



Emer McDonnell
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14 March 2024

Dear Mrs McDonnell,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE YORKSHIRE GREEN ENERGY ENABLEMENT PROJECT

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 14 December 2023. The ExA consisted of three examining inspectors, Jessica Powis, John Anderson and Annie Combs, with Gavin Jones appointed as a replacement member of the ExA on 16 March 2023, prior to the Examination beginning, following Mr Anderson’s resignation. The ExA conducted an Examination into the application submitted on 15 November 2022 (“the Application”) by National Grid Electricity Transmission (NGET) plc (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“PA2008”) for the Yorkshire Green Energy Enablement Project and associated development (“the Proposed Development”). The Application was accepted for Examination on 8 December 2022. The Examination began on 22 March 2023 and closed on 15 September 2023. The Secretary of State received the ExA’s Report on 14 December 2023.
- 1.2. On 16 January 2024 the Secretary of State issued a letter seeking information on several matters (“the information request letter”). On 2 February 2024, Interested Parties (“IPs”) were invited to comment on the new information provided in response to the information request letter (“the consultation”).
- 1.3. The Order, as applied for, would grant development consent for a new substation at Overton, cable sealing end compounds (“CSECs”) and new overhead lines connecting into Overton Substation (including a 2.8 kilometres 400 kilovolt (“kV”) overhead line and two 275kV overhead lines 1.5 – 2.1 kilometres in length). The Order would also grant development consent for the removal of existing 275kV overhead line, and the realignment and refurbishment of existing overhead line within the areas north-west of York, Poppleton, Tadcaster and Monk Fryston. Also granted development consent would be two new CSECs at Tadcaster, along with a new substation at Monk Fryston and realignment of 275kV and 400kV overhead lines in this location, together with other associated works at the existing Osbaldwick Substation.

- 1.4. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers, set out in the draft Order submitted with the Application.
- 1.5. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Planning website¹ is a copy of the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”). The ExA’s findings and conclusions are set out in Chapters 3 to 7 of the ExA Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”] or documents contained within the Examination library [e.g. “REPX-XXX”].

2. Summary of the ExA’s Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings [ER 3.1.3]:
 - The need case
 - Alternatives
 - Landscape and visual
 - Biodiversity and natural environment
 - Noise and vibration
 - Traffic and transport
 - Socio-economic
 - Land use, including Green Belt (“GB”), agricultural land and Green Infrastructure (“GI”)
 - Flood risk, hydrology and hydrogeology
 - Air quality and human health
 - Historic environment
 - Good design and climate change
 - Other planning issues
 - Cumulative effects
 - Findings and conclusions in relation to Habitats Regulation Assessment (“HRA”)
 - Land rights and related matters
- 2.2. The ExA recommended that the Secretary of State should make the Order in the form attached at Annex E of the ExA’s Report [ER 8.3.1]. The Secretary of State has made the Order with some modifications, which are detailed below at section 9 of this decision letter.
- 2.3. This letter is intended to be read alongside the ExA’s Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State’s decision are those given by the ExA in support of her conclusions and recommendations.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/yorkshire-green/?ipcsection=overview>

3. Summary of the Secretary of State's Decision

- 3.1. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS"). Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State's consideration of which NPS are relevant is discussed further below at paragraph 4.2.
- 3.2. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.3. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 3.4. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's Examination and responses to her letters requesting information and comments on this new information. 39 Relevant Representations ("RRs") were made in respect of the Application [ER Annex F]. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the Local Impact Reports ("LIR") submitted individually by the City of York Council ("CYC") [REP1-047], Leeds City Council ("LCC") [REP1-053], and North Yorkshire Council ("NYC") [REP1-056]. The Secretary of State has also had regard to the environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act including relevant policy set out in the 2011 NPSs EN-1 and EN-5.
- 4.2. The Energy White Paper, *Powering Our Net Zero Future*, was published on 14 December 2020. It announced a review of the suite of energy NPSs but confirmed that the live NPSs, designated in 2011, were not being suspended in the meantime. The ExA has referred to these 2011 NPSs as EN-1 and EN-5 and this letter refers to them in the same way. Draft NPSs were published on 6 September 2021 and subject to a consultation which closed on 29 November 2021. Updated versions of these draft NPSs were published on 30 March 2023 and subject to a further consultation which closed on 23 June 2023. The ExA makes reference to the March 2023 draft NPSs ("dNPS") throughout the Examination and Report [ER 2.2.14 et seq.], with dNPS EN-1 and dNPS EN-5 considered important and relevant.
- 4.3. Revised draft NPSs were released on 22 November 2023 and designated by the Secretary of State on 17 January 2024 ("the 2024 NPSs"). The ExA did provide some consideration of the November 2023 versions, now the 2024 NPSs, in their Report [ER 2.2.17 et seq.].

However, because they were released following the close of the Examination, during the recommendation period, the ExA acknowledged that parties had not had an opportunity to comment on their contents [ER 8.2.14]. Nevertheless, the ExA considered that the contents of the 2024 NPSs would make no difference to its overall Recommendation in respect of the Proposed Development [ER 8.2.15 et seq.].

- 4.4. As such, the Secretary of State has had regard to the 2024 NPSs in deciding the Application but does not consider that there is anything contained within them that would lead her to reach a different decision on the Application than has been reached by relying on the 2011 NPSs. Further, the Proposed Development would be classified within the type of infrastructure listed at EN-1 (2024) paragraph 4.2.5 considered as a critical national priority. The Secretary of State considers this strengthens the need case for the Proposed Development. The Secretary of State has also had regard to the updated National Planning Policy Framework (“NPPF”) from December 2023 which was released after the close of the Examination and similarly finds that there is nothing which would lead her to reach a different decision on the Application.
- 4.5. The Secretary of State has also had regard to the British Energy Security Strategy (“BESS”) published on 7 April 2022, which outlined the steps to accelerate the government’s progress towards achieving Net Zero by 2050 and a long-term shift in delivering cheaper and cleaner power.
- 4.6. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - The need case for the Proposed Development (very great positive weight) [ER 3.2.18].
 - Alternatives (no weight for or against) [ER 3.3.14].
 - Landscape and visual (moderate negative weight) [ER 3.5.65].
 - Noise and vibration (little negative weight) [ER 3.6.58].
 - Traffic and transport (little negative weight) [ER 3.7.60].
 - Socio-economic effects (moderate negative weight) [ER 3.8.47].
 - Land use – agricultural land and soil resources (moderate negative weight) [ER 3.9.71 and ER 3.9.87].
 - Flood risk, hydrology and hydrogeology (neutral weight) [ER 3.10.43].
 - Air quality and human health (neutral weight) [ER 3.11.30].
 - Good design (little negative weight) [ER 3.13.60].
 - Climate change (neutral weight) [ER 3.13.84].
 - Other planning issues – decommissioning, contaminated land, geology and ground conditions, mineral resources and safeguarding, waste management, civil and military aviation and defence interests, and major accidents and disasters (neutral weight) [ER 3.14.17 and ER 3.14.46].
 - Cumulative effects (moderate negative weight) [ER 3.15.60].
- 4.7. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA report. This includes matters where the Secretary of State feels it is necessary to provide further detail on her rationale for agreeing with the conclusions of the ExA, and those matters where the Secretary of State disagrees with the conclusions of the ExA.

Land use – GB

The ExA's consideration

- 4.8. The ExA considers that the Proposed Development would result in a moderate adverse effect on the York and Leeds Green Belts' openness which would conflict with safeguarding the countryside from encroachment [ER 3.9.46 et seq.]. The ExA attributes substantial negative weight to this harm [ER 5.4.1]. As a result, the Proposed Development would be classed as inappropriate development. A development proposal may be deemed inappropriate where it causes harm to GB land and conflicts with national and local policies [ER 3.9.6 et seq.]. The ExA notes, in accordance with NPS EN-1 and the NPPF, inappropriate development should not be approved except in very special circumstances ("VSC") where the harm to GB, and any other harm resulting from the proposal, is clearly outweighed by other considerations [ER 3.9.47, ER 5.4.2]. NPS EN-1 requires that the Secretary of State must be satisfied that VSC exist to justify the consent of major energy infrastructure which is considered inappropriate development [ER 3.9.5].
- 4.9. Aside from the harm to GB land caused by inappropriate development, the ExA considered the other harm which would be caused by the Proposed Development against the need for the Proposed Development and the benefits that would arise because of it [ER 5.4.4 et seq.]. The ExA considers that this harm is outweighed by the need for the Proposed Development which the ExA ascribes very great positive weight, the benefits provided by biodiversity net gain, and the provision and connectivity of GI [ER 5.4.5 et seq.]. The ExA therefore considers that harm to GB land and other harm which would be caused by the Proposed Development are both outweighed by the need and benefits of the Proposed Development and so concludes that VSC exist to justify the approval of inappropriate development in the GB, and that the Proposed Development accords with NPS EN-1 and the NPPF [ER 5.4.6].

The Secretary of State's Conclusion

- 4.10. The Secretary of State has noted the positive weight ascribed by the ExA to the issues of biodiversity and natural environment, and land use – GI (see paragraphs 4.20 and 4.27 below). However, the Secretary of State has ascribed these issues little positive weight and neutral weight in the planning balance, respectively. With regard to the need for the Proposed Development, the Secretary of State agrees that the need for the Proposed Development is urgent and that the need case should be ascribed substantial positive weight.
- 4.11. As per the test required in NPS EN-1 and the NPPF, the Secretary of State concludes that, even with these altered weightings, the harm to GB, and any other harm resulting from the Proposed Development, is outweighed by the need for the Proposed Development and, albeit to a lesser extent than the ExA considers, the benefits it would provide. The Secretary of State agrees with the ExA that VSC exist to justify the consent of inappropriate development in the York and Leeds GBs, and that the Proposed Development accords with relevant national policies regarding GB land.

Historic environment

The ExA's consideration

- 4.12. The ExA concludes that it has no reason to disagree with the Applicant's assessment on the historic environment and that it has had regard to Regulation 3 of the Infrastructure Planning

(Decisions) Regulations 2010 [ER 3.12.51 et seq.]. The ExA, Historic England (“HE”), and the host authorities consider that the Archaeological Written Scheme of Investigation (“AWSI”) secures appropriate mitigation [ER 3.12.23 et seq., ER 3.12.50, ER 3.12.52]. The ExA concludes that less than substantial harm to significance would arise for Marston Moor Registered Battlefield, Beningbrough Hall and Registered Park and Gardens, and Monk Fyston Lodge, in agreement with both the Applicant and HE [ER 3.12.31 et seq., ER 3.12.37, ER 3.12.39 et seq., ER 3.12.43 et seq., ER 3.12.54 et seq.]. The ExA considers that no other designated or non-designated heritage assets, as well as yet undiscovered archaeological remains, would have harm caused to their significance or setting by the Proposed Development [ER 3.12.28 et seq., ER 3.12.35 et seq., 3.12.45 et seq., ER 3.12.56 et seq.].

- 4.13. The ExA considered the weighing exercise stipulated by NPS EN-1 and the NPPF as to whether the less than substantial harm to the above designated heritage assets caused by the Proposed Development was outweighed by the public benefit arising because of it [ER 3.12.55, ER 5.3.1 et seq.]. On balance, the ExA concludes that the very great public benefits associated with the Proposed Development would outweigh the harm identified in relation to the significance of the above designated heritage assets, providing a clear justification for the harm that would occur [ER 5.3.4 et seq.]. The ExA considers that the Proposed Development would accord with NPS EN-1 in matters concerning the historic environment [ER 5.3.5].

The Secretary of State’s Conclusion

- 4.14. As with impacts on the GB and VSC, the Secretary of State agrees with the ExA that the need case for the Proposed Development carries substantial positive weight (see paragraph 4.6 above). The Secretary of State also agrees with both the Applicant and the ExA’s assessments of the historic environment, and the effects of the Proposed Development on designated and non-designated heritage assets, as well as archaeological remains.
- 4.15. The Secretary of State agrees with the ExA that the urgent need and substantial public benefits of the Proposed Development outweigh any harm caused to the historic environment. The Secretary of State concludes that the Proposed Development accords with NPS EN-1 in this regard.

Biodiversity and the natural environment

The ExA’s consideration

- 4.16. At the close of Examination, CYC, LCC, NYC, Natural England (“NE”), and the Environment Agency (“EA”) had no outstanding objections with the Applicant’s methodology, scope, and conclusions on the potential effects of the Proposed Development on biodiversity. Yorkshire Wildlife Trust (“YWT”) maintained an objection regarding bird diverters, as discussed below, but had no objections with the remainder of the Applicant’s biodiversity assessment [ER 3.5.26]. The ExA considered that the Applicant provided a satisfactory assessment of the Proposed Development’s effects on biodiversity receptors as required by the EIA Regulations, NPS EN-1 and NPS EN-5 [ER 3.5.58 et seq.]. The ExA therefore agreed with the Applicant, concluding that there would be no significant residual effects on biodiversity or ecology receptors as a result of the Proposed Development [ER 3.5.27, ER 3.5.63].

- 4.17. Similarly, the ExA considers that reasonable alternatives to mitigation had been considered by the Applicant and that, where impacts were unavoidable, biodiversity mitigation measures are adequately secured in Requirements 5, 6 and 10 of the Order [ER 3.5.37, ER 3.5.62]. The ExA is content that the Applicant requires only one licence from NE in relation to European Protected Species and Protected Species, a District Level Licence in relation to great crested newts [ER 3.5.60]. The ExA is also content that, if pre-construction surveys indicate likely impacts on other protected species, then the Biodiversity Mitigation Strategy (“BMS”) requires that a licence would be sought from NE prior to commencement of the Proposed Development [ER 3.5.38, ER 3.5.62]. The ExA therefore concludes that significant harm to biodiversity would be avoided and the effects of the construction of operation would be minimised, in accordance with NPS EN-1 [ER 3.5.37].
- 4.18. YWT’s submissions regarding the potential for bird strike along with proposed overhead lines where they cross the River Ouse and River Wharfe mainly relate to the potential effects on European Sites so are considered by both the ExA and the Secretary of State principally in the HRA [ER 3.5.39 et seq.]. However, in relation to non-HRA aspects, the ExA notes that the BMS contains measures to minimise birds being killed or injured by the Proposed Development and that there is no need, therefore, for bird diverters to be installed [ER 3.5.41]. NE supports this position and, without any evidence of collisions presented before them, the ExA considers it must balance taking a precautionary approach with ensuring mitigation measures are necessary and proportionate [ER 3.5.41 et seq.]. The ExA concludes that no significant harm from bird strikes would arise as a result of the Proposed Development and that, if evidence of bird strikes were to occur, the Applicant’s approach to mitigation (which may include installing bird diverters) is satisfactory [ER 3.5.45 et seq.]. The ExA considers that the Applicant’s approach accords with both NPS EN-1 and NPS EN-5 [ER 3.5.46]. As a result, the ExA recommends that bird diverters or any other mitigation are unnecessary in the River Ouse and River Wharfe corridors [ER 3.5.47, ER 3.5.61].
- 4.19. The ExA notes that NE, the EA, YWT, CYC, LCC and NYC are all in agreement with the Applicant’s approach to biodiversity net gain (“BNG”) [ER 3.5.49 et seq.]. The Applicant’s Section 106 Agreement secures various measures in relation to BNG [ER 3.5.49]. The ExA is satisfied that the Section 106 Agreement will be effective in securing 10% BNG commitments, and that this agreement is preferred to a Requirement in the Order as some of the potential works may be outside of the Order Limits, though exact details are not yet finalised [ER 3.5.54]. The ExA considers that the Section 106 agreement accords with NPS EN-1 and, although not yet in force, that it would meet the statutory requirement for NSIPs to deliver BNG under The Environment Act 2021 at an equivalent level which is reasonably related in scale and kind to the Proposed Development, despite its design outside of Order Limits [ER 3.5.55 et seq.]. The ExA considers the Section 106 Agreement would lead to the enhancement of local biodiversity as a result of the Proposed Development [ER 3.5.63].
- 4.20. The ExA ascribed the overall effects of the Proposed Development on biodiversity moderate positive weight [ER 3.5.65].

The Secretary of State’s Conclusion

- 4.21. The Secretary of State agrees with the ExA about the Applicant’s methodology, scope, and conclusions of its biodiversity assessment, including that there would be no significant residual significant effects on biodiversity and ecology receptors. Similarly, the Secretary of State does agree with the ExA that significant harm to biodiversity would be avoided or minimised due to embedded measures. However, the Secretary of State considers that it

will take a significant amount of time for the habitat compensation and enhancement measures – particularly in relation to replacement trees and hedgerows, secured by the Tree and Hedgerow Protection Strategy (“THPS”) and the woodland planting management regime – to mature to a condition that resembles the existing habitat or to reach a condition that produces positive compensation. As such, the Secretary of State considers that there would be an adverse loss and disturbance of local biodiversity caused by the construction and operation of the Proposed Development in the short to medium term [REP6-039, REP7-042, ER 3.4.86, ER 3.4.89].

- 4.22. The Secretary of State agrees in principle with the ExA’s conclusions regarding the effects of the Proposed Development on bird collision along the River Ouse and River Wharfe corridors. However, for completeness, the Secretary of State sought further information from the Applicant, YWT, and the Royal Society for the Protection of Birds (“RSPB”) on bird strikes in her information request dated 16 January 2024. YWT did not provide a response, and neither the Applicant nor the RSPB could provide any data for bird collisions into overhead lines in the areas highlighted². With no evidence presented to the contrary, the Secretary of State remains in agreement with the ExA’s conclusions on bird collision.
- 4.23. Considering the above limitations to the Applicant’s approach, the Secretary of State disagrees with the ExA’s conclusion of moderate positive weight and ascribes the Proposed Development’s effects on biodiversity and the natural environment limited positive weight.

Land use – Green Infrastructure (“GI”)

The ExA’s consideration

- 4.24. NPS EN-1 defines GI as “a network of multi-functional green spaces, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities” [ER 3.9.72]. The ExA notes the Secretary of State should consider how the connectivity of GI is maintained, as well as other national and local policy [ER 3.9.73 et seq.].
- 4.25. Noting that the Applicant did not have a separate Environmental Statement (“ES”) section for GI, the ExA considers the areas relevant to GI in which the Applicant should mitigate adverse effects and address residual effects are biodiversity and the natural environment, climate change, and landscape and visual [ER 3.9.77].
- 4.26. The ExA is content that the Applicant has had regard to the effects of the Proposed Development on GI and that commitments to mitigation are secured across the BMS, the Code of Construction Practice (“CoCP”), outline landscape mitigation strategies, and various Requirements in the Order [ER 3.9.83]. The ExA considers that GI connectivity would be maintained and in places enhanced and extended. The ExA attributes this to the Section 106 agreement and commitment to BNG, the retention and protection of existing trees, the replacement and reinstatement planting, and mitigation planting at the substations and CSECs [ER 3.9.84], as well as the maintenance of the above through the woodland planting management regime [ER 3.4.86, ER 3.9.85]. Furthermore, the ExA considers that climate

² <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020024/documents?date-from-day=1&date-from-month=2&date-from-year=2024&date-to-day=1&date-to-month=2&date-to-year=2024&searchTerm=&itemsPerPage=25>

change adaption measures, as required by the NPPF, have been addressed in planning for GI [ER 3.9.86].

- 4.27. However, the ExA acknowledges that the benefits from the aforementioned measures, intended to counter fragmentation and improve GI connectivity, would not be delivered until at least Year 15. With a lack of clarity over how and where improved GI connectivity would be delivered by the Proposed Development as well, the ExA concludes that GI carries little positive weight in the planning balance [ER 3.9.86].

The Secretary of State's Conclusion

- 4.28. As noted in paragraph 4.21, the Secretary of State notes that it will take a significant amount of time for the habitat compensation and enhancement measures to mature, and this will impact the time taken to reach a condition that resembles the existing habitat or enhances the functional connectivity of GI. As such, the Secretary of State considers that there would be an adverse loss and disturbance to GI caused by the construction and operation of the Proposed Development in the short to medium term.
- 4.29. In the information request dated 16 January 2024, the Secretary of State sought clarity from the Applicant as to how functional connectivity of GI will be incorporated into and achieved through the proposed habitat compensation and enhancement measures. The Secretary of State considers that the Applicant did not provide any new information in its response³, nor did the response reinforce any points regarding habitat compensation or enhancement design and management which would dissuade her to differ in her conclusions on GI, outlined above.
- 4.30. Considering the above limitations to the Applicant's approach, the Secretary of State disagrees with the ExA's conclusion of little positive weight and ascribes this matter neutral weight.

5. Habitats Regulations Assessment

- 5.1. The Secretary of State's HRA is published alongside this letter. This section must be read alongside the HRA which sets out in full the Secretary of State's consideration of these matters.
- 5.2. The Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations") aim to ensure the long-term conservation of certain species and habitats by protecting them from possible adverse effects of plans and projects.
- 5.3. The Proposed Development is not directly connected with, or necessary to the management of a protected site. Therefore, under Regulation 63 of the Habitats Regulations, the Secretary of State is required (as Competent Authority) to consider whether the Proposed Development would be likely, either alone or in combination with other plans and projects, to have a significant effect on any protected site. If likely significant effects ("LSE") cannot be ruled out, the Secretary of State must undertake an appropriate assessment ("AA") addressing the implications for the protected site in view of its conservation objectives.

³ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020024/documents?date-from-day=1&date-from-month=2&date-from-year=2024&date-to-day=1&date-to-month=2&date-to-year=2024&searchTerm=&itemsPerPage=25>

- 5.4. The Secretary of State may grant development consent only if, having carried out the AA, it has been ascertained that the Proposed Development will not, either on its own or in-combination with other plans or projects, adversely affect the integrity of protected sites unless she chooses to continue to consider the derogation tests set out in the Habitats Regulations. The derogation issue does not arise in this case. The complete process of assessment is commonly referred to as an HRA. The Secretary of State agrees with the ExA that sufficient information has been provided for her to fulfil her duties under the Habitats Regulations.
- 5.5. The Secretary of State has carefully considered the information presented during the Examination, including the No Significant Effects Report (“NSER”), the ES, representations made by IPs, the ExA’s Report, and all representations received in response to her consultation letter. She considers that the Proposed Development has the potential to have an LSE on two protected sites when considered alone and in-combination with other plans or projects:
- River Derwent Special Area of Conservation (“SAC”)
 - Lower Derwent Valley SAC
- 5.6. The LSEs considered by the Secretary of State to have the potential to result in an AEoI of the identified protected sites are:
- Changes in hydrology (resulting in the effects of habitat loss or degradation and/or loss of fauna); and
 - Pollution events from the accidental release of sediment load and pollutants (resulting in the effects of habitat loss or degradation and/or the loss of fauna).
- 5.7. The Secretary of State has undertaken an AA in respect of the conservation objectives of the sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an AEoI of the identified protected sites. The Secretary of State has considered all information available to her including the recommendations of the ExA, the advice of NE as the Statutory Nature Conservation Body (“SNCB”), the views of all other IPs, the Applicant’s case, and all responses to her consultation letter.

The Secretary of State’s Conclusion on the HRA

- 5.8. Having considered the available information, the Secretary of State is satisfied that an AEoI on the identified protected sites can be excluded beyond reasonable scientific doubt. The Secretary of State is satisfied that, subject to the measures secured through the Order, there is no significant risk to any protected site and their qualifying features as a result of the Proposed Development.
- 5.9. The Secretary of State is also satisfied that the Proposed Development, either alone or in-combination with other plans or projects, would not have a LSE on any protected site in a European Economic Area state.

6. Consideration of Land Rights and related matters

6.1. The Secretary of State notes that to support the delivery of the Proposed Development, the Applicant is seeking powers of CA and TP of land and rights which it had not been able to acquire by voluntary agreement. The Applicant is seeking these powers to:

- acquire land permanently within the Order limits;
- temporarily possess land within the Order limits;
- acquire rights over some land within the Order limits;
- extinguish rights over some of the land within the Order limits; and
- temporarily suspend rights over some of the land within the Order limits in order to access, construct, operate and maintain the Proposed Development [ER 6.3.1].

6.2. The ExA is satisfied of the following matters:

- The Applicant's strategic need case for the Proposed Development [ER 3.2, ER 6.4.2]
- The Applicant explored all reasonable alternatives to CA, including those which formed the basis of CA objections [ER 6.8.11 et seq.].
- The Applicant had, and continues to take, diligent land enquiries as required under Sections 44 and 57 of PA2008 [ER 6.8.16].
- The Applicant's original request for CA and TP for powers [ER 6.3.1 et seq., ER 6.4.1 et seq.], including the Applicant's justification for using easements over wayleaves in some instances [ER 6.8.59].
- The Applicant's changes made during Examination and their implications on Land Rights [ER 6.3.3 et seq., ER 6.8.37 et seq.].
- The purposes for which land is required and the extent of powers sought, including land required for associated development which can be subject to CA under Section 122(2) of PA2008 [ER 6.3.13 et seq., ER 6.8.22 et seq., ER 6.8.35, ER 6.8.42]. This includes agreeing with the Applicant that no powers are sought over Crown land or special category land, and that Section 135 PA2008 does therefore not apply [ER 6.3.12, ER 6.9.12].
- The expanded role of the Agricultural Liaison Officer [ER 6.8.55].
- The Protective Provisions ("PP") voluntarily agreed between the Applicant and Statutory Undertakers ("SU"), or where no objection had been received by the ExA to the Applicant's proposed PP [ER 6.7.3 et seq.].
- The necessity and case for the CA and TP of land, rights or other interest owned by SUs where Section 127 or Section 138 PA2008 objections were not withdrawn by the end of Examination and PPs had not been agreed (see paragraph 6.5 below for further discussion) [ER 6.3.9 et seq., ER 6.7.5 et seq.].
- The Applicant's adequacy of funding to finance the Proposed Development including CA [ER 6.4.6, ER 6.8.30].

6.3. The above factors led the ExA to conclude that:

- The land is required for, or to facilitate or incidental to, the Proposed Development to which the development consent relates, and meets the requirements of Sections 122(2) PA2008 [ER 6.8.44, ER 6.9.1].
- The public benefits associated with the Proposed Development would strongly outweigh the private loss suffered by those affected by CA. The Applicant has explored all alternatives to CA and objections do not dissuade the ExA from concluding there are no alternatives to the CA powers sought. The Applicant has demonstrated what the land would be used for and how it would fund both CA and the broader Proposed

Development. The ExA therefore considered it meets the requirements of Section 122(3) PA2008 [ER 6.8.48 et seq., ER 6.9.2 et seq.].

- The public benefit from the Proposed Development would outweigh any interference with the human rights of those with an interest in the land affected. The ExA considers that this interference would be no more than necessary, being for legitimate purposes which are proportionate and justified in the public interest, and so would meet the aims of the Human Rights Act 1998 [ER 6.8.62 et seq., ER 6.9.11].
- The Order contained a request for CA of the land to be authorised as is required by Section 123 PA2008, meaning that the Secretary of State can be satisfied that at least one of the specified conditions within the section have been met [ER 6.8.74, ER 6.9.6].
- Where agreement is not reached regarding Section 127 or Section 138 PA2008 objections, the Secretary of State can be satisfied that there would be no serious detriment to the undertaking of the relevant SUs in question should CA powers be granted (see paragraph 6.5 below for further discussion) [ER 6.9.7 et seq.].

6.4. Overall, the ExA recommended that [ER 6.9.13]:

- the CA powers included in the recommended DCO (“rDCO”) issued to the Secretary of State be granted;
- the TP powers included in the rDCO be granted;
- the powers authorising the CA of SUs' land and rights over land included in the rDCO be granted;
- the powers authorising the extinguishment of rights, and removal of apparatus, of SUs included in the rDCO be granted;
- the protective provisions (“PPs”) for National Highways (“NH”), Network Rail Infrastructure Ltd. (“NRIL”) and National Gas Transmission plc. (“NGT”) should be included in Schedule 15 in the form set out in the rDCO (unless the Secretary of State is aware of evidence of agreement having been reached that would lead to agreed different wording) (see paragraph 6.5 below for further discussion); and
- the powers included in the rDCO to apply, modify or exclude a statutory provision be granted.

6.5. At the close of the examination several Affected Persons (“AP”) and SUs had unsigned agreements with the Applicant regarding their land interests. As above, the ExA recommended that the Secretary of State could seek updates on these outstanding matters [ER 8.2.19, ER 8.2.24] but the ExA also provided its own conclusions and recommendations in each instance of disagreement [ER 6.6, ER 6.7.109 et seq.,].

6.6. The Secretary of State wrote to these parties and the Applicant on 16 January 2024⁴ requesting updates on the outstanding matters. An update was provided by the Applicant and NRIL (see paragraph 6.7 below) and the Applicant confirmed it had concluded 11 more signed heads of terms⁵. No other updates were provided to the Secretary of State that demonstrated any further agreement between the Applicant and other parties.

⁴ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020024/EN020024-001388-Information%20Request%20from%20SoS%20-%20Yorkshire%20Green%20-%2016%20January%202023_Redacted.pdf

⁵ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020024/documents?date-from-day=1&date-from-month=2&date-from-year=2024&date-to-day=1&date-to-month=2&date-to-year=2024&searchTerm=&itemsPerPage=25>

SU: NRIL

6.7. The Applicant provided the ExA with a letter informing it of an update to the position on PPs with NRIL on 13 December 2023. This letter, and NRIL's confirmatory response, were also provided by the Applicant in the information request. The Applicant and NRIL confirmed that agreement had been made regarding wording to Part 4, Schedule 15, 36(4) and 36(6) of the Order in relation to electromagnetic interference. No other agreement was made between the parties and outstanding issues related to PPs remained, as highlighted by the ExA [ER 6.7.39 et seq.].

The Secretary of State's Conclusion

6.8. The Secretary of State has considered all the information available to her in her consideration of Land Rights and related matters, including updates since the close of Examination. The Secretary of State agrees with all of the ExA's conclusions and the recommendation it has given on Land Rights and related matters which didn't require updates, as detailed at paragraphs 6.3 and 6.4 above.

6.9. Where updates detailing agreement could not be provided between the Applicant and SUs, the Secretary of State agrees with the ExA's conclusions and recommendations in each instance of disagreement [ER 6.6, ER 6.7.109 et seq.] and, subsequently, the ExA's conclusions on the wording for PPs in Schedule 15 [ER 6.9.13].

6.10. The Secretary of State's conclusions on areas where updates were provided are detailed above and, in summary, the Secretary of State considers that PPs between the Applicant and NRIL should be made in the form set out in the rDCO, except for the updates to 36(4) and 36(6) of Schedule 15 provided by both parties.

6.11. The Secretary of State has considered all the information and agrees with the ExA that, except for the amendments due to updates listed above, the powers outlined at ER 6.9.13 should be granted.

6.13. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998 (see paragraph 8.1 below for the Secretary of State's consideration of the Equality Act 2010 and the principles of public sector equality duty ("PSED")).

7. Secretary of State's Consideration of the Planning Balance and Conclusions

7.1. Where NPSs have effect, Section 104 of PA2008 requires the Secretary of State to have regard to a range of policy considerations including the relevant NPSs, Development Plans and LIRs prepared by local planning authorities in reaching a decision.

7.2. The Secretary of State acknowledges the ExA's recommendation that the Secretary of State should make the Order in the form attached at Annex E of the ExA's Report [ER 8.3.1].

7.3. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues [ER 5.2 et seq.]:

- The need case (substantial positive weight)

- Alternatives (neutral weight)
- Landscape and visual (moderate negative weight)
- Noise and vibration (little negative weight)
- Traffic and transport (little negative weight)
- Socio-economic effects (moderate negative weight)
- Land use – GB (substantial negative weight but VSC exist which justify the inappropriate development and harm caused by the Proposed Development)
- Land use - agricultural land and soil resources (moderate negative weight)
- Flood risk, hydrology and hydrogeology (neutral weight)
- Air quality and human health (neutral weight)
- Historic environment (less than substantial harm is outweighed by the urgent need for and public benefits of the Proposed Development)
- Good design (little negative weight)
- Climate change (neutral weight)
- Other planning issues (neutral weight)
- Cumulative effects (moderate negative weight)

7.4. The Secretary of State disagrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Biodiversity and natural environment (moderate positive weight ascribed by ExA and little positive weight ascribed by the Secretary of State. See paragraph 4.23 above)
- Land use – GI (little positive weight ascribed by ExA and neutral weight ascribed by the Secretary of State. See paragraph 4.30 above)

7.5. The Secretary of State acknowledges that all NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not conflicted with either the 2011 or 2023 dNPS versions of NPS EN-1 and NPS EN-5, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.

7.6. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development outweigh its adverse impacts.

7.7. The Secretary of State concludes that development consent should be granted for the Proposed Development. The Secretary of State considers that the national need for the Proposed Development set out in the relevant NPSs outweighs the potential adverse impacts, as mitigated by the proposed terms of the Order.

7.8. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by CYC, LCC and NYC, the NPSs (both the 2011 and the 2024 designated versions), and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector “general equality duty” (“PSED”). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of the potential equality impacts highlighted during the Examination. There may be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered. If there are adverse effects that are not justified and cannot be mitigated, then consideration should be given to refusing the Application.
- 8.3. The Secretary of State has had due regard to this duty [ER 2.2.5] and has noted the presence of Travellers living at a site in the vicinity of the Proposed Development at the junction of the A1(M) and A63 who have a protected characteristic that might be disproportionately affected as a result of the decision to grant consent to the Proposed Development [ER 1.3.16, ER 3.4.28]. The Secretary of State considers the Proposed Development’s effects on the Travellers’ Site below, and how this may influence the Travellers’ protected characteristic in relation to granting consent.

The Travellers’ Site

- 8.4. As part of the Proposed Development, new overhead line would be constructed over the Travellers’ Site with the installation of one new pylon, and the removal and dismantling of another [ER 3.4.28].
- 8.5. Regarding landscape and visual impacts, the Applicant assessed the receptors at the Travellers’ Site to be medium sensitivity site whilst other residential receptors were assessed as high sensitivity. Although NYC does not disagree with this assessment, the ExA disagrees and holds that the Travellers’ Site should be assessed as having at least the same sensitivity as other residential receptors [ER 3.4.33 et seq.]. Although disagreement remained on sensitivity, the ExA sought further assessment information and did not consider that further mitigation would be needed in addition to the Applicant’s proposed mitigation [ER 3.4.36 et seq.]. However, a process for securing mitigation for the Travellers’ Site was still an aspiration for the Applicant, the ExA and NYC, and this was secured during Examination through the creation of a new requirement in the Order, Requirement 19. Requirement 19 is a site-specific mitigation scheme for the Travellers’ Site which must be submitted and approved by NYC prior to the commencement of the above works [ER 3.4.29]. The ExA considers Requirement 19 will both help mitigate the significant construction stage adverse effects and tailor the mitigation to suit the needs at the time of the construction [ER 3.4.29, ER 3.4.35 et seq.].
- 8.6. Significant impacts were predicted on the Travellers’ Site in relation to noise and vibration [ER 3.6.44]. However, on vibration, this would only be the case where impact piling was required to install the new pylon and the Applicant considered this would be very unlikely

due to ground conditions. If impact piling were required after investigations, then outstanding vibration issues would be addressed through the Noise and Vibration Management Plan (“NVMP”) [ER 3.6.44]. Both receptors assessed by the Applicant for noise at the Travellers’ Site were predicted to have construction noise levels significantly above the threshold limits at all times [ER 3.6.45]. Of note, the Applicant is seeking core construction working hours in line with Construction Standards over seven days a week [ER 3.6.25 et seq.] which NYC considered were too generous and would result in an adverse impact on residential receptors. However, the ExA was persuaded of the need for the Applicant’s preferred construction working hours [ER 3.6.41 et seq.]. On request from the ExA, the Applicant explained that any noisier construction works at the Travellers’ Site would be of a short duration [ER 3.6.47]. Nonetheless, Requirement 19 also covers mitigation for significant adverse noise and vibration impacts which the ExA considers will be adequate in minimising impacts on the residents of the Travellers’ Site [ER 3.6.48 et seq.].

- 8.7. In the information request of 16 January 2024, the Secretary of State asked the Applicant to clarify the construction programmes for the works in the vicinity of the Travellers’ Site. This was to ensure that, despite the Applicant’s preferred construction hours, the temporal criteria⁶ for continuous construction activity would still be adhered to in a way which would ensure that noise and vibration effects on the Travellers’ Site could be classified as ‘not significant’, as the Applicant had outlined in Chapter 14 of its Environmental Statement [APP-086]. In its response to the information request, the Applicant confirmed that whilst the construction activity at the Travellers’ Site may exceed a period of ten or more days of working in any 15 consecutive days, or for a total number of days exceeding 40 in any six consecutive months⁷, the duration of activity above the sound level thresholds of significance would not exceed those periods. This means that, although some of the construction activity itself exceeds the relevant construction noise threshold for the receptors at the Travellers’ Site, because the activity duration is lower than the temporal criteria, the effect on the Travellers’ Site is considered ‘not significant’. The Applicant also provided an updated NVMP in its response, which added explicit detail on providing acoustic screening for works in the vicinity of the Travellers’ Site. The Applicant, as requested by the Secretary of State, also provided updated wording for Requirement 19 of the Order to further secure mitigation for the Travellers’ Site from adverse noise and vibration effects.
- 8.8. The Applicant considered there would be significant cumulative intra-project effects on the Travellers’ Site due to the accumulation of different types of noise and vibration effects and visual effects during the construction stage of the Proposed Development [ER 3.15.10, ER 3.15.18]. Alongside Requirement 19, the Applicant’s commitment to liaise with residents of the Travellers’ Site is set out in the CoCP, itself secured in Requirement 5(2) of the Order [ER 3.15.21]. The ExA considers that Requirement 19 and the CoCP provide a necessary additional mechanism for the control of cumulative construction effects and for communication with the Travellers’ Site [ER 3.15.22]. Whilst a significant accumulation of cumulative construction effects cannot be avoided entirely, the ExA is satisfied that the proposed mitigation will be effective in minimising those effects as far as possible [ER 3.15.23, ER 3.15.55, ER 5.2.51].

⁶ BS5228-1:2009 +A1 2014 ‘Code of practice for noise and vibration control on construction and open sites – Part 1: Noise’ - the code of practice for construction noise approved under the Control of Pollution Act 1974

⁷ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020024/documents?date-from-day=1&date-from-month=2&date-from-year=2024&date-to-day=1&date-to-month=2&date-to-year=2024&searchTerm=&itemsPerPage=25>

- 8.9. Overall, the ExA considers that the Applicant has recognised and complied with the requirements of the PSED in considering the Travellers' Site [ER 6.8.70]. The ExA considers that Requirement 19 is an appropriate means of addressing the detail of construction activities at the Travellers' Site, in agreement with NYC [ER 6.8.71].
- 8.10. The Secretary of State notes that the creation of Requirement 19 included contributions from an agent representing the Travellers' Site and their legal interests in the land, who confirmed there were no concerns from those resident at the Travellers' Site [ER 3.4.35]. The Secretary of State also notes the actions taken by both the Applicant and the ExA to engage with the Travellers' Site to demonstrate that there has been due regard to PSED, including visits to the site [ER 3.4.31, ER Annex D]. Although there are significant adverse impacts to the Travellers' Site, these are not disproportionate to other receptors affected by the Proposed Development, and the Secretary of State agrees with the ExA that these have been minimised where possible and that the Proposed Development conforms with the NPSs and other relevant policies on these planning matters. Furthermore, the Secretary of State welcomes the site-specific mitigation plans detailed in the CoCP and secured by Requirement 19, demonstrating the application PSED in considering the Travellers' Site. The Secretary of State also welcomes the updates the Applicant provided to the NVMP and Requirement 19 in the information request, and she has included this latest version of Requirement 19 in the final Order.
- 8.11. The Secretary of State agrees with the ExA and concludes that there is no evidence that granting consent for the Proposed Development would disproportionately affect people at the Traveller's Site who have a protected characteristic, nor would there be any adverse effect on the relationship between such persons and persons who do not share a protected characteristic [ER 6.8.72].

The Secretary of State's Conclusions

- 8.12. The Secretary of State considers that there may be potential significant adverse visual and noise effects on a small population of affected parties at the Travellers' Site receptor. The Secretary of State has had particular regard to impacts at this receptor and carried out additional consultation in relation to this impact. Mitigation measures secured through the Order and statutory protections prevent and minimise specific effects on the affected parties. Accordingly, opportunities to advance equality and foster good relations have been secured via requirements in the Order and are subject to continued monitoring and review. The justifications and need for the Proposed Development are set out in the ExA's Report and this letter. Therefore, it is not considered that any effects, after secured mitigation, are of such significance to justify a refusal of the consent.
- 8.13. The Secretary of State is confident that, in taking the decision, she has paid due regard to the PSED aims and evidence when considering the potential impacts of granting consent.

Natural Environment and Rural Communities Act 2006

- 8.14. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.

8.15. The Secretary of State is of the view that the ExA's Report, together with the Environmental Impact Assessment, considers biodiversity sufficiently to inform her in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

Environmental Principles Policy Statement

8.16. From 1 November 2023, Ministers are under a legal duty to give due regard to the Environmental Principles Policy Statement when making policy decisions. This requirement does not apply to planning case decisions, and consequently the Secretary of State has not taken it into consideration in reaching her decision on this application.

9. Modifications to the draft Order

9.1. The Secretary of State has made the following modifications to the draft Order:

- a. Amendments to Article 9 of the draft Order to remove the provisions about the impact of judicial review on time limits. This is already provided for in relation to time limits for compulsory purchase within the Order. The removed provisions are therefore only relevant to requirement 2, which has been amended accordingly.
- b. Amendment of Article 19 which provided for deemed consent, in the absence of a response to request for consent to discharge water into any watercourse, public sewer or drain or to make a new opening into any public sewer or drain. This is an unusual provision, and unlike other circumstances where such deemed consent of named individuals is allowed for by the order, this provision has wide scope and the Secretary of State is not satisfied that all those who may be affected by such deemed consent have been party to this Examination.
- c. Removal of Article 51 from the draft Order, which sought to mandate that the Applicant remove and rebury or cremate any human remains from burial grounds within the Order limits. There are no known burial grounds within the Order limits so the Secretary of State considers this article to be unnecessary. Any archaeological human remains should be dealt with in accordance with the Archaeological Written Scheme of Investigation.
- d. Amendments agreed by the Applicant to sub-paragraphs 36(4) and (6) in Part 4 of Schedule 15 to the draft Order, to amend the protective provisions for the protection of Network Rail for the protection of the operation of the railway from electromagnetic interference.
- e. Amendment agreed by the Applicant to Requirement 19 of Schedule 3 and Part 8 of Schedule 2 to the draft Order, so that significant effects to receptors SEL16 & SEL17 can be reduced as far as practicably possible.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency and to achieve consistency with other DCOs.

10. Challenge to decision

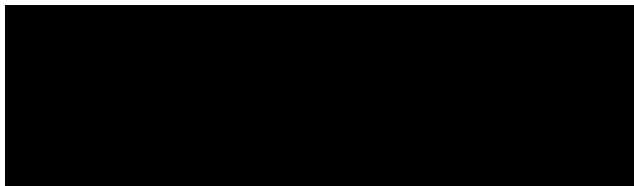
10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

11. Publicity for decision

11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



Fiona Mettam

Director, Energy Development

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/yorkshire-green/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
AP	Affected Persons
AWSI	Archaeological Written Scheme of Investigation
BESS	British Energy Security Strategy
BMS	Biodiversity Mitigation Strategy
BNG	Biodiversity net gain
CA	Compulsory Acquisition
CoCP	Code of Construction Practice
CSEC	Cable sealing end compound
CYC	City of York Council
DCO	Development Consent Order
dNPS	Draft National Policy Statement (2023)
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	The Examining Authority
GB	Green Belt
GI	Green Infrastructure
HE	Historic England
HRA	Habitats Regulations Assessment
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
kV	Kilovolt
LCC	Leeds City Council
LIR	Local Impact Report
LSE	Likely Significant Effect
MW	Megawatt
NE	Natural England
NGET	National Grid Electricity Transmission plc
NGT	National Gas Transmission plc.
NH	National Highways
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy (2011)
NPS EN-5	National Policy Statement for Electricity Networks (2011)
NRIL	Network Rail Infrastructure Limited
NSER	No Significant Effects Report
NSN	National Site Network
NSIP	Nationally Significant Infrastructure Project
NVMP	Noise and Vibration Management Plan

NYC	North Yorkshire Council
PA2008	The Planning Act 2008
PP	Protective Provisions
PSED	Public Sector Equality Duty
rDCO	Recommended Development Consent Order
RIES	Report on the Implications for European Sites
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SU	Statutory Undertaker
THPS	Tree and Hedgerow Protection Strategy
TP	Temporary Possession
VSC	Very special circumstances
YWT	Yorkshire Wildlife Trust