closing Statement at Deadline 7. This would not introduce new information but would summarise National Grid's case as a single point of reference.</p> <p>The ExA confirmed this would be helpful, noting that it would only provide National Grid's view. The ExA confirmed that it was open to receiving similar submissions from other parties at Deadline 7.</p>

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