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Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

**Document 8.28 Applicant's Comments on Interested Parties' Deadline
5 Submissions**

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Version History

Document	Version	Status	Description / Changes
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11/07/2023	A	Final	First Issue
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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 Interested Parties' submissions made at Examination Deadline 5 for the Yorkshire Green Energy Enablement Project (Yorkshire GREEN or the Project), where National Grid considers a response is required.
- 1.1.2 National Grid has reviewed all Interested Parties' submissions made at Deadline 5, including responses to the Examining Authority's (ExA) Second Written Questions (ExQ2) but has not provided comments on all responses if not deemed necessary. For the avoidance of doubt, where National Grid has chosen not to comment on matters raised by Interested Parties this is not an indication that National Grid agrees with the point or comment raised or opinion expressed.
- 1.1.3 The responses provided in this document are either in the form of a short response providing National Grid's latest position on the matter, a cross-reference to the most relevant documentation, or a more detailed response where this is considered relevant to clarify matters.

2. Applicant’s Response to Interested Parties’ Deadline 5 Submissions

2.1 Ainsty (2008) Internal Drainage Board

Table 2.1 – Ainsty (2008) Internal Drainage Board: Deadline 5 Submission [REP5-097]

Reference	Topic	Applicant’s Response
1	<p>Ainsty (2008) Internal Drainage Board have been in direct correspondence with the applicant and have agreed all matters, other than in respect of the clearance between the overhead lines and the top of the banks of watercourses. Everything is noted in the latest Statement of Common Ground (Version 2) which the applicant will be submitting shortly. We currently await an updated draft DCO to review, to include our agreement that the Board's byelaws will not be disapplied and in respect of a new provision stating that any land drainage consent applications will be dealt with within 28 days</p>	<p>National Grid confirms that the only remaining matter outstanding between the parties is the clearance between overhead lines and the top of banks of AIDB-maintained watercourses.</p> <p>The positions of the two parties are summarised as follows:</p> <ul style="list-style-type: none"> • AIDB is requesting a minimum 10.5 metre (m) clearance between top of bank of their maintained watercourses and any overhead line. The 10.5m clearance being requested is derived from their own internal safety operating procedures for working beneath overhead lines and is based on the assumption of the maximum 3.5m boom height for their machinery, plus a 7m exclusion zone from the overhead line. They require this in order for them to agree that overhead line crossings would not require Land Drainage Consent under their byelaws. • AIDB’s internal guidance is based on Health and Safety Executive Guidance Note GS6 ‘Avoiding

danger from overhead power lines'. The GS6 guidance sets out guidelines for working near overhead lines and sets out exclusion zones. These zones are for guidance and on the basis that no control measures are in place for working under the lines. National Grid note the guidance but consider that it is possible to work within this zone as long as the statutory minimum clearance distances are maintained as per Energy Networks Association Technical Specification 43-8, and as set out below. By achieving the clearances as stated in ENA 43-8, then it is safe to work underneath the overhead line. ENA 43-8 states that GS6 provides recommendations for working under overhead lines and that in the cases where the exclusions zones may be breached as set out in GS6, it is imperative that the clearances states in ENA 43-8 (2.4m for 275kV) be maintained to ensure safe working.

- If within the 7m exclusion zone, consultation with National Grid at the time of works will mean the exact clearances can be provided to ensure that the safe working distances are achieved, and suitable working practices and risk assessment can be put in place, such as limiting the height of the arm of the excavator to 3.5m.
- National Grid's position is that they have designed all proposed overhead lines within the Project to meet the statutory requirements for minimum ground clearances set out in Schedule 2 of the Electricity Safety, Quality and Continuity Regulations 2002. In the case of the 275kV overhead lines that traverse AIDB-maintained watercourses, this minimum clearance is 7m. The design of the overhead lines also meets the

statutory clearances set out in Energy Networks Association Technical Specification 43-8, which, in addition to ground clearances, sets out minimum clearances to objects. The minimum clearance distance from a 275kV conductor to an object that cannot be stood on top of is given in ENA TS 43-8 and is 2.4m. Given that the AIDB have specified a maximum working height of 3.5m for their machinery, it is therefore National Grid's position that meeting the 7m statutory clearance between conductor and the top of bank for AIDB maintained watercourses gives AIDB sufficient clearance to work safely below the overhead lines.

- Furthermore, National Grid have reviewed the proposed design clearances at overhead line crossings of AIDB-maintained watercourses. For existing crossings 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. Design clearances may be subject to change post-grant of the DCO following final detailed design, so current design clearances should be treated as indicative. A table is provided in Appendix D of **Applicant's Response to ISH4 Hearing Action Points (Document 8.29.4)** which shows the existing and proposed new clearances, however there is little flexibility to change the clearance on the existing XC overhead line, as the pylons are not being changed in height. To achieve a 10.5m clearance over all the AIDB maintained

watercourses would mean that pylon heights would need to be increased in order to achieve these clearances. National Grid consider this not to be appropriate, or justifiable as the design meets all statutory clearances for the safe operation of the overhead line, and maintenance of the watercourses.

- National Grid has proposed changes to Article 19 of the **draft Development Consent Order (dDCO, Document 3.1(D) [REP5-004])**, which has the effect of disapplying Internal Drainage Board byelaw consenting powers provided the statutory requirements for overhead line ground clearance as set out in the Electricity Safety, Quality and Continuity Regulations 2002 are met. National Grid believe this is a pragmatic approach which minimises any potential delays in project delivery, whilst guaranteeing that the overhead line design meets all relevant statutory safety clearances.
- AIDB do not agree with this position, as it does not meet the requirements of their own internal guidance.
- Despite efforts to resolve this point of difference, this position is likely to remain as a matter not agreed at the end of the Examination.

2.2 Carter Jonas LLP on behalf of Philip Watson

Table 2.2 – Carter Jonas LLP on behalf of Philip Watson: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-100]

Reference	Topic	Applicant's Response
Q4.3.21	Mr P Watson interest in land at the Tadcaster CSECs/ location of western CSEC	<p>a) National Grid has sought and continues to seek to engage with Mr Watson in order to optimize the design and land take around his farming operations. As per the details set out in the National Grid's notification of its intention to submit a request for proposed changes to the Application [AS-020] a change was proposed to the orientation of the Tadcaster West Cable Sealing End Compound (CSEC) (Change 4) in response to feedback previously received from the landowner, and landowner consent was not obtained for this change. Whilst it is impossible to not have any impact, National Grid only seeks to acquire the minimum land necessary for their operational requirements within the limits of deviation. However, limits of deviation are essential to provide a level of flexibility for the detailed design of the Project due to any unforeseen or unknown constraints on site during construction. National Grid would seek to engage on where the land take boundary would lie outside of the operational land, based on the as built design of the CSEC at that time in order to minimize impacts on the remaining landholding, or compensate for the impact. The land shown on the land plans that accommodates the permanent access track allows for flexibility in siting the access road in the optimal location, as well as space for any drainage that is required. National Grid can confirm that a 4m access track would be suitable for the permanent access track to the cable sealing end compound but as</p>

Reference	Topic	Applicant's Response
		<p>detailed above flexibility is required for its siting and drainage requirements.</p> <p>b) The location identified on the plan provided in this response would not be feasible as shown. The cable sealing end compound would be too close to the pylon to be able to site a landing gantry for the down leads from XD001. Due to this, the cable sealing end compound would need to utilise an anchor block solution, and to ensure that safety clearances are maintained, XD001 would need to be encompassed into the cable sealing end compound fence line, significantly increasing the size of the cable sealing end compound, and the amount of land that National Grid would need to acquire freehold which is not justified given the gantry solution available. This additional land for the freehold acquisition would be on a third-party land holding. The use of an anchor block solution is only proposed by National Grid when it is not possible to accommodate a gantry solution, for instance where there are space constraints. As detailed at the CAH2 an anchor block solution is proposed at the Tadcaster East CSEC due to the constraints in that area including highway boundary, gas pipeline, and telecommunications mast. Anchor block solutions pose additional maintenance constraints, as the downloads are connecting onto the ground, and can swing around, which poses additional constraints and safety considerations when performing maintenance activities, especially with the use of mobile elevated platforms within the cable sealing end compound. National Grid's position is that the current proposed solution as per the DCO application is the optimal technical solution, it minimises the</p>

Reference	Topic	Applicant's Response
Q4.3.22	Mr P Watson interest in land at the Tadcaster CSECs access to land	<p>amount of land that is needed to be acquired and is the best technical solution.</p> <p>National Grid has responded in the order that the points have been raised in the representation by the landowner.</p> <p><u>Tadcaster East CSEC – extinguishment of private right of access</u></p> <p>National Grid has updated the Technical Note - Tadcaster East Cable Sealing End Compound Access Option (Appendix B of Document 8.25.2) [REP5-084] which was updated to amend the drawings to show the proposed access option swept path coming off the existing private right of access. The Technical Note does consider the use of agricultural vehicles for use on a proposed access option. The conclusions of this Technical Note remain unchanged and consider the use of agricultural vehicles to be unsuitable on any proposed access option. Furthermore, it is National Grid's understanding that the existing easement for this private right of access grants a right at all times and for all purposes.</p> <p>There is only a 3.7m gap between the embankment of the cable sealing end compound, and the fence line and there are a number of constraints as set out in the note, including a slope to the A64 that would need significant ground works and would still pose safety issues. National Grid does not consider it appropriate to install an access option due to the space constraints and significant constraints and safety risks in this area and will not be proposing an access option.</p> <p>National Grid has provided a detailed response in the Applicant's Response to CAH1 Action Points, Action 10 (Document 8.23.5) [REP4-027] that sets out why a</p>

Reference	Topic	Applicant's Response
		<p>retaining wall would not be suitable solution for the use at Tadcaster East CSEC and is not proposed.</p> <p><u>Crop Planting and Access Arrangements</u></p> <p>Access to the landowners field would be maintained with a right granted across the permanent access to the CSEC. Furthermore, National Grid is able to provide a further access gate along the proposed permanent access road to the Tadcaster West CSEC that would enable access to the lower part of the field. This would enable two accesses to the field should two different crops be required to be planted.</p> <p><u>Tadcaster East CSEC – access rights</u></p> <p>The landowner has referenced narrative provided by National Grid in [REP1-015] Table 2.13, Point 13.5 in which National Grid state that <i>should the landowner wish to retain the land despite its restricted accessibility, then National Grid would be willing to agree not to proceed with the acquisition in this part of the Order limits.</i> This statement relates to land to the West of Tadcaster East CSEC and was clear in its intention that this land would have restricted accessibility as National Grid are not proposing any access to this parcel of land. National Grid have included land plot D1-15 as compulsory acquisition as shown on the Land Plan Section D (Document 2.5.4(C)).</p> <p><u>Tadcaster West CSEC Access</u></p> <p>National Grid requires unrestricted access for the operation and maintenance of the cable sealing end compound, and to that extent would need to ensure that fly tipping and unauthorised parking in the bellmouth be prevented at all</p>

Reference	Topic	Applicant's Response
		<p>times. National Grid will look into potential solutions for the permanent access point off the A659 and will continue to have discussions with Mr Watson on how this could work moving forward. It is in National Grid's interest to ensure that access is available at all times.</p> <p><u>General Position on Suitable Alternatives</u></p> <p>National Grid considered a range of alternative options for the cable sealing end compounds before deciding on the positions for CSEC Tadcaster East and West and do not agree that there are more suitable positions elsewhere, a detailed summary of why the alternative options were not suitable for taking forward are set out in the Corridor and Preliminary Routeing and Siting Study 2021 (Document 7.8) [APP-209].</p>

2.3 City of York Council

Table 2.3 – City of York Council: Responses to the Examining Authority’s Further Written Questions (ExQ2) [REP5-101]

Reference	Topic	Applicant’s Response
Q1.3.2	Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D	<p>National Grid seeks to clarify that the plan submitted within Appendix D of [REP4-026] was intended to illustrate potential access road passing places only and was not intended for any other purpose.</p> <p>However, in response to the comments received from City of York Council (CYC) (stating that detailed construction drawings will be required [REP5-101]), National Grid confirms that engagement between both parties is ongoing, and as per the Statement of Common Ground (Document 8.5.4(C)) [REP5-033] there are no outstanding issues between the parties relating to transport matters.</p> <p>For clarification purposes, for any proposed accesses in the CYC area there will be consultation at the detailed design phase between National Grid and CYC, and this will include the production of detailed drawings.</p> <p>Requirement 14 of the Draft DCO (Document 3.1(D)) [REP5-004] details that construction of vehicular access cannot commence until the access layout and design has been submitted to and approved by the local highway authority. The Local Highway Authority will have the ability to control the required Licence or Agreement arrangements as part of this process.</p>

2.4 George F White LLP on behalf of Mark Godliman and the Midgley Family

Table 22.4 – George F White LLP on behalf of Mark Godliman and the Midgley Family: Withdrawal of submissions [RR-016, RR-017] [REP5-103]

Reference	Topic	Applicant's Response
REP5-103	Withdrawal of submissions [RR016, RR-017]	National Grid acknowledges the confirmation received from the agent [REP5-103] representing Mr Godliman [RR-016] and the Midgely family [RR-017] that objections have been withdrawn.

2.5 Leeds City Council

Table 2.5 – Leeds City Council: Copy of letter regarding Draft s106 Agreement [REP5-106]

Reference	Topic	Applicant's Response
	<p>Leeds City Council's (LCC's) comments on the draft S106</p>	<p>National Grid is continuing to work with the three host Local Planning Authorities (LPAs) to seek to deliver an agreed, signed S106 Agreement prior to the end of the examination. As detailed within their deadline 5 submission [REP5-106], Leeds City Council has responded to several developing iterations of the S106 Agreement. Following receipt of comments from all three LPAs, an updated S106 was circulated on the 14 July 2023, with a request for any final comments by 25 July 2023. This version included comments and track changes, detailing how each of the LPA's comments have been considered and/or addressed. In some instances, LPAs have provided conflicting comments, and in those few instances National Grid has sought to provide the most appropriate response.</p> <p>In terms of LCC's comments on the clause relating to counterparts, and the appropriate job role to be included within the S106 Agreement, these amendments have been addressed within the latest version of the S106 circulated. In addition, the definition of 'monitoring body' has been amended as requested.</p> <p>In terms of the delivery of BNG within each administrative area, the S106 has been amended to clarify that '<i>...delivery of which to be proportionately delivered within each Council's administrative area where possible...</i>'.</p>

Reference	Topic	Applicant's Response
		<p>National Grid has explained that as BNG is being delivered on a voluntary basis, the location of its delivery will depend upon land and BNG opportunities being available. Although National Grid will make every effort to identify land parcels/ opportunities across the Project route, this is not currently within National Grid's control.</p> <p>LCC has requested that prior to the S106 Agreement being signed, a scoping exercise should be undertaken to identify suitable sites. National Grid have explained that until further design work has been undertaken, it is unclear how much BNG will be required, and the type of BNG required. National Grid consider that undertaking a scoping exercise both prior to consent being obtained, and prior to further detailed design work being undertaken, is both unnecessary for the S106 to be agreed, and would result in abortive work. In addition, this could frustrate future BNG partners/ stakeholders (such as landowners, wildlife trusts etc), as this task would require input from external parties, relating to land/ opportunities that may ultimately not be required. Therefore, National Grid have not accommodated this comment within the latest S106 circulated. However National Grid will continue to work closely with LCC and in particular their ecologist, to identify potential BNG opportunity sites.</p> <p>Since Deadline 5, LCC has provided further minor comments on the latest iteration of the S106 Agreement. Discussions is ongoing regarding a number of fine details, however LCC have confirmed that they are 'mostly happy' with the content of the S106. National Grid will continue to</p>

Reference	Topic	Applicant's Response
		work with LCC and the other LPAs to resolve the remaining details.
	Comments on the adopted scheme of delegation	Please refer to the Applicant's Written Summary of Oral Representations made at Issue Specific Hearing 4 (Document 8.29.2) submitted at Deadline 6 which details that this matter was discussed during ISH4, during which, LCC indicated that it had resolved this issue in relation to planning matters and are continuing to seek to find a resolution for highways matters. National Grid consider this an internal matter for LCC to resolve but will provide support where able to do so.

Table 2.6 – Leeds City Council: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-107]

Reference	Topic	Applicant's Response
Q1.3.2	Illustrative Plan: SP005 Access During Construction Phase [REP4-026], Appendix D	<p>National Grid seeks to clarify that the plan submitted within Appendix D of [REP4-026] was intended to illustrate potential access road passing places only and was not intended for any other purpose.</p> <p>However, in response to the response to Q1.3.2 from Leeds City Council (LCC) National Grid confirms that engagement between both parties is ongoing, and as per the Statement of Common Ground (Document 8.5.4(C)) [REP5-035] there are no outstanding issues between the parties relating to transport matters, other than in relation to Schedule 4: Discharge of Requirements of the draft DCO (Document 3.1(E)).</p>

Reference	Topic	Applicant's Response
		<p>For clarification purposes, for any proposed accesses in the LCC area there will be consultation at the detailed design phase between National Grid and LCC, and this will include the production of detailed drawings.</p> <p>Requirement 14 of the draft DCO (Document 3.1(E)), details that no construction of vehicular access can commence until the access layout and design has been submitted to and approved by the local highway authority. The local highway authority will have the ability to control the required Licence or Agreement arrangements as part of this process.</p>
Q5.4.1	Timescales for discharge of Requirements	<p>It is noted that LCC does not intend to use a third party to discharge DCO Requirements or other consents pursuant to the Articles of the DCO.</p> <p>A draft version of the detailed Service Level Agreement (SLA) (the principles of which are included in the S.106 Agreement) between National Grid and the Local Authorities regarding the discharge of Requirements and Articles was issued to all three LPAs on 13 July, with comments requested prior to Deadline 6.</p> <p>Since LCC provided their deadline 5 submission, further engagement has taken place, and LCC has confirmed that they are able to agree to the timescales for both the discharge of requirements and applications pursuant to articles, as set out within the draft DCO (Document 3.1(E)). They have also agreed to the principle of entering into the Service Level Agreement, and the proposed pre-application timescales within it.</p>

Reference	Topic	Applicant's Response
		The detailed SLA document to be signed between the parties is intended to be in place of a Planning Performance Agreement and provides the means of securing the commitment (via a S106 agreement) from both parties on the works required post determination to deal with the discharge of Requirements and Articles.

2.6 Lister Haigh on behalf of Chris Lister

Table 2.7 – Lister Haigh on behalf of Chris Lister: Responses to the Examining Authority's Further Written Questions (ExQ2) and Withdrawal of Objection [RR-021] [REP5-108]

Reference	Topic	Applicant's Response
Q4.3.18	C Lister interest in land	National Grid is pleased to receive confirmation from the agent acting for Mr C Lister that concerns raised in [RR-021] have been resolved, and that the objection can now be removed. National Grid shares the agent's hopes that agreement will be reached before the end of examination. National Grid also acknowledges that minor outstanding queries remain in relation to survey licence payments. It is understood that this relates to the complex nature of land ownership, and National Grid is in dialogue with the relatively recently appointed agent to clarify appropriate payee details. Once established, payment will be made.

2.7 Lister Haigh on behalf of David Blacker and Marion Blacker

Table 2.8 – Lister Haigh on behalf of David Blacker and Marion Blacker: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-109]

Reference	Topic	Applicant's Response
Q4.3.13	Mr D Blacker/ Ms M Blacker interest in land in vicinity of Pylon SP006	National Grid notes the comments on behalf of David Blacker and Marion Blacker by their agent. A meeting has since taken place with the interested parties on 26 July 2023 to confirm the pylon locations. National Grid can confirm the positive conversations are progressing.
Q13.0.3	Economic impacts of the Proposed Development for New Farm	<p>Lister Haigh on behalf of David Blacker and Marion Blacker: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-109] explains how the position of pylon SP006 would restrict access between the pylon and the field boundary to the east, meaning it would not be possible to spray this land which would then harbour weeds. It also notes that pylon SP005 occupies a similar position close to the edge of the field it is located in. [REP5-109] goes on to explain how working around a turbine requires additional time and fuel for all operations from cultivation through to harvesting, and these activities also increase compaction of soil. The representation does not give any specific land loss or economic loss figures.</p> <p>As noted in Applicant's Response to Examining Authority's Second Written Questions (ExQ2) [REP5-083], the current location of pylon SP006 is considered to have a minimal effect on land take at New Farm. Taking a worst-case approach, the maximum area of land which could be impacted is 1 acre / 0.4 ha. A similar worst-case approach at pylon SP-005 could impact up to 1 acre/ 0.4 ha of land. From the land referencing exercise undertaken, the</p>

Reference	Topic	Applicant's Response
		<p>Applicant understands New Farm occupies and farms around 330 acres / 133 ha of land. These worst-case farm land impacts would therefore affect around 0.6% of the identified farm holdings. This is not considered to be significant when considered against the methodology set out in ES Chapter 16: Socio-economics (Document 5.2.16) [APP088]. Although deemed not significant in environmental assessment terms, the landowner will be entitled to compensation for any economic impacts that occur.</p> <p>National Grid has now met with the landowner to discuss the comments in [REP5-109] as set out in the Applicant's Response to CAH2 Hearing Action Point 9 (Document 8.29.3) submitted at Deadline 6. [REP5-109] also asks whether pylon SP006 could be moved to the south to open up access to the eastern side of the pylon to reduce the permanent land impacts at New Farm. National Grid explained that micro siting issues will be addressed during detailed design and has included wording within the Code of Construction Practice (Document 5.3.3B (D)) submitted at Deadline 6 (as also detailed in response to CAH2 Action Point 8 in Document 8.29.3) that commits National Grid to liaise with the affected landowners on the final siting of pylons SP005 and SP006 as the detailed design is progressed to establish whether there is the potential to minimise impact on farming practices through the micro-siting of the pylons in this location.</p> <p>SP007 is an existing angle pylon that is able to be re-used in the proposed alignment for the SP route. The pylon can be modified and re-used without the need to replace the pylon. The removal of SP007 and the proposed alignment to run from SP006 to SP008 with the removal of SP007 is</p>

Reference	Topic	Applicant's Response
		<p>proposed in [REP5-109]. National Grid has explained to the landowner that this proposal is not feasible for the following reasons:</p> <ul style="list-style-type: none"> • Currently the existing SP008 is a suspension pylon, and the proposed re-alignment to connect SP006 to SP008 would require SP008 to be replaced with a new tension pylon, as it is not feasible to re-use the existing pylon. • The replacement for SP008 is anticipated to be taller than the existing pylon. • To replace SP008 would require another temporary diversion and is complicated by the interaction with the existing span over the railway. • Additional outages would be needed and would be complex because of the need to maintain a supply to Poppleton Substation. • The additional temporary diversion would require new temporary pylons, access and working areas. The distance between SP006 and SP008 is too long. Pylons are designed to accommodate loading from wind and ice, so there is a limit to the conductor span lengths attached to a pylon; as the wind area and ice accumulation area increase so does the load on the pylon. The sum of adjacent span lengths of SP005-SP006-SP008 is approximately 844m, which is higher than the design limit for the L8(C) pylon. Whilst in some instances longer spans may be found on the network, it would be dependent on the constraints in those locations, and would likely require taller pylon heights and more steelwork for strengthening, which is not proposed or assessed for

Reference	Topic	Applicant's Response
		this Project. This information has been provided to the landowner following the meeting via the agent.

2.8 Lister Haigh on behalf of James Bell

Table 2.9 – Lister Haigh on behalf of James Bell: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-110]

Reference	Topic	Applicant's Response
Q4.3.7	Mr J. Bell interest in land at proposed Overton Substation	<p>National Grid is pleased to receive confirmation from the agent representing Mr Bell that the majority of concerns raised in Mr Bell's relevant representation [RR-023] are now resolved. It is acknowledged that Change 2 from Deadline 5 Submission Report on Proposed Changes (Document 9.1) [REP5-091], will increase the use of land in this area. Action Point 1 arising from Compulsory Acquisition Hearing 2 (CAH2) [EV-008a] requires National Grid to submit at Deadline 6 a sketch design for the crossing of Hurns Gutter including illustrating the additional young trees, subject to grant, to be lost as a result of the Change Application. Action Point 3, also required at Deadline 6, requires National Grid to provide a statement of intention of visual enhancement planting for properties at Skelton Springs. These can be found in Applicant's Response to CAH2 Hearing Action Points (Document 8.29.3) submitted at Deadline 6.</p> <p>National Grid assessed the impacts of Change 2 in Report on Proposed Changes (Document 9.1) [REP5-091]. The summary at paragraph 4.5 – Mitigation confirms that as no change in the significance of environmental effects described in the ES would occur in relation to Change 2, no amendments to the embedded environmental measures (Document 5.3.3A(B)) [REP2-018] set out in the ES or the measures set out in the supporting management plans (Code of Construction Practice (Document 5.3.3B(C)), Archaeological Written Scheme of</p>

Reference	Topic	Applicant's Response
		<p>Investigation (Document 5.3.3C, [APP-096], Biodiversity Mitigation Strategy (Document 5.3.3D [APP-097]), Outline Soil Management Plan (Document 5.3.3E(B), [REP2-022]), Public Rights of Way Management Plan (Document 5.3.3G(B), [REP2-024]) and Noise and Vibration Management Plan (Document 5.3.3H, [APP-101])) are required. No additional land is required for Change 2, however the change results in a revision to the land powers sought, as there will be a reduction in the amount of land in Class 2, Class 3 and Class 4.</p> <p>A meeting was held on 30 June 2023 to discuss ongoing compensation issues for completed intrusive survey work. A virtual meeting was held on 24 July 2023 with Mr J Bell and his agent where voluntary terms, commercial considerations and voluntary land take was discussed. The conversations were positive and ongoing with conclusion expected shortly.</p> <p>Legal teams have been in contact with each other since 07 June 2023.</p>

2.9 Lister Haigh on behalf of Richard Elliot

Table 2.10 – Lister Haigh on behalf of Richard Elliot: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-111]

Reference	Topic	Applicant's Response
Q4.3.19	Mr R Elliot interest in land	<p>National Grid notes the comments from Mr R Elliot's agent. Following the site meeting National Grid is working with Mr R Elliot's landlord to agree the proposed alternative routing on a voluntary basis. National Grid is accepting of the proposed alternative access.</p> <p>National Grid understands Mr R Elliot's concerns of the access through the farmstead and are trying to mitigate this impact. However, if the landlord does not agree to the proposal the current proposed access will be utilised and Mr R Elliot compensated for his reasonable losses.</p> <p>To confirm:</p> <ul style="list-style-type: none"> • Richard Douglas Elliott is the Freeholder Owner and Occupier of plot C9-32. • Samuel Smith Old Brewery (Tadcaster) (Company No.00188027) is the Freehold Owner of plot C9-31 with Richard Douglas Elliott as the Tenant.

2.10 Lister Haigh on behalf of Simon Mills

Table 2.11 – Lister Haigh on behalf of Simon Mills: Responses to the Examining Authority's Further Written Questions (ExQ2) and Withdrawal of Objection [RR-026] [REP5-112]

Reference	Topic	Applicant's Response
Q4.3.25	Mr S Mills interest in land	National Grid acknowledges the confirmation received from the agent representing Mr Mills that the relevant representation [RR-026] has been withdrawn.

2.11 National Gas Transmission Limited

Table 2.12 – National Gas Transmission Limited: Update regarding negotiations and Protective Provisions [REP5-113]

Reference	Topic	Applicant's Response
N/A	Protective Provisions and Side Agreement	Proposed Protective Provisions to benefit National Gas Transmission (Document 8.30.3) submitted at Deadline 6 sets out the precise wording in dispute between National Grid and National Gas Transmission. This compares the National Gas Transmission protective provisions against the National Grid baseline wording on the face of the draft DCO (Document 3.1(E)) . This document also explains National Grid's justification in respect of the drafting proposed on the face of the draft DCO (Document 3.1(E)) .

2.12 National Highways

Table 2.13 – National Highways: Responses to the Examining Authority’s Further Written Questions (ExQ2) and Protective Provisions [REP5-114]

Reference	Topic	Applicant’s Response
	Protective Provisions	National Grid appreciates the need for protective provisions for the benefit of National Highways and bespoke provisions are included within the draft DCO (Document 3.1(E)) .
Q4.2.1	Sustained objections/ Protective Provisions	Proposed Protective Provisions to benefit National Highways (Document 8.30.2) submitted at Deadline 6 sets out the precise wording in dispute between National Grid and National Highways. This document provides a comparison of National Highways’ preferred protective provisions against National Grid’s proposed wording on the face of the draft DCO (Document 3.1(E)) . This document also explains National Grid’s justification in respect of the drafting proposed on the face of the draft DCO (Document 3.1(E)) .
Q4.2.5	Land interests within the local highway network	With reference to plots B3-07, B3-08, B3-11, B3-66, B3-74 and B3-75 as per Change 2 of the Change Application, these have been removed from the Order Limits as they are no longer required by the project and plot B3-09 has been changed to plot B3-09A.
Q4.2.6	SRN/ local highway networks	National Grid notes National Highways’ confirmation of the plots that are part of the Strategic Road Network or part of the local highways network. As noted above, some plots have been removed as part of the Change 2 element of the Change Application.
Q4.2.7	Extinguishment of National Highways’ interests	National Grid has offered voluntary terms to National Highways and has continued to engage. National Highways

Reference	Topic	Applicant's Response
		<p>has recently instructed an agent to negotiate a voluntary agreement. A meeting is being organised to set out and discuss the outstanding issues.</p> <p>National Grid is seeking acquisition of land and rights from National Highways. Voluntary terms have been issued and are being discussed with the agent. National Grid is working with National Highways to determine the structure of the voluntary agreement either through New Roads and Street Works Act or an option agreement.</p> <p>National Highways benefits from title ownership of the A19 and although this road is de-trunked National Grid would require National Highways (as part of a voluntary agreement) to consent to the works. National Grid will also require permanent rights over National Highways infrastructure to implement the works.</p> <p>National Grid has a long-standing positive relationship with National Highways and would look to continue this positive relationship for National Grid's existing infrastructure.</p>
Q14.0.4	Parts of the Strategic Road Network potentially affected by the Proposed Development	<p>1) National Grid understand the need to design the crossing of the scaffold over the Strategic Road Network (SRN) to the relevant standards and will design any scaffolds to those standards. National Grid have included within the protective provisions the approval by National Highways of the scaffold crossings over the SRN.</p> <p>2) National Grid have removed the access from the A64 slip road from Schedule 6 of the DCO and are not proposing any works in this location to the SRN. National Grid will utilise the existing access in this location.</p>

Reference	Topic	Applicant's Response
		<p>3) National Grid are proposing to scaffold the road in this location (Westfield Lane), and in the final solution there will be an oversail of the balancing pond as is currently there. National Grid will design any works in the areas so that the balancing pond continues to operate as required. The works will be required to be approved by National Highways.</p> <p>4) National Grid understand the need to design the crossing of the scaffold over the SRN (A1(M), A63 interface) to the relevant standards and will design any scaffolds to those standards. National Grid have included within the protective provisions the approval by National Highways of the scaffold crossings over the SRN. National Grid will ensure that the design means National Highways can continue to maintain their assets.</p>

2.13 Network Rail Infrastructure Limited

Table 2.14 – Network Rail Infrastructure Limited: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-116]

Reference	Topic	Applicant's Response
Q4.2.1	Sustained objections/ Protective Provisions	Further to the summaries outlined within Section 5 of the Statement of Common Ground between National Grid and Network Rail submitted at Deadline 5 [REP5-050], Proposed Protective Provisions to benefit Network Rail (Document 8.30.1) submitted at Deadline 6 sets out the precise wording in dispute between National Grid and Network Rail. This document provides a comparison of Network Rail's preferred protective provisions against National Grid's proposed wording on the face of the draft DCO (Document 3.1(E)) .
Q4.2.3	PA2008 s127 and s138 cases to satisfy the Secretary of State	National Grid's Section 127/138 Statement in respect of Network Rail (Document 8.27.1) [REP5-086] confirms how the protective provisions included within the draft DCO as at Deadline 5 (Document 3.1(D)) prevent serious detriment to the carrying on of Network Rail's undertaking.
Q4.2.10	Deeds of Easements, Framework Agreement, Asset Protection Agreement	The Applicant has now received Draft Heads of Terms for a Deed of Easement from NRIL. A number of meetings have been held with NRIL Property team to review their HoTs and commercial terms are agreed in principle. However, areas of disagreement remain which include Network Rail's requirement for termination provisions, lift and shift provisions, and indemnity and liability terms, which as proposed are not acceptable to National Grid. National Grid issued a detailed response to NRIL setting out key areas of disagreement on 17 July 2023. National Grid hope to reach

Reference	Topic	Applicant's Response
		<p>a more extensive agreement but if not order powers will be required subject to protective provisions.</p> <p>Provision for an Asset Protection Agreement is secured through the protective provisions included on the face of the draft DCO (Document 3.1(E)).</p> <p>A draft framework Agreement has been shared by Network Rail. National Grid is reviewing this but the key areas of disagreement regarding the easement and protective provisions will need to be resolved before this agreement can be entered into.</p>
Q14.0.5	Rail safety concerns	<p>National Grid understands the importance of protecting the railway during the construction of the project. National Grid will ensure that appropriate measures are in place, and the appropriate level of information is provided to Network Rail in advance of the construction works. National Grid will work with Network Rail to ensure the safety of the railway. These levels of protections are set out in the protective provisions at Part 4 of Schedule 15 to the draft DCO (Document 3.1(E)). National Grid will continue to engage with Network Rail as the detailed design is undertaken.</p>

2.14 North Yorkshire Council

Table 2.15 – North Yorkshire Council: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-117]

Reference	Topic	Applicant's Response
Q5.4.1	Timescales for discharge of Requirements	<p>National Grid shared a draft detailed Service Level Agreement (SLA) with North Yorkshire Council (NYC) on 13 July 2023 (the principles of which are set out in the S.106 Agreement), with a request for comments before Deadline 6. The SLA proposes a 6-week pre-application process for the discharge of Requirements and a further 5-week (35 days) formal determination period written into the draft DCO (Document 3.1(E)). For the discharge of consents under Articles, a 2-week pre-application period has been proposed in addition to the 4-week formal determination period written into the draft DCO (Document 3.1(E)).</p> <p>The SLA details that National Grid and their appointed contractor would hold regular dialogue and monthly meetings with the LPAs and Local Highway Authorities in order to appraise them of the programme and the upcoming submissions for either discharges against requirements or other consent under the Articles. This is to allow the LPAs time to prepare the necessary resource for the forthcoming submissions. This is in addition to the written scheme of stages, to be submitted under Requirement 4 of the draft DCO (Document 3.1(E)), which will provide a further indication of the timings of the Project delivery.</p> <p>The SLA details that through the pre-application stage, a full pack of draft documents would be issued to the LPAs for their comment and provisional views. This process would allow the LPAs' comments to be passed back to National</p>

Reference	Topic	Applicant's Response
		<p>Grid on the need for any further information or to comment on the details of the submitted information. Following this process, a formal submission of the information would be made which would contain details which have already been reviewed by the LPAs, including a summary of the pre-application consultation undertaken, minimising the likelihood that any further information may be required. Notwithstanding this, should further information on any of the formal submissions be requested, the timescales would apply as detailed in paragraph 1 of Schedule 4 of the draft DCO (Document 3.1 (E)).</p> <p>The 6-week pre-application period followed by the 5-week (35 days) formal determination period would create a total time period for reviewing documentation by the LPAs of 11 weeks which is in excess of the 8 weeks target determination period for dealing with planning conditions submitted under the Town and Country Planning Act 1990 (as amended) and is therefore considered a reasonable timeframe.</p> <p>National Grid considers the incorporation of a pre-application period to be favourable for both parties, as it will ensure that both parties are aligned in their expectations for the formal application and will reduce the risk of refusals or requests for additional information. A refusal or request for additional information risks delaying the Project, for which there is an urgent need to deliver in a timely manner. This introduces a risk which National Grid considers is best mitigated by the incorporation of a reasonable period of time for pre-application discussions, rather than additional time</p>

Reference	Topic	Applicant's Response
		<p>for the LPAs' determination period post submission of a discharge application.</p> <p>National Grid has sought to reassure NYC that as the Project will be broken down into stages, as per the written scheme of stages (to be submitted under Requirement 4 of the draft DCO (Document 3.1(E))), the level of detail to be submitted under each requirement is likely to be less extensive than the LPAs have anticipated. In addition, as requirements are targeted and topic specific, extensive consultation with multiple consultees is unlikely to be required for the majority of requirements with only a small number of Requirements identifying a requirement consultee. Further, the construction management plans listed under Requirement 5 of the draft DCO (Document 3.1(E)) are already in their approved form. Therefore, they would not be subject to a discharge application or require consultation and would form the basis for some of the further requirement applications coming forward.</p> <p>NYC has confirmed that they are able to agree to the timescales for consents submitted pursuant to articles. However, NYC has requested further time (beyond deadline 6) to consider the timescales for Discharge of Requirements.</p> <p>Regarding NYC's comment on the fee payable for each submission, each requirement is intended to be submitted in parts to relate to individual stages of the authorised development to be defined by Requirement 4 of the draft DCO (Document 3.1(E)) unless a scheme wide requirement is identified in Schedule 3 (e.g., Requirement</p>

Reference	Topic	Applicant's Response
		<p>4). It is intended that a submission fee would be made with each individual application submission that is made as requested by North Yorkshire Council.</p> <p>NYC has also requested that the definition of 'application' be provided, and this has been included in the draft DCO (Document 3.1(E)) submitted at Deadline 6.</p>
Q8.0.1	Green Belt assessment	The matters raised by the Council in their response to the question will be addressed in the Green Belt Position Statement which will be submitted at Deadline 7.
Q11.2.1	Visual mitigation for users of Public Rights of Way (National Cycle Network Route 65 and Jorvic Way long distance footpath (River Ouse to Shipton) and Public Rights of Way east of Shipton and near Newlands Farm	<p>The Council did not provide an answer to ExA Q11.2.1 b) i.e., <i>"Give an indication of the sort of mitigation that you would consider appropriate in these locations"</i>, although at ISH4 the Council stated they considered it would be worth re-engaging with the White Rose Forest to establish if there were any opportunities for woodland planting, which National Grid have recently done and await a response. National Grid provided an explanation of why mitigation in the form of additional planting was not considered necessary at these locations in answer to ISH2 Action Point 11 in Table 22.8 of Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24) [REP5-082].</p> <p>At ISH4, the ExA expressed a view that significant effects during the operational phase would be experienced by recreational users on the Public Rights of Way east of Shipton and near Newlands Farm beyond the Order limits as a result of the proposed new pylons and noted that delivering the Council's request for additional mitigation in these locations would require voluntary agreements with</p>

Reference	Topic	Applicant's Response
		third parties on land outside of National Grid's control (further detail provided in answer to Q11.2.2 below).
Q11.2.2	Continuing dialogue over landscape and visual mitigation	<p>The Council at ISH4 suggested that planting outside the Order Limits could be achieved with reference to the White Rose Community Forest initiative. Notwithstanding the fact that dialogue between National Grid and White Rose Forest in Spring 2022 did not identify any suitable sites, National Grid have re-engaged with White Rose Forest via email on 24/07/2023 to establish if their position on lack of sites had changed over the past year.</p> <p>In the event of a new positive response from White Rose Forest, it remains National Grid's views that unless land available for tree planting is located very close to the public rights of way where significant visual effects would be experienced, any new planting is unlikely to mitigate the specific significant visual impacts identified by National Grid in the ES and requested to be mitigated by the Council under Q11.2.1.</p> <p>In terms of quantum, it is National Grid's view that the Outline Landscape Mitigation Strategy at Monk Fryston and Overton substations and Tadcaster CSECs more than compensates for the potential loss of trees across the whole Project. In addition, replacement planting along the linear infrastructure would provide further tree and hedgerow planting.</p> <p>National Grid is seeking opportunities as close to the Project as possible to provide Biodiversity Net Gain in compliance with the mitigation hierarchy. In the event of a shortfall of sites along the linear route other suitable sites could be</p>

Reference	Topic	Applicant's Response
		considered as part of the S106, in relation to the mitigation hierarchy and credits required to achieve 10% net gain.
Q11.2.3	Replacement planting	As set out in National Grid's response to Q11.2.4 of Applicant's Response to Examining Authority's Second Written Questions (ExQ2) (Document 8.25.1) [REP5-083] , the quantum of replacement planting would meet the policy requirements of North Yorkshire Council and would accord with NPS EN-1. In terms of the quality of the replacement planting, the Project would provide opportunities for enhancement relative to the baseline planting that would be removed. Enhancement of planting is most likely to be achieved from the careful selection of tree and shrub species that would create more diverse and resilient planting, including individual trees, woodland and hedgerows.
Q12.0.2	Operational noise assessment methodology	<p>National Grid is aware that there is a point of disagreement with North Yorkshire Council (Selby area) regarding the noise assessment methodology, however there is agreement regarding the outcome of the assessment. This was discussed in detail at Issue Specific Hearing 2 (see Document 8.23.1 [REP4-023]) and again at Issue Specific Hearing 4.</p> <p>National Grid is preparing a position statement setting out its position in detail. National Grid has requested North Yorkshire Council input their position into the position statement. This will be submitted to the ExA at Deadline 7.</p>
Q14.0.6	Traffic and transport workshop	Following the traffic and transport workshop that took place on 7 June 2023 with North Yorkshire Council highways officers, and subsequent information provided, North Yorkshire Council confirmed on the 15 July 2023 that it is content with all traffic and highways matters. National Grid

Reference	Topic	Applicant's Response
		anticipates that this will be confirmed within the final Statement of Common Ground, to be submitted at Deadline 7.

2.15 Stepensions Rural LLP on behalf of Benjamin Rab and Fiona Rab

Table 2.16 – Stepensions Rural LLP on behalf of Benjamin Rab and Fiona Rab: Responses to the Examining Authority's Further Written Questions (ExQ2) [REP5-118]

Reference	Topic	Applicant's Response
4.1.1	Holford Rules and alternative locations for the Shipton Cable Sealing End Compounds	<p>National Grid acknowledges the comments of the agent acting for Benjamin Rab and Fiona Rab in relation to the application of the Holford Rules, and refers to its comments in response to Action Number 4 from Applicant's Response to CAH1 Action Points (Document 8.23.5) [REP4-027]. Holford Rule 3 states "other things being equal, choose the most direct line, with no sharp changes of direction and thus fewer angle towers". The alternative option 2 put forward would require additional angle towers, as it would require YR038 to be replaced with a new angle pylon. This would lead to at least four angle pylons in a short section, and lead to the line zig-zagging in that location. The proposal by National Grid utilises less angle pylons and is more Holford compliant.</p> <p>The Compensation Code is available to parties who suffer losses where an optimal Holford Rule compliant infrastructure solution is developed upon land within which they hold an interest.</p>
Table 2.1 [REP4-027]	Applicant's Response to CAH1 Hearing Action Points (Document 8.23.5) [REP4-027]	National Grid acknowledges the location of the land to be acquired. National Grid has worked with the landowner, occupier and their agent to enable developments to farm and business to progress as proposed by the landowner and occupier.

Reference	Topic	Applicant's Response
4.3.3	Limits of Deviation round Shipton North Cable Sealing End Compound	<p>National Grid is pleased that Changes 1 and 3 as set out in Change Application: Report on Proposed Changes (Document 9.1) [REP5-091] are supported by the landowner, occupier and their agent, and that those changes will reduce the overall impact on the future development of the farm.</p>
4.3.5	Rab family interest in land: update on matters not agreed	<p>National Grid acknowledges that the agent has received details relating to proposed location of 2 passing places on Newlands Lane. The proposal for the passing places is an illustrative plan that shows a reasonable worst case. In addition to passing places, National Grid have 3 bellmouths along the lane that will be able to accommodate two HGV's being pulled off the highway and therefore also act as passing places. The measures for traffic management are set out in the Construction Traffic Management Plan (Document 5.3.3F(C)) and include measures such as the use of the agricultural liaison officer, traffic co-ordination officer, banksman and the delivery management system. The use of these measures, in conjunction with any passing paces and the proposed bellmouths will mean that construction traffic and agricultural traffic can be adequately managed in this area.</p> <p>National Grid has set out its response to the proposal of a new access track between the construction compounds in Table 2.10 in Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24) [REP5-082] and notes the response by Mr Stephenson. In summary this proposal is not justifiable for the following reasons:</p> <ul style="list-style-type: none"> the removal of mature trees would be required for any new access between the compounds.

Reference	Topic	Applicant's Response
		<ul style="list-style-type: none"> • it would require additional access across third party land. • it would route construction traffic through another contractor's compound, and • the traffic is manageable along the existing public highway with the proposed bellmouths, any passing places and traffic management as set out in the CTMP (Document 5.3.3F(C)).

2.16 Yorkshire Wildlife Trust

Table 2.17 – Yorkshire Wildlife Trust: Additional Submission – accepted at the discretion of the Examining Authority - Response to The Examining Authority’s further written questions and requests for information (ExQ2) [AS-023]

Reference	Topic	Applicant’s Response
Q3.0.1	Potential for bird strike with overhead lines on the River Ouse	<p>a) National Grid acknowledges Yorkshire Wildlife Trust’s (YWT) point that individual whooper swans and pink-footed geese migrating over the River Ouse crossings (proposed and existing) may be derived from wintering populations in the Nene Washes, Ouse Washes, North Norfolk Coast, and/or The Wash SPAs. However, National Grid maintains its position that there is no evidence to indicate that the proposed crossing on the River Ouse would pose a significant risk of collision to these species that would result in population effects at a designated site level.</p> <p>With regards to YWT’s response to ExQ2, Q3.0.1 at Deadline 5 [AS-023] as to whether there is the potential for bird strike at the proposed River Ouse crossing to result in population effects at a designated site level for these species, National Grid refers back to the Applicant's Response to ExQ2, Q3.0.3 (Document 8.25.1) [REP5-083], summarised as follows:</p> <p>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 (peak count of 85 birds), which were all recorded flying above the height of the earth wire (>50m). The Lower Derwent Valley is located 17km east of the proposed River Ouse crossing, which is beyond the core</p>

Reference	Topic	Applicant's Response
		<p>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, 2016a¹). Given these distances, it is unlikely that birds using the Lower Derwent Valley would utilise land near the Ouse crossing (for foraging or roosting) on anything more than an infrequent basis.</p> <p>The UK wintering population of whooper swan is estimated at 19,500 individuals, and that for pink-footed goose at approximately 510,000 individuals (Woodward et al., 2020²). The current national population trends indicate increases of 104% (pink-footed goose) and 244% (whooper swan) from 1995/96-2020/21 and a 52% and 27% increase for 2010/11-2020/21 (Austin et al., 2023³). The peak count of 85 pink-footed geese recorded during the 2021-22 surveys represents just 0.01% of the estimated UK wintering population of ~510,000 birds.</p> <p>The radar study by Horton et al. (2016⁴) found the average migration flight heights of birds “ranged from 119.8 to 1,135.6m, with birds at inland sites flying higher during the</p>

¹ NatureScot. 2016a. *Guidance - Assessing Connectivity with Special Protection Areas (SPAs). Version 3 – 2016.*

² 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.

³ 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.

⁴ 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>

Reference	Topic	Applicant's Response
		<p>spring than birds at coastal sites”, this being well above the earth wire height (50m). Migrating birds flying at high altitudes face a lower collision risk than birds making regular flights between foraging and roosting/nesting areas. In terms of weather conditions at the start of migration, favourable local weather conditions and good visibility are key in triggering migration (Erni et al. 2002⁵, Mateos-Rodríguez & Liechti 2011⁶). Given that the Lower Derwent Valley is ~17km from the River Ouse crossing, it is unlikely that birds setting off on spring 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> <p>In view of this, collision events (if they were to occur) with the proposed River Ouse crossing would be very infrequent, and population effects at a designated site level would be extremely unlikely.</p> <p>b) National Grid previously carried out a desk study in 2020 to inform the Project, which obtained data from the North and East Yorkshire Ecological Data Centre (NEYEDC) and included data extracted from the York Ornithological Club (YOC) 2019 Bird Report and Yorkshire Naturalists Union's (YNU) Yorkshire Bird Report 2015.</p>

⁵ 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.

⁶ 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>

Reference	Topic	Applicant's Response
		<p>Records relating to whooper swan were limited to the YOC 2019 Bird Report, with relevant records summarised as follows: <i>“Lower Derwent Valley continues to be the most important wintering site for whooper swan in Yorkshire. The YOC 2019 Bird Report contained multiple records for whooper swan at sites within and immediately adjacent to OSA 1. Within OSA 1, seventeen were recorded as briefly stopping at Red House, 30 at Easthorpe and 32 at Nether Poppleton. At Clifton Ings just outside the Study Area, four whooper swans were recorded and on another occasion 19 were observed flying south-east over Clifton Ings”</i>.</p> <p>All of these records lie more than 2km from the proposed River Ouse crossing (and also the current crossing).</p> <p>Records of pink-footed goose were limited to the British Trust for Ornithology (BTO) Wetland Bird Survey (WeBS) data search for Fairburn Ings (near OSA 3) and therefore are not relevant to the River Ouse crossing (OSA 1).</p> <p>There were no records of whooper swan or pink-footed goose within the NEYEDC data search of OSA 1.</p> <p>c) National Grid has no further comments to make.</p> <p>d) National Grid acknowledges and agrees with YWT's response that the level of risk of bird strike is likely to be similar at the existing and proposed River Ouse crossing.</p> <p>There are no known records of bird collision relating to the existing River Ouse crossing (see Applicants response to ExQ2, Q3.0.3 and Q3.0.8 (Document 8.25.1) [REP5-083]).</p>

Reference	Topic	Applicant's Response
		<p>It is acknowledged that predators such as foxes and crows are likely to quickly remove evidence of bird strike for smaller bird species. However, given the presence of the regularly used public footpaths along the River Ouse and the size of both species of concern (and conspicuous plumage of swans), it would be expected that significant or even occasional collision-related deaths of 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.</p> <p>This is supported by the conclusions of a study involving carcass searches following mute swan collisions with overhead lines at Abberton Reservoir SPA (Frost, 2008⁷), which concluded that “<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 and skeletal remains persist, even after foxes have scavenged the carcasses</i>”.</p>
Q3.0.3	Potential for bird strike – records	National Grid has previously contacted YOC to request any records of bird strike at the River Ouse or River Wharfe crossings. YOC confirmed it does not hold any records of bird strike at these locations (see Applicants response to ExQ2, Q3.0.3 (Document 8.25.1) [REP5-083]).
Q3.0.5	Potential for bird strike: River Wharfe	a) National Grid assumes that YWT's statement that the Wharfe corridor does not seem to be a major migration

⁷ 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.

Reference	Topic	Applicant's Response
		<p>route confirms that it does not consider the proposed works in this area likely to affect bird features of European designated sites – with which National Grid concurs.</p> <p>The planned reconductoring works on the overhead line at the River Wharfe crossing will not result in any changes to the location, height or width of the pylons concerned, or the heights of the earth and conductor wires. There would be no alteration to the habitats within close vicinity of the River Wharfe crossing (due to the works), such that the area would become more attractive to foraging/resting birds. In view of this, the proposed reconductoring works at the River Wharfe crossing would result in no change to the level of risk of collision to birds (i.e. there would be no change in the baseline conditions).</p> <p>b) YWT has acknowledged that it does not hold any evidence to support its view that the proposed modification of overhead lines in the River Wharfe crossing could result in bird strikes amongst local populations of goosander, mallard, grey heron and mute swan. It has however stated that the river supports these species and that they are vulnerable in darkness and poor daytime visibility.</p> <p>As detailed in Applicant's Response to ExQ2 Q3.0.3, (Document 8.25.1) [REP5-083], National Grid has not received any reports or records of bird collisions during the lifetime of the overheard line at the River Wharfe crossing. 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. As described with respect to the River Ouse crossing in its comments on YWT's response to Q3.0.1d above, it would therefore be</p>

Reference	Topic	Applicant's Response
		<p>expected that collision-related deaths would have been reported to National Grid by the public or landowners at some point during the operational period of the overhead line, which is not the case. It is widely understood that birds are more vulnerable to collisions in certain weather conditions such as poor visibility and during the hours of darkness (Prinsen et al. 2011⁸). However, the installation of diverters is very unlikely to eliminate mortality entirely (especially for crepuscular or nocturnal species) (NatureScot, 2016b⁹).</p> <p>c) National Grid assumes that in referring to its answer to Q3.0.1(d), YWT has acknowledged that the proposed modification of the overhead line at the River Wharfe would not pose a greater strike risk than the existing crossing – with which National Grid concurs.</p> <p>The planned reconductoring works on the overhead line at the River Wharfe crossing will not result in any changes to the location, height or width of the pylons concerned, or the heights of the earth and conductor wires. There would be no alteration to the habitats within close vicinity of the River Wharfe crossing (due to the works), such that the area would become more attractive to foraging/resting birds. In view of this, the proposed reconductoring works at the River Wharfe crossing would result in no change to the level of</p>

⁸ 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, AEW Technical Series No. XX Bonn, Germany

⁹ NatureScot. 2016b. *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>

Reference	Topic	Applicant's Response
		<p>risk of collision to birds (i.e. there would be no change in the baseline conditions).</p> <p>With respect to YWT comments regarding the lack of evidence of bird strike at this location and it not being possible to conclude that there is not currently an issue, National Grid refers to its comments in this document on YWT's response to Q3.0.5c and Q3.0.1d above.</p> <p>With respect to YWT's comments on the application of the mitigation hierarchy, National Grid refers to Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24) [REP5-082], the key points being that best practice guidance advocates a proportional approach to the assessment of ecological effects, with the '<i>emphasis in EclA on "significant effects" rather than all ecological effects</i>'¹⁰; and that the fitting of diverters would constitute a disproportionate level of mitigation, with the approach taken within the Project being in line with a balanced application of the mitigation hierarchy.</p>
Q3.0.7	Proposed mitigation: effectiveness of bird diverters	National Grid does not hold an evidence base of monitoring undertaken at locations where bird diverters have been installed, as monitoring is not generally a requirement where bird diverters are included. However, National Grid is currently undertaking post construction bird collision monitoring activities in relation to the Hinkley Point C

¹⁰ CIEEM (2018, updated 2019). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal. CIEEM, Winchester.

Reference	Topic	Applicant's Response
		<p>Connection Project but monitoring is at a very early stage and results are not yet available.</p> <p>National Grid acknowledges that bird diverters can be successful in reducing the number of collisions in certain circumstances and at certain locations as set out in Applicant's Response to ExQ2 Q3.0.7 (Document 8.25.1 [REP5-083]) and summarised as follows:</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 (e.g. at Abberton Reservoir and also at the River Tees crossing, where overhead lines cross Abberton Reservoir SPA and the Teesmouth and Cleveland Coast SPA). 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). 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 migration period, rather than on a regular basis across the winter as at Abberton Reservoir and the River Tees.</p> <p>YWT also state that the Frost (2008) report "<i>recommends that appropriate bird flight diverters are fitted as routine best practise when installing any new overhead power lines</i>". However, more recent NatureScot (2016b) guidance outlines that decisions on where to install diverters should be informed by survey work. Additionally, this more recent guidance goes on to state that the installation of diverters</p>

Reference	Topic	Applicant's Response
		<p>should be considered where overhead lines are routed through designated protected areas, areas of substantial flight activity and/or those close to roost, breeding or main feeding areas. What level of flight activity constitutes 'substantial' and how far from key areas marking needs to continue will depend on the species, site and the risk posed by development involved. This judgement should consider the core foraging areas of the affected species, connectivity distances, susceptibility to collision, status of the population(s) and the potential population significance of collision mortality.</p> <p>Therefore, with all relevant factors fully considered, it remains National Grid's view that fitting diverters at the River Ouse and River Wharfe crossings would be disproportionate to the minimal level of risk posed by the Project.</p>

National Grid plc
National Grid House,
Warwick Technology Park,
Gallows Hill, Warwick.
CV34 6DA United Kingdom

Registered in England and Wales
No. 4031152