

YG-DCO-149

Yorkshire Green Energy Enablement (GREEN) Project

Volume 8

Document 8.35 Applicant's Closing Statement

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Version History

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This Closing Statement has been produced by National Grid Electricity Transmission plc (National Grid) (the Applicant) to provide a summary of its position on the main issues that have been addressed in the course of the Examination. This document is also provided to ensure that the Examining Authority, and the Secretary of State, is clear on the Applicant's position in relation to these matters, and any remaining points of dispute that arise from them.
- 1.1.2 No new points are raised in this Closing Statement, but instead this document draws upon and refers to National Grid's application documents, and submissions made during the Examination. National Grid's **Navigation Document and Application Guide (Document 1.3(I))** provides a list of documents submitted in support of the application and during the Examination. It highlights the final version of each document where documents have been superseded during the Examination. It is hoped that this Closing Statement assists the Examining Authority and the Secretary of State in its reporting and decision-making.
- 1.1.3 The document reiterates the clear and pressing need for the Project, its alignment with National Policy Statements and relevant evidence that is considered to be material to the application of section 104 of the Planning Act 2008 (2008 Act).

1.2 The Project

- 1.2.1 The Project is sited within Yorkshire, with the most northerly components located approximately 1.5km north-east of the village of Shipton and approximately 10km north-west of York city centre. The most southerly components are at the existing Monk Fryston Substation, located to the east of the A1 and immediately south of the A63.
- 1.2.2 The Project will comprise both new infrastructure and works to existing transmission infrastructure and facilities. The Project is divided into six sections described below.
- Section A (Osbalwick Substation): Minor works at the existing Osbalwick Substation comprising the installation of a new circuit breaker and isolator along with associated cabling, removal and replacement of one gantry and works to one existing pylon. All substation works would be within existing operational land.
 - Section B (North west of York Area): Works would comprise:
 - reconductoring of 2.4km of the 400kV Norton to Osbalwick (2TW/YR) overhead line and replacement of one pylon on this overhead line;
 - the new 400kV YN overhead line (2.8km), north of the proposed Overton Substation;
 - the new Shipton North and South 400kV cable sealing end compounds (CSECs) and 230m of cabling to facilitate the connection of the new YN 400kV overhead line with the existing Norton to Osbalwick YR overhead line;
 - a new substation (Overton 400kV/275kV Substation) approximately 1km south of Shipton by Beningbrough;

- two new sections of 275kV overhead line which would connect into Overton Substation from the south (the 2.1km XC overhead line to the south-west and the 1.5km SP overhead line to the south-east);
- works to 5km of the existing XCP Poppleton to Monk Fryston overhead line between Moor Monkton in the west and Skelton in the east comprising a mixture of decommissioning, replacement and realignment. To the south and south-east of Moor Monkton the existing overhead line would be realigned up to 230m south from the current overhead line and the closest pylon to Moor Monkton (340m south-east) would be permanently removed. A 2.35km section of this existing overhead line would be permanently removed between the East Coast Mainline (ECML) Railway and Woodhouse Farm to the north of Overton.
- Section C (Moor Monkton to Tadcaster): Works proposed to the existing 275kV Poppleton to Monk Fryston (XC) overhead line north of Tadcaster (Section D) include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- Section D (Tadcaster Area): Two new CSECs (Tadcaster East and West 275kV CSECs) would be installed approximately 3km south-west of Tadcaster and north-east of the A64/A659 junction where two existing overhead lines meet. One pylon on the existing 275kV Tadcaster Tee to Knaresborough (XD/PHG) overhead line would be replaced.
- Section E (Tadcaster to Monk Fryston): Works proposed to the existing 275kV Poppleton to Monk Fryston (XC) overhead line south of Tadcaster (Section D)) include replacing existing overhead line conductors, replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- Section F (Monk Fryston Area): A new substation would be constructed to the east of the existing Monk Fryston Substation which is located approximately 2km south-west of the village of Monk Fryston and located off Rawfield Lane, south of the A63. A 1.45km section of the 275kV Poppleton to Monk Fryston (XC/XCP) overhead line to the west of the existing Monk Fryston Substation and south of Pollums House Farm would be realigned to connect to the proposed Monk Fryston Substation. East of the existing Monk Fryston Substation the existing 4YS 400kV Monk Fryston to Eggborough overhead line, which currently connects to the existing substation, would be reconfigured to connect to the proposed Monk Fryston Substation.

1.2.3

Environmental Statement (ES) Chapter 2 Project Need and Alternatives (Document 5.2.2) [APP-074] and the **Updated Need Case (Document 7.4) [APP-205]** contain details on the need for the Project, a summary of which is set out in Section 2 of this document. National Grid considers that there is a clear and compelling case in the public interest for the DCO for the Project to be made.

1.3 Design Changes

1.3.1

National Grid notified the ExA of its intention to submit a request for proposed changes to the DCO application in a letter dated 19 June 2023 (Appendix A, Change Application: **Report on Proposed Changes (Document 9.1) [REP5-091]**). National Grid's notification identified four proposed changes. For two of those changes (Change 3 and Change 4), National Grid confirmed that the proposed changes would only be sought if landowner consent was obtained. Subsequently, National Grid confirmed that the

landowner did not consent to Change 4 being made (Reorientation of the Tadcaster West Cable Sealing End Compound (CSEC)). Accordingly, National Grid submitted a change application to the Examining Authority at Deadline 5 on 11 July 2023 which contained details of 3 proposed changes to the DCO Application for the Project. The details of all proposed changes are provided in the Change Application, with a summary of each proposed change provided in the **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]**.

- 1.3.2 The need for the proposed changes to the Project arose from ongoing design refinement, and engagement and representations made from key stakeholders and affected land interests during the Examination.
- 1.3.3 The Examining Authority published its procedural decision on the Change Application on 13 July 2023 **[PD-013]**, accepting the 3 proposed changes into the Examination of the DCO Application. Following this, National Grid made all necessary updates to application documents and submitted the revised documents at Deadline 6 on 28 July 2023.

1.4 Structure of this document

- 1.4.1 This Closing Statement is structured as follows to address each of the principal issues identified by the Examining Authority under section 88 of the 2008 Act:
- Need for the Project;
 - Biodiversity, ecology and natural environment;
 - Compulsory acquisition, temporary possession and other land or rights considerations;
 - Construction;
 - Flood risk, water quality and resources;
 - Good Design;
 - Green Belt;
 - Historic Environment;
 - Human Health;
 - Land Use;
 - Landscape and Visual;
 - Noise and Vibration;
 - Socio-economic effects; and
 - Transportation and traffic.
- 1.4.2 The Closing Statement concludes that the Project is in accordance with the relevant NPSs; that there are not any adverse effects which would outweigh the benefits of the Project; and that accordingly development consent should clearly be granted.

2. Need for the Project

2.1 Policy Context

- 2.1.1 The pressing need for, and benefits of, the Project are not in dispute. Yorkshire GREEN will upgrade and reinforce the electricity transmission system in Yorkshire. This reinforcement is needed to improve the transfer of clean energy across the country. It will support the government's commitment to a target of 50GW for the UK's offshore wind capacity by 2030¹.
- 2.1.2 The Climate Change Act 2008, as amended, requires the UK Government to achieve Net Zero by 2050. To achieve this, it is necessary to expand the capacity of National Grid's transmission system. The Project will support the growth of green energy in Great Britain by providing the capability to manage substantially increased power flows and the increased energy demand, which the Climate Change Committee ('CCC') predicts will double by 2050.
- 2.1.3 The **Planning Statement** submitted in support of the Application (**Document 7.1 [APP-202]**) sets out at Table 3.1 a summary of the International, European and UK energy policies that are drivers for change in the energy and electricity transmission market.
- 2.1.4 As set in more detail in the Planning Statement there are two relevant National Policy Statements, EN-1 (Overarching Energy) and EN-5 (Electricity Networks Infrastructure). EN-1 provides the primary basis for making decisions on development consent applications for energy infrastructure in England, and EN-5 is specifically related to electricity networks infrastructure.
- 2.1.5 Paragraph 3.1.3 on NPS EN-1 states: *"The IPC [SoS] should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part."*
- 2.1.6 In the section on the need for electricity transmission apparatus, paragraph 3.7.10 of EN-1 states: *"there is an urgent need for new electricity transmission and distribution infrastructure (and in particular for new lines of 132 kV and above) to be provided. The IPC [SoS] should consider that the need for any given proposed new connection or reinforcement has been demonstrated if it represents an efficient and economical means of connecting a new generating station to the transmission or distribution network, or reinforcing the network to ensure that it is sufficiently resilient and has sufficient capacity."*
- 2.1.7 Finally, EN-1 indicates at paragraph 4.2.1: *"Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the IPC [SoS] should start with a presumption in favour of granting consent to applications for energy NSIPs"*.
- 2.1.8 The NPS thus highlights the urgent need for new electricity transmission, such as the Project to be provided, to ensure that the network is sufficiently resilient and has

¹ Department for Business, Energy & Industrial Strategy (2022). Policy paper: British energy security strategy (online). Available at: <https://www.gov.uk/government/publications/britishenergy-security-strategy/british-energy-security-strategy> (Accessed October 2022).

sufficient capacity. This is reinforced in the emerging Draft NPSs. The Department for Business, Energy & Industrial Strategy (BEIS) (as was) published draft NPSs, including EN-1 and EN-5, which were the subject of consultation between September and November 2021, and then further consultation between March and June 2023 in relation to the revised draft NPSs. As this review is still ongoing, and no new NPSs have yet been designated, the current suite of energy NPSs remain relevant Government policy. Therefore, the extant 2011 NPSs continue to have effect for the purposes of the 2008 Act. In addition, the transitional arrangements announced by BEIS set out that for any application accepted for examination before designation of the draft NPSs (as is the case with this application), the 2011 suite of NPSs should be used to assess and determine the application. The draft NPSs will therefore have effect only in relation to those applications for development consent accepted for examination after their designation. Notwithstanding this, draft NPS EN-1 and EN-5 and revised draft NPS EN-1 and EN-5 have been carefully considered and in summary, do not change National Grid's overarching position as presented in the Planning Statement (**Document 7.1**) [**APP-202**].

- 2.1.9 During the course of the Examination the Powering Up Britain suite of plans and documents were published by the Government in March 2023. This was discussed at Issue Specific Hearing (ISH) 2 and National Grid provided a response to Hearing Action 5 of ISH2 on the implications of the policy paper (**Document 8.23.4**) [**REP4-026**]. As detailed in National Grid's response, Powering Up Britain is the Government's blueprint for the future of energy in the Country, and brings together numerous existing plans, and paves the way for emerging policies, strategies and plans. In summary, Powering Up Britain recognises energy networks as being an 'enabler' of the transition towards the future energy strategy, and seeks to accelerate the delivery of strategic transmission upgrades, and cut delivery times. Yorkshire GREEN is in accordance with the thrust of the policy, seeking to deliver a Project to enable connection of three contracted customers (including offshore wind and interconnectors); ensure future connections of renewable generation can be connected without incurring significant constraint costs; facilitate net zero ambitions; and meet National Grid's transmission licence obligations. This is set out in the **Updated Need Case (Document 7.4)** [**APP-205**].
- 2.1.10 Draft NPS EN-1 and EN-5 published for re-consultation in March 2023 defines in the glossary Critical National Priority (CNP) infrastructure '*as nationally significant new offshore wind development and supporting onshore and offshore network infrastructure and related network reinforcement*'. Draft NPS EN-5 goes on to state at paragraph 2.12.7 that '*this includes infrastructure identified in the Holistic Network Design and its follow on exercises*'.
- 2.1.11 As detailed in response to Action Point 5 of the **Applicant's Response to ISH2 Hearing Action Points (Document 8.23.4)** [**REP4-026**] the **Updated Need Case (Document 7.4)** [**APP-205**] for Yorkshire GREEN specifically identifies that the Project is needed to support a nationally significant new offshore wind development, namely Hornsea Offshore P4 (see section 3.21, bullet point 3). Sections 3.2, 4.1 and 4.4 of the Updated Need Case further identify the reinforcement need for the Project in terms of supporting the transfer of energy generated from offshore wind developments. Yorkshire GREEN is also considered as a '*HND essential option...essential to deliver the Pathway to 2030*' within table 3.4 of the Network Options Assessment 2021/22 Refresh. As such, it is National Grid's view that the Project would fall within the CNP definition, as currently set out.

2.2 Need Case for the Project

- 2.2.1 In line with the UK government's legal commitment to reduce greenhouse gas emissions by at least 100% of 1990 levels (Net Zero) by 2050, growth in offshore wind generation and interconnectors to Europe has seen a significant number of connections planned in Scotland and coastal areas of the North of England.
- 2.2.2 The existing electricity transmission network was not designed to transfer the current and increasing volume of generation capacity from the North to major centres of electricity demand which continue to exist in central and southern England. The network will require significant reinforcement in the Yorkshire area to provide capacity for these connections and customers to ensure that power can be transferred securely to onshore demand centres in the south to meet the needs of Great Britain electricity consumers.
- 2.2.3 National Grid has obligations under its Transmission Licence to provide an efficient, economic and co-ordinated transmission system in England and Wales. National Grid is required to plan and develop the transmission system in accordance with the National Electricity Transmission System Security and Quality of Supply Standard (NETS SQSS) and to offer connections to and/or use of the transmission system via the National Grid Electricity System Operator (ESO).
- 2.2.4 The growth in generation and interconnectors to Europe and rising transfers of onshore and offshore wind from Scotland, alongside connections in the northern regions of England, means that without new infrastructure, by 2027 boundaries B7, B7a and B8 of the transmission system will exceed their current capacity.
- 2.2.5 This assessment is supported by both the Network Options Assessment (NOA) and the Future Energy Scenarios (FES) which are undertaken by the Electricity System Operator, independently of National Grid as the transmission owner. The FES identified that from 10,000 MW to between 20,000 MW to 30,000 MW is required in increased capacity by 2040 driven by generation to achieve Net Zero targets.
- 2.2.6 The National Grid ESO manages shortfalls in boundary capacity by reducing power flows and constraining generation. This is achieved by paying generators to reduce their outputs, known as 'constraint costs'. As well as reducing the amount of renewable energy generated, ultimately constraint costs are passed on to consumers and businesses through electricity bills. When constraint costs become higher than the cost of investment required to reinforce the network (and remove the need for constraint costs) it is considered right to proceed with investment for reinforcement. Without reinforcement by 2027 there can be no further unconstrained connections above boundary B8.
- 2.2.7 In addition, the following three contracted customers have connection offers which are reliant on reinforcement of the network in the area:
- Continental Link – A 1.8GW Interconnector between England and Norway to connect in the Creyke Beck Substation, close to Hull, by 2027
 - The Atlantic Superconnection - A 1GW Interconnector from Iceland expected to connect in the Creyke Beck Substation, close to Hull, by 2027
 - Hornsea Offshore P4 – A 2 phased connection application for 2.6GW (1.5GW in 2027 and 1.1GW in 2028) of offshore wind generation with an offer to connect in the North East in April 2027 and October 2028 for each phase respectively.

2.2.8 In summary, there is a compelling and urgent need for the Project, as evidenced both through existing and emerging national policy and through the specific requirements for reinforcement of the network in this area.

2.3 Project Development Process

2.3.1 Establishing the need for reinforcement, as summarised above, is the first step in National Grid's project development process. For the Project, this is detailed in the **Updated Need Case (Document 7.4) [APP-205]**. On the basis of the established need case, National Grid review how the required reinforcement could be delivered, considering different strategic options, and assessing the options identified. This takes into account environmental, socio-economic, cost and technical considerations. The strategic proposal is then considered further through options identification and selection, taking into account feedback received. The design and assessment of the Project in environmental terms is the subject of statutory consultation, with feedback considered, before the Project taken forward is finalised and submitted in the DCO application.

2.3.2 Section 5.2 of the **Planning Statement (Document 7.1) [APP-202]** sets out the Project development process for Yorkshire GREEN and how this is aligned with National Grid's **Our Approach to Consenting (Document 5.3.2A) [APP-092]**. **Chapter 2 of the ES Project Need and Alternatives (Document 5.2.2) [APP-074]** also provides an overview of the Project development process including alternatives considered as part of the strategic proposal, options identification and selection, and through defining the proposal taking into account consultation responses. The application is also supported by the following documents detailing the Project development process and alternatives considered:

- Strategic Proposal 2019 (**Document 7.5) [APP-206]**;
- Strategic Proposal Back Check and Review 2020 (**Document 7.6) [APP-207]**;
- Strategic Proposal Addendum (**Document 7.7) [APP-208]**; and
- Corridor and Preliminary Routeing and Siting Study 2021 (**Document 7.8) [APP-209]**.

2.3.3 Section 1.3 above sets out the design changes that took place during the course of the Examination, including the three proposed design changes that formed part of the Change Application submitted at Deadline 5 on 11 July 2023 that were accepted into the Examination by the ExA in its procedural decision of 13 July 2023. Following this, National Grid made all necessary updates to the DCO application documents and submitted the revised documents at Deadline 6 of the Examination on 28 July 2023.

2.3.4 The proposed changes as detailed in the **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]** include:

- Change 1 – Shipton North Reduction in Limits of Deviation (within Work No.2).
- Change 2 – New Farm Cottages Access (within Work No.5).
- Change 3 – Shipton Cable Sealing End Compound (CSEC) Access (within Work No.2).

2.3.5 Change 4 – Reorientation of the Tadcaster West Cable Sealing End Compound (CSEC) was not taken forward as part of the change application as the landowner did not consent to the change being made.

2.4 Funding

- 2.4.1 A **Funding Statement (Document 4.2) [APP-070]** was submitted as part of the Project application. The Funding Statement sets out how the Project is to be funded and how the acquisition of land and rights over land which are necessary to build the Project will be funded. The Funding Statement sets out the details of National Grid's business model and how most of National Grid's revenue is set in accordance with its regulatory agreements. The Funding Statement has been updated at Deadline 7 (**Document 4.2(B)**) to reflect the progress in regulatory stages that have taken place since the application was submitted. On the 23 June 2023 Ofgem provided a conditional decision on the Final Needs Case (FNC) which supports the Project's need, the strategic option being proposed and also confirms National Grid as being responsible to deliver the Project. The FNC decision is conditional on National Grid obtaining a planning decision. This is to ensure there is no prejudice or predetermination by the regulator on the outcome of the planning process.
- 2.4.2 The **Funding Statement (Document 4.2(B))** submitted at Deadline 7 also details the change that will occur from the regulatory Large Onshore Transmission Investment (LOTI) licence framework to the Accelerated Strategic Transmission Investment (ASTI) framework. In response to the 50GW by 2030 commitment the UK Government set out in the British Energy Security Strategy, Ofgem considered again how they could speed up the delivery of this strategy and in August 2022 consulted on an ASTI framework, the implementation of which was determined in December 2022. Ofgem has since announced the new licence agreement on 25 August 2023. The funding of the Project will not be novated across to the ASTI framework as of 20 October 2023 (as detailed in Section 4 of the updated **Funding Statement (Document 4.2(B))**). Yorkshire GREEN has been identified as one of the projects due to be delivered by 2030 and is an ASTI Project.
- 2.4.3 The current position for the Yorkshire GREEN Project is that the FNC was conditionally determined in June 2023 and is subject to National Grid obtaining a planning decision. Once a planning decision is received, National Grid's ability to recover construction costs will be confirmed, with the specific cost allowance being established by a Project Assessment determination forecast to be complete in Spring 2024 (post DCO decision). As detailed in the conclusion to the **Funding Statement (Document 4.2(B))**, the Secretary of State can be satisfied that all aspects of the Project will be fully funded and that there is no reason to believe that, should the DCO be made, the Project will not proceed due to an absence or shortfall in available funding. The Secretary of State can also be satisfied that funding will be available for the acquisition of any land and other interests required for the Project, for compensation or blight claims brought by those interested in the land affected by the DCO, and for the costs of implementing the Project.

3. Biodiversity, ecology and natural environment

- 3.1.1 **ES Chapter 8: Biodiversity (Document 5.2.8) [APP-080]** sets out the legislative and policy framework that applies to the biodiversity assessment including relevant sections of NPS EN-1 and EN-5 (Section 8.2). It concludes that no significant effects were likely on any biodiversity features. The **No Significant Effects Report (NSER) (Habitat Regulations Assessment Screening) (Document 6.4(B)) [AS-018]** also concluded that there is no potential for likely significant effects on any sites within the National Site Network. The minor design changes during the Examination resulted in no change to the overall conclusions of the ES in respect of Biodiversity and NSER.
- 3.1.2 Natural England agreed with the findings of these assessments, as noted in the relevant SoCG **(Document 8.5.5(B)) [REP5-037]**, and there are no unresolved matters with other Interested Parties except for Yorkshire Wildlife Trust on the specific issue of bird diverter installation. This sole issue remains 'Not Agreed', as set out in the SoCG between the two parties **(Document 8.5.6(B)) [REP5-039]**.
- 3.1.3 National Grid has carefully considered the potential collision risk to birds posed by the Project in line with NPS-EN5, and maintains the position that there is no requirement to install bird diverters due to the negligible increased risk of collisions arising from the Project and no evidence to suggest any risk of population level effects on sites within the National Site Network. National Grid's position is supported by Natural England as the statutory nature conservation body in **[REP5-115]** and **[AS-024]**. National Grid's position has been explained in detail at the relevant ISHs and summarised in the **Applicant's Written Summary of Oral Representations made at ISH2 Table 6.2 (Document 8.23.1) [REP4-023]; Applicant's Comments on Interested Parties' Deadline 4 Submissions Table 2.12 (Document 8.24) [REP5-082]; Applicant's Response to Examining Authority's Second Written Questions (ExQ2) Q3.0.1 (Document 8.25.1) [REP5-083]; and Applicant's Comments on Interested Parties' Deadline 5 Submissions Table 2.17 (Document 8.28) [REP6-058]**. In summary, National Grid's position is that:
- Existing overhead lines are in place crossing the River Ouse and the River Wharfe and there is no evidence of bird collisions to date;
 - There is no evidence from desk study records or survey results of significant numbers of the bird species of concern using the area;
 - The Project would result in minimal changes to the overhead lines crossing the River Ouse (one crossing dismantled and replaced ~360m upstream) and River Wharfe (reconductoring of existing line only with no change in position);
 - There is no evidence of any functionally linked land within the Order Limits; and
 - The National Site Network sites for which the Yorkshire Wildlife Trust has raised concerns regarding the River Ouse crossing are over 130km from the proposed replacement crossing (well over the 20km ZoI agreed with Natural England and other interested parties for the Project).
- 3.1.4 Although Biodiversity Net Gain (BNG) is not currently a statutory requirement for NSIPs, National Grid has made a voluntary commitment to delivering 10% BNG as set out in the application stage **BNG Report (Document 7.9) [APP-210]**. BNG is secured

through a **Section 106 Agreement (Document 8.22(B))**. This requires that National Grid must submit to Natural England and the Councils, an updated BNG assessment periodically during construction, and a final BNG assessment within six months of the end of the construction period. Where the final BNG assessment demonstrates less than 10% BNG has been achieved, National Grid must produce a Biodiversity Offsetting Scheme to be approved by the Councils. National Grid must also submit monitoring reports and pay the BNG Monitoring Fee at the times prescribed within the **Section 106 Agreement (Document 8.22(B))**. National Grid has also provided a **CIL Compliance Statement (Document 8.26(B))** which confirms, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), that the obligations contained in the Section 106 Agreement are necessary for, and directly related to, the Project, and that they are fair and reasonable in scale and kind. No interested party has taken issue with this.

- 3.1.5 During the Examination, queries relating to BNG were raised by interested parties and the Examining Authority, in particular on the means of securing BNG. National Grid has clarified its approach to BNG at various points during the Examination including in its response to Natural England's Relevant Representations (RR-031) **(Document 8.3) [REP1-015]**, and in its response to the Examining Authority's first **(Document 8.9.1) [REP2-038]** and second **(Document 8.25.1) [REP2-083]** written questions. All interested parties are now satisfied with the approach to BNG and the means of securing it via a Section 106 Agreement, as mentioned above and as set out in the final SoCGs with Natural England **(Document 8.5.5(B)) [REP5-037]**, the Environment Agency **(Document 8.5.7(C))**, Yorkshire Wildlife Trust **(Document 8.5.6(B)) [REP5-039]** and the Local Planning Authorities **(Documents 8.5.2(D), 8.5.3(D) and 8.5.4(D))**.
- 3.1.6 In conclusion, National Grid considers the Biodiversity assessment for the Project, in both EIA and HRA terms, complies with the relevant legislation and planning policies. In addition, the Project will deliver a 10% Biodiversity Net Gain as secured through the final **Section 106 Agreement (Document 8.22(B))**.

4. Compulsory acquisition, temporary possession and other land or rights considerations

- 4.1.1 National Grid have a strong preference on all projects to acquire rights voluntarily in order to start what will be a long relationship on the best possible terms. National Grid has sought to engage with all affected landowners and occupiers throughout the development of the Project, to incorporate their feedback where possible in order to mitigate any impact of the scheme. National Grid has a Land Rights Strategy that seeks to set payment levels at a point that represents fairness for both the landowners and for the consumers. This strategy is periodically reviewed and benchmarked and ensures consistency across the business.
- 4.1.2 Through this approach, a number of affected landowners found it unnecessary to object to, or to pursue their objections, to the DCO. Although a number of objections still remain, National Grid has and continues to seek to resolve outstanding issues and conclude agreements without needing to rely on compulsory acquisition powers. In light of the compelling need for, and urgency of, the Project it is nonetheless necessary to ensure that the relevant land interests and powers are available to National Grid should agreements not be reached.

4.2 Outstanding Objectors

- 4.2.1 National Grid has worked with landowners and occupiers to attempt to address their concerns and to secure the land and rights required by voluntary negotiation. Heads of Terms have been agreed with 41 landowners out of 110, including one option agreement signed and exchanged. Despite National Grid's attempts, objections from 12 registered affected parties still remain.
- 4.2.2 The outstanding areas of dispute can be summarised as follows:
- Commercial terms;
 - Impact on agricultural operations;
 - Extinguishment of a right of access;
 - Placement of pylons; and
 - Landscape mitigation.
- 4.2.3 Dialogue is continuing with all landowners and attempts to find a mutual position will continue until access is required to individual plots of land.
- 4.2.4 It is still National Grid's belief that the majority of outstanding areas of dispute can be resolved prior to access being required.
- 4.2.5 If agreement cannot be reached with landowners and it is necessary to exercise the DCO powers, they will be entitled to compensation for any land taken and losses incurred under the Compensation Code. The **Funding Statement (Document 4.2) [APP-070]** sets out how the proposed Project and the acquisition of land and rights over land necessary to build the Project would be funded. It demonstrates that there is a

reasonable prospect of the requisite funds being available to fund all aspects of the Project (as detailed in Section 2.4 above).

- 4.2.6 The latest position with all individual objectors can be found in the **Compulsory Acquisition and Temporary Possession Objections Schedule (Document 8.14(D))**.

4.3 Statutory Undertakers and Public Bodies

- 4.3.1 The standard protective provisions included within Parts 1 and 2 of Schedule 15 to the **draft DCO (Document 3.1(F))** are agreed by Yorkshire Water, BT, EE 3 Hutchinson and Vodafone. Bespoke protective provisions have also been agreed with Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc. This has facilitated the withdrawal of objections to the Project from Northern Powergrid (Northeast) plc and Northern Powergrid (Yorkshire) plc. Bespoke protective provisions have also been agreed with the Canal and River Trust as well as the content of Article 54 (temporary closure of, and works in, the river Ouse).
- 4.3.2 Whilst bespoke protective provisions have been placed on the face of the draft DCO for the benefit of Network Rail, National Highways, National Gas Transmission and Northern Gas Networks; agreement remains outstanding in respect of certain matters. These differences in drafting approach have previously been set out in joint position statements submitted at Deadline 6 (**Documents 8.30.1 to 8.30.4**) [**REP6-063 to REP6-066**]. National Grid has submitted Section 127/138 Statements to the examination in respect of statutory undertakers with whom protective provisions are not agreed (**Documents 8.27.1 to 8.27.4**) [**REP5-086 to REP5-089**]. Full and up to date position statements in respect of Network Rail, National Gas Transmission, National Highways and Northern Gas Networks, (**Documents 8.34.3 to 8.34.6**) have been submitted at Deadline 7 to reflect National Grid's final position on matters which are not agreed in relation to the protective provisions included in the **draft DCO (Document 3.1(F))**, and a brief summary of the final position for each is noted below.
- 4.3.3 Network Rail have objected to the need to compulsory acquire rights over operational land in which Network Rail hold an interest. Negotiations are ongoing for the easements required to be granted voluntarily. Whilst the majority of matters are agreed within the terms being negotiated, disagreement remains over clauses to terminate and vary the location of the line. The outstanding points in the protective provisions between National Grid and Network Rail are set out in the **Applicant's Position Statement – Protective Provisions Not Yet Agreed with Network Rail (Document 8.34.3)**. These points essentially form two points of substance: (1) the approval powers Network Rail seeks over the exercise of powers within the **draft DCO (Document 3.1(F))**; and (2) the provisions relating to EMI.
- 4.3.4 National Highways have objected to National Grid's need to compulsorily acquire operational land in which National Highways hold an interest. Proposals have been made to utilise the New Roads and Street Works Act 1991 as an alternative, however the option for compulsory acquisition needs to remain in order to give certainty that the Project can proceed. Agreement has now been reached in relation to the majority of drafting points within the protective provisions. The only outstanding points are the request for an uncapped indemnity from National Highways, which National Grid is unable to provide given the scale and nature of the works proposed, as well as a request that the protective provisions cover land which is owned by National Highways but not for its statutory undertaking. North Yorkshire Council (NYC) manages these assets in which National Highways hold legacy rights. Given that the purpose of the

protective provisions is to protect National Highways' statutory undertaking and NYC are content with the street works powers contained in the **draft DCO (Document 3.1(F))** as well as the restrictions on these, National Grid's position is that it is not appropriate or necessary to extend the protective provisions to cover the local road network. The outstanding points on protective provisions between National Grid and National Highways are set out in the **Statement of Common Ground** between the parties submitted at Deadline 7 (**Document 8.5.14(C)**) and National Grid's position regarding these points of disagreement is presented within the **Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Highways (Document 8.34.5)**.

- 4.3.5 National Gas Transmission (NGT) have requested that updates be made to the bespoke protective provisions included within the **draft DCO (Document 3.1(F))** to increase the quantum of the insurance cover, increase the timescale for approvals and remove deemed approvals, provide an uncapped indemnity and remove the application of arbitration for certain terms within the provisions. As above for National Highways, given the scale and nature of the works affecting NGT's apparatus for this Project, NGT's requests are considered unreasonable and not in the electricity consumer's best interests, and for this reason cannot be agreed. The outstanding points on protective provisions between National Grid and National Gas Transmission are set out in the **Applicant's Position Statement – Protective Provisions Not Yet Agreed with National Gas Transmission (Document 8.34.4)**. The current position between National Grid and NGT is the same as it was at Deadline 6; however, National Grid are attempting to make further progress before Deadline 8.
- 4.3.6 Northern Gas Networks (NGN) have requested that updates be made to the bespoke protective provisions included within the **draft DCO (Document 3.1(F))** to provide for an uncapped indemnity. National Grid has sought to provide a proportionate cap on the indemnity with respect to the nature of the works being undertaken in proximity to NGN's apparatus in order to ensure that National Grid act in the electricity consumer's best interests. The outstanding points on protective provisions between National Grid and Northern Gas Networks are set out in the **Applicant's Position Statement – Protective Provisions Not Yet Agreed with Northern Gas Networks (Document 8.34.6)**. Subsequent discussions have narrowed these issues and National Grid are attempting to make further progress before Deadline 8.
- 4.3.7 The latest position on all the protective provisions can be found in the **Protective Provisions Progress Schedule (Document 8.12(D))**.

4.4 Other matters

- 4.4.1 National Grid have sought to acquire rights on permanent easements rather than wayleaves. This is National Grid's policy for all new electricity assets in order to manage the network in the most efficient manner. It is also the preferred position in the draft National Policy Statement EN-5. It is appropriate for National Grid to have a proprietary right to maintain its infrastructure in situ during its operational life.
- 4.4.2 National Grid has sought to engage throughout consultation and examination with the owners, occupiers and agent of the travellers' encampment. Negotiations to acquire the rights required are ongoing and National Grid hopes to reach agreement voluntarily. The landowners' agent for the site of the travellers' encampment has repeatedly confirmed that the owners and occupiers are content with the proposals. Requirement 19 of the **draft DCO (Document 3.1(F))** secures a site specific mitigation scheme in

relation to Work No.10, which is the work that would affect the travellers' encampment. This scheme must include the approach to liaison for the travellers' encampment during the construction period. The **Code of Construction Practice (Document 5.3.3B(E))** paragraph 2.2.12 provides further detail in relation to liaison with hard-to-reach groups including the occupiers of the travellers' encampment and that this would be undertaken using appropriate and accessible forms of communication.

4.4.3 National Grid has taken into account the duties that sit with the decision maker under section 149 of the Equality Act 2010 and has had due regard to the need to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010; (ii) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. National Grid has updated chapter 8 Human Rights section of the **Statement of Reasons (Document 4.1(C))** to include a section on how they have had regard to the Equality Act 2010.

4.4.4 In preparing the DCO, National Grid has had regard to the European Convention on Human Rights (the Convention) and the Human Rights Act 1998. National Grid has carefully considered the human rights of affected persons relevant to the Project prior to making the Application. National Grid has weighed the potential infringement of Convention rights in consequence of the inclusion of compulsory acquisition powers within the DCO as against the potential public benefits if the DCO is made. National Grid has concluded that the significant public benefits of making the DCO outweigh the effects of the DCO upon persons who own property within the Order limits such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights. As for Article 6: affected persons (and others interested in the application) have been able to make representations on the application for development consent prior to the application being made through non-statutory and statutory consultation; the 2008 Act provides for a detailed examination of any application for development consent by an independent Examining Authority and the Examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. All affected persons were invited to these compulsory acquisition hearings and have had the opportunity to make oral and written representations about the compulsory acquisition requests. For the above reasons, National Grid considers that the inclusion of powers of compulsory acquisition in the DCO would not constitute any unlawful interference with Convention Rights.

5. Construction

- 5.1.1 National Grid has included all of the land that it requires within the Order limits to construct, operate and maintain the Project. The design principle for the Project has been to re-use as much of the existing infrastructure as possible and minimise the amount of new build required.
- 5.1.2 Through the examination period, a number of changes have been taken forward by National Grid, following feedback from landowners, occupiers and agents, as set out in the **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]**. Change 1 relates to a reduction in the limits of deviation for the Shipton North CSEC, to better accommodate the farming activities at Newlands Farm. Change 2 relates to the construction access to SP005, which originally utilised an existing track past New Farm Cottages and has been amended to use a new temporary bridge crossing from SP004 to SP005, reducing the amount of construction traffic that would use the existing track past the cottages. Change 3 relates to the permanent access to the Shipton Cable Sealing End Compounds, moving the permanent access 50m to the north, which will be more compatible with the proposed future expansion of the farm business.
- 5.1.3 Change 4 originally proposed by National Grid was not taken forward. This relates to the re-orientation of the Tadcaster West Cable Sealing End Compound. National Grid proposed to re-align the Cable Sealing End Compound and orientate it along the field boundary, and consent was sought from the landowner on this proposal. However, the landowner did not provide consent to the change, as set out in Appendix G in the **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]**. As this is not the engineering preferred solution and consent was not provided by the landowner, National Grid is not taking this option forward.
- 5.1.4 Proportionate limits of deviation have been included in the application, as set out in Article 5 of the **draft DCO (Document 3.1(F))**. These limits provide suitable flexibility in the construction phase to be able to move or alter the position of the new pylons, underground cable, and permanent infrastructure, should currently unforeseen constraints, such as poor ground conditions, or archaeological remains be found on site. The limits of deviation provide lateral movement for the linear infrastructure, set out on the Works Plans (**Document 2.6.1(B), 2.6.2(C), 2.6.3(C), 2.6.4(C) 2.6.5(C) and 2.6.6(B) [REP1-004, REP1-009, REP6-010, REP6-011, REP6-012, REP6-013]**) and a vertical limit of 6m for new pylons taken from the heights shown on the profiles in the **Design Drawings (Document 2.15(C)) [REP6-024]**. The non-linear works, such as substations and cable sealing end compounds have the limits of deviation included on the works plan but are also controlled by the parameter plans contained within the **Design Drawings (Document 2.15(C)) [REP6-024]**, which set out the heights on location of certain equipment.
- 5.1.5 National Grid has included temporary construction compounds from which the Project will be managed and constructed, including space for offices, storage, welfare, and laydown areas. The construction compounds have been carefully sited throughout the Project, located close to the main work areas that the compounds will be serving, and located away from residential and visual receptors, as set out below in section 12 of this document.
- 5.1.6 The Project requires a number of temporary and permanent bellmouths and access tracks to construct and maintain the proposed development, and consideration and

consultation has been undertaken on the location of all of the bellmouths on the Project, with the relevant authorities, alongside speed surveys (where necessary) to determine the appropriate visibility splays required alongside any bellmouths. Section 15 of this document sets out how construction traffic would be managed through the construction phase of the Project.

- 5.1.7 National Grid though the development of the Project has kept the construction and land take associated with construction to a minimum, with appropriate flexibility through the limits of deviation in order to safely construct the Project. There will be effects during the construction phase, however National Grid has sought to minimise and avoid significant construction effects from the Project through detailed consideration of route and site selection and through embedded mitigation measures incorporated into the Project **Embedded Measures Schedule (Document 5.3.3A(C)) [REP6-035]**. Environmental effects from the construction phase of the Project will primarily be managed through a number of construction management plans comprising the **Code of Construction Practice (CoCP) (Document 5.3.3B(E))** and a suite of accompanying management plans, schemes and strategies (**Archaeological Written Scheme of Investigation (Document 5.3.3C) [APP-096]**, **Biodiversity Mitigation Strategy (Document 5.3.3D(B), [REP6-039]**, **Construction Traffic Management Plan (Document 5.3.3F(D))**, **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])**). All construction works must be undertaken in accordance with these plans unless otherwise agreed with the relevant planning authority or the highway authority and are secured via Requirement 5 of the **draft DCO (Document 3.1(F))**. In addition, all pre-commencement works must be undertaken in accordance with the construction management plans and the **Outline Soils Management Plan (Document 5.3.3E(B) [REP2-022]**.
- 5.1.8 Requirement 6 of the **draft DCO (Document 3.1(F))** ensures that no stage of construction works may commence until a further suite of management plans, schemes and strategies (soil and aftercare management plan, drainage management plan, pollution incident control plan, lighting scheme, emergency response plan for flood events, site waste management plan and tree and hedgerow protection strategy) are submitted to and approved by the relevant planning authority. The measures set out and implemented via these plans will also mitigate effects during the construction process and ensure that the land is appropriately restored following temporary construction works or activities.
- 5.1.9 Finally, Requirement 19 of the **draft DCO (Document 3.1(F))** will ensure that a scheme will be implemented to specifically mitigate the impacts of construction activities on the travellers' encampment at Monk Fryston (as referred to in section 4.4 of this document above).
- 5.1.10 Throughout the examination process the measures contained within the **CoCP (Document 5.3.3B(E))** and the suite of accompanying management plans, schemes and strategies have been fully examined. As a result, further detail and clarification has been provided in the CoCP with regards to liaison with local communities, including hard to reach groups, and the role of the National Grid Officer or Agent and Agricultural Liaison Officer. Further details have also been included in respect of landowner liaison for micro-siting within Limits of Deviation.
- 5.1.11 As a result of stakeholder engagement, the wording of the CoCP and supporting construction management plans and the measures contained within them is agreed as set out within the relevant Statements of Common Ground (See Table 4.1, **Statement**

of Commonality for Statements of Common Ground (Document 8.5.1(D))). The only exception to this is in respect of concerns relating to construction working hours and potential noise effects. There is an outstanding point of disagreement with North Yorkshire Council as to weekend working forming part of the core working hours (see section 13 of this document).

- 5.1.12 In line with NPS EN-1, with the implementation of the measures contained in the plans, schemes and strategies required under DCO Requirements 5, 6 and 19 there would be limited significant adverse temporary landscape and visual, socio-economic and cumulative effects from the construction activities associated with the Project. All other effects from construction works, activities and traffic would not be significant.

6. Flood risk, water quality and resources

- 6.1.1 **ES Chapter 9: Hydrology (Document 5.2.9) [APP-081]** and **Flood Risk Assessment (FRA) (Document 5.3.9D) [APP-138]** submitted with the DCO application concluded no significant effects on the water environment, no impact on compliance with the Water Framework Directive, and no increase in flood risk as a consequence of the Project. The Environment Agency agrees with the findings of these assessments, as noted in the relevant SoCG (**Document 8.5.7(C)**), and no objections have been received from other parties.
- 6.1.2 Design changes during the Examination resulted in no change to the overall conclusions of the hydrology ES chapter or the FRA, although the FRA was updated to take into account the need for an additional length of access track in the floodplain and one additional temporary access watercourse crossing associated with Design Change 2 (**Document 5.3.9D(B)**) [REP6-047].
- 6.1.3 In the **Applicant's Response to the Examining Authority's First Written Questions (ExQ1) (Document 8.9.1) [REP2-038]**, National Grid clarified that detailed design of drainage and pollution prevention measures during both construction and operational phases of the Project would be secured post-grant of the DCO via discharge of relevant DCO requirements (Requirements 6(1)(b), 6(1)(c) and 6(4), of the **draft DCO (Document) 3.1(F)**). Regarding the design level required to protect Overton Substation against flooding, the relevant **Design Drawing (Document 2.15(B)) Drawing Reference DCO_DE/PS/14_03 [REP2-011]** was updated to set the design level as a relevant parameter, adherence to which is secured via DCO Requirement 3 (**Document 3.1(F)**).
- 6.1.4 Engagement with the Environment Agency during the Examination mainly related to agreeing the scope and details of Flood Risk Activities Permits required to support the construction and operation of the Project. All matters relating to the water environment and flood risk were agreed with the Environment Agency by Deadline 5, as set out in the SoCG (**Document 8.5.7(B)**) [REP5-041].
- 6.1.5 The Order limits intersect the districts of three Internal Drainage Boards (IDBs), Foss, Ainsty, and Kyle and Upper Ouse. Engagement with the IDBs during the Examination related to the following issues: National Grid's proposals to disapply certain IDB byelaws as part of the DCO, the scope and details of Land Drainage consents required particularly for Project construction, and vertical clearances at overhead line crossings of IDB-maintained watercourses.
- 6.1.6 In relation to the proposed disapplication of IDB-byelaws, National Grid modified its position during the Examination following ongoing engagement with IDBs, particularly Ainsty IDB. It was agreed that IDB byelaws (except in relation to minimum overhead line clearances) would be left in place, provided the IDBs would agree to provision being made in Article 19 of the DCO for deemed consent to be given for byelaw Land Drainage Consents in a similar way as for Land Drainage Consents granted under Section 23 of the Land Drainage Act, as set out in the **draft DCO (Document 3.1(F))**. Provision was made to deem the grant of byelaw Land Drainage Consents within 28 days of an application being made, and to specify that no byelaw Land Drainage Consent is required for overhead line crossings of IDB-maintained watercourses provided statutory vertical clearances are achieved (as required by the Electricity Safety, Quality and Continuity Regulations 2002).

- 6.1.7 All matters have been agreed with the Kyle and Upper Ouse IDB and with Foss IDB, as set out in their respective SoCGs (**Document 8.5.13(C)** and **Document 8.5.16(C)**). There is one matter not agreed with Ainsty IDB, and this relates to overhead line clearances at crossings of IDB-maintained watercourses (the relevant SoCG being **Document 8.5.12(C)**). Further detail on the respective parties' positions is found in Ainsty IDB's Deadline 6 Submission [REP6-067], the **Applicant's Comments on Interested Parties Deadline 6 Submissions submitted at Deadline 7 (Document 8.31)** and in response to Q4.0.2 in the **Applicant's Response to the Examining Authority's commentary and questions of the draft Development Consent Order (DC1) (Document 8.33)** submitted at Deadline 7.
- 6.1.8 In summary, Ainsty IDB seeks a minimum 10.5m clearance between overhead lines and the top of bank of their maintained watercourses, and objects to National Grid's proposal to disapply byelaw Land Drainage Consents for overhead line crossings of these watercourses where statutory minimum clearances are achieved. Ainsty IDB's requirement for 10.5m clearance is based on a maximum 3.5m working height for their machinery plus a 7.0m exclusion zone around 275kV and 400kV overhead lines, as advised in Health and Safety Executive's Guidance Note GS6 Avoiding Danger from Overhead Power Lines. National Grid fundamentally disagrees with Ainsty IDB's position. As a matter of principle, National Grid's position is that it has designed the Project to provide vertical clearances below all overhead lines that meet statutory requirements, as is required in accordance with National Grid's statutory duty to be economic and efficient. This would enable the safe use of machinery at ground level below these overhead lines provided that a risk assessment is undertaken and appropriate mitigation measures are put in place (such as line watchers and height limiters on machinery) as would ordinarily be required as part of usual standard practices when working underneath overhead lines. The relevant minimum statutory clearances are 7.0m for 275kV and 7.3m for 400kV overhead lines.
- 6.1.9 In relation to this particular Project, National Grid has demonstrated that the proposed Project design meets Ainsty IDB's requested 10.5m clearance for overhead line crossings of their watercourses in all cases except for one existing crossing (between pylon XC459 and XC460) where the 10.5m clearance sought by Ainsty IDB is not achieved. For the avoidance of doubt, existing overhead lines are already in situ over the watercourse at this location. The clearance achieved by the existing overhead line is a minimum of 8.2m. Concerns have not been raised by Ainsty IDB regarding this existing clearance not reaching their requirements, and no existing maintenance issues have been raised. In fact, Ainsty IDB have confirmed that the maximum height of their maintenance equipment is 3.5m which ensures compliance with the Energy Networks Association's Technical Specification 43-8 for safe working under overhead lines where statutory minimum clearances are met. The Project design provides for reconductoring only in this location, which is why the increased clearance requested by Ainsty IDB cannot be met, as explained further below. However, reconductoring of this line is expected to increase the clearance in this location to a minimum of 9.3m, so providing an extra 1m clearance from the existing position without the Project.
- 6.1.10 Put simply, increasing the height of the overhead line at the crossing between pylon XC459 and XC460 is not within the scope of the Project and cannot be achieved under the powers being sought in the DCO. This is because reconductoring only is proposed in this location, so the vertical limits of deviation would not apply. To achieve the additional clearance sought by Ainsty IDB would require a re-design of the Project so that new pylons could be installed in this location (and potentially elsewhere along the XC overhead line due to knock-on effects). A change of this nature could fundamentally change the scope of the Project for which development consent is being sought.

Powers would need to be sought in the DCO for this, including in the description of development and potentially new land rights to enable access and working areas for construction and/ or operation of the new pylons (or other knock-on effects). A change could also require environmental assessment. Funding for a change of the Project would also need to be approved under National Grid's internal governance process and by Ofgem. National Grid has concerns as to whether additional funding for such a change could be secured given an increase in height is not necessary to meet statutory clearances and would require replacement of components which have not come to the end of their design life. National Grid's approach is to avoid unnecessary replacement of assets for the reasons explained in response to Q4.0.2 of the **Applicant's Response to the Examining Authority's commentary and questions of the draft Development Consent Order (DC1) (Document 8.33)**. The result of this, is that if approval is required by Ainsty IDB for clearances which do not meet a minimum of 10.5m and that approval is not provided, it would not be possible to bring the Project forward without new or additional consents, and it is highly likely that this would result in substantial delay which would mean the earliest in service date could not be met.

6.1.11 To summarise:

- By designing the Project to statutory minimum clearances Ainsty IDB will be able to safely maintain their watercourses in accordance with the Energy Networks Association's Technical Specification 43-8 for safe working under overhead lines – indeed, this is the purpose of the statutory minimum clearances;
- The only location where the 10.5m clearance is not being met is where an existing line would be reconducted. Ainsty IDB has not disputed its ability to maintain the relevant watercourse with the presence of the existing overhead line, and the minimum clearance achieved will be improved with the Project as compared to the existing position;
- Increasing the minimum clearance of the overhead line at this crossing to 10.5m cannot be delivered under the powers sought in the DCO. A re-design of the Project would be required, along with additional consents, land rights and environmental assessment. If this is required, it is inevitable that the earliest in service date for the Project would not be met; and
- National Grid are concerned that increasing the height of the overhead line in this location would not be in accordance with its statutory duty to be economic and efficient, to make best use of existing assets where possible to do so. For this reason, there is a risk that it may not be possible to secure additional funding for such a fundamental change to the Project.

6.1.12 For these reasons, National Grid wholly disagrees that IDBs should be given an approval right for overhead lines which meet the minimum statutory clearances, and given this remains a point of disagreement with Ainsty IDB it is fundamental to the delivery of the Project and to meet the earliest in service date that no approval is required where statutory minimum clearances are achieved. As detailed in paragraph 3.6.27 of **ES Chapter 3 Description of the Project (Document 5.2.3) [APP-075]** temporary scaffolding would be required at various locations during the construction works as a safety measure to protect other infrastructure from the accidental dropping of conductors and any of the associated equipment during the course of the construction works for new overhead lines and works to existing overhead lines. This includes the need for scaffolding in two locations across the River Ouse. The ES confirms that navigation would be maintained whilst scaffolding is in place. The **Public Rights of Way Management Plan (Document 5.3.3G(B)) [REP2-025]** covers

interference with rights of navigation on the River Ouse and confirms at Table 3.1 the need for temporary closure overnight for a short period of time, up to one hour at a time for up to eight times over the duration of the Project.

- 6.1.13 The **draft DCO (Document 3.1(F))** includes Article 54 'Temporary closure of, and works in, the River Ouse', and Protective Provisions in Schedule 15 Part 3 for the protection of the Canal and Rivers Trust. The Final Version of the **Statement of Common Ground between National Grid and Canal and River Trust (Document 8.5.15(B)) [REP5-057]** submitted at Deadline 5 confirms agreement between National Grid and the Canal and Rivers Trust on Article 54 and the Protective Provisions included in the draft DCO with no matters outstanding or not agreed.
- 6.1.14 There are a number of consents outside of the DCO relating to flood risk and the water environment that will be required, particularly for the construction phase of the project. These are summarised in **Details of Other Consents and Licences (Document 7.3(C))** submitted at Deadline 7 and comprise:
- a) Flood Risk Activity Permits for temporary crossing scaffold protection for Main Rivers (the Rivers Ouse and Wharfe), and for low voltage undergrounding works across Cock Beck (depending on crossing method).
 - b) Land Drainage Consents for temporary access watercourse crossings from the Lead Local Flood Authority, or the relevant IDB, if within an IDB district.
 - c) Land Drainage Consents for any discharge of surface water from construction areas to watercourses in IDB districts.
 - d) Permits to the extent required from the Environment Agency for any discharge of treated wastewater from construction compounds or for any discharge arising from temporary dewatering of excavations.
- 6.1.15 National Grid considers there to be no impediment to the grant of the post DCO consents listed above.

7. Good Design

- 7.1.1 National Grid have included a substantial amount of detail within the DCO application that focuses on and sets out the design, and design parameters of the Project. The **Design Drawings (Document 2.15(C)) [REP6-024]** provide parameter plans for each of the non-linear work sites. The parameter plans set out within each of these non-linear works, such as a substations, where different elements of construction can take place and maximum heights of new infrastructure.
- 7.1.2 In addition to the **Design Drawings (Document 2.15(C)) [REP6-024]**, National Grid submitted a series of **Construction Plans (Document 2.16) [APP-065]** which contain illustrative drawings indicating the appearance of certain elements of the Project. This includes pylons and their foundations, pylon working areas, stringing areas and how they are typically laid out, as well as illustrative plans for bellmouths, access roads, bridges or culvert crossings and construction compounds. These elements are subject to detailed and final design; however they provide a good illustration of their likely appearance. The **Construction Plans (Document 2.16) [APP-065]** also show illustrative substation equipment and how these could look within a substation or cable sealing end compound.
- 7.1.3 The **Design and Access Statement (Document 7.2) [APP-203]**, provides information on the design of the permanent elements of the Project, and National Grid's approach to good design. The document sets out the legislation and policy that the design has been developed in accordance with such as NPS EN-1 and EN-5, as well as National Grid's design principles. The Project has been designed in accordance with the Holford and Horlock rules and has been subject to consultation to shape and refine the design of the Project.
- 7.1.4 To supplement the documents mentioned above, National Grid submitted a **Design Approach to Site Specific Infrastructure (DASSI) (Document 8.18(B)) [REP5-077]** which supplements the **Design and Access Statement (Document 7.2) [APP-203]**. The purpose of the DASSI is to set out the design principles that can be taken forward into detailed design in relation to the no-linear works, as well as the elements of the design that have flexibility in their appearance, and elements that have no flexibility to change. The DASSI provides examples of how elements such as the roads and surfaces, fencing and buildings could look following final design. A new Requirement 18 of the **draft DCO (Document 3.1(F))** has been included which states that any permanent buildings, and noise enclosures at Overton and Monk Fryston Substations must not be completed until the details of the external colour and finish have been submitted to and approved by the relevant planning authority, and that these designs must be produced having regard to the DASSI.
- 7.1.5 During the examination, North Yorkshire Council have suggested that the design approval requirement should go further than this and include an approval right for fencing at the non-linear works sites, specifically in relation to the type and colour of the fencing. National Grid have set out a detailed response in Table 2.17 of the **Applicant's Response to Examining Authority's Second Written Questions (ExQ2) (Document 8.25.1) [REP5-083]**, which explains that coloured, powder coated fencing has significantly less lifespan than standard galvanised steel fencing, and how maintenance requirements would be greater as there would be a need to re-apply the powder coating, which would pose a security risk as successful implementation of powder coating would need to be undertaken offsite in a controlled environment, meaning

security fencing would have to be removed from site during maintenance. In addition, the majority of fencing around the substations and CSECs will typically not be visible from public locations as illustrated in the LVIA photomontages **ES Chapter 6 Landscape and Visual Figures (Document 5.4.6) [APP-167 to APP-181]**. Visibility of fencing would be further reduced following the growth of mitigation planting. In most locations it is the steel pylons and gantries that will be the most visible structures and where fencing is fleetingly visible it will be seen in the context of these larger metal structures. On this basis National Grid maintain that it is unnecessary for the Local Planning Authorities to approve the colour of fencing, and that galvanised steel fencing is appropriate in all the circumstances as it must comply with National Grid Technical Specification TS2.10.02 Perimeter Security for safety reasons.

- 7.1.6 The Examining Authority have in their commentary on, or proposed schedule of changes to, the draft DCO raised a question on Requirement 18 of the **draft DCO (Document 3.1(F))**. This asks whether the Requirement should state “in accordance with” the DASSI, rather than “have regard to” the principles of the DASSI. National Grid have provided a response in the **Applicant's Response to the Examining Authority's commentary and questions on the draft Development Consent Order (DC1) (Document 8.33)**. National Grid strongly objects to the replacement of the words "having regards to" with "in accordance with". The DASSI has been prepared as a “design brief”, only containing an outline of the design principles and the nature of the document is not one to be “accorded with”. It is essential that National Grid has flexibility so that appropriate design choices can be made. It would be extremely restrictive to include the wording "in accordance with" and not include the tailpiece wording "unless agreed by the relevant planning authority". Such formulation of wording would be seriously detrimental to the design evolution of the Project due to the limitation on design which it would impose.

8. Green Belt

- 8.1.1 The remaining issue between National Grid and the Local Planning Authorities on Green Belt policy is very narrow and does not affect the case for granting development consent, since very special circumstances have been put forward for the Project in its entirety, and not disputed by the Local Planning Authorities. The benefits of the Project, summarised above, clearly and decisively outweigh any harm by way of inappropriateness and any other harm.
- 8.1.2 In respect of substations and CSECs, as set out in response to Action Point 8 in the **Applicant's Response to Issue Specific Hearing 2 (ISH2) Hearing Action Points (Document 8.23.4) [REP4-026]**, at Deadline 4, National Grid does not consider that the Examining Authority or the Secretary of State needs to reach any view on whether substations or CSECs are engineering operations or otherwise, and can take it as the accepted and agreed position that these aspects of the development are inappropriate in the Green Belt. As such, very special circumstances are required to justify the development which National Grid has set out clearly in **Section 3.3 of the Planning Statement (Document 7.1) [APP-202]**.
- 8.1.3 In respect of overhead lines, the Examining Authority in its Report on the Hinkley Point C Connection Project accepted National Grid's position that "the construction of an overhead line would be classified as an engineering operation" (para 7.5.13)². This was adopted by the Secretary of State in their decision (para 63)³.
- 8.1.4 National Grid consider new pylons and overhead lines do not harm the Green Belt for the reasons set out in **paragraphs 7.3.74, and 7.3.90 to 7.3.92 of the Planning Statement (Document 7.1) [APP-202]** and in **Appendix L of Applicant's Response to Examining Authority's First Written Questions (ExQ1) Appendices (Document 8.9.2) [REP2-039]**.
- 8.1.5 An **Applicant's Position Statement with North Yorkshire Council and City of York Council on Green Belt (Document 8.5.3)** has been produced which sets out National Grid's, North Yorkshire Council's and City of York Council's position on Green Belt matters. Given the parties agree that elements of the development in the Green Belt would be inappropriate, albeit for differing reasons, National Grid is content for the ExA and the Secretary of State to proceed on the basis that all new development forming part of the Project in the Green Belt is inappropriate, without needing to reach any view as to why that is the case.
- 8.1.6 As referred to above, this approach was put forward by National Grid in response to Action Point 8 in the **Applicant's Response to Issue Specific Hearing 3 (ISH2) Hearing Action Points (Document 8.23.4) [REP4-026]** and is supported by the case R (Samuel Smith Old Brewery (Tadcaster)) v SSECLG [2012] 2 All ER 849, in which the judge said "*In my judgment, it does not matter whether the inappropriateness of the development arises from the fact that it involves the construction of a building or the carrying out of an engineering operation. If an engineering operation does not maintain*

² https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020001/EN020001-004121-151019_EN020001_HPCC_ExA_Report_to_SoS_Main_Report.pdf

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020001/EN020001-000001-160119%20FINAL%20DL.pdf>

openness and conflicts with the purposes of including land in a Green Belt, then it will be inappropriate and the presumption against it will arise." (see paragraph 86).

8.1.7 Whilst the parties may disagree on which elements are not inappropriate or are harmful in Green Belt terms, there is a clear and pressing need for the Project alongside compelling very special circumstances that justify the development of the Project in its entirety, including those sections of the Project within the Green Belt. That point has not been disputed.

8.1.8 In light of the above, it has been demonstrated that the Project accords with the following in terms of the Green Belt:

- NPS EN-1 – paragraphs 5.10.10 to 5.10.12, and 5.10.17
- NPPF – paragraphs 137 to 151
- Local Plan Policies:
 - Hambleton District Council* – Policy S6: York Green Belt
 - Harrogate Borough Council* – Policy GS4: Green Belt*
 - Leeds City Council: Spatial Policy 10: Green Belt
 - Selby District Council*:
 - Policy GB2: Control of Development in the Green Belt
 - Policy GB4: Character and Visual Amenity of the Green Belt
 - Policy SP3: Green Belt
 - Policy SG5: Green Belt (Strategic Policy)
 - City of York:
 - Policy SP2: The York Green Belt
 - Policy GB1: Development in the Green Belt

* Whilst each Council now forms part of North Yorkshire Council from 1 April 2023 the relevant local development plan policies are still in force.

8.1.9 The NPPF was updated on 5 September 2023 and replaces the previous version of the NPPF (July 2021) considered in the **Planning Statement (Document 7.1) [APP-202]**. The relevant section of the NPPF relating to the green belt (paragraphs 137 to 151) is unchanged and therefore, with regard to green belt matters, the Project also accords with the most recent version of the NPPF issued in September 2023.

9. Historic Environment

- 9.1.1 **ES Chapter 7: Historic Environment (Document 5.2.7) [APP-079]** sets out the legislative and policy framework that applies to the historic environment assessment including relevant sections of NPS EN-1. The ES Chapter reports the findings of a detailed, thorough and robust assessment of heritage assets and effects arising from the Project.
- 9.1.2 The Project design has been developed with regard to the identified heritage assets to ensure that there will be no significant effects on heritage assets. All matters arising from examination have been agreed between National Grid and relevant consultees and have been set out in Statements of Common Ground (SoCGs). SoCGs between National Grid and the local authorities of North Yorkshire Council (**Document 8.5.2(D)**), City of York Council (**Document 8.5.3(C)**) [REP5-033] and Leeds City Council (**Document 8.5.4(D)**) have confirmed agreement to the methodology and results of the ES assessment and the approach to mitigation of effects on archaeological remains, which is set out within the **Archaeological Written Scheme of Investigation (WSI) (Document 5.3.3C, Appendix 3C [APP-096])**.
- 9.1.3 A method statement (**Document 5.3.7G, Appendix 7G [APP-122]**) was agreed with Historic England relating to access through scheduled monument 1020326 to provide access for erection of a scaffold between XC497 and XC498. Historic England agreed this to be a proportionate measure which would ensure potential impacts to the scheduled monument would be minimal. This position is confirmed in the Deadline 2 response from Historic England [REP2-075].
- 9.1.4 **ES Chapter 7 Historic Environment (Document 5.2.7) [APP-079]** considered potential effects to the settings of heritage assets arising from the Project. The assessment concluded that no significant effects to the settings of heritage assets were anticipated. A SoCG between National Grid and The National Trust (**Document 8.5.9(C)**) [REP5-046] sets out the agreement that no significant effects would arise to the setting of Beningbrough Hall as a result of the Project. Agreement was also reached with Historic England that no significant effects would impact the settings of Marston Moor Battlefield, Beningbrough Hall, and York Minster. This position is confirmed in the Deadline 2 response from Historic England [REP2-075].

10. Human Health

- 10.1.1 **ES Chapter 15: Health and Wellbeing (Document 5.2.15) [APP-087]** concluded that there would be no adverse effects on health and wellbeing as a consequence of the Project with effects on access to work, training, healthcare services, other social infrastructure, open space and recreational facilities and active travel as well as air quality, noise and neighbourhood amenity effects assessed as neutral. North Yorkshire Council, City of York Council and Leeds City Council all agree with the findings of the assessment and approach to the assessment, as noted in the relevant SoCGs (**Documents 8.5.2(D), 8.5.3(C) and 8.5.4(D)**).
- 10.1.2 The assessment of health and wellbeing effects was undertaken in accordance with NPS EN1 and EN5. Health effects from electric and magnetic fields (EMFs) were scoped out of the assessment in agreement with the Planning Inspectorate (**Section 4.11, ES Chapter 4 Approach to preparing the ES (Document 5.2.4) [APP-076]**). However, to address policy requirements set out in NPS EN5 a separate technical note on EMF (**Document 6.3 [APP-199]**) was provided in support of the DCO application.
- 10.1.3 National Grid responded to the Examining Authority's questions in respect of EMFs in the **Applicant's Response to the Examining Authority's First Written Questions (ExQ1) (Document 8.9.1) [REP2-038]**. The UK has a carefully thought-out set of policies for managing and protecting against EMFs. This includes both numerical exposure guidelines to protect against established, acute effects of EMFs, and precautionary policies to provide appropriate protection against the possibility of chronic effects of EMFs at lower levels. These policies have been set by Government on the advice of its independent advisers the UK Health Security Agency (UKHSA) and are incorporated into the decision-making process for Development Consent in NPS EN-5. The **Electric and Magnetic Fields Report (Document 6.3) [APP-199]** demonstrates that the Project complies with the relevant exposure guidelines and precautionary policies to protect against EMF exposure. Below these guideline limits there are no established health effects of low frequency EMFs.

11. Land Use

- 11.1.1 **ES Chapter 11: Agriculture and Soils (Document 5.2.11) [APP-083]** concluded that the only significant adverse effect as a consequence of the Project would result from the permanent loss of best and most versatile agricultural land. North Yorkshire Council, City of York Council, Leeds City Council and Natural England all agreed with the findings of the assessment and approach to the assessment, as noted in the relevant SoCGs (**Documents 8.5.2(D), 8.5.3(C), 8.5.4(D) and 8.5.5(B)**).
- 11.1.2 The Examination considered the permanent loss of agricultural land, minimising potential for temporary loss of agricultural land, restoration of agricultural land, export of soils and the Outline Soil Management Plan which are addressed in the **Applicant's Response to Examining Authority's First Written Questions (ExQ1) (Document 8.9.1) [REP2-038]**. These issues will be addressed through the implementation of the **Code of Construction Practice (CoCP) (Document 5.3.3B(E))** and the **Outline Soil Management Plan (Document 5.3.3E(B)) [REP2-022]** as well as the Soil and Aftercare Management Plan secured under Requirement 6 of the **draft DCO (Document 3.1(F))**. Additional clarification has been provided on the purpose of the Outline Soil Management Plan and its relationship to the detailed Soil and Aftercare Management Plan. This confirmed that the Outline Soil Management Plan would not be amended post-consent, should the DCO be granted, but that the soil and aftercare management plan in due course would replace the Outline Soil Management Plan. Section 9 of this document also explains the amendments made to the **CoCP (Document 5.3.3B(E))** during the course of the examination regarding liaison with landowners and management of impacts on the use of agricultural land.
- 11.1.3 Although there are undoubtedly some effects on agricultural enterprises, National Grid has sought to minimise those effects. As summarised above, changes have been made to accommodate particular landowners, and the **CoCP (Document 5.3.3B(E))** and **Outline Soil Management Plan (Document 5.3.3E(B)) [REP2-022]** will ensure that effects are mitigated. Relevant losses will be subject to compensation, as explained in section 4 above.

12. Landscape and Visual

- 12.1.1 The potential for significant adverse landscape and visual effects has been minimised from the inception of the Project by ensuring that the siting and routing of infrastructure has complied with the Holford and Horlock Rules, in line with NPS EN5, and consequently adverse landscape and visual effects have been minimised. Retention of existing vegetation where possible is combined with localised embedded mitigation measures comprising earthworks and/or new planting close to substations and CSECs. The principal landscape and visual effects arise from the taller elements of the Project, comprising new pylons and substation infrastructure, where the technical and safety specification limits the degree to which additional mitigation measures can be applied, with mitigation primarily achieved through appropriate siting and routing.
- 12.1.2 The selection of surfacing materials and building cladding as set out in the **Design Approach to Site Specific Infrastructure (Document 8.18(B)) [REP5-077]** will minimise the landscape and visual impact of the Project at a low level. The design approach including the materials and colours adopted, whilst meeting the technical and maintenance requirements of the Project, seeks to integrate the Project into the surrounding landscape as much as is practicable. The suggested adoption of alternative fencing materials and colouring was responded to in Table 2.17 of the **Applicant's Response to the Examining Authority's Second Written Questions (ExQ2) (Document 8.25.1) [REP5-083]** (see section 7 above).
- 12.1.3 The **Outline Landscape Mitigation Strategy (OLMS) (ES Chapter 3: Description of the Project Figures (Document 5.4.3(E)))** at the substations and Tadcaster CSEC sets out a planting scheme that will reduce adverse landscape and visual effects and will be refined based on the final fixed engineering design, with approval from the relevant planning authority as secured under Requirement 8 of the **draft DCO (Document 3.1(F))**.
- 12.1.4 Removal of existing trees and hedgerows will be minimised, and Requirement 9 of the **draft DCO (Document 3.1(F))** covers the protection of retained vegetation during the construction phase of the Project.
- 12.1.5 Construction stage mitigation has been carefully considered, noting construction compounds have been sited to maximise the distance to the highest sensitivity receptors, including residential properties and will consist of solid timber screen fencing or temporary soil storage mounds to the perimeter of the construction compounds (**Code of Construction Practice (Document 5.3.3B(E))**). The potential for fast growing screen planting has been carefully considered on a compound-by-compound basis but is not considered by National Grid to provide mitigation benefits that would outweigh the disadvantages of greater agricultural land take beyond the current Order limits. This is set out with other considerations in Q11.4.6 at pages 222-223 of the **Applicant's Response to Examining Authority's First Written Questions (ExQ1) (Document 8.9.1) [REP2-038]**.
- 12.1.6 The commitment to replacement of hedgerow and trees as part of the linear works secured under Requirement 10 of the **draft DCO (Document 3.1(F))**, with improvements over the baseline conditions where possible, has the potential to strengthen landscape character and contribute to green infrastructure policies. The quantum of tree and hedgerow planting will be increased when both the replacement planting along the linear works and the new planting around the substations and Tadcaster CSEC is accounted for, with further details set out at paragraphs 6.9.46 to

6.9.48 and summarised in Table 6.16 of **ES Chapter 6 Landscape and Visual (Document 5.2.6) [APP-078]**.

- 12.1.7 North Yorkshire Council's request for additional planting to mitigate significant visual effects for users of public rights of way along the River Ouse and east of Shipton has been carefully considered. In order to screen views of pylons along these routes it would be necessary to plant trees and hedgerows beyond the Order limits and also potentially underneath pylons. This would be out of character with the open views typically experienced by recreational users. Furthermore, additional planting would require additional land take and agreement with third party landowners. The majority of agricultural land surrounding the Project is classified as best and most versatile agricultural land and this grading is a determining consideration with regards to the feasibility of additional planting, as has been established during consultation between National Grid and the White Rose Community Forest Initiative in 2022 as set out under item ii, pages 6 and 7 of **Applicant's Written Summary of Oral Representations made at Issue Specific Hearing 4 (ISH4) (Document 8.29.2) [REP6-060]**.
- 12.1.8 In conclusion, permanent significant adverse, and also some beneficial, residual landscape and visual effects would occur as a result of the Project that would be typically localised in extent. Careful consideration of mitigation options that complies with both local and national planning policy ensure that landscape and visual effects would be minimised in line with National Policy Statements EN-1 and EN-5 that require mitigation to be both reasonable and appropriate.
- 12.1.9 The extent of these significant adverse and beneficial residual landscape and visual effects identified by National Grid are not disputed by any party. The significant adverse landscape effects would be confined to limited parts of local landscape character areas as a result of the new overhead lines in the North West of York Area. Recreational receptors whose views would be significantly affected would include users on localised sections of routes in the North West of York Area, comprising NCR 65 and the Way of the Roses long distance footpath, the ORPA east of Newlands Farm, and the PRoW east of Shipton including the Jorvic Way. Significant adverse residual visual effects would also be experienced by users of a localised section of the Paulinus Way in the Tadcaster Area. Transport routes where users would experience localised significant adverse visual effects would comprise sections of the A19, Corban Lane, and Overton Road/Station Lane that are all in the North West of York Area. Significant residual adverse visual effects on private views would be experienced by several residents in the North West of York area comprising Hall Moor Farm Cottages, Hall Moor Farm (South), Overton Grange/Glenroyd Cottages, New Farm Cottages, dwellings on Stripe Lane and Pollums House Farm in the Monk Fryston Area.
- 12.1.10 Although significant adverse effects are identified, these are unavoidable in the context of delivering the Project. Where possible, those effects have been mitigated. The residual adverse effects are outweighed by the benefits summarised above.
- 12.1.11 Residual significant beneficial effects would apply to views experienced by recreational users of public rights of way near Moor Monkton, and some residents of Overton and Moor Monkton, as a result of the realignment of the 275 KV XCP overhead line.
- 12.1.12 New planting beyond the Order limits at Woodstock Lodge Wedding Venue and New Farm Cottages has been designed to provide enhancement that will reduce significant adverse effects on private views. In the case of the Woodstock Lodge Wedding Venue the enhancement planting is also designed to reduce impacts on the business as a socio-economic consideration. As this enhancement is outside of the DCO Order limits

separate agreement has been reached and signed with the owners of Woodstock Lodge for them to install and maintain suitable landscaping outside of the Order limits.

13. Noise and Vibration

- 13.1.1 The noise and vibration assessment is reported in **ES Chapter 14 Noise and Vibration (Document 5.2.14) [APP-086]**. The assessment has been prepared under the National Planning Policy Framework, Noise Policy Statement for England, Planning Practice Guidance on Noise, Planning Practice Guidance: Noise, the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 13.1.2 Local development policies, relating to noise and vibration, for the North Yorkshire Council (NYC) sub areas of Selby, Hambleton and Harrogate along with Leeds City Council and City of York Council were considered and addressed within the assessments.
- 13.1.3 The construction noise and vibration assessment methodology, undertaken in accordance with the code of practice for construction noise and vibration, BS5228:2008 +A1:2014, part 1: noise, and part 2: vibration, and outcomes are agreed with all local authorities (see **Document 8.5.2(D)**) and **Document 8.5.1(D)**).
- 13.1.4 The construction noise assessment (**Document 5.2.14) [APP-086]** found that, with embedded mitigation measures applied as described in the **Noise and Vibration Management Plan (Document 5.3.3H) [APP-101]** secured through Requirement 5 of the **draft DCO (Document 3.1(F))**, there are no significant noise impacts predicted at any sensitive receptor, at any time, during the construction phase, anywhere in the Study Area. The NMVP provides the best practice measures being adopted on the Project, with frameworks for additional monitoring; complaint monitoring, investigation and resolution, additional mitigation requirements and where to apply for agreements under s61 of the Control of Pollution Act 1974.
- 13.1.5 The noise and vibration considerations of construction working hours has been discussed throughout the examination process at ISH2 (**Document 8.23.1) [REP4-023]**, and ISH4 (**Document 8.29.2) [REP6-060]** as well as in response to Relevant Representations (**Document 8.3) [REP1-015]**, responses to Examining Authority Questions (ExQ1) (**Document 8.9.1) [REP2-038]**, responses to Local Impact Reports (**Document 8.10) [REP2-040]**, comments in respect of responses to ExQ1 (**Document 8.19) [REP3-031]**, and responses to ISH4 (**Document 8.29.4) [REP6-062]**. There is an outstanding point of disagreement, where NYC does not agree that Sunday and Bank Holiday working should be included in the core working hours (**Document 8.5.2(D)**), although NYC does agree with the assessment methodology and the conclusions presented in Chapter 14, Noise and Vibration, of the ES (**Document 5.2.14) [APP-086]**. The Examining Authority have in their commentary to the draft DCO raised a question on Requirement 7 of the **draft DCO (Document 3.1(F))** which asked how National Grid responds to the suggestion of a provision that restricts consecutive Saturday and Sunday working on alternate weekends. In accordance with the tests in paragraph 4.1.7 of NPS EN-1, National Grid do not consider this to be necessary or justified at Monk Fryston Substation or at any other locations across the Project. No significant noise effects are anticipated at any location across the proposed route and any residual non-significant effects during construction have been minimised and will be managed through the monitoring and complaint resolution process in the **Noise and Vibration Management Plan (Document 5.3.3H) [APP-101]**.
- 13.1.6 A position paper (**Document 8.34.1)** has been prepared to set out National Grid's rationale for the working hours sought, and this provides National Grid's position on this

matter alongside the position of NYC. In summary, the position is that with the application of mitigation (i.e. physical screening where necessary and application of best practice management procedures) detailed within the **NVMP (Document 5.3.3G) [APP-100]** and the adoption of lower thresholds of significance applied for weekend and Bank Holiday hours, adverse noise impact on receptor amenity will be minimised and significant adverse impact completely avoided. This will be supplemented, where required, by the noise and vibration monitoring procedures (as set out in **Section 2.1.8** of the **NVMP (Document 5.3.3H) [APP-101]**) and the complaint monitoring, investigation and resolution procedures (as detailed within **Section 2.8** of the **NVMP (Document 5.3.3H) [APP-101]** secured by Requirement 5(2)(f) of the **draft DCO (Document 3.1(E)) [REP6-025]**) to ensure the amenity of sensitive receptors is preserved as far as possible. Therefore, there are no noise or vibration related reasons for the exclusion of Sunday and Bank Holidays from core working hours.

- 13.1.7 Additional noise from traffic during the construction phase is considered to be of a low or negligible magnitude and leading to negligibly higher noise levels over short periods. No significant noise or vibration effects are predicted from this activity.
- 13.1.8 The operational noise assessment methodology and conclusions for the substations were all agreed with consultees (**Document 8.5.1(D)**). The substations are considered to be adequately mitigated such that no significant noise and vibration effects will be experienced at sensitive receptors.
- 13.1.9 Operational noise from overhead lines was considered from an early stage and influenced the selected route. This is the first proposed Nationally Significant Infrastructure Project to use the new overhead line noise assessment method, but the general principles contained within the methodology are based on guidance that has been used several times on similar projects. There has been disagreement with NYC over the assessment methodology (**Document 8.5.2) [REP1-022]** and this has been discussed throughout the examination process at ISH2 (**Document 8.23.1) [REP4-023]**, and ISH4 (**Document 8.29.2) [REP6-060]** as well as in response to Relevant Representations (**Document 8.13) [REP1-015]**, responses to Examining Authority Questions (ExQ1) (**Document 8.9.1) [REP2-038]**, responses to Local Impact Reports (**Document 8.10) [REP2-040]**, and comments in respect of responses to ExQ1 (**Document 8.19) [REP3-031]**. All overhead lines were found to give rise to negligible levels of sound at all sensitive receptors, with the assessment methodology and these outcomes now agreed with all consultees (**Document 8.5.1(C)) [REP5-030]**.

14. Socio-economic effects

- 14.1.1 **ES Chapter 16: Socio-economic Effects (Document 5.2.16) [APP-088]** concluded no significant socio-economic effects as a consequence of the Project with the exception of effects from the presence of the Project on Woodstock Lodge Wedding Venue and direct effects on Squires Café and Caravan Park from land take within the Caravan Park during construction. North Yorkshire Council, City of York Council and Leeds City Council all agreed with the findings of the assessment and approach to the assessment, as noted in the relevant SoCGs (**Documents 8.5.2(D), 8.5.3(C) and 8.5.4(D)**).
- 14.1.2 Socio-economic effects on agricultural businesses were scoped-out of the assessment (**Table 16.4, (Document 5.2.16) [APP-088]**). Throughout the evolution of the Project design National Grid has kept the construction and land take associated with construction to a minimum with effects on agricultural land holdings minimised through detailed consideration of route and site selection. Socio-economic effects on farm holdings from the Project are not likely to be significant as other sources of income are available to the holding or because the land permanently lost or impacted would comprise a limited percentage of the total available agricultural land (**Table 16.10, (Document 5.2.16) [APP-088]**).
- 14.1.3 Written questions from the Examining Authority dealt with the assessment of socio-economic effects on farm operations in relation to specific farm holdings (Newlands Farm and New Farm). National Grid's response on this is provided in the **Applicant's Response to Examining Authority's Second Written Questions (ExQ2) (Document 8.25.1) [REP5-083]** which explains how concerns from these landowners have been responded to, including the design changes considered. Design changes identified and progressed during the Examination resulted in no change to the overall conclusions of the socio-economics assessment (**Document 9.1, [REP5-091]**) that effects on agricultural land holdings would not be significant. As set out in the **Applicant's Written Summary of Oral Representations made at Compulsory Acquisition Hearing 2 (CAH2) (Document 8.29.1) [REP6-059]** the information received on New Farm and Newlands Farm supports that position. National Grid understands that both the landowners at New Farm and Newlands Farm have over 300 acres of land and the land take from the Project is around 1-2%. In line with the factors considered when scoping out socio-economic effects on agricultural businesses land take would be limited to small parcels of land and therefore no detailed socio-economic assessment of effects on Newlands Farm or New Farm is required.
- 14.1.4 Whilst National Grid is not subject to duties under Section 149 of the Equalities Act 2010 as this duty sits with the decision maker, National Grid has had regard to Section 149 of the Equalities Act 2010 in order to seek to assist the decision maker. The approach adopted by National Grid was set out in detail in response to ExQ1 (**Document 8.9.2) [REP2-039]**. National Grid identified one group where adaptations with communication were required. An up-to-date summary of the engagement undertaken with the travellers is set out in the **Summary of Actions and Engagement in Relation to the Traveller Community (Document 8.13(E))** submitted at Deadline 7.
- 14.1.5 Through the examination process further information has been requested with regards to liaison with landowners to ensure that concerns of landowners are managed and addressed during the construction process. Further information on this can be found in the **Applicant's Response to Compulsory Acquisition Hearing 2 (CAH2) Hearing Action Points (Document 8.29.3) [REP6-061]** and to Issue Specific Hearing 3 (ISH3)

Hearing Action Points (**Document 8.23.9**) [REP5-081]. As a result, and as set out in Section 5 of this document, additional information has been included in the **Code of Construction Practice (Document 5.3.3B(E))**, on the role and responsibilities of the Agricultural Liaison Officer and Land Officer as well as in respect of landowner liaison for micro-siting in Limits of Deviation.

- 14.1.6 In conclusion, in line with NPS EN-1 appropriate embedded measures will be implemented as part of the Project with likely significant effects during construction limited to only two receptors. During operation the only permanent significant adverse socio-economic effects from the Project would be in relation to Woodstock Lodge Wedding Venue. As set out in Section 12 of this document new enhancement planting beyond the Order limits at Woodstock Lodge Wedding Venue has been designed to provide enhancement that will reduce significant socio-economic adverse effects on this business to 'not significant'. As the enhancement planting is not within the Order limits, agreement on this point has been reached by National Grid directly with the owners of Woodstock Lodge, outside of the DCO process.

15. Transportation and Traffic

- 15.1.1 The assessment of traffic and transport effects is presented in **ES Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084]**. The ES Traffic and Transport Chapter (**Document 5.2.12) [APP-084]** concludes that the Project is not anticipated to result in any significant traffic and transport effects on the local or strategic road networks during the construction and operation periods.
- 15.1.2 The scheme will impact on various Public Rights of Way (PRoWs) and on the National Cycle Network and will include crossings of highways, the rail network and navigable watercourses, where appropriate mitigation measures will be implemented. To ensure the impact of construction traffic is minimised, where relevant, a **Construction Traffic Management Plan (CTMP) (Document 5.3.3F(D))** and **Public Rights of Way Management Plan (PRoWMP) (Document 5.3.3G(B)) [REP2-025]** have been developed and submitted as part of the DCO application. The CTMP and PRoWMP are secured by Requirement 5 of the **draft DCO (Document 3.1(F))**.
- 15.1.3 The **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]** set out three scheme changes resulting from design refinement, engagement and feedback from stakeholders. Change 1 and 3 had no material implications on traffic and transport effects. Change 2 related to concerns with the volume of traffic utilising Access Point 93 and the existing access track off the A19 to pylon SP005. Change 2 re-routes the majority of the construction traffic previously proposed at AP93 via Overton Substation and a haul road requiring a temporary bridge over Hurns Gutter. The **Change Application: Report on Proposed Changes (Document 9.1) [REP5-091]** states that the only construction traffic which would use the access track from AP93 would be those to construct the temporary bridge and would be in the order of a total of 30 two-way Light Vehicle (LV) movements and 12 two-way Heavy Goods Vehicle (HGV) movements. These movements would be split across two five-day periods to construct and then dismantle the temporary bridge. The only change in construction traffic movements would be along the A19 between AP93 and Overton Road. As there are no assessed highways receptor points along this section of the A19 there would be no change in the overall effects from traffic movements or conclusions of the assessment as set out in **ES Chapter 12: Traffic and Transport (Document 5.2.12) [APP-084]**. This restriction on construction traffic routing to pylon SP005 has been outlined in the **CTMP (Document 5.3.3F(D))** within paragraphs 7.2.6 and 3.4.2, thus it is secured by Requirement 5 of the **draft DCO (Document 3.1(F))**.
- 15.1.4 National Grid have been liaising with the agent representing the owners and occupiers of Newlands Farm and there is a point not agreed that has been raised by the agent. The request was to remove all construction traffic off the public highway to the Shipton CSECs and take traffic in at AP96 and through the construction compounds. National Grid are not proposing to move forward with this proposal, as the measures set out in the **CTMP (Document 5.3.3F(D))** such as the use of banksmen and the delivery management system, as well as passing places as shown in an illustrative sketch in the **Applicant's Comments on Interested Parties' Deadline 4 Submissions (Document 8.24) [REP5-082]** are sufficient to manage the construction traffic along the public highway as currently proposed. The use of an additional access track between the compounds would require additional stone road and removal of mature vegetation.
- 15.1.5 The three relevant local authority highways teams have been engaged with throughout the process as has National Highways.

- 15.1.6 The **Statement of Common Ground with National Highways (Document 8.5.14(C))** confirms various agreements including that National Highways do not consider a Construction Workers Travel Plan is required and that National Highways agree that the proposed construction traffic volumes are unlikely to have a significant impact on the operation of the SRN. The Statement of Common Ground (**Document 8.5.14(C)**) confirms that the only matters not agreed relate to two specific points of drafting within the Protective Provisions (as noted above in section 4.3 of this document). All other elements of the Project and the **draft DCO (Document 3.1(F))** are agreed.
- 15.1.7 The **Statement of Common Ground between Leeds City Council and National Grid (Document 8.5.4(D))** shows no outstanding traffic and transport issues. The **Statement of Common Ground between City of York Council and National Grid (Document 8.5.3(C) [REP5-033])** shows no outstanding traffic and transport issues.
- 15.1.8 The **Statement of Common Ground with North Yorkshire Council (Document 8.5.2(D))** confirms various agreements including agreement of the left in left out mitigation at the A63/Rawfield Lane junction and agreement of the general content of the CTMP. The SoCG (**Document 8.5.2(D)**) outlines one outstanding traffic and transport issue: the proposed routing of construction traffic via Butts Lane, Lumby. This outstanding issue is detailed in paragraph 15.1.11 below. The North Yorkshire Council SoCG, also, serves to clarify National Grid’s commitment to consult with Rights of Way Officers outlined in Section 3 of the **PRoWMP (Document 5.3.3G(B)) [REP2-024]** at the appropriate time (**Document 8.5.2(C)**) [REP5-031]. National Grid has committed to consulting with the Local Highway Authority for access mitigation measures, for example at the appropriate time. National Grid provided a full response relating to this topic within an Appendix of the **Statement of Common Ground between National Grid and North Yorkshire Council (Document 8.5.2(D))**.
- 15.1.9 Within the **draft DCO (Document 3.1(F))**:
- Requirement 14 – ensures ‘No work to construct or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of the design and layout of that means of access has been submitted to and approved by the relevant highway authority’; and
 - Requirement 5 – secures the CTMP and PRoWMP.
- 15.1.10 Within the **CTMP (Document 5.3.3F(D))**:
- paragraph 3.5.6 – commits to notification on AILs through the ESDAL system;
 - paragraph 7.3.11 – states highways inspection will include a survey at the end of the construction period whereupon a programme of works will be agreed with the LHA to restore them, where relevant, to their pre-construction condition; and
 - paragraph 7.2.5 – outlines site specific temporary traffic management will be provided at the detailed design stage and will be agreed, along with the implementation date, with the LHA.
- 15.1.11 As previously outlined, there is one outstanding transport issue raised by North Yorkshire Council relating to the use of Butts Lane, Lumby for construction traffic. National Grid consider the route via Lumby to be acceptable given the low levels of HGV movements associated with this access route (up to 8 daily two-way HGV movements in the peak week for construction traffic on this route) and with appropriate mitigation measures implemented. Mitigation measures may, for example, include the use of banksmen. National Grid’s position is set out in detail in Table 2.1 of the

Applicant’s Deadline 7 Response to ISH4 Hearing Action Points (Document 8.29.6) and the **Applicant’s Comments on Interested Parties’ Deadline 6 Submissions (Document 8.31)** and summarised in ISH4 (as recorded in Table 5.1 of the **Applicant’s Written Summary of Oral Representations made at Issue Specific Hearing 4 (Document 8.29.2) [REP6-060]**). National Grid are continuing to consider an alternative access for HGV construction traffic, as identified in Table 2.1 of the **Applicant’s Deadline 7 Response to ISH4 Hearing Action Points (Document 8.29.6)** and the **Applicant’s Comments on Interested Parties’ Deadline 6 Submissions (Document 8.31)**, subject to formal landowner agreement and the option agreement being entered into by the landowner. National Grid has updated the **CTMP (Document 5.3.3F(D))** submitted at Deadline 7, at paragraph 7.2.7 to ensure there is no ambiguity. The updates confirm that the CTMP provides flexibility to route to pylon XC521 via AP7 and AP8; that National Grid will inform the relevant highway authority should use of AP7 be confirmed at a later date; and that should AP8 continue to be utilised for HGV construction traffic as is proposed, National Grid would seek to agree with the relevant highway authority any specific management measures in this location, for example use of Banksmen if required.

15.1.12 In conclusion, while there would be likely traffic and transport effects during the construction phase these effects will be appropriately mitigated via a number of measures. Although NPS EN-1 states that “where appropriate an applicant should prepare a Travel Plan” in this instance a Travel Plan is not considered appropriate or to be needed as it has been agreed with all relevant Highway Authorities that a separate Travel Plan is not required as the CTMP effectively minimises construction trips where possible. Therefore, the Project is considered to be compliant with NPS EN-1 on traffic and transport matters. The proposed mitigation measures have and would continue to be agreed with the relevant highway authorities. The measures include but are not limited to the implementation of the submitted **CTMP (Document 5.3.3F(D))**. Therefore, in terms of transport the Project complies with NPS EN-1.

16. Conclusion

- 16.1.1 There is a clear and urgent national need for the Project. It will assist in overcoming a significant constraint on the electricity transmission network, which will in turn assist in delivering new sources of renewable energy and meeting the Net Zero target. The case for the Project is compelling.
- 16.1.2 Weighed against this compelling case, and as summarised above, there are few outstanding areas of dispute. It is limited to the following items:
- **Noise** – core working hours at the weekend;
 - **Traffic and Transport** – the proposed routing of construction traffic via Butts Lane, Lumby;
 - **Concerns raised by landowners** – comprising:
 - Commercial terms;
 - Impact on agricultural operations;
 - Extinguishment of a right of access;
 - Placement of pylons; and
 - Landscape mitigation.
 - **Statutory minimum clearances** – whether IDBs should have an approval right where statutory minimum clearances over ordinary watercourses are met.
 - **Concerns about fencing** – the colour and design of fencing.
 - **Green Belt** – difference of opinions on whether certain components of the Project are not inappropriate or are harmful in Green Belt terms.
 - **Biodiversity** – Yorkshire Wildlife Trust is the only interested party to disagree with National Grid over the requirement for bird diverters.
 - **Protective Provisions** – terms mainly related to timescales, indemnities and prior consent of compulsory acquisition powers.
- 16.1.3 The above items are not matters that are so fundamental they would alter the overall decision as to whether to grant consent for the Project.
- 16.1.4 In respect of the first two points these would be limited to the construction phase only. In terms of concerns raised by landowners, where possible changes have been made to address or mitigate these concerns. National Grid consider the majority of outstanding areas of dispute can be agreed prior to access being required. National Grid have explained why meeting the statutory minimum clearances ensures that it is safe for Ainsty IDB to maintain their existing watercourses, as Ainsty IDB currently does in the one location where a 10.5m clearance could not be met, but the Project would improve upon the minimum clearance of the existing overhead line which is currently in situ. In terms of fencing, National Grid has considered alternatives for fencing and concluded that the proposed galvanised steel fencing is appropriate from a security and maintenance perspective and that the visibility of such fencing will be further reduced following the growth of mitigation planting. In terms of the Green Belt, whilst the parties may disagree on which elements are not inappropriate or are harmful, there is a clear

and pressing need for the Project alongside compelling very special circumstances that justify the development of the Project in the Green Belt. In terms of bird diverters, National Grid has set out detailed evidence to support its position, with which Natural England is in agreement. Finally, Section 127/138 Statements have been submitted to the examination which demonstrate that there would be no serious detriment to each respective statutory undertaker as a result of the Project.

- 16.1.5 Nationally, with an increasing demand for electricity as the UK shifts to clean energy, and the drive towards Net Zero, there is an urgent need for new electricity transmission and distribution infrastructure.
- 16.1.6 Regionally, the existing electricity transmission network was not designed to transfer the current and increasing volume of generation capacity from the North to major centres of electricity demand which continue to exist in central and southern England. The network will require significant reinforcement in the Yorkshire area to provide capacity for these connections and customers to ensure that power can be transferred securely to onshore demand centres in the south to meet the needs of Great Britain's electricity consumers.
- 16.1.7 The need for the Project is established by the NPS and there is significant policy support for the Project in NPSs EN-1 and EN-5, which together form the primary basis against which the Project should be assessed. As identified in NPS EN-5, in the UK, moving to a low carbon economy whilst maintaining security of supply will be heavily dependent on the availability of a fit for purpose and robust electricity network.
- 16.1.8 Whilst there are no explicit policies which reference the Project, the Project is broadly consistent with the objectives of local plan policies and the NPPF (as revised on 5 September 2023) with regard to minimising the adverse effects from construction and operation.
- 16.1.9 Whilst there may be a difference of views between National Grid and the local authorities about the effect on the Green Belt, there is a clear and pressing need for the Project and very special circumstances have been demonstrated that justify the development of the Project in the Green Belt.
- 16.1.10 The 2008 Act requires that an application for development consent should be decided in accordance with EN-1 and EN-5, unless its adverse impact would outweigh its benefits. The Project fully accords with the NPSs and provides significant benefits in supporting the security of the UK's energy supply.
- 16.1.11 Taking into account the conclusions of the ES, whilst significant effects during operation would occur on landscape character, visual amenity, best and most versatile agricultural land (due to the loss of best and most versatile land) and socio-economics, these effects have been minimised as far as possible, and are considered to be outweighed by the urgent and compelling needs case in terms of the shift in national energy need, the requirement to meet Net Zero by 2050, and the support that Yorkshire GREEN provides for the movement of energy from renewable sources.
- 16.1.12 It is not considered that there are any adverse effects which would come close to outweighing the benefits of the Project. Overall, it is considered that the planning balance lies strongly in favour of the grant of development consent.

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