



Meeting note

Project name	Yorkshire GREEN
File reference	EN020024
Status	Final
Author	The Planning Inspectorate
Date	13 September 2022
Meeting with	National Grid Electricity Transmission (NGET)
Venue	Microsoft Teams
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Draft Documents feedback

On 4 August 2022 the Applicant submitted a number of draft documents to be reviewed by the Inspectorate. A table of the comments the Inspectorate made on these documents has been appended to this meeting note.

Draft DCO and Explanatory Memorandum:

In regard to article 5(1)b the Inspectorate advised the Applicant to add more information to the Explanatory Memorandum (EM) as to why it felt it wasn't necessary to include vertical limits of deviation. The Applicant stated that the reasoning for excluding vertical limits of deviation is set out in the Environmental Statement (ES), but it will set this out clearly in the EM also.

In response to the Inspectorates advice on article 6, the Applicant confirmed it has drafted a new schedule and separated out the NPG and NGN works. The Applicant noted the Inspectorates advice on the necessity of article 8 and confirmed it will consider this point and justify its approach in the EM. The Inspectorate agreed further investigation on this point would be useful.

The Inspectorates raised comments on article 9(4). The Applicant noted the drafting is confusing and it will be looking to re-draft this article, providing further explanation within the EM to this article and its novel approach.

The Applicant noted the Inspectorate's comments on schedule 1 and confirmed these are the

names/ titles of existing overhead lines, and that the naming convention of this will continue. The Applicant stated it will add some explanations in the EM to clarify this.

Regarding Requirement 4, the Applicant noted it is not yet completed as the procurement process is still ongoing, however, the Applicant explained the stage plan will be in line with the DCO and the ES. The Applicant has also sent a draft DCO to the Local Authorities (LA) for comments and have not received any. The Inspectorate advised it would be useful to note in the EM that LAs have had sight of an early DCO draft and to ensure additional text in the ES is made to clarify that the maximum accessed impacts have been considered and in keeping with the Rochdale Envelope when compiling a stage plan.

Work Plans:

The Applicant explained since receiving the Inspectorate's comments they have begun to implement some changes to the plans.

The Applicant noted that utility diversions were not included in the draft works plans the Inspectorate had received, they have since updated the works plans to include the utility diversions and have set these out in Schedule 1 under works "U".

The Inspectorate advised that further clarification on some plans where needed to ensure it could be easily interpreted by Interested Parties. The Inspectorate suggested the use of geographical identifiers, such as road names and settlements would help identify works. The Applicant confirmed they have considered this and have added geographical locators to the revised plans.

The Applicant confirmed it will consider whether it can add labels of Works 1(a),(b),(c)...etc. on the plan without it becoming overcrowded.

The Inspectorate advised a plans navigation document would be helpful. The Applicant confirmed this document is currently in the process of being reviewed and will be included within the submission.

The Inspectorate queried the location of the construction compounds. The Applicant explained how the construction compounds have been set out in the DCO/ Works plans and that they have now amended the plans for ease of identifying.

The Inspectorate noted the discrepancies between the works plans and the draft DCO when listing works. For example, the draft DCO sometimes lays out works as Work No.8(f) in a description of works. However, the works are not listed in this way within the draft DCO nor on the plans. The Applicant agreed that further clarification would be needed and will be amended for consistency.

The Applicant confirmed DCO plans will be submitted at A0 and the design drawings will be submitted at A1.

The Applicant confirmed it will have no Special Category or Crown Land. The Inspectorate advised the Applicant to consider providing plans that state that no Special Category or Crown Land is included in the application, in order to comply with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

Engagement Update

The Applicant confirmed its targeted consultation is now complete with the final round closing on 8 September 2022. However, due to the mourning period, the Applicant has not updated its website to show the closure of consultation and is still accepting comments until the mourning period has passed. No further targeted or additional Persons with an Interest in Land (PIL) consultation will be undertaken.

The Applicant stated it is holding ongoing parish council briefings in advance of DCO submission with those accepting invitation.

Traveller's site:

The Applicant is currently in discussion with the landowner and its representative of the traveller's settlement to gain access to the site in order to undertake ground investigation surveys. The Applicant explained it had reached an informal agreement to access the site from the occupier. The Applicant confirmed it is awaiting formal agreement and details of all occupiers. However the Applicant is experiencing some difficulties in obtaining a list of occupiers due to GDPR.

The Inspectorate advised the Applicant to detail in the Consultation Report (CR) the methods of which it has tried to obtain information and to ensure notices are accessible.

Overton substation (City of York Council):

The Applicant explained it had received some comments from the Council's noise officers regarding the impact of noise. It has provided the Council with a short technical note for review.

York consortium of internal drainage boards (IDBs):

The Applicant confirmed it will be providing copies of the drainage strategies when available.

National Trust:

The Applicant confirmed it is engaging in ongoing communication with the National Trust regarding setting impacts to the Grade II listed Beningbrough Hall; however, it has agreed a methodology and assessment approach.

Natural England:

The Applicant noted it has been assigned a new case officer and engagement is ongoing.

Canal and River Trust:

The Applicant seeks to continue to engage with the Canal and River Trust, and based on the S42 comments received does not anticipate that a Statement of Common Ground (SoCG) will be required, and will seek to agree that with the CRT.). The Inspectorate advised, if both parties are in agreement, to make sure this is clear in the application.

Land Update

The Applicant explained it has approx. 430 PILs impacted. The Applicant confirmed 106 heads of terms are currently required, with 102 issued, 4 outstanding. The Applicant

confirmed 8 heads of terms have been signed to date.

The Applicant explained a confirmation exercise is underway of PILs and any additional PILs identified will be included in the Book of Reference (BoR), listed in the CR and a letter issued to them but no further consultation will be held.

Examination and processes

The Applicant confirmed its DCO documents will be split into 7 different volumes due to the size and scale of the application. The Applicant provided an overview of the volume structure. The Inspectorate advised that an Application Guide and Cover letter is usually provided which sets out latest versions of plans etc. It would be helpful if the Applicant could make sure this is provided throughout Examination.

Submission format:

The Applicant noted it has a large volume of traffic data and queried if it should be submitted as PDF or excel spreadsheet. The Inspectorate advised the Applicant to submit as a PDF to be published.

Council reorganisation

The Applicant advised North Yorkshire council and 7 district and borough councils are to be merged, and is expected to do so in April 2023.

The Applicant noted it has made reference to this in the draft DCO, and project documents such as planning statement.

Statement of Common Grounds (SoCG)

The Applicant stated the SoCG's are evolving and will be updated overtime as the DCO application is progressed.

The Applicant confirmed as a result of discussions with LA's, SoCGs are proposed with: City of York, Leeds City Council and a joint SoCG between North Yorkshire Council, Hambleton District Council, Harrogate District Council and Selby District Council.

AOB

The Applicant queried on how hearings are now conducted. The Inspectorate advised it is the Examining Authority's decision on how events are held i.e., virtual/blended.

The Applicant confirmed it is intending to submit its DCO application in November 2022.



Yorkshire GREEN Project

Section 51 advice regarding draft application documents submitted by National Grid Electricity Transmission (NGET)

On Thursday 4 August 2022 National Grid submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Development Consent Order (DCO)
2. Explanatory Memorandum (EM)
3. Consultation Report
4. Works Plans
5. No Significant Effects Report

The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Development Consent Order (DCO)		
Ref No.	Paragraph/ Section	Comment/Question
1.	Article 5(1)b	The vertical limit of deviation (ii) are 'to any extent downwards as may be found to be necessary or convenient'. This unbounded limit can theoretically be extended to an infinite depth. Is it or will it be clear that the ES has taken, albeit unlikely, the possibility of very deep excavation into account? If not, is this provision sufficiently responsive to the Rochdale Envelope? The drafting in and of itself is not objectionable: however, the Applicant must be aware that where limits of deviation are not bounded, it will be necessary to support them with considerably greater exploration of possible worst case development outcomes in the ES – which may entail the investigation and assessment of methods and impacts that are very unlikely to eventuate. In contrast, a fixed limit of (say) to 15 metres downwards' would be easier to assess in the ES, and normal/ adequate provision has already been made for the unlikely possibility of a deeper variation being required to deal with unforeseen contingencies in groundworks by the drafting of Article 5(2).
2.	Article 6	Paragraphs (5) and (6) respectively provide for circumstances subject to notice by National Grid in which NPG and NGN respectively cease to be the undertaker/ take benefit from elements of the Order. These are complex provisions, and the Applicant may wish to consider that there may be an argument for reserving them to a Schedule to address dispute resolution between the parties. In such a schedule there would be separate provisions for NPG and NGN respectively and these would also link to the process that would be invoked (eg Arbitration under Sch 17) if the circumstances of a notice service by National Grid were the subject of a dispute. If left as currently drafted, ensure that the onward cross references to effects on NPG and NGN in paragraphs (7), (8), (9) and (10) are correct: paragraphs (8) and (10) appear wrongly drafted at present.
3.	Article 7(7)	The Works that benefit from a deemed consent to transfer benefit must be clearly defined with the substitution of 'X' for a specific Works number.



Development Consent Order (DCO)		
Ref No.	Paragraph/Section	Comment/Question
4.	Article 8	The Applicant may wish to consider the necessity of this article, in that development consent is needed for anything defined to be an NSIP under PA2008 and anything subsequent that is development pursuant to TCPA1990 that does not comprise an NSIP can lawfully obtain consent under that regime. If this article is to be retained, remove the drafting 'following the publication of this Order' as this is unnecessary and unclear.
5.	Article 9(4)	Is novel drafting. Is there any particular reason for tying this to TCPA 1990? It would be clearer for the Order to define its own provisions as to time limits (as most made Orders typically have done). See Requirement 2 which sets a simple commencement limit in the normal fashion: there is scope for interpretative confusion.
6.	Article 17	Why is this Article bracketed?
7.	Article 35	There is a discrepancy between the DCO and the EM; article 35 of the DCO relates to use of subsoil under or airspace over streets, whereas article 35 in EM relates to rights under or over streets.
8.	Article 41	There is a discrepancy between the DCO and the EM; article 41 in DCO relates to recovery of costs of new connections, whereas article 41 in EM relates to application of landlord and tenant law.
9.	Article 43	The terms noted as 'X' must be certain.
10.	Article 45	The terms noted as 'X' must be certain.
11.	Article 55	The terms noted as 'X' must be certain.
12.	Schedule 1	Please include clarification of meaning of 'YR', 'YN', 'XC'.
13.	Requirements	Generally, all references to plans and certified documents in the Requirements should be to specific plans and documents defined as terms in article 2 and itemised in Schedule 2.



Development Consent Order (DCO)		
Ref No.	Paragraph/ Section	Comment/Question
14.	Requirement 4	Stages of authorised development. A stage plan is normally submitted to and approved by the Secretary of State (SoS) or the relevant Local Planning Authority (LPA) (or another relevant discharging authority) and changes to it normally require the satisfaction of the approving body. Here, the Undertaker can amend the stages as they see fit. To the extent that stages are relevant to the security provided in relation to impacts / the Rochdale Envelope, this drafting does not provide any.
15.	Requirement 5(2)	There needs to be a means for the SoS, relevant LPA, Highway Authority etc to approve the approved plans in para (2).
16.	Requirements 8, 10, 11, 12, 15 & 16	The terms noted as 'X' must be certain.
17.	Other Schedules	Schedules 5 -15 and 17 are contentless. The Applicant should consider referring to made energy Orders to review the arbitration provisions that have been found acceptable by the SoS. The SoS has, in a number of decisions, not preferred unduly complex arbitration provisions.

Explanatory Memorandum (EM)		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
18.	General	Ensure all abbreviations are clear and consistence e.g., when first abbreviating “the Applicant” in paragraph 1.1.1 a capital is used for Applicant. In paragraph it is referred to as “the applicant”.



Explanatory Memorandum (EM)		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
19.	General	Ensure all guidance and documentation is used in its full terminology before abbreviated. E.g., paragraph 4.1 refers to “the Act 2008”, it has not been outlined previously that this is the Planning Act (as amended 2008). It is also referenced inconsistently throughout the document as either “the Act 2008” or “the Planning Act 2008.
20.	3.1	<p><i>These works fall within the definition of an NSIP for the purposes of section[s] [15 and] 16 of the Act for the reasons set out below:</i></p> <ul style="list-style-type: none"> • <i>Work No. 1 is a [□].</i> • <i>Work No. 2 ...</i> <p>The proposed development would qualify as a NSIP under s14 and 16 of the PA2008. Please clarify if this reference to s15 of the PA2008 is correct.</p>
21.	3.2	Details of Associated Development need to be added.
22.	3.2	The paragraph refers to the Secretary of State for Communities and Local Government. Although this guidance was issued under the Secretary of State for Communities and Local Government, it should be included that this department is now referred to as the Department of Levelling Up, Housing and Communities.
23.	p.23	There is no reference to Article 42 in the EM. Article 42 is ‘Application of landlord and tenant law’ in DCO, however the EM includes this as Article 41.
24.	5.7.4	There appears to be a typo, this paragraph refers to article 8(4) when it should be referring to 9(4)
25.	5.7.4	Paragraph states that the time limit to legal challenge is outlined article 24. However, the DCO states that the time limit is set in article 23.



Explanatory Memorandum (EM)		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
26.	6.2.1	States that article 13 is the temporary stopping up of a new street. Article 12(4) of the DCO outlines that article 14 is temporary stopping up of streets and public rights of way.

Consultation Report (CR)		
Ref No.	Paragraph/ Section	Comment/Question
27.	General	The Inspectorate is unable to confirm if statutory requirements have been met at this stage as appendices have not been provided which would demonstrate compliance, e.g., a copy of the letter issued to s42 consultees to inform of the statutory consultation period which would need to include the deadline notified by the Applicant of 28 days or more starting with the day after receipt of the consultation documents
28.	General	The Applicant is reminded of its duty to create and maintain an up-to-date Book of Reference throughout the application process. The Applicant should carry out its own review of s42 Planning Act 2008(PA2008) consultees against the Book of Reference ahead of submission, and if there are any discrepancies between the two documents these should be fully explained in the Consultation Report.
29.	1.2 Summary of Project Development	Strategic Options Appraisal 1.2.3 onwards; it is unclear when this occurred, present/past tense are used interchangeably. Further detail on this is necessary.
30.	Figure 3.1	Dates for the targeted consultation have been left out of this diagram although these have been included in Chapter 8.
31.	3.3.8	There are errors in dates for non-statutory consultation: ‘Thursday 11 March 2021 and Thursday 18 April 2021’. However, 18 April 2021 was a Sunday.
32.	3.3.9	Chapter 4 of this report and the Non-Statutory Consultation Report can be found in Appendix J of this document. This appears to be a typographical error.



Consultation Report (CR)		
Ref No.	Paragraph/Section	Comment/Question
33.	6.11.7	<p><i>“As part of ongoing engagement with hard-to-reach groups, a site located to the south of the Project, and north of the Monk Fryston Substation (at XC 522) has been identified that accommodates representatives of the travelling community. Traditional methods of engagement and consultation has not resulted in any correspondence being received from this group”.</i></p> <p>The Consultation Report should provide further information on what methods were used to attempt to engage with this group.</p>

Works Plans		
Ref No.	Plan ref	Comment/Question
34.	General	The Applicant should make note on the labelling of works. “Normal” schedules of works where Orders have already been made do not following the naming convention such as “Work No.2U1”. The Applicant should consider reviewing the naming convention of the works to represent current practises.
35.	General	The Applicant should consider increasing the opacity/ density of the underlying map base to ensure that underlying features can easily be identified
36.	General	Adding labels to the plans to capture settlement names, road numbers and names can be easily read. Ensuring the works can easily be located by readers not familiar with such plans.
37.	General	Finding a graphic means of more clearly distinguishing individual works on the plans.
38.	General	Where a work is compiled of sub works e.g., Work No.11(a), Work No.11(b)... etc, this should be geographically displayed on the plans for ease of locating. This should be clearly reflected in the DCO.
39.	Work No.1 (d)	Consider amending wording in DCO to ‘the dismantling and removal of gantry YR001-T...’ to match wording used in (c).
40.	Work No.2	The term YR/2TW is used to denote works that encompass both YR & 2TW overhead lines (OHL).
41.	Work No.2 (a)	<p>(a): The term YR/2TW is correct, as the reconductoring of the pylons includes pylon 2TW169 (as well as pylons YR036 – YR040). This is shown by a green and purple dashed line. Describing it as just YR OHL would be easier to understand.</p> <p>It should also be noted that the label on the plan incorrectly points to Work No. 2(b).</p>



Works Plans		
Ref No.	Plan ref	Comment/Question
		A label on the plan (adjacent to pylon YR038) alludes to a utility diversion within Work No 2(a), but this work doesn't contain any provision for this aspect. Is this related to Work No. U1?
42.	Work No.2 (b)	Shown as a dashed brown line. No comments.
43.	Work No.2 (c)	Shown in solid purple line. Construction of OHL and pylons YR040 and YN001 – YN004 is shown on plan sheet Section B, sheet 1 of 5. We are unable to find the location of 'new Shipton North and Shipton South cable sealing end compounds (CSEC). Also see Work No. 2(d) & 2(f).
44.	Work No.2 (d)	As the location of CSEC cannot be verified (it appears to be the peach shaded areas adjacent to pylon YR040), it is not possible to accurately identify this work on the plans. It could be the dashed purple line (LoD shown in dashed blue line).
45.	Work No.2 (f)	See comments above re location of CSEC.
46.	Work No. U1	It has not been possible to identify this work on the works plans.
47.	Work No.3 (b)	We are unable to see works 3b or temporary construction compound within work No. 3.
48.	Work No. U2	It has not been possible to identify this work on the works plans.
49.	Work No. U3	It has not been possible to identify this work on the works plans.
50.	Work No.4	The termination line is in the middle of work No. 3/4 and work No.4/5, not clear where each work sits.
51.	Work No.4 (a)	No mention of compounds as shown on plan, the extent of the works as described in schedule 1 of the DCO is not clear on the works plans, for example we are unable to identify any access roads.
52.	Work No.5 (a)	Plan identifies a utility diversion, however, there appears to be no reference to this on the DCO schedule (see above about works crossover also).
53.	Work No.5 (b)	XCP013 appears to have incomplete labelling, only listed as "XCP OHL" in works description, and as such could be made clearer.
54.	Work No. U4 – Work No.U15	It has not been possible to identify this work on the works plans.



Works Plans		
Ref No.	Plan ref	Comment/Question
55.	Work No.8	This work is difficult to interpret. The DCO lists Work No.8 followed by sub paragraphs (a) through to (i). It is not clear in the plans or the DCO if (a) through to (i) are parts of Work No.8 or a description of the works to be carried out. Sub-paragraph (c) references Work No.8(f) giving the assumption that sub-paragraphs (a) to (i) should be labelled as Works No.8(a), Works No.8(b), Works No.8(c) etc. The Applicant should ensure these works are clearly geographically represented on the plans.
56.	Work No.8 (c)	We are unable to identify the installation of an overhead electric line from XC481 to the Tadcaster Tee East cable sealing end compound referred to at Work No. 8(f) and from XD001 into the Tadcaster Tee West cable sealing end compound also referred to at Work No. 8(f). It is the Tadcaster Tee East cable sealing I cannot identify, XC481 and XD001 are on the plan.
57.	Work No.8 (d) – Work No.8 (g)	It has not been possible to identify this work on the works plans.
58.	Work No.8 (h)	The DCO says “the installation of one temporary construction compound” however the plan shows two compounds.
59.	Work No.8 (i)	No Comments.
60.	Work No. U9	It has not been possible to identify this work on the works plans.
61.	Work No. U10	It has not been possible to identify this work on the works plans.
62.	Work No.11 (d)	We are unable to identify this works; the plan shows the existing substation but not anything for the proposed new substation.
63.	Work No.11 (e)	The substation is on the plan, but it is not clear what works take place.
64.	Work No.11 (f)	It has not been possible to identify this work on the works plans.



No Significant Effects Report		
Ref No.	Paragraph/ Section	Comment/Question
65.	Section 1.2	The Planning Inspectorate's Advice Note Ten: Habitats Regulations Assessment (PINS AN10) relevant to nationally significant infrastructure projects has recently been updated and contains advice of relevance to the preparation and submission of the No Significant Effects Report (NSER).
66.	N/A	The NSER should confirm whether any likely significant effects (LSE) are expected in respect of European sites in devolved administrations and/ or within European Economic Area (EEA) states.
67.	N/A	The NSER should include a copy of the citation/ Natura 2000 data sheet for each European site considered, ie the Lower Derwent Valley Ramsar and the Lower Derwent Valley Special Protection Area (SPA).
68.	Paragraph 2.2.4/ footnote 7	The NSER references European Commission guidance from 2001. This should be checked and reviewed as it appears that the most recent version was published in 2021.
69.	Table 5.1	Table 5.1 currently reads as though the Planning Inspectorate made comments on the draft NSER during Section 42 consultation on the Preliminary Environmental Information Report (PEIR) in October 2021. The wording should be clarified so it is clear that the Planning Inspectorate did not provide comments during this consultation.



No Significant Effects Report		
Ref No.	Paragraph/Section	Comment/Question
70.	Section 5.2	<p>Section 5.2 describes the data collection methods used for establishing the baseline environment, which include winter walkover bird surveys (complete) and breeding bird surveys (on-going, partial data available). The Inspectorate notes that the Applicant intends to complete all surveys and update the NSER accordingly at the point of development consent order (DCO) application submission. This should include consideration of any likely significant effects (LSE) to breeding shoveler, a qualifying feature of the Lower Derwent Valley SPA.</p> <p>The Inspectorate notes the following in respect of information in the draft NSER:</p> <ul style="list-style-type: none"> • Paragraph 5.2.4 states that the <i>“Dates of remaining field surveys are dependent on the availability of land access...”</i>. If any bird surveys remain incomplete at the point of submission, the NSER should include an explanation as to how any potential data gap has been bridged and evidence of any agreement reached with Natural England (NE) as to the approach. • Paragraph 5.2.5 describes that bird surveys were conducted in key areas within the Order limits, at Sections B and F (as shown on Figure 4.2). A plan showing the location of bird surveys undertaken would aid understanding, which could be within the NSER or a cross-reference to the Environmental Statement (ES). The NSER should explain why sections A, C, D and E, were not subject to survey. <p>No reference is made in Section 5.2 to bird flight activity surveys; however, the Inspectorate notes that Appendix C, Table C.2, indicates that the approach to bird surveys (including no requirement for flight activity surveys) was agreed at a meeting with NE in February 2021. Section 5.2 should include confirmation of this and an explanation as to why it was determined these surveys were not required.</p>



No Significant Effects Report		
Ref No.	Paragraph/Section	Comment/Question
71.	Section 5.3	<p>Section 5.3 describes the potential impact pathways arising from the Proposed Development that could cause LSE. The Inspectorate notes the following:</p> <ul style="list-style-type: none"> • The NSER should include reference to any relevant topic specific guidance used to inform selection of the zone of influence (Zol) for each possible effect pathway, which could be by cross-reference to relevant information in the ES. • Information in Section 5.3 about potential impact pathways, eg potential for collision risk during operation and impacts during decommissioning, should be consistent with that in Appendix D. <p>Changes in air quality during construction and operation of the Proposed Development are stated to be screened out for all sites and features on the basis of the ES air quality assessment. A summary of the ES is provided at Appendix A of the NSER but only refers to construction stage impacts. The NSER should explain why operational emissions have also been screened out, noting that the Inspectorate agreed to scope out operational air quality impacts in the Scoping Opinion.</p>
72.	Paragraph 5.4.4 & Section 7	<p>Paragraph 5.4.4 of the NSER states that <i>“in-combination effects will only be considered if it is found that the project is likely to result in LSE on any National Site Network.”</i> In Section 7 it is concluded that, as there are no pathways for LSE, there is no potential for any in-combination LSEs, and therefore no requirement to undertake Stage 2 of the HRA (Appropriate Assessment). The Inspectorate considers that this conclusion should be kept under review pending completion of the breeding bird surveys. It would be helpful for the NSER to include any evidence of agreement from relevant stakeholders, eg NE in this regard.</p>
73.	Table 6.1	<p>Table 6.1 includes footnotes with reference numbers 19 and 20, which relate to information about golden plover foraging areas. These footnotes are currently incomplete.</p>



No Significant Effects Report		
Ref No.	Paragraph/ Section	Comment/Question
74.	Appendix C	<p>The NSER excludes the possibility of LSE to Lower Derwent Valley Special Area of Conservation (SAC), which is located circa 5.70km from the Proposed Development at its closest point (running broadly parallel to the east, as shown on Figure 5.1). Paragraph 5.1.16 states that the SAC lies outside of the Applicant’s defined Zol (ie it is more than 2km from the Order Limits and does not contain any bat or ornithological features) and it is also outside of the River Derwent catchment, which <i>“negates any risk of pollution/ disturbance effects on the... habitat for which the SAC is designated.”</i></p> <p>Appendix C describes the outcome of consultation with NE at PEIR stage, in which the potential for LSE to mobile species of the SAC arising from potential pollution to the River Ouse (identified as a receptor for the hydrology assessment in the ES, see Appendix B) was discussed and agreement was reached that on the basis of pollution control measures proposed to protect surface water quality the risk of LSE was negligible.</p> <p>The Inspectorate notes that reference is made to bullhead, river and sea lamprey, and otter in the Applicant’s discussion of mobile species but according to the NE’s citation, only otter is a qualifying species of the SAC. This should be clarified in the NSER.</p> <p>The NSER should be clear on what the pollution control measures would comprise and how these would be secured in the DCO. General references are made in the NSER to a code of construction practice and an Outline Construction Environmental Management Plan (CEMP), which appear to be secured through Schedule 2, Requirements 5 and 6 of the draft DCO but it is unclear whether all measures would be set out here and/ or whether outlines of these documents would be submitted with the DCO application.</p>
75.	Appendix D	<p>PINS AN10 has been revised and Applicants are no longer required to submit PINS matrices with the NSER. PINS AN10 requests a summary table of all European sites and qualifying features and each pathway effect considered at each HRA stage and for each phase of the Proposed Development.</p> <p>If the Applicant intends to retain Appendix D in its current format to meet this requirement, it is recommended that a check of the tables and footnotes is undertaken as the Inspectorate has noted some errors, eg in Stage 1 Matrix B Lower Derwent Valley SPA, the table includes annotations “f” and “g” but there is no description of “f” and “g” below the table.</p>



General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”